

**Shelburne Ethics Committee  
Special Meeting DRAFT Minutes  
January 17, 2018**

Committee Member Attendees: Lee Suskin - Chair, Tom Little - Vice Chair, Mike Ashooh, Bill Deming, Pete Gadue - Alternate, Diana Vachon – Clerk, Gwen Webster

Public Attendees: Mike Donoghue

Called to order at 7:07 PM. We have full membership in attendance. Alternate Pete Gadue will participate in the discussion, but not vote.

**Consideration of the Agenda:** Chair Suskin asked if there were suggested changes to the agenda. Hearing none, the Committee moved forward with the posted agenda.

**Opportunity to Disclose:** Chair Suskin gave every member and opportunity to disclose a conflict and an appearance of a conflict of interest for items on the agenda, stating that there will be time to disclose again during the closed deliberation session concerning only the complaint filed on 1/11/18 after everyone has had a chance to review it. Hearing none, the Committee moved on.

**Public Comments:** Mr. Donoghue is happy to be here.

**Consideration of Written Decision of No Probable Cause Determination on Complaint filed 12/7/17** Vice Chair Little shared a written decision on the Complaint filed on 12/7/17 for the Committee to approve before it goes public. The Committee made a couple of suggested changes. Vice Chair Little hand wrote them and submitted to be part of the minutes. Ms. Webster moved to accept the Written Decision on Complaint filed 12/7/17 with the suggested edits. Mr. Deming seconded the motion. Motion passed unanimously. See Attachment A at the end of these minutes.

**Reconsideration of the Ethics Committee Budget Request to the Selectboard:** Chair Suskin handed out an email thread from Joe Colangelo. Mr. Colangelo is requesting the Ethics Committee reconsider their budget request. For the Complaint filed on 1/11/18, Mr. Colangelo has approved 3 hours of independent legal counsel for the Committee to use as needed in determining probable cause. Chair Suskin publicly thanked Mr. Colangelo for the approval of funds in this instance. The Committee discussed two “kinks” to the process of the Committee spending money per Article 15 d of the Ethics Ordinance. 1) What happens if probable cause is found and the Town Manager is then conflicted from providing additional funds to the Committee to hear and decide the complaint? What happens if the Town Manager is the complainant? Lee suggested that we address only the first kink at this time and proposed the following:

The Ethics Committee agrees to withdraw its budget request if the Town Manager agrees to authorize the Ethics Committee to spend up to \$2,500.00 to determine probable cause and hear and resolve each complaint filed under the Ordinance.

The Ethics Committee agrees to make the request prior to the complaint becoming public and agrees to spend the funds wisely and only as needed.”

The Committee discussed the proposal. Chair Suskin with submit the proposal to Mr. Colangelo with the understanding that it is negotiable. Mr. Deming so moves. Vice Chair Little seconds the motion. Motion passes unanimously.

**Go into Closed Deliberative Session to Conduct a Preliminary Investigation of a complaint filed on 01/11/18: Complaint #20180111 – 001** At 7:36 PM, Vice Chair Little made a motion to enter a deliberative session to undertake a confidential preliminary investigation of the complaint per the Ethics Ordinance Chapter 5 Article 16 d. Mr. Ashooh seconds the motion. The motion passed unanimously.

At approximately 10:20 pm, the Committee recessed the deliberative session and entered public session. Acting Chair Tom Little said that members Suskin and Gadue had recused themselves from the proceedings on the new Complaint. He said that the Committee had reached a unanimous decision that the Complaint did not satisfy the Ordinance’s probable cause standard, and that a written decision would be issued soon. The members participating in the decision were Little, Webster, Ashooh and Deming.

There being no further business, the meeting was adjourned by unanimous vote on a motion made by Gwen Webster and seconded by Bill Deming.

Pre-deliberative minutes respectfully submitted by Diana Vachon, Clerk and Vice Chair Tom Little respectfully submitted the post deliberative minutes.

TOWN OF SHELBURNE  
ETHICS COMMITTEE

DECISION Re: Complaint #20171207 – 006

On December 11, 2017, the Committee met to deliberate on Complaint #20171207 – 006. The members carefully read the Complaint, discussed it and asked questions about it of each other. The members determined that no conflict of interest or appearance thereof required any member to recuse himself or herself. The Committee then deliberated on whether the Complaint satisfied the Ordinance’s probable cause requirement, and concluded unanimously that the Complaint failed to clearly or credibly state or support a violation of the Ordinance by the Respondent. Because the vote was to find no probable cause, and thus the identities of the Complainant and Respondent must remain confidential under the Ordinance, any further or more detailed discussion of the rationale and reasoning for the Committee’s conclusion is not possible or permitted.

For these reasons, the Committee dismisses Complaint #20171207 – 006.

Dated: 11/17/18

  
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Lee Suskin, Chair

Thomas A. Little, Acting Chair  
Participating in the Decision vote on this  
January 17, 2018.

- Lee Suskin
- Thomas A. Little
- William Deming
- Michael Ashooh
- Gwen Webster