



Wilfred A. Duchesneau
CHAIRMAN

STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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Ethics Commission

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Derek Reed
VICE CHAIRMAN

Deb Lynch
Charles McCleary
Brett Palmer

ETHICS Commission Meeting Minutes

June 23, 2020

Members Present: Wilfred Duchesneau, Derek Reed, Deb Lynch, Brett Palmer, Charles McCleary

Others Present: Rebecca Einsiedel, Administrative Assistant/Recording Secretary;
LouAnn Cannella, Human Resources Coordinator/Executive Assistant

I. Call to Order

Chairman Duchesneau called the meeting to order at 7:00 pm in the Town Hall Meeting Hall.

II. Citizens' Forum [Non-Agenda Items]: No citizens came forward.

III. Approval of Minutes: December 10, 2019

MOVED (REED), SECONDED (MCCLEARY) AND PASSED UNANIMOUSLY TO APPROVE THE MINUTES OF THE DECEMBER 10, 2019 ETHICS COMMISSION SPECIAL MEETING.

IV. Membership/Officers

A. Introduction of New Member, Deb Lynch

Chairman Duchesneau welcomed Ms. Lynch to the Ethics Commission and thanked her for volunteering her services.

B. Election of Officers

1. Chairman

Chairman Duchesneau called for nominations for the position of Chairman.

MOVED (MCCLEARY), SECONDED (PALMER) TO NOMINATE DEREK REED AS CHAIRMAN.

MOVED (REED), SECONDED (LYNCH) TO NOMINATE WILFRED DUCHESNEAU AS CHAIRMAN.

MOVED (PALMER), SECONDED (MCCLEARY) AND PASSED UNANIMOUSLY TO CLOSE NOMINATIONS FOR CHAIRMAN.

MOVED (DUCHESNEAU), SECONDED (MCCLEARY) AND FAILED [AYE; MCCLEARY/DUCHESNEAU; NAY; LYNCH/REED/PALMER] TO ELECT DEREK REED AS CHAIRMAN.

MOVED (REED), SECONDED (PALMER) AND PASSED [AYE; LYNCH/REED/PALMER; NAY; MCCLEARY/DUCHESNEAU] TO ELECT WILFRED DUCHESNEAU AS CHAIRMAN.

Mr. Duchesneau will continue as Chairman.

2. Vice Chairman

Chairman Duchesneau called for nominations for the position of Vice Chairman.

MOVED (REED), SECONDED (PALMER) TO NOMINATE CHARLES MCCLEARY AS VICE CHAIRMAN.

MOVED (LYNCH), SECONDED (PALMER) TO NOMINATE DEREK REED AS VICE CHAIRMAN.

MOVED (REED), SECONDED (LYNCH) AND PASSED UNANIMOUSLY TO CLOSE NOMINATIONS FOR VICE CHAIRMAN.

MOVED (PALMER), SECONDED (MCCLEARY) AND FAILED [AYE; PALMER/MCCLEARY]; NAY; DUCHESNEAU/REED/LYNCH] TO ELECT DEREK REED AS VICE CHAIRMAN.

MOVED (DUCHESNEAU), SECONDED (REED) AND PASSED TO ELECT CHARLES MCCLEARY AS VICE CHAIRMAN. [AYE; DUCHESNEAU/REED/LYNCH; NAY PALMER/MCCLEARY]

Mr. McCleary will serve as Vice Chairman.

V. Executive Session

A. Determination of jurisdiction concerning a pending complaint (#1-2020)

MOVED (REED), SECONDED (LYNCH) AND PASSED UNANIMOUSLY TO ENTER INTO EXECUTIVE SESSION AT 7:08 PM FOR THE PURPOSE OF DETERMINING JURISDICTION CONCERNING A PENDING COMPLAINT.

Present: Wilfred Duchesneau, Derek Reed, Deb Lynch, Charles McCleary and Brett Palmer

The Ethics Commission came out of Executive Session at 7:28 pm.

VI. Unfinished Business:

A. Determination of jurisdiction concerning a pending complaint (#1-2020)

MOVED (PALMER) SECONDED (MCCLEARY) AND PASSED UNANIMOUSLY TO DISMISS COMPLAINT #1-2020 DUE TO LACK OF JURISDICTION UNDER SECTION 7-B OF THE TOWN OF ELLINGTON CODE OF ETHICS. THE COMMISSION FURTHER FINDS THE COMPLAINT WAS NOT FILED IN ACCORDANCE WITH SECTION 7-A5 OF THE TOWN OF ELLINGTON CODE OF ETHICS.

