

Town of Shelburne
Ethics Committee Meeting
Thursday 2/16/17
Town Offices Meeting Room 2
Final Minutes

Attendees: Lee Suskin, Chair; Tom Little, Vice Chair; Pete Gadue; Bill Deming; Mike Ashooh; Diana Vachon, Clerk

Chair Lee Suskin called the meeting to order at 8:05 am and proceeded to lead the Committee through the posted Agenda (copy attached to these Minutes).

A question was raised about Agenda item #6 in the 1/13/17 draft Minutes concerning the Selectboard's request for input on the performance evaluation for the Town manager. Some Town commissions, boards and committees (CBCs), but not all, received this request in a communication from the Town Manager. Lee informed the Committee that he had asked the Town Manager why the Ethics Committee had not received this request, and was advised that the choice of which CBCs got the request had not been his. Tom Little suggested some edits to the 1/13/17 Minutes.

Tom made a motion to accept the 1/13/17 Minutes with his edits. Bill Deming seconded the motion. The motion passed by unanimous vote.

Mike Ashooh arrived 8:10 am.

Pete Gadue then moved to accept the draft Minutes of the 2/4/17 meeting as posted. Bill seconded the motion and it was approved unanimously.

Lee apologized for being unavailable to attend the 2/4/17 meeting and thanked the Committee for stepping up and handling the situation well.

There was discussion to clarify Tom as vice chair. Bill made a motion to name Tom Vice-Chair. Lee and Mike seconded it and all voted in favor. It was noted that in the Ordinance, Article 15-sub section F, that the Committee shall elect both a chair and a vice chair.

The meeting then turned to a discussion regarding where we are at and what our focus is on. What do we want to do over the next year? Lee mentioned his 1/6/17 memo listing potential goals and steps. The discussion touched on the Committee's current role and possible different roles if the Ordinance were amended. Tom raised the need to review and likely revise portions of the Rules of Procedure in light of some challenges encountered recently in applying them. We need to clarify when to send notice to the person that the complaint has been filed against. For example, when the complaint is received or after the committee has found probable cause? Discussion. There is no

deadline to find probable cause, although due diligence and reasonable speed are assumed. There was discussion of how to respond to a situation where at least the complaining person believes that there is an emergency. There was consensus that the Committee is not ready to take any action today to revise the Rules.

The members discussed whether the Ordinance requires giving notice of a public meeting when the Committee is to meet to determine whether probable cause exists – i.e., while the complaint is still strictly confidential. Tom noted that the Board of Civil Authority does post when it is having a deliberative session on a property tax grievance appeal and where that is the only agenda item. He said that the BCA generally does give notice, due to the open meeting law, and sometimes goes into a closed session, but not always.

There then was discussed of the recent settlement agreement involving all members of the Selectboard.

The legislature is debating whether and how to create a state Ethics Committee and may ask Shelburne to testify to how its ordinance works.

The discussion then focused on whether the Town should have some CBC or official that could give practical advice on ethics and conflict of interest concerns. The Ethics Committee may not be the appropriate source for such advice, considering its primary quasi-judicial role. As stated in the Ordinance, public officials need to be impartial and responsible to the people. The purpose of the ordinance is good, but it has not enabled the Town to avoid the recent turmoil on the Selectboard. The Committee reached a consensus that it would be a good idea to consult with the Vermont League of Cities and Towns (VLCT) to see if other towns have figured out a way to address this concern.

Diana will remind Joe Colangelo to add an Ethics Committee update to his weekly Town Manager's report, explaining that persons can file complaints directly with the clerk of the Ethics Committee.

There is a definition of probable cause in the Rules of Procedure, in Article III.

There then was discussion of whether the Committee should engage legal counsel to assist in the process of reviewing and revising the Rules. The consensus was to reach out to VLCT to see if they have any resources. Bill thinks we have enough brains in the room to figure this out.

At the next meeting Tom and Lee will have a proposal for Rule changes and possibly suggestions for the Ordinance. We will also go through Lee's 1/6 list to put on our agenda for the year and create an action plan for the year.

It was reported that Gwen Webster may be having email troubles. Lee will call and check in with her to make sure that she receives notice of meetings.

Diana will check with the Town Manager what the terms of office are for the Committee members. All agree that the terms should be staggered.

The Committee discussed whether we should make the Town more aware of the Committee and its role? Perhaps raise awareness through an article in the Shelburne News?

The next meeting is set for 3/16/17 from 8:00 am to 9:30 am.

The meeting adjourned at 9:30 am.

Respectfully submitted by Diana Vachon