

**Town of Newtown
Board of Ethics
Regular Meeting
October 6, 2016
7:30 p.m.
Newtown Municipal Center – Meeting Room #3
3 Primrose Street, Newtown, CT**

The Board of Ethics held a regular meeting on Thursday, October 6, 2016 in Meeting Room #3 at the Newtown Municipal Center, Newtown, CT. The meeting was call to order at 7:44.

Present: Jackie Villa, Chair; Joyce Murty, Vice Chair; Suzanne Copp, Tom Fuchs, Laurie Kilchevsky (arriving at 7:53)

Absent: Rev. Kristen Provost Switzer

Ms. Villa called the meeting to order at 7:44 p.m. stating that Ms. Kilchevsky would be joining shortly. Arlene Miles, Clerk, was unable to attend. Ms. Villa asked Ms. Murty to take the minutes of the meeting.

Minutes: Ms. Villa stated that the first order of business was the approval of the minutes of the special meeting held on September 28, 2016. After discussion, the following changes under "UNFINISHED BUSINESS," *Review final report/chronological summary regarding CA3-15 and CB3-15*, were made:

- #18 – change "voting was completed" to "voting was conducted"
- #19 – change "After the public hearings" to "During the public hearings"
- #21 – insert "22" after " #21 becomes"

The following change in the first sentence under *Executive Session* was made: change "FIC 2016-0374" to "FIC 2016-0371".

Ms. Kilchevsky moved to approve the minutes of the special meeting held on September 28, 2016 with the revisions noted above. Ms. Murty seconded, motion unanimously approved.

Correspondence: Ms. Villa presented emails between her, John Voket and Tom Hennick (Attachment A).

UNFINISHED BUSINESS

Discuss research results assigned at the August 4, 2016 meeting – Ms. Murty reported on a telephone conversation that she, Ms. Provost Switzer and Tom Hennick from FOIA had on Tuesday, October 5, 2016 as a follow-up to the email that Ms. Provost Switzer had received from Mr. Hennick regarding subcommittees. Mr. Hennick confirmed that a subcommittee meeting could be held by telephonic conference among members, but that the physical location of the meeting had to be held in a public meeting room. Ms. Murty and Ms. Provost Switzer then asked Mr. Hennick whether a caucus of members of a single political party political party would constitute a “meeting” under FOIA. Mr. Hennick confirmed that there was an exception in the definition of “meeting” under FOIA and that a caucus could meet without running afoul of FOIA. The Board then briefly discussed the options for proceeding with working groups outside of full Board participation, and requested Ms. Murty to further explore with Mr. Hennick how an “unaffiliated” member would register to caucus with affiliated party members. **Mr. Fuchs then moved to table the remaining topics of research. Suzanne Copp seconded, motion unanimously approved.**

NEW BUSINESS

Schedule additional regular meetings. The Board determined to hold additional meetings through April 2017 and, subject to availability of Arlene Miles, Clerk, **Mr. Fuchs motioned to add meetings on November 7, 2016, January 5, 2017 and March 2, 2017. Ms. Copp seconded, motion unanimously approved.**

Accept Regular Meeting Schedule 2017. **The Board, upon motion by Mr. Fuchs and seconded by Ms. Copp, unanimously approved the attached Regular Meeting Schedule 2017, with the addition of January 5, 2017 and March 2, 2017 (Attachment B).**

EXECUTIVE SESSION

Having no further new business, **Ms. Murty moved to go into executive session at 8:59 to discuss the pending FOIA hearing FIC 2016-0433 and FIC 2016-0371. Ms. Kilchevesky seconded, motion unanimously approved.**

After executive session ended at 11:09, **Mr. Fuchs moved to approve a response from the Board to Mr. John Voket’s email of October 2, 2016 (Attachment C). Ms. Murty seconded, motion unanimously approved.**

There being no further business to come before the Board, the meeting was adjourned at 11:11 pm.

Respectfully submitted,
Joyce Murty

Attachment A

From: Hennick, Thomas A <Thomas.Hennick@ct.gov>
To: jacfab5 <jacfab5@aol.com>
Subject: RE: Regarding your response of September 30
Date: Thu, Oct 6, 2016 12:56 pm

That's your right, Jackie. The hearing, then, will proceed as scheduled.

From: jacfab5@aol.com [<mailto:jacfab5@aol.com>]
Sent: Thursday, October 06, 2016 12:49 PM
To: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Subject: Fwd: Regarding your response of September 30

Dear Mr. Hennick,

Given the lack of credibility displayed by the complainant, you can understand my reluctance to make an admission to an accusation, without it having been decided by the proper authorities of the FOI Commission as a result of **Due Process**.

