

BOARD OF ETHICS

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October 15, 2024

Special Meeting Minutes – 6:30 pm

Anna O. Kippens
Town Clerk

SUBJECT TO APPROVAL

1. Call to Order

Frank Marci asked the Board of Ethics Committee if someone would like to make a motion to call a meeting, Kristen Wagner stated that she did, Robert Gerrol seconded it at 6:33 pm.

2. Roll Call & Determine Quorum

Commissioners Present

Robert Gerrol

Nancy Cappello

Kristen Wagner

Frank Marci

Commissioners Absent

Mary Camilli, Alt. Member

Spencer Lombard

Edwin Zacharias

Frank Marci stated we have the resignation of Lyn Connery and we do have a quorum.

3. Public Participation

None.

4. Remarks by Board Members

None.

5. Nomination of Officer (s)

A. Election of Chairperson

Frank Marci made a motion to elect a chairperson and nominated Kristen Wagner.

Roll Call Vote

Kristen Wagner- Yes, Accepts

Frank Marci- Yes

Robert Gerrol- Yes

Nancy Cappello- Yes

B. Election of Vice-Chairperson

Frank Marci asked the committee if they had a nomination for the Vice- Chairperson.

Kristen Wagner nominated Frank Marci; Nancy Cappello seconded the motion.

Roll Call Vote

Frank Marci- Yes, Accepts

Kristen Wagner- Yes

Nancy Cappello- Yes

Robert Gerrol- Yes

The vote passes unanimously.

6. Discussion: Board of Ethics

A. Review Complaint Form and Procedure

Chairman Kristen Wagner stated that what they had discussed from previous meetings was that the committee wanted to add section to the existing complaint form.

Vice-Chair Frank Marci stated that in the event of a complaint is filed, the respondent would have an opportunity to receive a copy of the complaint, respond to it, and then we all take the information in. He added that if he had the information in the past, we might have been able to avoid all the previous unpleasantness.

Chairman Kristen Wagner stated that its not so much an editing of the initial complaint form, but rather we provide the complaint to the respondent, they're given an additional form to submit back to the board exactly X amount of days to provide a response. Chairman Kristen Wagner asked if they should include on there to submit any evidence.

Vice-Chair Frank Marci replied they should include pertinent evidence and pertinent documents.

Robert Gerrol asked if there's any way of preventing a claimant to limit, to stick with facts, not with emotions.

Vice-Chair Frank Marci replied that they could possibly edit the actual complaint form and make sure that you know it says something to the effect that please include facts and not emotions.

Chairman Kristen Wagner stated that might be a little difficult, in our complaint form it does state to please cite the particular complaint. Chairman Kristen Wagner stated that if we start telling people what to put and not to put in their complaint, that might get a little gray but I think its our job as the board through that to be like, well, you know, this is within our parameters.

Robert Gerrol responded that that's what caused us so much problem last time, he read over the complaints again, and just wanted to get rid of that stuff because it didn't add anything, it more detracted, and that was the concern I had. If we could find a way to express what is cogent to a complaint form.

Vice-Chair Frank Marci stated that perhaps something, please stick to the facts that you can prove and not speculation.

Chairman Kristen Wagner replied that maybe the wording on the form, please be mindful when filing within the parameters of what you're referring to, which is a kind of a respectful way to say, keep it to what we're discussing. I don't like the language of don't include this, I feel like that people's way to express, this is ultimately here for the people in our Town, if they're willing to file complaint, they should be heard, its our job.

Robert Gerrol asked if the committee had an attorney right now, Chairman Kristen Wagner replied no. Frank Marci stated if someone were to file, an attorney was needed in the future, it would be the Town Attorney unless there was some sort of conflict of interest.

Vice-Chair Frank Marci stated that we've learned a lot, speaking for himself, the entire process, we're stronger as a board going through the first complaint process, we know how its done and what not to do. We're better off for it, valuable lesson that this complaint form that we created years ago is in a sense incomplete by not having the opportunity to respond. I am not certain as to what the committee needs to get from the town as permission to allow this in our Board of Ethics.

