



## TOWN OF NEWTOWN

### BOARD OF ETHICS

Regular Meeting Thursday,  
December 3, 2015 at 6:00 pm  
Newtown Municipal Center – Meeting Room 1  
3 Primrose Street, Newtown, CT

The Board of Ethics held a regular meeting on Thursday, December 3, 2015 in meeting room #1 at the Newtown Municipal Center, Newtown. The meeting was called to order at 6:05pm

**Present:** Parker Reardon, Joyce Murty, Jackie Villa, Alternate Laurie Kilchevsky, Suzanne Copp, James Stringer

**Absent:** Linda Dixon

**Also Present:** Keith Alexander - Chair of the Board of Education, Town Attorney David Grogins

#### 1. Review and Approval of Minutes:

Minutes from October 1, 2015 meeting are corrected to read that they were held in meeting room #1 at the Newtown Municipal Center. In the second paragraph under section 5 of the minutes, it should have read, "Procedures will continue to be reviewed."

**Motion:** Parker Reardon motioned to accept the October 1, 2015 minutes with the noted corrections. Joyce Murty seconded. The motion was approved unanimously.

#### 2. Correspondence Inward/Outward

**Motion:** James Stringer motioned to note the correspondence from the First Selectman as received. Laurie Kilchevsky seconded. The motion was approved unanimously.

**Motion:** Suzanne Copp motioned to acknowledge that the charter revisions were sent out to the Charter Revision Commission on June 26, 2015. Parker Reardon seconded. The motion was approved unanimously.

#### 3. Old Business

##### a. Working on Clarifying Procedures for Issuing a Complaint

Discussion continued from previous meeting in regards to clarifying the process for how to file a complaint. Mrs. Villa drafted notes on the procedure that was discussed at the last meeting (see attached).

**Motion:** Suzanne Copp motioned to have the following sentence posted on the town website under the Board of Ethics page and it should link to the code. James Stringer seconded. All approved.  
"To File a Complaint, please see sections 303-6 of the Town Code"

##### b. Review Charter Revisions that were submitted to CRC.

Mrs. Villa suggests the board members look over the charter visions on the town website to look over and make sure it reads as the board intended when changes were submitted.

|                         |       |      |
|-------------------------|-------|------|
| Rec'd. for Record       | 12/7  | 2015 |
| Town Clerk of Newtown   | @2:03 | pm   |
| Debbie Aurelie Halstead |       |      |

## **5. New Business**

### **a. Discussion/appointment of alternate member**

The 45 days for the Board of Selectmen to appoint an alternate member to the Board of Ethics has passed. It is now the responsibility of the Board.

**Motion: James Stringer motioned to invite possible new member to the February meeting. Laurie Kilchevsky 2<sup>nd</sup>. All approved.**

### **b. Discuss Advisory Opinion (303-6D)**

Attorney Grogins states that if the activity in question has already happened, a complaint should be made. The Board of Ethics then has the right and the duty to explore privately whether or not they believe if probable cause exists that unethical conduct has occurred. If the activity in question has not happened, then an advisory opinion can be given.

Keith Alexander, Chair of the Board of Education, asks, "if I were an employer, and I was contemplating an action against my employee, I could refer this through the commission, but I couldn't ask about a question about an action of my employee that already happened?" Attyorny Grogins points out that a prior action is the distinction between a complaint and an advisory opinion.

**Motion: Joyce Murty moves to adjourn the meeting. Laurie Kilchevsky 2<sup>nd</sup>. All approved.**

**\*Advised by council to reopen meeting\***

**Joyce Murty revoked motion to adjourn meeting. James Stringer 2<sup>nd</sup>. All approved.**

**Motion: James Stringer motioned that the Board of Ethics contact the potential complainant in a letter informing that their letter dated November 5, 2015 is not an appropriate subject for an advisory opinion and if they wish further comment from the Board of Ethics please file a formal complaint with the board. Laurie Kilchevsky 2<sup>nd</sup>. All approved.**

Adjournment: There being no further business, Joyce Murty motioned to adjourn the meeting at 7:21. Laurie Kilchevsky 2<sup>nd</sup>. All approved.

