

TOWN OF EAST WINDSOR BOARD OF SELECTMEN

REGULAR MEETING

Thursday, August 16, 2018

7:00 p.m.

Town Hall Meeting Room
11 Rye Street, Broad Brook, CT. 06016

REVISED Meeting Minutes

*** *These Minutes are not official until approved at a subsequent meeting****

Board of Selectmen:

Robert Maynard, First Selectman
Steve Dearborn, Deputy First Selectman
Jason Bowsza, Selectman
Andy Hoffman, Selectman
Charles J. Szymanski, Selectman

ATTENDANCE: *Board of Selectmen:* Robert Maynard, First Selectman; Steve Dearborn, Deputy First Selectman; Selectmen: Jason Bowsza; Andy Hoffman; Charles J. Szymanski.

SPEAKERS/GUESTS: *Members of Boards, Committees, Commissions, or Town Entities:* *250th Anniversary Committee:* Rebecca Talamini, Chairman; *Capital Improvement Planning Committee:* Cathy Simonelli, Chairman; *Ethics Commissions:* Michael Scalzo, Sr.; *Warehouse Point Fire Department:* Jim Barton, Chief; Rich Austin, Assistant Chief.

Press: No one present.

TIME AND PLACE OF REGULAR MEETING:

First Selectman Maynard called the Meeting to Order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

PLEDGE OF ALLEGIANCE:

Everyone present stood to recite the Pledge of Allegiance.

**TOWN OF EAST WINDSOR
BOARD OF SELECTMEN
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REVISED MEETING MINUTES -**

AGENDA APPROVAL:

MOTION: To APPROVE the Agenda, with the addition of Item C – Digital Sign for the Warehouse Point Fire Department under NEW BUSINESS.

Maynard moved/Dearborn seconded/

DISCUSSION: Selectman Dearborn wanted to see a similar sign for the Broad Brook Fire Department.

VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)

ATTENDANCE: See page 1.

PUBLIC PARTICIPATION:

Cathy Simonelli: Mrs. Simonelli noted the applicants being considered for the CIP Committee this evening. Mrs. Simonelli wanted to recommend the appointment of Tom Talamini; she cited Mr. Talamini is a hard worker and is a member of the Building Committee.

Mrs. Simonelli also wanted to recommend Tanya Unsworth. Mrs. Simonelli reported Mrs. Unsworth is involved with the Middle School PTO and is a hard worker as well. Mrs. Simonelli noted the Board is always asking for new people to become involved; Mrs. Unsworth would be a new addition to the CIP.

Kathy Pippin: Mrs. Pippin also endorsed Mr. Talamini. She suggested the Town would be lucky to have him on the CIP.

Dick Pippin: Mr. Pippin agreed with Mrs. Simonelli and Mrs. Pippin regarding the appointment of Mr. Talamini and Mrs. Unsworth. Mr. Pippin also wanted to recommend Rick Osborn for reappointment to the Inland Wetland and Watercourses Commission; he felt the Board would be remiss in not reappointing Mr. Osborn to that Commission.

APPROVAL OF MEETING MINUTES/Regular Meeting Minutes of August 2, 2018:

MOTION: To APPROVE the Regular Meeting Minutes of the Board of Selectmen Meeting dated August 2, 2018 as presented.

Maynard moved/Dearborn seconded/DISCUSSION: None

VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)

COMMUNICATIONS: None.

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BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/A.

Resignations: None.

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/B

Reappointments: 1. Rick Osborn (R), Inland Wetland and Watercourses Agency, for a term expiring September 1, 2022

MOTION: To REAPPOINT Rick Osborn (R), to the Inland Wetland and Watercourses Agency for a term expiring September 1, 2022.

Szymanski moved/Hoffman seconded/**DISCUSSION:** None.

VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/C. New

Appointments:

First Selectman Maynard noted there are three candidates for the two remaining open positions on the Capital Improvement Planning Committee. Board members can vote for only two of the three candidates.

