

# **Board of Selectmen Financial Meeting**

## **September 5, 2007 - 7:30 PM**

PRESENT: Susan Bransfield, Scott Adamsons, John Anderson, Brian Flood, Mark Finkelstein, Sharon Gibala, Kathy Richards

Others present: Attorney Joe McQuade, Attorney Jeanne D'Aquila; Ethics Commission Chair Jeanne Dilworth and Ethics Commission members: Terry Larson, Norman Emond, and Janet Ellsworth

1. First Selectwoman Call Financial Meeting to Order

Mrs. Bransfield called the meeting to order at 7:32 pm.

2. Pledge Of Allegiance

There was a motion by Scott Adamsons, seconded by Sharon Gibala to enter into Executive Session. The BOS entered into Executive session at 7:33 pm.

3. Executive Session: Pension Contract

4. Executive Session: Pending Litigation: Ed Kalinowski vs. The Town of Portland

The Financial Meeting was reconvened at 8:45 pm.

5. Approve Minutes: none

6. Accept Agenda

There was a motion by Kathy Richards, seconded by Scott Adamsons to accept the agenda as presented. Vote unanimous, motion carried.

7. Communications / Correspondence: CTVNA Contract

Mrs. Bransfield explained the agreement for the provision of services and the reason for the contract with the CT Visiting Nurses Association.

Mrs. Bransfield read into the record a letter from Margaret Hobbs of Hamden, thanking the Portland Police Department for their help on her recent trip to Portland and the assistance they gave her when she was lost.

Mrs. Bransfield stated that the Veterans Property Tax Exemption Program must receive applications prior to October 1, 2007. Veterans must fill out an application and have an annual income of less than \$25,000.

8. Public Comment: none

9. Discussion /Approval of Pension Contract

Mrs. Bransfield read into record the resolution regarding amendments to the defined benefit pension plan for the employees of the Town of Portland, CT.

**AMENDMENTS TO THE DEFINED BENEFIT PENSION PLAN  
FOR THE EMPLOYEES OF THE TOWN OF PORTLAND, CT**

RESOLVED, that the Town of Portland and the individually named Unions (Town Administrative Non-Union, MEUI Clerical & Supervisory, MEUI Library, AFSCME Public Works, AFSCME BOE Custodians & Maintenance, Portland Federation of Paraprofessionals, MEUI BOE Nurses & Secretaries/Media Assistants) that are signatories to the Pension Agreement agree that the Defined Benefit Pension Plan shall be amended; and

RESOLVED, that with the exception of the amendments to Section 4.03 and Section 5.04/Appendix B, all amendments shall be effective upon the ratification of the Pension Agreement by all parties; and

RESOLVED, that the First Selectwoman Susan S. Bransfield, be and hereby is authorized to act on behalf of the Town of Portland to sign the amended Defined Benefit Pension Plan.

There was a motion by Scott Adamsons, seconded by Kathy Richards to adopt this resolution:  
AYE: Scott Adamsons, Brian Flood, Susan Bransfield, Mark Finkelstein, Kathy Richards, Sharon Gibala  
NAY: none  
ABSTAIN: John Anderson  
Motion passed.

10. Resolution: Middlesex United Way Grant (Youth Services)  
Mark Finkelstein read into the record and moved adoption of the resolution authorizing participation in the Middlesex United Way Grant Application. The motion was seconded by Sharon Gibala. Vote unanimous, motion carried.

#### **AUTHORIZING PARTICIPATION IN THE MIDDLESEX UNITED WAY GRANT APPLICATION**

RESOLVED, that the First Selectwoman Susan S. Bransfield, be and hereby is authorized to act on behalf of the Town of Portland to sign and file a grant application with the Middlesex United Way, for participation in the Project Titled: "Health Communities, Healthy Youth Community Impact" grant to Portland Youth Services; up to \$13,500 during fiscal year July 2007 to June 2008 to continue the development and implementation of Asset Development programming, dependent on and appropriate to the identified needs of the community.

11. Proclamation: Leukemia, Lymphoma & Myeloma Awareness Month  
Mark Finkelstein read into the record and moved adoption of the Proclamation designating September 2007 Leukemia, Lymphoma and Myeloma Awareness Month. His motion was seconded by Sharon Gibala. Vote unanimous, motion carried.