Respectfully Submitted,

Aileen Barreto, Clerk

Newtown Municipal Center  
3 Primrose St., Newtown, CT 06470  
Tel. 203-270-4201  
Fax 203-270-4205



E. Patricia Llodra  
First Selectman  
203-270-4202  
pat.llodra@newtown-ct.gov

## TOWN OF NEWTOWN

### OFFICE OF THE FIRST SELECTMAN

November 17, 2015

Jaqueline Villa  
[REDACTED]  
[REDACTED]

RE: Board of Ethics

Dear Commission Members,

At the November 16, 2015 meeting of the Board of Selectmen, the board agreed to recommend Rev. Kristen Provost Switzer to fill the vacancy on the Board of Ethics for the vacant alternate term to expire January 6, 2019. Rev. Provost Switzer comes unanimously recommended by the Democratic Town Committee.

The recommendation is being sent directly to the Board of Ethics for appointment by your board because the opening has exceeded the 45 day deadline. As stated in the Charter, Section 4-10 (c), the appointment is now to be filled by the Sustainable Energy Commission.

"Any vacancy on any appointive board or commission, from whatever cause arising, shall be filled by appointment by the Board of Selectman for the unexpired portion of the term vacated, within 45 days of such vacancy. If such vacancy has not been filled by the Board of Selectmen within 45 days, the remaining members of such board or commission shall fill such vacancy subject to the provisions of Section in 4-20 of this Charter."

Rev. Kristen Provost Switzer can be reached at [REDACTED] or [REDACTED]. Her address is [REDACTED] Sandy Hook.

Please let us know if the board has appointed Rev. Provost Switzer. We would then connect with her regarding the need to be sworn in.

Please feel free to contact me with any questions.

Sincerely,

E. Patricia Llodra  
First Selectman

EPL/sm

Enc.

On Tue, Nov 3, 2015 at 4:56 PM, Rev. Kristen Provost Switzer <[REDACTED]> wrote:

Dear Ms. First Selectman,

I hope that this e-mail finds you well on this Election Day.

I am writing to express interest in regards to the opening for an Alternate on the Board of Ethics. (Forgive me if I am addressing this to the incorrect person- I'm not quite sure who to be in touch with.)

A native of Newtown, I recently moved back to Sandy Hook with my husband in February. I currently serve as a clergy person at a congregation in Prospect, CT. I hold a Bachelor of Science in Psychology from Northeastern University, and a Master of Divinity from Yale Divinity School. Ethics was a favorite subject of mine in graduate school, and I took many classes in this subject area at Hartford Seminary and Yale Divinity School.

I am interested in this position because I love Newtown. I chose to move back here because I love this town and the people in it, and regardless of the outcome of this inquiry, it is an honor just to be considered for service in this capacity.

Many thanks in advance for your time and consideration.

Sincerely,

*The Rev. Kristen Provost Switzer*

Designated Pastor, Prospect Congregational Church, UCC

[REDACTED]  
[REDACTED]  
Phone: [REDACTED]

In case of Pastoral Emergency: [REDACTED]

Fax: [REDACTED]

[REDACTED]

October 1, 2015 Meeting

Notes on procedure clarifications

1. A complaint must be.....in writing, by certified or return receipt USPS mail. All complaints must be signed, identifying the person whom the complaint is against, specific nature of the complaint, & include mailing address and phone # of complainant(you).
2. First, the complainant is notified in writing by registered or return receipt USPS mail.
3. Upon confirmation of receipt, the Board will review the complaint.
4. If necessary, the respondent is notified in writing by return requested mail that the complaint has been received and is provided a copy of the complaint.

Charter Revision : Board of Ethics  
Fri, Jun 26, 2015 12:09 am

Dear Charter Revision Commission,

Attached you will find minor language revisions for the Code of Ethics chapter 4-60 sections (a),(d),(h),(i).

We apologize for the delay in getting this to your committee. Please advise if you have any questions.

