

RECEIVED FOR RECORD
WATERFORD, CT
ETHICS COMMISSION
SPECIAL MEETING MINUTES 2024 JUL 26 P 2: 56
JULY 22, 2024

ATTEST: *David L. Campo*
TOWN CLERK

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

Absent: Cathy Patterson

Also Present: Robert Avena, Town Attorney
Marilyn Lusher
Kathleen and Mike Elbaum
Ronald and Jayne Elkin
Anthony and Marge Perrone

1. Call to Order. The July 22, 2024 Special Meeting of the Ethics Commission was called to order at 7:00 p.m. by Chairlady Ritter.
2. Pledge of Allegiance. The Pledge of Allegiance was observed.
3. Attendance. A quorum was established
4. Approval of the Minutes:
 - a. Regular Meeting July 2, 2024.

MOTION (1): Mr. Messier moved to approve the Regular Meeting Minutes of July 2, 2024, as presented. Seconded by Mr. Stone. Mr. Helvig abstained from voting. (5-0-1) Motion carried.

5. Correspondence from the Finance Director and Approval of Recommended Funds Transfer to Close Out the 6/30/2024 Fiscal Year.

MOTION (2): Mr. Messier moved to approve the transfer of Line item 52020 Postage in the amount of \$100 to Line item 52030 Professional Fees. Seconded by Mr. Helvig. (6-0) Unanimous.

6. Discussion with Town Attorney to Address Concerns in Correspondence of May 13, 2024, from Adam Stone. Town Attorney Robert Avena was present to discuss the five questions and correspondence from Adam Stone as follows:
 1. Is the Ethics Commission investigation/evaluation considered an “official investigation”? Attorney Avena replied it is and there is a specific procedure in state statutes. That procedure is mirrored in the Town Ordinances.
 2. Is an act that interferes or obstructs such an ethics investigation unlawful? Attorney Avena replied if there are elements of the complaint that need a criminal investigation it is turned over to the police; otherwise, the investigation remains a civil matter.
 3. What is the consequence of violating confidentiality of this subsection of the ordinance? Attorney Avena replied it ends the process.
 4. Note the case number on the letter to respondents leads to disclosure of complaints that are meant to remain confidential. The case number is serialized in such a way that shows how many cases exist in a given year. Should this number be treated as confidential as well? Attorney Avena replied under the Ordinance you are not allowed to make it public. If you breach the confidentiality, it is null and void; consequently, it is a good idea to ensure the number of cases remain unknown.
 5. Respondent requested public disclosure of findings and was advised that the Ethics Commission was not permitted to disclose a response letter from the commission (see letter dated December 7, 2023). Mr. Stone felt it appears to conflict with the Ordinance. Which is correct? Attorney Avena replied the Commission is not permitted to disclose the response letter. If there is a single respondent, that individual can do whatever they choose with the response they received from the Commission. If there are multiple respondents, all respondents would have to make the same request of the Commission before any documents would be made public by the Commission. As has been the case in the past, the Commission may at any time choose to draft suggested revisions to the Town Ordinance resulting from past experience. Those suggestions go to the Representative Town Meeting where they are assigned to a committee and then sent to the full body for acceptance into the Town Ordinance.

There was a general consensus of the Commission to review the Ordinance and suggest revisions that may clarify the process.

7. OLD BUSINESS There was no discussion of old business.
8. PUBLIC DELEGATIONS. Ron Elkin read his letter to Ms. Ritter.
9. ADJOURNMENT.

MOTION (3): Ms. Mallari moved to adjourn the July 22, 2024 Special Meeting

at 8:25 p.m. Seconded by Mr. Messier. (6-0) Unanimous.

Respectfully submitted,

Frances Gherzi, Recording Secretary