12. Discussion with Ethics Commission regarding Ethics Ordinance  
Mrs. Bransfield distributed changes that were made to the proposed Ordinance. Jeanne Dilworth, Chair of the Ethics Commission, reviewed the changes that were made to the Ordinance for the Board of Selectmen.

Scott Adamsons presented Mrs. Dilworth with a list of proposed changes that he would like to see made to the Ordinance (attachment A) Mrs. Dilworth declined to discuss these recommendations until they could be fully explored by the Commission, but stated that the Commission would consider these changes at their next regular meeting.

The following issues with the proposed Ordinance were discussed:

- Concern that no board or commission should have direct access to the Town Attorney: Attorney D'Aquila stated that this can be clarified in the Ordinance

- Clarification on the notice of meetings of the Ethics Commission: Mrs. Dilworth explained the notice of meetings process.
- Additional notification of the First Selectman for all Ethics matters: Attorney D'Aquila stated that this is restricted because of confidentiality constraints.
- Statute of limitations - The Ethics Commission will consider comments that the statute of limitations be extended for certain offenses in relationship to other state statutes.
- Section 1-13(b) Other Employment: Mrs. Dilworth explained the meaning of this section in response to the question from Scott Adamsons.
- Section 1-12(d)(3) was clarified for the BOS. The list of questions in section 1-12 (d) is a list of situations presenting potential conflicts of interest. No disclosure statement is required but if conflicts are not disclosed, that is a violation of the Ordinance.
- The impact of this proposed Ordinance on Town employees and possible legal issues was discussed. Comments from Attorney Joe McQuade were reviewed. It was decided that Attorney McQuade and Attorney D'Aquila will discuss potential impact of this proposed Ordinance and make a joint recommendation to the Ethics Commission.
- Concerns regarding costs of legal fees ie. Depositions and attorney fees were discussed.

Mrs. Dilworth reminded the BOS that the proposed Ordinance can be subject to amendment. The Ethics Commission members will consider input from the BOS discussion at their next regular meeting on September 19, 2007. The BOS will revisit the Ethics Ordinance and any proposed changes at their meeting on 10-10-2007.

#### 13. Proposed Property Tax Relief for Elderly Homeowners

Mark Finkelstein made a motion to adopt the Property Tax Relief for Elderly Homeowners, seconded by John Anderson. Vote unanimous, motion carried.

#### 14. Appointments to Boards and Commissions (Re-appointments, vacancies, etc.)

- Clean Energy Task Force (Alternate): Clement Wiekrykas

Mrs. Bransfield made a motion to appoint Clement Wiekrykas as an alternate to the Clean Energy Task Force. The motion was seconded by Mark Finkelstein. Vote unanimous, motion carried.

#### 15. Refunds:

There was a motion by Mark Finkelstein, seconded by Sharon Gibala, to refund Wal-Mart Stores Inc. the amount of \$440.46. Vote unanimous, motion carried.

There was a motion by Mark Finkelstein, seconded by Kathy Richards, to refund Robert S. Longworth or Joan R. Longworth the amount of \$15.23. Vote unanimous, motion carried.

There was a motion by Mark Finkelstein, seconded by Sharon Gibala, to refund Hector M. Rodriguez the amount of \$5.26. Vote unanimous, motion carried.

There was a motion by Mark Finkelstein, seconded by Brian Flood, to refund Elizabeth A. Fillmore the amount of \$49.88. Vote unanimous, motion carried.

There was a motion by Mark Finkelstein, seconded by John Anderson, to refund Julie E. Weiss the amount of \$52.60. Vote unanimous, motion carried.

There was a motion by Mark Finkelstein, seconded by Scott Adamsons, to refund Cheryl A. O'Connor the amount of \$60.99. Vote unanimous, motion carried.

There was a motion by Mark Finkelstein, seconded by Brian Flood, to refund Don Y. Hibino, the amount of \$54.92. Vote unanimous, motion carried.

16. Public Comment: none

17. Board of Selectmen General Informal Discussion

Mrs. Bransfield noted that tax breaks for hybrid vehicles with 40 mpg or more are being issued by many towns and suggested that this could be a topic for discussion at another meeting.