First Selectman Maynard urged Mrs. Unsworth to tell the Board about herself. Mrs. Unsworth noted her involvement with the Middle School PTO, and the “Rec” soccer program. Mrs. Unsworth reported that when she became involved with the PTO they had \$13,000 in the bank; five years later they have a \$60,000; they’re a great group of volunteers. In addition, Mrs. Unsworth reported her family is involved in the “Rec” soccer program; her husband is a coach and she’s the woman behind him. Mrs. Unsworth reported being a part in the CIP Committee would be an opportunity for her to assist with the development of the Town.

1. Jack Mannette (R), Capital Improvement Planning Committee, for a term expiring July 31, 2019:

First Selectman Maynard polled the Board for votes for or against Mr. Mannette’s appointment to the Capital Improvement Planning Committee for a term expiring July 31, 2019.

In Favor: Maynard/Dearborn/Hoffman/Szymanski
(Selectman Bowsza chose not to vote on this candidate)

2. Tom Talamini (R), Capital Improvement Planning Committee, for a term expiring July 31, 2019.

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First Selectman Maynard polled the Board for votes for or against Mr. Talamini's appointment to the Capital Improvement Planning Committee for a term expiring July 31, 2019.

In Favor: Maynard/Dearborn/Hoffman/Szymanski/Bowsza
(No one opposed/No abstentions.)

3. Tanya Unsworth (U), Capital Improvement Planning Committee, for a term expiring July 31, 2019

First Selectman Maynard polled the Board for votes for or against Mrs. Unsworth's appointment to the Capital Improvement Planning Committee for a term expiring July 31, 2019.

In Favor: Bowsza
(Other Board members had used their allotted votes on previous appointments)

UNFINISHED BUSINESS/A. East Windsor's 250th Anniversary Committee Report:

Rebecca Talamini, Chairman of the 250th Anniversary Committee, gave an update on the Anniversary events:

- The Committee is getting ready for Heritage Day on September 22nd (Saturday). The Time Capsule will be buried on September 23rd (Sunday). Collection baskets for items to be considered for inclusion in the Time Capsule will be located in the Town Clerk's Office (Town Hall), the Broad Brook Library, and the Warehouse Point Library; the Anniversary Committee will also have a table at Heritage Day and will accept items for the Time Capsule. Ms. Talamini described some of the items already received, including a Grandmother's letter to her grandchildren.
- Requests for volunteers to assist with Heritage Day are listed on the Town's website. Volunteers are needed to assist with parking, the kid's activities, and a multitude of other activities.
- The Parade will leave the Reservoir Park at 2:50 p.m. and continue down Main Street to the Harrington property at the corner of Main Street and Route 140. Parking will be available at St. Catherine Church, the Town Hall parking lot, the Elementary School parking lot, and the Middle School parking lot. There are six categories for awards; judging for the awards will be located at the Broad Brook Library. Ms. Talamini suggested there are no plans for temporary bleachers along the Parade route.

Deputy First Selectman Dearborn gave Ms. Talamini a donation to pay for the fireworks display for Heritage Day.

UNFINISHED BUSINESS/B. Casino:

No update on the Casino this evening.

**TOWN OF EAST WINDSOR
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NEW BUSINESS/A. Discussion and Approval of Revision to the Town Code of Ethics Ordinance:

Michael Scalzo, of the Ethics Commission, joined the Board for discussion. Mr. Scalzo reported the Ethics Commission has incorporated the changes agreed to with the Board of Selectmen at a previous meeting; they've also incorporated several, but not all, of the changes recommended by the Town Attorney.

Deputy First Selectman Dearborn indicated he had a problem with Section 2.5 – CONFLICT OF INTEREST. Deputy First Selectman Dearborn reported his company has plowed snow for the schools for 45 years; the way this section is worded it appears he'll have a problem bidding on the work in the future because he's a Selectman. First Selectman Dearborn reported he's been a businessman in town for 65 years; he should be able to bid on any project in town that he wants to. Deputy First Selectman Dearborn felt that if the work is awarded through the sealed bid process there shouldn't be a problem.

