

Town of East Windsor
Ethics Commission Special Meeting
November 5, 2018

The meeting was called to order at 7:00 pm by the Chairman who noted all Commission Members were present except M. Hevner. M. Hevner arrived 7:04 pm. There being no Old Business, the Chairman introduced new Commission member Barbara Petano.

Under New Business, Town Attorney Keith Yagaloff was introduced and he described his background and current role with the Town, including the committees he sits on and his contributions to those groups. After Mr. Yagaloff left the meeting, the Commission discussed his roles and contributions and determined there is no conflict of interest inherent in his role as described. A motion was made, M. Scalzo, that a memorandum be drafted to describe the Commission's recommendation on Attorney Yagaloff's role on Town Committees, and steps that should be taken to ensure no future conflicts. M. Hevner agreed to prepare such a memorandum, a copy of which is attached to these Minutes.

The Chairman asked for a motion to go into Executive Session, M. Scalzo, and seconded, A. Penland, 8:11 p.m. A discussion was held regarding the issue of the conduct of some members of the Board of Selectmen October 18, 2018 meeting and it was unanimously agreed that there had been no violation of the Code of Ethics related to that meeting. A motion was made, T. Burnham and seconded, M. Scalzo, that a memorandum be drafted and forwarded to the First Selectman outlining the Commission's belief that all future BOS meetings should be conducted under Robert's Rules of Order, and that public comment should be orderly and under the guidance of the First Selectman. A copy of that memorandum is attached to these Minutes.

Executive Session was adjourned at 9:14 p.m.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Al Penland, Secretary

Commented [kB1]:

Summary of the Ethics Commission opinion regarding the events occurring during the Board of Selectmen meeting on October 18, 2018:

After discussion of the events of October 18, 2018 at the East Windsor Board of Selectmen meeting, the Commission has determined that there was no violation of the Code of Ethics. However, in our opinion, the conduct of the Board of Selectmen and the public commentary at the meeting of October 18, does not comply with Robert's Rules of Order, specifically as it relates to recognizing speakers (Selectmen) and addressing the Chair (public).

According to Robert's Rules, when one has something to say, one needs to be recognized by the Chair. The Board of Selectmen meetings should encourage public participation in an orderly manner, and give everyone a reasonable opportunity to present his or her point of view for consideration. The Chair's role is to remain impartial, to maintain order, to be courteous to all.

Summary of the Ethics Commission opinion regarding the Town Attorney sitting on Town Committees:

Although we understand the public perception of a conflict of interest, in our opinion, there is currently no conflict of interest, and no formal complaints have been filed. However, to ensure that no future conflict of interest arises, the Board of Selectman should ensure that this Town Attorney is not contracted to engage in any legal activity specifically related to the town commissions on which he serves. Additionally, we advise that the volunteer should not hold the position of Committee Chairperson, which may enable him to engage legal services on behalf of that committee, as that could result in a conflict of interest.