

**EAST HAVEN BOARD OF ETHICS
SPECIAL MEETING MINUTES
TUESDAY, AUGUST 29, 2017**

The East Haven Board of Ethics held a special meeting Tuesday, August 29, 2017, at 7:00PM in the Mario Giaimo Room, East Haven Town Hall, 250 Main Street, East Haven, CT 06512.

Chairwoman Marlene Asid calls the meeting to order at 7:00PM.

Item #1

Roll Call-all three members present (Marlene Asid, Anthony Naclerio and Joseph Polio). Town Attorney Joseph Zullo was also present.

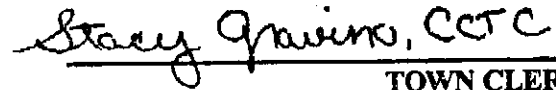
Item #2

Pledge of Allegiance

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Item #3

Appointment of Temporary Clerk.


TOWN CLERK

Chairwoman Asid makes a motion to appoint Danelle Feeley.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #4

Brief review as to Board procedure.

Chairwoman Asid says since it has been a while since they met they would like to review the Board's procedure. She explains that their meetings are called special meetings because they don't have regular meetings; they meet as needed when they get complaints. When they receive notice of a complaint, they set a meeting within a certain amount of time after receiving the complaint. The first action is to act upon the complaint by sending out letters to the complainant and subject of the complaint. The Board will meet to address and review the complaint to determine if it has merit as a valid complaint to move forward to a hearing. At special meetings such as this evening, they are all open to the public and the complainants and subject of the complaint are invited to attend but the meetings are closed to comment from people other than the Board and the Attorney. If after the Board reviews the complaints and any are determined that they have merit to go forward to a hearing, a hearing will be set and at that time each party will be able to speak, the Board will be able to ask questions of each of the parties and then determine whether it is a violation of the ethics. Their only

means of investigation is what is in the Town Charter and maybe what is on the Town website; they don't have the ability to go much further than that and any questions they ask. Should they decide that there has been what they consider an ethical violation, they do not have the final say as the Board of Ethics they make the referral to the Town Council what their recommendation is based on their investigation and the hearings. The Town Council would make the final determination as to whether or not they also consider it a violation of the Ethics according to the Town Charter and what their recommendation is as far as what their adjudication would be.

Town Attorney Joseph Zullo suggests avoiding one word, which is merit, the issues tonight or any preliminary hearing are really whether the Board has jurisdiction to hear the matter. Merit implies it might have value; they are just making a judgment call if there is something in the Charter that allows them to hear it.

Item #5

Consideration and potential action regarding an anonymous complaint regarding miscellaneous Board of Education members.

Chairwoman Asid says she received the package, consulted the Town Attorney and forwarded it to the other members of the Board of Ethics. Her inclination is that they really can't rule on something that is anonymous. It was also sent to the State Board of Ethics and contains an article that appeared in a local paper as well as a resume. It was signed anonymously as concerned citizens, parents and staff; there were no individual names. That is the primary reason she feels they can't rule on it and they can just file it for record purposes.

Commissioner Polio says concerned parents, staff and community members is a very general term. For it to be of that much importance, he would think someone in that group would come forward and put their name on it. He can see there is an issue at least in the second paragraph that talks about committing criminal acts. He thinks that might be one of the reasons that whomever submitted it doesn't want to put their name on it because that can be a liable issue for the person complaining. How do you address something that is not verifiable? It's looking for an investigation, the Board does not have investigative powers, they don't have investigators and they can't go out and do it because according to the Charter, that is not their job. They aren't law enforcement agencies or detectives so in order to verify this information it would have to be substantiated by someone with information that is documentable in order to have any basis to meet on it. Whoever wrote it has a deep concern but who is the question and if someone wants to come forward and say it's how he or she feels then they can discuss whether or not they hear it.

Commissioner Naclerio says he agrees with what they both said and to investigate it further, he doesn't see them being able to do that. He doesn't think its something for the Ethics Board to judge on.

Commissioner Polio adds if there is criminal conduct that is something that should be addressed through law enforcement.

Chairwoman Asid says when looking through the Town Charter for the various Board and Commissions and their roles, the Board of Education is really an entity in itself that is governed by the State regulations and aside from the criminal piece of the accusations there is really nothing they can hold to ethical violations.

Chairwoman Asid makes a motion to make a finding of no jurisdiction and close the matter.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #6

Consideration and potential action regarding a complaint by Marc Conte.