Your time and effort in this matter is sincerely appreciated.

Jackie

Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown

From: Jackie <jacfab5@aol.com>
To: Tom Hennick <Thomas.Hennick@ct.gov>
Subject: Fwd: Regarding your response of September 30
Date: Mon, Oct 3, 2016 8:43 am

Dear Mr. Hennick,
The Board of Ethics has a regular meeting scheduled for Oct. 6. As I recall, you stated there are no deadlines with regards to FOI complaint. Can you please reiterate that fact to Mr. Voket as he continues to issue deadlines.

Thank you very much,
Jackie

Jacqueline Villa, Chairman
Board of Ethics
Town of Newtown

Begin forwarded message:

From: "John Voket" <John@thebee.com>
Date: October 2, 2016 at 4:45:31 PM EDT
To: <jacfab5@aol.com>, "Hennick, Thomas A" <Thomas.Hennick@ct.gov>
Cc: "Pat Llodra" <pat.llodra@newtown-ct.gov>
Subject: Regarding your response of September 30

Regarding the first point of my appeal:

Mr Hennick has assured me that contacting the Board members individually by telephone to identify how that member voted by anonymous ballot at the April 18, 2016 meeting was **ABSOLUTELY** a "meeting" as defined by Section 1-200 (2) of the Connecticut Freedom of Information Act.

So if I do not receive a reply of admission from you in writing by noon, Tuesday October 4, indicating you violated the FOIA by polling your members individually by phone to obtain the information contained on ballots in the sealed envelopes, I plan to proceed with the hearing scheduled on October 11.

Also, in regard to item #3, refer to my appeal excepted below*** - it was the March 14 agenda that reflected a planned executive session to: "*confer with counsel regarding hearing procedures and possible action.*" That is, according to Mr Hennick, not a valid reason under the FOIA to convene an executive session - and once your meeting convened, you then apparently announced the executive session would be to specifically discuss the pending Hamilton/Freedman cases.

****The third appeal is regarding an executive session that came to my attention April 19 (2016) when I received a package of correspondence drawing my attention to another apparent violation of the CT FOIA. That executive session in question occurred on March 14, 2016. Find attached a copy of an agenda for that meeting that indicates an executive session is planned to "confer with counsel regarding hearing procedures and possible action."*

Attached also find minutes to that meeting that indicate in paragraph 3 that a closed executive session was actually held to discuss the specific ethics complaints against Ms Hamilton and Mr Freedman, and not simply "hearing procedures" as previously indicated in the enclosed letter of probable cause.

So unless you acknowledge that you filed an agenda that was in violation of FOIA by noon, Tuesday October 4, I plan to proceed with that appeal during the October 11 hearing as well.

Thank you in advance for your cooperation - I hope your preference is to conclude this matter without taking up the commission's valuable time, and incurring further expense to Newtown and state taxpayers by forcing these matters to a hearing.

John Voket

Associate Editor

The Newtown Bee...since 1877

vm: 203-509-2246

Do all the good you can, By all the means you can, In all the ways you can, In all the places you can, At all the times you can, To all the people you can, As long as ever you can. - John Wesley's Rule

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TOWN OF NEWTOWN

BOARD OF ETHICS

Regular Meeting Schedule 2017

January 5

February 2

March 2

April 6

June 1

August 3

October 5

December 7

ATTACHMENT C -Regular Meeting of the Board of Ethics on October 6, 2016

Response to Mr. Voket's email of October 2, 2016

Dear Mr. Voket,

The Board of Ethics meeting on October 6, 2016 was the first opportunity for the Board to meet since your October 2, 2016 email. The Board also wishes to conclude this matter as quickly as possible. As such, we submit the below responses to your October 2, 2016 email. We trust that this will satisfy your offer to withdraw the complaints.

Response #1:

During its October 6, 2016 meeting, and after extensive discussion, the Board of Ethics acknowledges that the individual polling by telephone of members on May 18, 2016 to identify how each Board member voted on April 18, 2016 was a FOIA violation.

Response #2:

As published on the agenda for its March 14, 2016 Special Meeting, the Board of Ethics convened the Executive Session to confer with counsel regarding hearing procedures and possible action under the sincere belief that this was permissible under FOIA. The Board acknowledges that this was done in error.

Respectfully submitted,

Jacqueline Villa, Chairman

Board of Ethics

Town of Newtown