

TOWN OF WALLINGFORD, CONNECTICUT
SPECIAL TOWN COUNCIL MEETING
and the BOARD OF ETHICS

A WORKSHOP to DISCUSS PROPOSED CHANGES to the CODE OF ETHICS

July 16, 2009

The following minutes are a record of the Special Joint Workshop Meeting of the Wallingford Town Council and the Wallingford Board of Ethics held in Room 315 of the Wallingford Town Hall on Thursday, July 16, 2009. The Meeting was Called to Order at 6:35 P.M. The following Councilors attended the meeting Mike Brodinsky, Jerry Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati and Michael Spiteri. Mayor William W. Dickinson, Jr. and Town Attorney Janis Small were also present. Councilors Vincenzo M. DiNatale, Nick Economopoulos and Vincent F. Testa, Jr. were absent from the meeting.

In attendance from the Board of Ethics were the following: Chairman Rev. Dean Warburton, Sean Doherty, Mary Paquette, John H. Smith, and Iris Papale.

1. Discussion of draft on possible changes to the Code of Ethics

Chairman Brodinsky opened the meeting at 6:35 P.M. and explained his concept for suggesting revisions to portions of the Code of Ethics of the Town of Wallingford to bring the language up to date and to make it more easily understandable. He asked for and invited comments from both the Town Council and the Board of Ethics, the body who uses and applies the language of the Code of Ethics.

Rev. Warburton asked that thoughts of well-being be sent to Lynn Fiore and Rev. Karen Cook, both members of the Board of Ethics, who could not attend the meeting due to deaths in their families. He stated that in his long experience with governing documents that there must be compelling and logical reasons for change to the language of that governing document and that those changes must be stated clearly and precisely. He said that he would be listening very carefully for those things. Chairman Brodinsky said that he could be looked to for that rationale.

Discussion of the proposed revision began with requests to return phrases to the document that were left out, or to add to the text to make it more compliant with the law and to make it more current with the times. There were suggestions to return text to the document that was not intentionally overlooked. There were comments asking why certain changes were necessary in that the revision was essentially the same as the original document. Some suggested revisions were constricting by "casting the net too far," causing the pool of eligible candidates who could to serve on the Board of Ethics way too small. Chairman Brodinsky did not agree stating that there were thousands of people who could meet the new criteria. He said that he felt strongly that breaking apart some of the sections into subsections made it easier to understand. Sections covered in the review of the suggested revisions included:

- 20-1 CONCEPT EXPLAINED
- 20-2 PURPOSE *of the Code of Ethics*
- 20-3 DEFINITIONS
- 20-4 CONFLICT OF INTEREST
- 20-5 PROHIBITED ACTIONS
- 20-11 C(2)

20-1 CONCEPT EXPLAINED

The revision breaks the original text into three sections.

Section A. consists of the text in the original Code of Ethics and is joined by two new sections, B. and C.

Section B. and Section C. were read by Chairman Brodinsky.

Section B - Rev. Warburton said that Section B goes with Section 20-4. Chairman Brodinsky said that this sets forth the principle.

20-2 PURPOSE of the Code of Ethics

The section is now divided into three sections.

Chairman Brodinsky read all three sections, A. B. and C.

Rev. Warburton asked if Chairman Brodinsky meant to leave out that the phrase "*for personal gain*" because he thinks that in so doing that it removes the power of the entire section. He requested that it be returned to the section.

20-2 Purpose of the original document, pg. 2002

The proper operation of the town government in Wallingford requires that public officials and employees be independent, impartial and responsible to the people whom they serve; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government.....

Ms. Rascati said that this is just re-stating what is already there.

Chairman Brodinsky said that three sections of A., B. and C. are more easily understood.

Rev. Warburton said that it would be helpful to have all of the "conflict of interest" in one place in the Code of Ethics and not in several places.

Chairman Brodinsky explained the headlines of the document.

Mr. LeTourneau asked about the purpose of expanding on the language that we already have.

Mr. Farrell discussed that language of 20-2 –B, pg.1 of the revision document:

It is central to gaining and retaining the public's trust in the integrity of its government, that public servants avoid even the appearance of impropriety. To that end, it is crucial that public servants err on the side of disclosing interests that could be viewed as inconsistent with the notion that undivided loyalty is owed to the public.

Some discussion with hypothetical examples centered on the *appearance of impropriety*, Chairman Brodinsky gave a reference back to Section 20-5 and to go back to the Purpose of the Code, stating that's how it all fits together.

