

Approved: November 29, 2011 as amended in italics

ETHICS POLICY REVISION COMMITTEE

PUBLIC MEETING MINUTES

October 25, 2011

The meeting was called at 7:02 PM in the New Durham Town Hall by Dot Veisel, Chair.

Present: Carol Allen, Mike Gelinias, Dot Veisel, Barbara Hunter

Approval of Minutes: Chair Veisel moved for the review, additions, and omissions in the minutes of *October 11, 2011*. There being none, motion to approve: Gelinias. Second: Allen. Vote: unanimously approved.

Business:

Chair Veisel said that since the last meeting of the committee, Gelinias, Hunter and she attended the October 17th Board of Selectmen's meeting to share the inquiry section of the Policy Work In Progress and ask several questions regarding complaints. Comments included that the BOS were not in agreement *with* written inquiries stating that they should only be verbal. Likewise, they felt that complaints should not be required in writing but brought to the Office of the Selectmen; they will deal with them as *determined by* their procedures. Thus their recommendation is to delete all statements after the first two sentences under complaints as shared in the handout.

The BOS felt that if the Ethics Committee is present at a BOS hearing they *could bias the proceedings* by advocating for the individual(s) involved. Veisel clarified that the EC would be present advocating for the Ethics Policy not on behalf of an individual(s). It was stated that the EC cannot require the BOS to hear a complaint.

The BOS recommended that the policy be reviewed and revised as needed and a statement of such is included in the policy. The committee felt that it should be included at the end of the policy.

Gelinias suggested that if an inquiry is oral, the interpretation be oral. Also, if one is made in writing, a written response may be requested.

The committee noted that it is the job of the BOS to investigate complaints.

As to whether the EC could request that the BOS review an issue, Chair Veisel commented that her feeling was that they weren't closed to that possibility but they were not interested in any formal hearing process.

Gelinas and Hunter felt that they didn't want the EC present and it would probably be in a non-public meeting.

The committee reviewed the document that was distributed to the BOS. Consensus was reached that Section V Inquiries and Section VI Complaints will read as follows:

- Section V: Inquiries

Residents who have questions about interpretation/application of the Ethics Policy may submit inquiries verbally or in writing to the EC. Upon review, the EC shall issue an advisory opinion; a written response may be requested for written inquiries. It is the responsibility of the applicant to formalize and submit a complaint to the BOS. When submitting the complaint, the complainant certifies that he/she has read the New Durham Ethics Policy, and that he/she believes the matter merits review.

- Section VI: Complaints

Complaints should be brought to the attention of the Office of the BOS. Complaints involving town employees shall be handled in accordance to the procedures outlined in the New Durham Personnel Policy.

It was decided to add a section at the end regarding policy revisions to read as follows:

- Section VIII: Policy Revisions

- Any changes to the Ethics Policy will be drafted by the EC and submitted to the Office of BOS for approval.

The committee reviewed all the definitions that have been tabled at past meetings. As a result the following will remain as is: employee, interest, misuse, nepotism. The following were removed: firm and principal. Under taxpayer, business will replace firm. Under town it will now read: The Town of New Durham, including all of its public servants, residents and taxpayers.

It was decided that Hunter will include all changes made at this meeting to the September 13 WIP to create an October 25 WIP document as well as, *addressing the* needed edits and formatting. Hunter will email it to Chair, Veisel for her final review. Veisel will then email it to committee members on November 1st for their review. If members have any questions or see changes, they will let the chair know and the committee will meet on November 8th to address them. If there aren't any, Chair Veisel will forward it to Alison Webb to send it to Bart Mayer, Town attorney for his review. The goal is to hold the public hearing on Tuesday, November 29th.

The Ethics Policy will be made available prior to the hearing on the Ethics Policy Revision Committee page on the Town website and hard copies available at the Town Hall.

The format for the hearing will include background from last year's Town Meeting, formation of the EPRC,

the 7 months of review followed by public's review of the suggested Ethics Policy.

After the public hearing, the EPRC will decide either to dissolve the Board of Ethics or retain it as the EC.

Next Meeting: Tuesday, November 8 if needed to address any concerns on the October 25 WIP. The public hearing is planned for Tuesday, November 29.

Adjournment: Motion – Allen. Second – Gelinias. Vote unanimously in favor. Adjourned at 9:04 PM.

Respectfully submitted,

Barbara Hunter, Secretary