Thank you,

Jackie Villa  
Chairman, Board of Ethics

#### 4-60 BOARD OF ETHICS

(a) There shall be a Board of Ethics composed of 6 regular members and 2 alternate 14 members. The Board of Ethics shall have the powers and duties set forth herein and in the General Statutes. At no time shall more than 3 regular members and one alternate member be of the same political party. An alternate member shall vote only in the absence or disability of a regular member. A quorum shall be 4 members. The First Selectman, with the approval of the Board of Selectmen, shall appoint all members to the Board of Ethics.

All appointments to the Board shall be for a term of 4 years. In no event may any member of the Board serve on said Board for a period of more than 8 years in succession unless fulfilling a vacated term. Any

member who has served for 8 years in succession shall be ineligible for reappointment to the Board for a period of 4 years after he last served on the Board of Ethics. Each member shall serve until his successor has been appointed.

(b) The Code of Ethics is an ordinance which can be amended in accordance with the procedures for amending ordinances except that the Board of Ethics, without a petition, may propose amendments. In the event that an amendment is so proposed, the Legislative Council shall have 60 days to approve, modify or reject said amendment.

(c) The Board shall be charged with the administration of the Code of Ethics. The Board shall adopt and may amend reasonable rules and regulations for the administration of its proceedings. Prior to adopting or amending said rules and regulations, the Board shall hold a public hearing. Notice of the date, time and place of the public hearing, together with the text of the proposed amendment, shall be published in a newspaper having a substantial circulation in the Town of Newtown not less than 10 days before the date of said hearing. All such rules and regulations, as currently amended, shall be made available at the office of the Town Clerk to any elector of the Town.

(d) The Board shall receive complaints of any violations of the Code of Ethics and shall, upon receipt of such complaint, investigate the same and may hold private ~~hearings~~ investigations thereon if, in the opinion of the majority of the Board, said complaint warrants a hearing. Any complaint received

by the Board must be in writing and signed by the individual making said complaint. Complaints made to the Board of Ethics shall not be made public unless and until the complaint is found to warrant an investigation a hearing. Upon receiving any complaint, the Board shall privately notify in writing the person against whom said complaint has been filed, advising the concerned party of the specific nature of the complaint made and being investigated by the Board and the name of the complainant. Upon receipt of said notice from the Board, the party so notified that a complaint has been filed against him/her shall have the right to ~~demand~~ request a full hearing by the Board. In the event the Board decides that a hearing is required, or the person whose conduct is being called into question ~~demands~~ requests a hearing, said hearing shall afford the person whose conduct is called into question the right to cross-examine anyone testifying against him/her, to meet and answer any complaint made of his/her conduct, and to present evidence in his/her own behalf. No hearing may be conducted with less than 4 members of the Board in attendance.

(e) In the event the Board shall receive complaints against any officer, official or employee of the Town, the investigation and disposition of which have been delegated to other boards or commissions created by the Charter or under the General Statutes, then the Board shall forward the complaint received to the appropriate board or commission. The board or commission to which such complaints are forwarded shall thereafter notify the Board of the disposition made of said complaint.<sup>15</sup>

(f) The Board shall report to the Board of Selectmen its finding as to whether or not a violation of the Code of Ethics has occurred, together with recommendation as to dispositions to be made. The First Selectman with the approval of the Board of Selectmen shall thereupon take such action as it may deem appropriate including, but not limited to, removal from office, suspension or censure of the person(s) who is the subject of the complaint or dismissal of the charges, except that elected officials may not be removed or suspended from office.

(g) Whenever, an officer, official or employee of the Town is contemplating taking an action or participating in any proceeding and has any question concerning the conformity of that action or participation with the Code of Ethics, the officer, official or employee shall have the right to seek an advisory opinion of the Board. Such request must be submitted in writing and the



resulting advisory opinion from the Board shall be in writing.

(h) ~~All opinions, findings and recommendations of the Board, whether advisory or at the request of a complainant,~~ The results of all public hearings shall be kept on file in the office of the Town Clerk.

(i) The Legislative Council, by regulation, may prescribe procedures permitting the reimbursement by the Town of any reasonable and out-of-pocket attorney's fees incurred in connection with an appearance before the Board of Ethics by an officer, official or employee of the Town.