Town Attorney Janis Small said that an appearance of impropriety is not actionable.

With regard to 20-2 C, some felt that the original document clearly states the same thing.

20-3 DEFINITIONS

Re-insert introductory sentence from the original document as follows:

As used in this Code of Ethics, the following words or phrases, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

Agency

Revisions to the existing language to add “Boards.”

Interest

Revisions to the existing language exclude the word *value* at the bottom of pg. 2002 of the original.

Mr. Farrell handed out a list of twenty six ways in which an official may be related to another person in the discussion of 20-3- Interest.

He stated that including the term “close friends” is problematic, asking how do you define someone who is a close friend?

His next question stated that use of the word “speculative” is problematic. He gave two examples of businesses, owned by two fellow Councilors, asking if each of them should keep a list of their customers, and if the list-keeping requirements should also extend to businesses owned by those Councilors’ spouses, siblings and close friends.

Also problematic is the use of the word “Employer,” quoting from Mr. Farrell’s copy of the handout, “to be a close friend of a councilor, will the close friend have to disclose who their employer is, or how can the councilor know who that employer is?”

And finally, in the Interest section, Mr. Farrell finds the term “Employee” to be problematic. He asks, “If you work for a large corporation, or your spouse does, or your close friend or blood relation does, there could be hundreds of thousands of employees of that corporation.

Mr. Farrell said that the words of Chairman Brodinsky’s revision cast the net far too wide.

Mayor Dickinson discussed “personal interests.”

Contractor and subcontractor should be added in to 20-3.

Rev. Warburton said that the top paragraph of pg. 2003 in the original Code was overlooked and should be added in. Chairman Brodinsky concurred. Those lines are as follows:

...or close business association. Interest shall also include the interest of any subcontractor in any prime contract with the town and the interest of any person or his/her immediate family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the town; “transaction” shall include the offer,

sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly as vendor, prime contractor, subcontractor or otherwise, for use and benefit of the town for a valuable consideration.

20-4 CONFLICT OF INTEREST

The revision divides this section into Section A. and Section B.; whereas, in the original, there is only one paragraph.

Advisory opinion was discussed. Mr. Farrell said that there needs to be language that leads to commonplace "decision making process."

20-5 PROHIBITED ACTIONS

The original Code of Ethics has three sections, A., B. and C.

Section A. - Rev. Warburton recommends adding the term "sexual orientation."

The revision has six sections, A. through F. Chairman Brodinsky said that this is for clarity of understanding. During the discussion of Section D, Chairman Brodinsky said that Section 20-5 D. ties in with 20-11A -C(2). Mr. Farrell said that deletion of some of the verbs would help and that adjudication can occur in some cases under federal or state law.

Chairman Brodinsky said that he needs to work on the language of 20-5D with respect to 20-11A C(2). He said that if a violation occurs locally, it needs to be handled locally by the Board of Ethics but if the violation is at state or federal level, then it needs to be handled at that level.

Due to the lateness of the hour, other revisions to Sections 20-11, and all of its newly created subsections, were not taken up or discussed.

However, before discussion ended, there was one exception when Iris Papale requested that the Chairman take up one more item, since she might not be able to attend a future meeting where this item would be discussed.

She requested a discussion of:

20-11 C.(2) (pg. 3) of the revision document. She read the entry:

20-11 C(2)

No Board member shall make a contribution to a municipal candidate, or a local political party, or town committee, while on the Board of Ethics; nor may said Board Member remain on or join a town committee, or participate in any local campaign.

Ms. Papale said that she has been in politics all of her life and that she expects she will continue to be in politics. Ms. Papale then declared that just last night she attended a fund raising event and had written a check for \$15.00 that would in the end go toward a campaign. She said that she is a person of integrity and that she knows when to recuse herself on any given Board of Ethics matter. Ms. Paquette gave an example of a spouse planting a campaign sign in the yard. The discussion was lively and reached no resolution.

For clarification purposes, no revisions have been put forth for the following
Sections:

20-6
20-7
20-8
20-9
20-10
20-12

2. *Discussion of other possible changes to the Code of Ethics*
Not Taken up
3. *Public Comment*
Not Taken up
4. *Workshop Reprise: Further thoughts / Where do we go from here?*
Not Taken up

ADDENDUM

5. *Consideration and possible action on amending one of the Charter Revision questions for the ballot.*
Not Taken up

By consensus, the workshop adjourned at 8:55 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date