



# Town of Shelburne, Vermont

CHARTERED 1763

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## Shelburne Ethics Committee Draft Meeting Minutes June 27, 2016

Attendance: Committee Members Lee Suskin, Tom Little, Michael Ashoosh, Bill Deming, Gwen Webster;  
Alternate Pete Gadue

Also present: Joe Colangelo, Town Manager (by phone); Brian Monahan, Esq., Town Attorney

- 1) Call to Order. Lee Suskin, Chair, called the meeting to order at 8:10 am.
- 2) Review of Agenda. The Committee reviewed the proposed Agenda and made no changes to it. A copy of the Agenda is attached to these Minutes.
- 3) Public Comment. No one from the general public appeared and spoke.
- 4) Review of Minutes of August 11, 2015, and April 7, 2016 Meetings. The Committee reviewed the draft Minutes of its last two meetings, August 11, 2015, and April 7, 2016, and approved them.
- 5) Discussion of Planning the Upcoming Training of Public Officials on the Ethics and Conflict of Interest Ordinance. The Chair shared his recent discussions on this topic with Town Manager Joe Colangelo and Town Attorney Brian Monahan. Joe offered that he thinks the training should be offered to CBC members, with at least one member (and ideally the Chair) from each CBC. There are around 70-80 CBC members. Joe suggests September or early November.

Topics: Open meeting law; conflicts of interest; role of CBCs vis a vis Selectboard and Town Manager; public records law compliance by CBC members (including records retention and destruction, and whether the Town should have a formal policy); legislative function versus quasi-judicial function; scope of appropriate communications between Town staff and CBC's and CBC members. How to use hypotheticals? Brian will handle that piece; Ethics Committee members should not comment on or answer any hypothetical questions.

Open meeting law topics: What's a "meeting;" what are the limits of *ad seriatim* email exchanges and telephone calls (as opposed to a conference call among a quorum of the members of a CBC); what constitutes a quorum; what are the grounds for deciding to enter executive session; what is the difference between an executive session and a deliberative session; what are the limits of executive sessions and deliberative sessions; how do you go into executive session and how do you come out of executive session.

Conflict of interest topics: the distinction between a conflict of interest and the appearance of a conflict of interest (and how the bar is set higher in a quasi-judicial setting); possible use of a recent DRB hearing (sitting as a quasi-judicial body) to illustrate this.

The training will also examine the authority, under the Town Charter, of the Town Manager vis a vis the Selectboard. (The Town Attorney recently made a presentation on this to the Selectboard, cablecast by VCAM.) There was discussion of the Charter's "strong" Town Manager model.

The Chair will continue his discussions with the Town Manager and the Town Attorney about planning the training session, developing the handouts and formulating some hypothetical questions. The Chair will consult with the League of Cities and Towns about resources available for handouts for the training session. The handouts should be distributed to the attendees ahead of time, where possible. The Town Manager will send out a request to CBC members to send in questions for the training session. The Town Attorney will lead the training session.

- 6) Discussion of Any Other Matters Raised by Committee Members Related to Ethics and Conflicts of Interest of Town Public Officials. The Chair asked the members who have not yet submitted their short biographical statement, to do so. There was no further discussion.
- 7) Next Meeting. The Chair will consider calling a special meeting of the Committee, if advisable, prior to the training session.

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,

Thomas A. Little  
Clerk *Pro Tempore*