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TOWN CLERK

Derek Reed
VICE CHAIRMAN

Julia Marquis
Charles McCleary
Jane Roets

Ethics Commission

Ethics Commission Meeting Minutes

January 15, 2019

Members Present: Charles McCleary, Derek Reed, Julia Marquis, Jane Roets and Wilfred Duchesneau [via speaker phone 7:34 to 7:50 p.m.]

Others Present: Attorney Matthew Ritter, Shipman and Goodwin, LLC; Dennis and Carolyn Cohen [7:54]

I. Call to Order: Vice Chairman Reed called the meeting to order at 7:00 p.m. in Commission Room A located on the lower level of Town Hall.

II. Citizens' Forum: No citizen's came forward.

III. Approval of Minutes: December 11, 2018

MOVED (MARQUIS), SECONDED (ROETS) AND PASSED [AYE: MCCLEARY/REED/ROETS; ABSTAIN: MARQUIS] TO APPROVE THE MINUTES OF THE DECEMBER 11, 2018 ETHICS COMMISSION MEETING.

IV. Old Business: There was no old business.

V. New Business

A. Code of Ethics – Ethics Commission Membership:

Vice Chairman Reed reviewed the revisions to the Code of Ethics that included allowing members to serve two 4-year terms rather than one and revised the references to section numbers of the revised Town Charter to match the section numbers in the Code of Ethics.

B. Appointment of Special Counsel re: Complaint #2-2018:

Vice Chairman Reed noted that the Board of Selectmen at their January 7, 2019 meeting approved the appointment of an attorney to assist the Ethics Commission with this complaint.

VI. Correspondence: There was no correspondence.

VII. Executive Session



Wilfred A. Duchesneau
CHAIRMAN

MOVED (MARQUIS), SECONDED (ROETS) AND PASSED UNANIMOUSLY TO ENTER INTO EXECUTIVE SESSION AT 7:04 P.M. FOR THE PURPOSE OF DISCUSSION FOR RECONSIDERATION OF THE DECISION MADE ON DECEMBER 10, 2018 REGARDING JURISDICTION OVER PENDING COMPLAINT #2-2018.

Present: Charles McCleary, Jane Roets, Julia Marquis, Derek Reed, and Wilfred Duchesneau [via speaker phone 7:34 to 7:50 p.m.]

A. DISCUSSION FOR RECONSIDERATION OF THE DECISION MADE ON DECEMBER 10, 2018 REGARDING JURISDICTION OVER PENDING COMPLAINT #2-2018.

The Ethics Commission came out of Executive Session at 7:54 p.m.

MOVED (MARQUIS), SECONDED (ROETS) AND PASSED UNANIMOUSLY TO DISMISS COMPLAINT 2-2018 AS IT IS DEFECTIVE UNDER CODE OF ETHICS SECTION 7.A.5 FOR FAILURE TO ALLEGE A SPECIFIC VIOLATION OF THE CODE.

Vice Chairman Reed stated that the Ethics Commission therefore concluded that they do not have jurisdiction. The Ethics Commission will provide written notification to the complainant and the respondents of its findings and decision by certified mail within ten (10) business days.

Mrs. Cohen asked for an explanation of the decision to dismiss the complaint. Ms. Marquis said that the reason the complaint is dismissed is for failure to identify the section of the Code that is alleged to have been violated. She added that the Ethics complaint form specifically requires that the complainant identify which section of the Code of Ethics is believed to have been violated by the respondent(s). Ms. Marquis said that there is no indication on the complaint form or the attachments specifying the section of the Code of Ethics that is alleged to have been violated, therefore, the Commission does not have jurisdiction to address the complaint.

Mrs. Cohen asked if the complaint can be resubmitted with correction. Ms. Marquis said that there is nothing in the Code of Ethics that prohibits the resubmission of the complaint.

Attorney Ritter stated that he is representing one of the respondents in this complaint. He stated that serious violations to his client's due process rights occurred in the handling of this complaint. He added that his client reserves the right to address these violations to her rights of due process and that his client will strongly reject a refile of the complaint.

Vice Chairman Reed asked if anyone else would like to speak. There being no further comment, he called for adjournment.

VIII. Adjournment

MOVED (MARQUIS), SECONDED (ROETS) AND PASSED UNANIMOUSLY TO ADJOURN THE ETHICS COMMISSION MEETING AT 8:06 P.M.

Respectfully submitted,



LouAnn Cannella
Ethics Commission Recording Secretary