B. Code of Ethics-Review and Recommend Revisions

The Commission reviewed the copies of the surrounding towns' Codes of Ethics. Mr. Palmer liked East Windsor's as well as Tolland's definition of a Conflict of Interest in that East Windsor has no gray area. He also likes that East Windsor has a section regarding Standard of Official Conduct that is very specific and extensive. Mr. Duchesneau asked for clarification regarding the recusal process. Mr. Palmer noted that the Tolland Code Ethics Code doesn't appear to include determination of jurisdiction. Mr. Reed noted that in East Windsor anyone can put in a complaint or the Board itself can issue advisory opinions. Mr. Palmer read East Windsor's Section E. 4.3, which contains six potential penalties resulting from a violation. Ms. Lynch added that it includes these six penalties but is not limited to them.

Mr. Palmer would like Ellington's Code to have a standard of Official Code of Conduct like East Windsor and Tolland. Mr. Duchesneau thanked Mr. Palmer for doing a nice job on his research. Mr. McCleary states that South Windsor is most similar to Ellington in regards to the Code of Conduct. Mr. McCleary likes the idea of putting out a clear Standard of Conduct and he prefers the way East Windsor has theirs stated. Mr. McCleary references South Windsor's Section 14:112 stating he does not like how there are no reasonable rules or regulations for filing a complaint. Mr. Reed states Tolland has no requirements either, specifically no filling out of forms and anyone can file a complaint. Mr. Duchesneau questions that the Commission might not have all of the correct information on that. Mr. Duchesneau pointed out that East Windsor and Tolland are the two towns that the Commission could use as a reference in regards to three specific areas; the definition of Conflict of Interest, Standards of Conduct and Remediation Actions. Ms. Lynch and Mr. Palmer discussed Tolland's specific section on Recusal. Mr. Reed commented that it was more of an employee issue which should be in an Employee Handbook. Chairman Duchesneau asked if the Commission could come away from tonight's meeting with a recommendation to change Ellington's definition of Conflict of Interest and re-examine a more exact definition. Members were all in agreement of potentially recommending East Windsor's Conflict of Interest definition.

Discussion continued regarding the definition of the "person subject to the code": A person who holds a compensated position of employment with the Town, as an Appointed Official, Elected Official or Employee/Personnel. Mr. Palmer suggested striking everything under Employee/Personnel after the words "A person who holds a compensated position of employment with the Town." Ms. Lynch states East Windsor has a more detailed explanation. Mr. Reed stated that Tolland's definition is very similar.

Discussion was then held regarding the explanation of what a "gift" would be. Mr. Reed and Mr. Palmer agreed that the current definition of a gift is well written. Mr. Palmer stated that looking ahead in the Code under the Conflict of Interest section, a gift is much more specific.

Discussion was held regarding the Immediate Family Member section. The Commission was in agreement that the current definition was better than other examples and should be kept. Chairman Duchesneau started discussion regarding Section 8. Penalties. The Commission agreed that no changes need to be made to this section.

Chairman Duchesneau then started the discussion of Standards of Conduct, Section 4. Mr. Palmer suggested that this section may be a good research assignment for the Commission in comparison to what East Windsor has. Chairman Duchesneau asked if they should also look into Advisory Opinion requests. Mr. Palmer asked if there has ever been an Advisory Opinion requested. Chairman Duchesneau stated no. Mr. Reed and Mr. Palmer described the procedure East Windsor uses when a request is submitted. Mr. McCleary commented that the Connecticut model of State Ethics from Nancy Nicolescu, which references Advisory Opinions may be requested by any person confidentially. Mr. Palmer suggested the Commission, in doing their research match up the current redline Section 4 with East Windsor's section 3 and Tolland's Section 6.5. The Commission will continue discussion at the next meeting. Chairman Duchesneau suggested meeting earlier than September. The members agreed to meet prior to the next scheduled meeting on Tuesday, July 21, 2020 at 6 pm.

VII. Correspondence

Chairman Duchesneau read the reappointment letter for Mr. Palmer and the appointment letter for Ms. Lynch.

VIII. Adjournment

MOVED (REED), SECONDED (LYNCH) AND PASSED UNANIMOUSLY TO ADJOURN THE ETHICS COMMISSION MEETING AT 8:45 PM.

Respectfully submitted,



Rebecca Einsiedel
Recording Secretary