Discussion continued. Selectman Hoffman and Selectman Bowsza cited the issue is the perception when a Town employee or Town official is awarded work for the Town. Deputy First Selectman Dearborn wanted the section reworded; Mr. Scalzo noted the language was recommended by the Town Attorney and is in conjunction with the language of the State Statutes. Deputy First Selectman Dearborn felt the people of the town should be able to hire anyone they want to; he won't vote on this language. First Selectman Maynard understood what Deputy First Selectman Dearborn was saying but he also saw the possibility for misinterpretation. Deputy First Selectman Dearborn felt it wasn't a conflict of interest if the work was awarded under the sealed bid process. He cited the Town got a legal opinion on a previous occasion that he bid on a job; the last time he bid he lost the job because his bid was higher. Selectman Hoffman questioned that Deputy First Selectman Dearborn had been on the Board of Selectmen at the time he bid on the project mentioned? Deputy First Selectman Dearborn replied affirmatively. Selectman Bowsza felt the issue wasn't the low bid but the concern for retaliation if the official doesn't get the job. Selectman Bowsza gave an example of Town Engineer Norton, who is a professional engineer. He noted while Town Engineer Norton doesn't serve on the Planning and Zoning Commission (PZC) he couldn't go before the PZC and advocate on behalf of a developer. Selectman Hoffman questioned that the Ethics Commission would review that situation? Selectman Bowsza and Mr. Scalzo indicated someone would have to file a complaint for the Ethics Commission to become involved.

The Board continued to consider examples of conflict of interest. The Board felt the Code didn't prohibit Deputy First Selectman Dearborn from participating in the bid process but if someone made a complaint then the Ethics Commission would become involved. Mr. Scalzo concurred. The Board continued to review the purpose of the Code relative to Town officials and employees regarding their behavior and conduct.

**TOWN OF EAST WINDSOR
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MOTION: To REPEAL Code of Ethics Ordinance 06-1 dated April 27, 2006 and REPLACE it with the attached Ethics Code ordinance presented and send it to Town Meeting.

Maynard moved/Szymanski seconded/

DISCUSSION: Selectman Bowsza didn't feel the approval motion was properly worded. After review Selectman Bowsza agreed with the motion as presented.

VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)

See Attachment A – Ordinance to Amend the Town of East Windsor Code of Ethics

NEW BUSINESS/B. Discussion of Storm-Water Management and Village Center Redevelopment in Warehouse Point (WHP) Project:

First Selectman Maynard reported that former Town Planner Whitten had acquired a \$123,800 grant for the TOD (Transit Oriented Development) project in Warehouse Point. As part of the grant stipulations the Town must contribute \$13,700 in matching funds, including \$7,500 for printing and project costs and \$6,000 in in-kind services; the total grant amount is \$137,500. First Selectman Maynard reported Terri Hahn, of Lada Land Consultants is managing the project; she'll report to First Selectman Maynard and the Planning and Zoning Commission. First Selectman Maynard reported he and Assistant Town Planner Matt Tyksinski recently met with Mrs. Hahn to begin project planning. The project will be ongoing for 15 to 18 months and will include public workshops. First Selectman Maynard invited the Selectmen to be involved as well.

First Selectman Maynard explained the Stormwater Management Plan, which is a component of the project. Town Engineer Norton will be involved as well. First Selectman Maynard gave the Board of synopsis of the impact of the Blue Ditch on the watershed in the Warehouse Point Village, and the flood plain along South Water Street. Discussion followed regarding the effect of the flooding in 1938 and 1955.

First Selectman Maynard noted the connection of this study to the TOD in Windsor Locks, and the casino, and the changes that will result in the general area. He noted the development of the center of Warehouse Point will follow the Stormwater Management Study; both will be integrated into the final product.

Discussion continued regarding the mechanics of the funding reimbursement.

NEW BUSINESS/C. Digital Sign for the Warehouse Point Fire Department:

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First Selectman Maynard reported that on Tuesday evening Rich Austin made a presentation before the Planning and Zoning Commission (PZC) for a digital sign at the Warehouse Point Fire Station. He noted the PZC's approval and the recommendation under an 8-24 Referral to the Board of Selectmen for final approval of the sign. First Selectman Maynard reported the PZC has made changes to the (Municipal) Sign Regulations, which were approved on June 26th; First Selectman Maynard referenced specifics of the regulations related to the size of signage allowed. He reported Assistant Chief Austin is the first representative of a municipal organization to bring a sign request forward.