Chairwoman Asid reads the letter they received from Marc Conte, which the subject of the letter is the Chairman of the Board of Education who he says, responds in a threatening manner and displays anger, rage and a complete lack of respect. He asks if there is a hidden agenda or ulterior motive and says these acts of reacting in a threatening manner are an abuse of power and should be investigated. He requests that the current members of the Ethics Commission ask that the Board of Education Chairman step down immediately and resign from his elected position. He says he is unfit to lead and has abused his position in a threatening manner.

Commissioner Naclerio says he doesn't know if he was at the meeting to witness this or if it is just hearsay. Is it Mr. Finkle's personality to raise his voice? He doesn't know. If these are things they need to find out, that is as far as they could go because it is he said/she said.

Commissioner Polio says they don't have the power to tell someone to step down. Generally on Boards, the Boards police themselves and he is on a Board other than this one and they have an incredible amount of power within the Board so he is wondering where the break down maybe was in this meeting where someone within the Board didn't tell him he was out of line. He understands at a Town meeting there can be some

tempers that rise and some controversy and if it rises to the level of shouting he thinks within the Board it is their responsibility to calm it down. This is not an ethical issue; it's a legislative issue within the organization. Unfortunately people do get angry but he wasn't there so he wouldn't judge it because it doesn't fall within the Charter.

Chairwoman Asid says she agrees with both of them, they weren't there and they don't know if Mr. Conte was there. As far as she heard, which could be hearsay, it was a closed meeting and people heard arguing going on and her understanding is that more than one voice was raised. She would think if this is the continued behavior of this Chairman that the Board itself would ask him to step down. Is it an ethical violation or lack of professionalism, she doesn't see it being addressed within the confines of the Town Charter. She would think if the Board of Education itself was dismayed by the behavior at the meeting and found it so vile that they would want him to step down and resign then they would ask him to do that; it's outside of the jurisdiction of the Board of Ethics to do that. Even if they found it had jurisdiction to move forward to a hearing, which she doesn't think it does, they could only make a recommendation to the Council but she doesn't think they need to go that far because what questions can they ask that are in the Charter and would be a response as to whether or not this is a violation of ethics. It could have just been heat of the moment that evening she doesn't know that this is typical behavior at these meetings.

Chairwoman Asid says her recommendation is that she doesn't see there is jurisdiction to continue this to a hearing or going any further than just closing the issue.

Commissioner Naclerio makes a motion to dismiss it.

Commissioner Polio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #ss

Consideration and potential action regarding a complaint by Dominic Milano.

Chairwoman Asid reads a letter received from Dominic Milano, which the subject of the letter is Town Council member Robert Parente who he says has violated his oath of office and the Town Charter and ordinances with conflict of interest in his vote of the 2017/2018 budget. Specifically, Mr. Parente is the Superintendent of Operations for the Public Works Department and should have abstained from voting for the 3% raise for the position he holds. Mr. Parente is the chairman of the Republican Town Committee and voted on a \$22,000 raise (over two years) for the Mayor. Mr. Parente also voted on the stipend his daughter receives for clerk of the Board of Finance. He indicates that Mr.

Parente needs to be held accountable and should resign from the Town Council, he asks the Board to impose actions that will address these violations.

Commissioner Polio says he thinks it needs to be addressed; there is no question that they need to address it. He thinks the complainant needs to provide as much information for them to substantiate this with information in the form of documentation. He would also suggest that if they do deal with it that Mr. Parente should be able to provide a basis to address the issues in the opposite direction. If this on its basis is accurate, he thinks they have an obligation to address it.

Commissioner Naclerio says he agrees, there are three items there and he thinks they need to ask some questions and get some answers.

Chairwoman Asid agrees and says the accusations here fall within the jurisdiction of the Board to investigate within the Town Charter and within the confines of the Board of Ethics. This should proceed to a hearing where they can ask questions and get answers accordingly so they can make a proper decision and recommendation whether they close it or send their own recommendation to the Council.

Chairwoman Asid makes a motion that they send this to a hearing on a specified date to move forward and notify each of the parties involved inviting them to speak on their own behalf.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

The Board agrees that they will meet on Tuesday, September 12, 2017 at 7:00PM in the Mario Giaimo Room, East Haven Town Hall, 250 Main Street, East Haven, CT 06512.

Chairwoman Asid makes a motion to adjourn.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:27PM.

Respectfully Submitted,

Danelle Feeley
Clerk - Board of Ethics