

ETHICS COMMISSION
REGULAR MEETING MINUTES
OCTOBER 1, 2024

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WATERFORD, CT

2024 OCT -7 A 8:45

ATTEST: *David J. Camps*
TOWN CLERK

Members Present: Betsy Ritter, Chairlady
Adam Stone
Christopher Nailon
Sara Gilman Mallari (alternate)
Paul Helvig (alternate)

Absent: Cathy Patterson
Alan Messier

Also Present: Susan Driscoll, RTM

1. Call to Order. The October 1, 2024 Regular Meeting of the Ethics Commission was called to order at 7:01 p.m. by Chairlady Ritter.
2. Pledge of Allegiance. The Pledge of Allegiance was observed.
3. Attendance. Ms. Mallari and Mr. Helvig were asked to be seated. A quorum was established
4. Public Comment. None.
5. Approval of the Minutes:
 - a. Special Meeting July 22, 2024. Discussion suggested that Item 8 be amended to be more descriptive while also protecting the business of the Ethics Commission.

MOTION (1): Mr. Stone moved to change the language of Item 8 to read: Ron Elkin read a letter to Ms. Ritter concerning business previously before the Ethics Commission. Seconded by Ms. Mallari. Unanimous.

MOTION (2): Ms. Ritter moved to approve the Special Meeting Minutes of July 22, 2024, as amended. Seconded by Mr. Stone. (5-0) Unanimous.

- b. Special Meeting August 29, 2024. The following correction was noted: Ms. Mallari's name was misspelled throughout.

MOTION (3): Mr. Helvig moved to approve the Special Session of August

29, 2024, as amended. Mr. Stone abstained from voting Seconded by Ms. Mallari. (4-0-1) Motion carried.

6. *Correspondence Financial Reports were reviewed.*

a. *Review of draft Annual Report.*

MOTION (4): Mr. Stone moved to accept the 2024 Annual Report as amended with various spelling corrections. Seconded by Ms. Mallari. (5-0) Unanimous.

b. *Proposed schedule of regular meetings for the upcoming calendar year:*

January 7, 2025
April 1, 2025
July 1, 2025
October 7, 2025

MOTION (5): Mr. Helvig moved to accept the proposed schedule of regular meetings for the upcoming calendar year. Seconded by Mr. Stone. (5-0) Unanimous.

7. *Discussion of requests for changes to the Waterford Town Ordinances to clarify the need to maintain confidentiality of Complaints. Requests for changes to the Town Ordinances must be made of the Waterford Representative Town Meeting for consideration first by the appropriate subcommittee and then by the full body following a public hearing. Ms. Ritter reminded the Commission that at the July 22, 2024 meeting we discussed these topics and agreed to further consider requesting change. She added should we choose to request ordinance changes, the Commission would send a letter to the RTM Moderator asking that these items be placed in committee for consideration. Ms. Driscoll suggested that the Commission's reason for the request be included in the letter.*

Ms. Mallari asked if the RTM discussion happens in a closed session? Ms. Driscoll confirmed that RTM business is conducted in public session unless an Executive Session is called.

Mr. Stone asked what is the enforcement of maintaining confidentiality? Ms. Ritter reminded the Commission this was discussed with the Town Attorney on July 22 but there was no suggested resolution. Mr. Helvig suggested referring it to the RTM Committee. He added we are a group of elected citizens. There is nothing written to charge someone. The ordinances are law. Mr. Stone suggested a fine or jail time. Ms. Mallari stated the purpose is to guide individuals to stay on the straight and narrow. If it's too straight, individuals may not come forward. She didn't think we could come up

with the perfect solution. Ms. Ritter added we can ask for a more formal opinion but perhaps this is an area to also request Ordinance change.

MOTION (6): Mr. Helvig moved to request an ordinance change to Sec. 2.50.070 Section C by addition of the following sentence: "If confidentiality is breached at any time from filing of a complaint until a finding of the presence or lack of probable cause, the investigation is immediately terminated." Seconded by Mr. Stone. (5-0) Unanimous.

MOTION (7): Mr. Nailon moved to request the addition of appropriate enforcement language to protect confidentiality to the Ordinances. Seconded by Ms. Mallari. (5-0) Unanimous.

Ms. Ritter suggested a response to the problem of multiple respondents be addressed with language requiring all such respondents must formally request disclosure before a complaint, preliminary investigation, or finding of lack of probable cause can be made public. Mr. Stone read from Section 2.50.070 and stated all respondents must agree. Ms. Mallari added should a complaint ever have more than one respondent separate complaints are needed. Mr. Helvig stated there may be minor differences in the Commission's response to such complaints and this would be an effective way to prevent unequal treatment.

MOTION (8): Ms. Mallari moved to request the following Ordinance change to Sec. 2.50.070: Complaints alleged against more than one individual for the same violation must be made separately. Seconded by Mr. Nailon. (5-0) Unanimous.

Ms. Driscoll explained the RTM will most likely not begin to address our request until after the December Regular Meeting. A Public Hearing would then be held prior to adoption of any Ordinance changes. It costs \$900 to change the ordinances.

Ms. Ritter will formally request the three items noted above be considered by the RTM *for changes to the Town Ordinances and the Ethics Commission be appropriately notified in order to participate in the discussions.*

Ms. Mallari suggested that this Commission research the issue of penalties. Ms. Driscoll suggested involving legal counsel. Mr. Stone suggested formally requesting that some items may be made public. Ms. Mallari added this Commission is not overseen by anyone. We have the ability to write our own policies and procedures to formalize keeping of the records. In the past we called other towns. The Commission discussed where our file cabinet is stored, who has access, and how security is maintained. Ms. Mallari suggested recusing yourself if a complaint involves a family member. Mr. Stone added if a document is stored access can be made by a person or persons. Ms. Ritter will contact the Police Department to discuss keeping our records at the station under controlled access.

8. Discussion of the numbering of Complaints to be changed from consecutive numbering by year to a methodology utilizing the date of filing of the complaint.

MOTION (9): Ms. Mallari moved to change the numbering to the date of filing. Seconded by Mr. Helvig. (5-0) Unanimous.

9. Old Business. There was no discussion of old business.
10. New Business. There was no discussion of new business.
11. ADJOURNMENT.

MOTION (10): Ms. Mallari moved to adjourn the October 1, 2024 Regular Meeting at 8:33 p.m. Seconded by Mr. Nailon. (5-0) Unanimous.

Respectfully submitted,

Frances Gheri, Recording Secretary