Assistant Chief Austin reported he has been working on this request for some time. The Warehouse Point Fire Department received a bequest to fund this signage. At the time the Town didn't have an ordinance (regulations) to allow digital signs; former Town Planner Whitten worked with Assistant Chief Austin to draft regulations specific to digital signs for municipal properties.

Assistant Chief Austin reported the new sign will replace the existing sign, although it may be moved back a bit in case Bridge Street is widened. The sign will be perpendicular to the road, two sided, and will be raised a bit by a support structure. The electronic message is computer generated and is easily changeable. As cited by the regulation the frequency of the changing message is 5 seconds; strobing and flashing signage is prohibited. In response to Deputy First Selectman Dearborn's question regarding the content of the messages Assistant Chief Austin indicated they would advertise spaghetti dinners, "don't forget to vote", and other messages pertinent to Town information. Discussion followed regarding the size of the sign relative to the regulations. The electronic messaging center display area of the sign can be no larger than 45 square feet; the remainder of the sign must be consistent with existing sign regulations.

Selectman Szymanski commended Assistant Chief Austin for bringing the request forward; he looks forward to seeing the resulting sign.

MOTION: To APPROVE the electronic sign for the Warehouse Point Fire District located at 89 Bridge Street as approved by the Planning and Zoning Commission on August 14, 2018.

Maynard moved/Szymanski seconded/

DISCUSSION: Selectman Bowsza questioned why the Board of Selectmen was voting on this signage? First Selectman Maynard read an excerpt from the Minutes of the Planning and Zoning Commission Meeting recommendation under C.S.G 8-24 that the Board of Selectmen approve the sign as proposed. Selectman Bowsza continued his review of C.S.G. 8-24 on his tablet; his interpretation was the approval should go to Town Meeting. First Selectman Maynard referenced the language regarding "a two-thirds vote of the representative town meeting or city council"; he suggested the Board of Selectmen was effectively a town council.

**VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)**

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SIGNATURES FOR APPROVAL OF CHECK REGISTERS:

The Board reviewed, and approved, the check registers provided.

SELECTMEN COMMENTS AND REPORTS/A. Steve Dearborn:

Deputy First Selectman Dearborn had nothing to report this evening.

SELECTMEN COMMENTS AND REPORTS/B. Andy Hoffman:

Selectman Hoffman reported the Economic Development Commission didn't meet during August; his next report for the EDC will be in September.

SELECTMEN COMMENTS AND REPORTS/C. Jason Bowsza:

Selectman Bowsza reported he attended the Ice Cream Social at the East Windsor Historical Society, which he estimated 600 people attended. He officiated at a wedding during the festivities. Selectman Bowsza reported the EWSHS has purchased additional land adjacent to the existing parcel and have plans for expansion.

SELECTMEN COMMENTS AND REPORTS/D. Charles J. Szymanski:

Selectman Szymanski reported he and Selectman Hoffman met with members of the Barkhamsted Fire District on August 8th. Treasurer Amy O'Toole set up the meeting. Chief Barton and Assistant Chief Austin of the Warehouse Point Fire Department, Chief Arcari of the Broad Brook Fire Department, and Vic DeCapua, Chairman of the Warehouse Point Fire District also attended. Selectman Szymanski reported the Barkhamsted Fire District members were very open about their operation. They have a budget of about \$600,000 for three fire departments involved in the District. The three departments operate separately but are all members of the District. Selectman Szymanski reported the three departments came together for economic reasons; one of the departments was having difficulty getting funding so the Town put the departments together under the one District. The mill rate for fire services was about 1.66 mills for fiscal year 2018. They reported their budgets have been fairly consistent for the past three years.

Selectman Hoffman concurred. He noted the people of the Barkhamsted District were open about the reorganization, which was done to assist one of the departments which was having financial problems. Selectman Hoffman suggested it was a good meeting; people were encouraged to ask questions.

SELECTMEN COMMENTS AND REPORTS/E. Robert Maynard:

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First Selectman Maynard attended the Planning and Zoning Commission Meeting on Tuesday night (August 14th). The Commission approved a fill operation for the Kement property on North Road.

SIGNATURES FOR APPROVAL OF CHECK REGISTERS:

The Selectmen reviewed the registers presented and took appropriate action.