18. Adjourn Meeting

There was a motion to adjourn the meeting by Brian Flood, seconded by Sharon Gibala. Vote unanimous, motion carried. The meeting was adjourned at 10:25 pm.

Respectfully Submitted,

Laura Siena, Board Clerk

## **Attachment A - BOS 9-5-07 (2 pages)**

Ethics Ordinance Proposed Edits

After careful review of the draft Ethics Ordinance (version 8/15/07), and conscientious consideration, I would like to recommend the following modifications for your consideration:

Sec 1-1(a), Line 1: Replace "representative democracy" with "republic"

Sec. 1-3(z): Replace the defined word "Loan" with "Financial Instrument"

Sec. 1-6(e1): Add "or laws and regulations pertaining to achieving such position."

Sec. 1-6(e2, 4 & 5): Omit. The addition to e1 covers the matter sufficiently. Any sexual harassment charges have recourse in civil court, employee contracts/handbooks, as well as with the electorate.

Sec. 1-6(f1): Omit "including lunch periods" Employee contracts and handbooks cover this issue. When off work, the government has no authority to govern dietary decisions of its employees so long as those decisions do not impact work performance. If they do, then the employee handbook or contracts cover this issue.

Sec. 1-7(a): Lines 1 & 2 replace "except as permitted under" with "if prohibited by"

Sec. 1-11(b): Replace "\$1,000" with "\$1" and replace "only following the Town's solicitation of at least three written quotes for the contract" with "in accordance with established policies governing contracts of such size." Acquisition procedures and policies are determined by the policy makers who are elected or appointed into office, not the Ethics Commission. However, established policies which are willfully violated would be a violation of the proposed ordinance herein.

Sec. 1-13(b): Omit "who are not administrative department heads"

Sec. 1-13(c): Omit "who are not administrative department heads" Add "Approval of the proposal shall not be declined unless a direct conflict of interest would likely result between the Town employee's responsibility to the Town and another position. Approval, if granted by the First

Selectman, can be withdrawn if a conflict subsequently occurs or the Town Employee's job performance is adversely affected as a result."

Sec. 1-14(a): In line 2 continue the sentence to include "as mandated by Federal, State and local regulations. Omit the remainder of Clause (a).

Sec. 1-14(g): End the sentence in line 2 with "election" and omit "or to solicit or receive contributions from Town employees in connection with any Town election." This is America. The citizens have a right to support any candidate they choose. Town employees should not be restricted from the political process in this way, nor should an honest candidate be prohibited from receiving support if in full compliance with established election laws. That notwithstanding, I am in full agreement that no employee should ever be put in a position where their job performance was tied to political support - after all that was the intent of the Civil Service Reform Act. It would be wise for elected officials not to solicit support from such persons, but I don't know if a prohibition of it violates the Constitutional intentions of our republic. I agree with the intent of the Ethics Commission, but do not know of the legality of the clause.

Sec. 1-14(j): Omit in its entirety. The spirit of this clause is effectively covered in sections 1-7 and 1-10. As long as an official recuses himself or herself from deliberations and voting on the matter, I would expect that the Ethics Commission would support a free market system in allowing the Town to obtain financing bids from as many sources as possible. It is in the public's best interest not to limit acceptable avenues of financial instruments to the Town. Again, any such official having an interest in a particular bid, should recuse itself.

Sec. 1-16(a & b): Question the enforceability and possibly the legality of these clauses.

Sec. 1-16(c): Of note, "Honorable" or "Hon." is a distinction that follows an elected official their entire life. It's tradition.

Sec. 1-17(a13): Consider producing an instructional video that can be used for training new hires.

Sec. 1-21(f): Replace "to issue" with "obtain"

Sec. 1-22(c): Add "with approval of a simple majority of the Board of Selectmen."

No doubt the Commission has spent countless hours on this ordinance, and so my review does not have the benefit of the background leading up to the language it contains. By these suggestions it is my intent to ensure that the ordinance is not in contradiction with existing laws, is enforceable, and achieves the spirit and intent of requiring ethical behavior.

Respectfully Submitted & Discussed on September 5th, 2007 by:  
Scott A. Adamsons  
Selectman, town of Portland