Staff liaison Heather Shonty stated that you would have to make an amendment to section G.1, its about the complaint procedure, this would be adopted by Town Council, you would make your changes and recommendation to them.

Vice-Chair Frank Marci asked if they should schedule a meeting to discuss the changes for Town Council. Heather Shonty replied, the Board of Ethics would vote, if it passes, then you would make your recommendation.

Chairman Kristen Wagner stated that there's a step in between determining if we want to open it for the full investigation. Frank Marci replied that there was this document that some of committee members got, which was actually a rebuttal but not to all of us, it was a shock and it changes everything because this is one side that we had not seen. There are two sides of every story, if we have received all those documents on the first day, it would have helped. It might have moved into investigation.

Robert Gerrol stated that he still maintains the same problem, the absence of corroboration is a problem, I suspect that there we some fabrications in responses.

Vice-Chair Frank Marci stated that could be definitely true on both sides, it's very difficult to corroborate and they are limited to their scope.

Chairman Kristen Wagner stated that if we provide an additional form before we go on, if it goes to investigation that will kind of eliminate some of that, we'll need full documentation to make a fair assessment.

At the next meeting, Chairman Kristen Wagner will provide a rebuttal form and asked if the complainant will have access to the respondent's response, because if she were to file a complaint and they were provided the board with additional information, I would not know what the board was provided.

Vice-Chair Frank Marci mentioned the Freedom of Information, Chairman Kristen Wagner replied that this would not fall within that.

Vice-Chair Frank Marci stated that this would be something would go to Council, we can make a recommendation and the Council can vote on it.

Chairman Kristen Wagner stated that the process needs to be fair, everyone gets the same information, so that no one is walking blindly. If we as board decide not to move forward with an investigation, this may reduce people filing pretty much an appeal to our decision.

Robert Gerrol asked where do we go in terms of the equipment getting the respondents.

Chairman Kristen Wagner stated that if we create a rebuttal form, and it passes, giving the complainant an option to provide us with further documentation, we should provide the complainant with that documentation as well as the respondent was provided the complaint.

Robert Gerrol asked if the additional information go back to the respondent?

Chairman Kristen Wagner stated that you file, the respondents are provided a copy of the complaint, but if the respondent chooses, they don't have to file a rebuttal, if they choose to do so should the complaint also receive that information. So that way, if we determine we're not going to open this for investigation, they're not left in the dark as to what happened, because then that will open the option for appeals.

Vice-Chair Frank Marci stated it seems fair, we'll have to come up with the exact timeline and present it all. The complaint has X amount of days, business days, to submit a rebuttal that rebuttal upon receipt must be delivered to the complainant within X amount of business days, and then the board will meet to vote as to whether or not it enters the investigation stage.

Nancy Cappello stated it sounds good to me.

Chairman Kristen Wagner stated that it can all be the same timeframes for everybody, its already on our complaint form. You have X amount of time we have X amount of time to open it to provide a decision, so it will all be factored into how quickly we need a rebuttal back because once they send it back where Heather has to call us to get it and distribute to you guys. We need to be reasonable on our timeframes and people's time to get the documents and read them.

Nancy Cappello stated I agree with you guys.

B. Other Business Pertinent to the Board

Chairman Kristen Wagner asked the board about other business pertinent to the board and stated I think the only thing you want to talk about the amendment process.

7. Approve Minutes

A. June 11, 2024

Vice-Chair Frank Marci made a motion to approve minutes from June 11, 2024, seconded by Robert Gerrol, none opposed. Motion passed.

B. June 17, 2024

Vice-Chair Frank Marci made a motion to approve minutes from June 17, 2024, seconded by Chairman Kristen Wagner, none opposed. Motion passed.

8. Schedule Meetings

Next scheduled meeting is Tuesday, November 19th at 6:30 pm.

9. Public Participation

None.

Frank Marci mentioned board memberships and their expiration dates (listed on the Town Clerks websites). Nancy Cappello stated not to have any vacancies. The board talked about the process to be appointed to the committee.

10. Adjournment

Vice-Chair Frank Marci made a motion to adjourn the meeting and Nancy Cappello seconded it. Meeting was adjourned at 7:01 pm.

Recording Secretary- Heather Shonty