EXECUTIVE SESSION/Pursuant to C.G.S. Sec. 1-200 (6-a), Sec. 1-210 (b-1) Litigation, Negotiations and Employment – Action is possible:

MOTION: To GO INTO EXECUTIVE SESSION at 8:10 p.m. Attending the Executive Session were First Selectman Maynard, Deputy First Selectman Dearborn, Selectman Bowsza, Selectman Hoffman, and Selectman Szymanski.

Maynard moved/Szymanski seconded/

**VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)**

The Selectmen came out of Executive Session at 8:45 p.m.

The Recording Secretary was not advised of any actions taken by the Board.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:45 p.m.

Dearborn moved/Hoffman seconded/

**VOTE: In Favor: Maynard/Dearborn/Bowsza/Hoffman/Szymanski
(No one opposed/No abstentions)**

Respectfully submitted



Peg Hoffman, Recording Secretary, East Windsor Board of Selectmen

Attachment A – Ordinance to Amend the Town of East Windsor Code of Ethics

Town of East Windsor

The following ordinance was adopted at a Special Town Meeting duly warned and held on _____.

ORDINANCE TO AMEND THE TOWN OF EAST WINDSOR CODE OF ETHICS

The legislative body of the Town of East Windsor in accordance with the Connecticut General Statutes, as amended, hereby adopts the following Code of Ethics:

Ordinance 06-1 is repealed, and this Ordinance is substituted in lieu thereof.

SECTION 1 PURPOSE

The purpose of this Code is to guide Town officials, elected and appointed, and Town employees, by establishing standards of conduct for persons in the decision making process. This Code is intended to strengthen the tradition of good government in East Windsor by helping to ensure that government decisions and policies are made free from undue influence and within the proper channels of government, that public office not be used for unauthorized personal gain, that the public have confidence in the integrity of its government and that a simplified procedure to bring alleged infractions of this Code to an impartial committee for investigation and appropriate remedy, if required, without fear of reprisal, be available to the public.

This Code incorporates those sections of the Town Charter setting forth the ethical obligations of Town officials and Town employees. In the event that the provisions of the Town Charter and this Code are in conflict with one another the Town Charter shall supersede any conflicting provisions of this Code.

SECTION 2 DEFINITIONS

In this Ordinance, the following terms are defined as follows:

2.1 **Official** shall mean all elected and appointed individuals in the executive or legislative branches of the Town, including the Board of Education; to the extent that the provisions of this ordinance may lawfully apply to the school district, and members and alternates of all town agencies.

2.2 **Employee** shall include all individuals who receive income, weekly or otherwise, from the Town for services rendered, or who are responsible for taking or recommending official action of the Town of a non-ministerial nature.

2.3 **AGENCY** shall mean all departments, boards, commissions, authorities, and committees, including advisory working groups of the executive or legislative branches of the Town, including the Board of Education to the extent that the provisions of this ordinance may lawfully apply to the school district.

2.4 **MINISTERIAL** action shall mean an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or the exercise of, the person's own judgment upon the propriety of the action being taken.

2.5 **CONFLICT OF INTEREST** shall mean a Town Official or Town employee's direct or indirect financial or personal interest relating to any Town contract, any Town transaction, or any decision by any Town board, commission or similar body of the Town that impairs or would tend to impair, or that would influence or tend to influence, the official or employee's independent judgment or action in the exercise of his or her duties. A financial or personal interest for purposes of this Code includes the financial or personal interest of a Town official or Town employee's immediate family members.

SECTION 3 STANDARDS OF OFFICIAL CONDUCT

3.1 DISCLOSURE OF CONFLICTS OF INTEREST

If any Town official or employee anticipates that a conflict of interest as defined in Section 2.5 above, might exist, or could develop, from any action said individual may take in the exercise of his or her duties, or from any influence which might be derived from his or her position, said individual shall disqualify themselves.

3.2 DISCLOSURE OF CONFIDENTIAL INFORMATION.

No official or employee shall disclose or use any confidential information obtained in an official capacity except in the discharge of this or her public duties. The term confidential information shall not be used to restrict the release of any information that is properly available to the public.

3.3 GIFTS AND FAVORS.

No official or employee or member of his or her immediate family shall solicit or accept any gift or favor in excess of \$50.00 in value in any calendar year, whether in the form of service, income, a loan, a gift or other thing of value, a promise, or in any other form, from any person or entity who to his or her knowledge is interested directly or indirectly in any manner whatsoever, with respect to personal or business dealings with the Town.

3.4 USE OF TOWN ASSETS

No official or employee shall use or permit the use of Town funds, services, property and equipment, owned or leased vehicles, or materials for personal convenience or profit, except

when such services are available to the public generally or are provided in conformance with established Town policies.

3.5 REPRESENTATION OF PRIVATE INTERESTS

No official or employee shall appear on behalf of private interests before any agency of the Town, nor shall he or she represent any private interest in any action or proceeding against the Town in any litigation or other proceeding when such appearance or representation would be in conflict with or would impair his or her independence of judgment and action in the performance of his or her official duties as a Town official or employee.

3.6 USE OF INFLUENCE

No official or employee shall solicit any business, gift or favor directly or indirectly, from another official or employee or from any vendor or third party doing business with the Town.

3.7 INCOMPATIBLE EMPLOYMENT

No official or employee shall grant or withhold any consideration, treatment, or advantage to any citizen beyond that which is granted or withheld to any other citizen.

SECTION 4 ETHICS COMMISSION

4.1 ESTABLISHMENT

An Ethics Commission as provided in the Town Charter shall consist of five members and two alternates, who shall be electors of the Town, no more than the bare majority of whom shall be of the same political party. Each member shall serve for a four (4) year term following the initial term established by the Board of Selectmen on January 24, 1991. No official or employee of the Town shall be eligible to serve on the Commission. Vacancies shall be filled according to the Town Charter. No member shall be a Town employee. No member of said board shall hold or campaign for any public office.

4.2 ORGANIZATION AND PROCEDURES

The Ethics Commission shall elect from amongst its members a Chairman and a Secretary, and shall establish its own rules and procedures, which shall be made public. Such rules and procedures shall be in conformity with confidentiality provisions set for in Connecticut General

Statutes Section 1-82a, and as may be amended from time to time. Four (4) affirmative votes shall be required for the establishment of the Commission's rules and procedures and for the Commission's adoption of an official ethics opinion.

4.3 **POWERS AND DUTIES**

A) Advisory Opinions: Upon written request or on its own initiative, the Commission may render advisory opinions with respect to the requirements of this Code of Ethics. Any request or opinion, the disclosure of which invades the personal privacy of any individual (as the term is used in Connecticut General Statutes Section 1-210) shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The commission may make available to the public such advisory opinions as do not invade an individual's privacy, and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

B) Complaints: The commission shall establish a procedure by which the public may initiate complaints alleging violations of this Code, provided however that no such complaint shall be received for a violation alleged to have occurred more than two (2) years prior to the date of such receipt. On its own initiative or upon receipt of a written complaint alleging, under oath or affirmation, violation of the provisions of this Code, the Commission shall determine by a minimum of four (4) affirmative votes whether or not sufficient cause exists to warrant an inquiry. Unless the Commission makes such a finding, a complaint alleging a violation shall be dismissed and kept confidential, except upon receipt of a request to the contrary by the respondent.

C) Hearing Procedure: Following its inquiry, in the event that the Commission, by a minimum of four (4) affirmative votes, determines that probable cause exists to believe that a violation of this Code has occurred, it shall conduct a public hearing thereon, which hearing shall be held no later than sixty (60) days thereafter. The Commission shall give public notice of the date fixed for said hearing at least fourteen (14) days prior thereto. The Commission shall have the power to administer oaths and compel the attendance of witnesses by subpoena. All parties shall be entitled to counsel, to present evidence, and to examine and cross-examine witnesses. The public hearings of the Commission shall be recorded at public expense.

D) Decision by Commission. The Commission shall, within thirty (30) days after conclusion of the public hearing, file a memorandum of decision. If the Commission determines by the minimum of four (4) affirmative votes that the respondent has in fact violated a provision of this Code, its Memorandum shall include a recommendation for appropriate action, taking into account the respondent's intent and willfulness in respect to said violation. Said Memorandum shall be presented to the Board of Selectmen for adoption, rejection or reconsideration of the recommended action, not the violation, except with respect to individuals under the jurisdiction of the Board of Education, in which case the Memorandum of Decisions shall be filed with the Board of Education with simultaneous copy to the Board of Selectmen. No such recommendation shall limit the authority of the Board of Selectmen under the Charter of the Town of East Windsor.

E) Penalties for Violation. The penalties for violation of this Code may include, but shall not be limited to:

- (1) Public censure or reprimand;
- (2) Suspension for up to ninety (90) days or dismissal of a public employee;
- (3) \$100.00 civil penalty
- (4) Restitution of any pecuniary benefit received;
- (5) Referral to law enforcement; and/or
- (6) Removal or dismissal from an appointed position.

Upon request of any aggrieved party, the Board of Selectmen may delay the effect of any decision adopted by the Board for a period not to exceed more than seven days following the adoption of such decision.

4.4 PROCEDURES FOR FILING A COMPLAINT

(1) All complaints must be filed directly with the Ethics Commission, via the Town Clerk's office, hand delivered or mailed to the Town Hall, in a sealed envelope and in compliance with all the terms and conditions stated on the official complaint form. The Town Clerk's office shall immediately inform the Chairman of the Ethics Commission of the receipt of a complaint. All costs incurred by the Commission in connection with investigating and/or hearing a Complaint shall be borne by the Town of East Windsor.

(2) Complaint must be signed under penalty of false statement.

(3) The Complaint must be filed within two (2) years of the alleged violation.

(4) The respondent is to be notified as follows: The Commission shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against who such complaint is filed and shall provide notice of receipt of such complaint to the complainant.

(5) The Commission shall review the complaint and determine whether the allegations constitute a violation of the Ethics Code by taking action as follows:

A) If not, it shall dismiss the complaint and notify the complainant and respondent not later than three business days after such dismissal.

B) If so, it shall fix a date for a hearing that shall commence within 60 days of the filing of the complaint.

(6) No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Ethics Commission.

(7) Legal representation at Hearings

- A) All parties may be represented by legal counsel
- B) All parties may cross-examine witnesses

(8) Confidentiality

- A) Complaint is confidential unless the respondent requests otherwise
- B) Commission can conduct a preliminary investigation and no information may be publicized by anyone involved.
- C) A determination of no violation shall be kept confidential except upon the request of the respondent.
- D) Notification of termination of the investigation or hearing shall be sent to the parties with three (3) days via certified mail.

(9) Finding a violation

- A) Finding made public within five (5) business days of the termination of hearing.
- B) Entire record of the investigation becomes public
- C) Provide parties with summary of its findings within three (3) business days of termination or hearing.

(10) Severability Clause

In the event any provision or part of this Code is found to be invalid or unenforceable by any court of competent jurisdiction, only that particular provision or part so found, and not the entire Code, will be inoperative.

SECTION 5 COPIES OF CODE OF ETHICS

A copy of the Ethics Code shall be given to all public officials and public employees and signed receipt should be obtained therefore and maintained by the Town Clerk.

Said ordinance shall become effective fifteen (15) days from publication thereof.

Attest: _____

Town Clerk

East Windsor Code of Ethics Complaint Form

(Please print neatly)

Complainant Name: _____

Street Address: _____

Town, State, Zip: _____

Telephone Number: _____

Email Address: _____

I hereby certify, under penalty of False Statement, the following statement describing a possible violation of East Windsor's Code of Ethics, contains only factual information.

Signature: _____ Date: _____

Note:

This Complaint will not be considered without the name, address, and original signature of the complainant.
Complaint must be NOTARIZED.

Complaint must be hand-delivered or sent certified mail, to the Town Clerk's office in an envelope marked:

TOWN OF EAST WINDSOR – ETHICS COMMISSION

CONFIDENTIAL

DATE DELIVERED _____

.....
Name of the Accused: _____

(Only one accused per complaint form)

Title of Position with the Town: _____

Section of the Town Code allegedly violated: _____

Specifically describe how code was violated. Dates, times and location are helpful. Attach additional pages if necessary.

