

MINUTES OF NORWICH ETHICS COMMISSION MEETING
February 13, 2017

MEMBERS PRESENT

Robert Ballard
Christopher Dixon
Kathryn Lord
Carol Menard
Gregory Schlough

MEMBERS ABSENT

None

ALTERNATES PRESENT

Anthony Black

OTHERS PRESENT

Recording Secretary Melinda Wilson

1. Call to order: Carol Menard, Chair, called the February 13, 2017 meeting to order at 5:00 PM.
2. Determination of Quorum: It was determined a quorum was present.
3. Approval of Minutes: On a motion by Chris Dixon, seconded by Greg Schlough, the minutes of January 3, 2017 were unanimously approved as presented.

On a motion by Greg Schlough, seconded by Kathryn Lord, the minutes of January 19, 2017 were unanimously approved as presented.

4. Citizen Comment: None
5. New Business:

Executive Session for Case 2017-2 and 3: On a motion by Chris Dixon, seconded by Greg Schlough, the Ethics Commission unanimously voted to enter Executive Session to discuss Cases 2017-2 and 2017-3. The Ethics Commission went to Room 319 for Executive Session at 5:02 PM.

The Ethics Commission came out of executive session at 5:25 PM. Carol Menard, Chair, stated that no votes were taken in Executive Session.

Greg Schlough made a motion that no probable cause was found for ethics violations in Cases 2017-2 and 3. Mac Ballard seconded the motion. The motion carried unanimously. The case will be sealed.

Advisory Opinion Case 2017-1: Carol Menard, Chair, introduced Case 2017-1, a request from Diana Boisclair for an Advisory Opinion. The request asked for advisory opinions on three scenarios. Discussion ensued.

On a motion by Greg Schlough, seconded by Kathryn Lord, the Ethics Commission voted unanimously that in all three scenarios in Case 2017-1, Request for Advisory Opinion, any Norwich person may attend with the first \$50 allowed but the remainder must be paid on their own. Chair Carol Menard will write up the Advisory Opinion.

6. Old Business:

Discussion of public hearing on Cases 2016-2, 2016-3, 2016-4 (5), 2016-6, and 2016-9:

Chair Menard briefly reviewed the proceedings of the public hearing held on January 19, 2017, for public discussion on these cases. Discussion ensued on each case.

Carol summarized the Internal Revenue Service definition of business travel as a majority of time away has to be spent on business and spouse's travel is not covered. She also reminded the Ethics Commission that along with their determination of whether the City of Norwich Code of Ethics had been violated in each case, the Commission could make recommendations to the City Council on each case.

Case 2016-2: Diana Boisclair

The Ethics Commission agreed there was clear and convincing evidence of an ethics violation.

Chris Dixon suggested some sort of reimbursement be suggested to the City Council. The total cost of the trip could be divided by 44 participants to discern a per person cost of \$7,780. Based on the city's ownership stake in CMEEC, which is roughly 25%, that 25% of the per person cost could be suggested as reimbursement to the City of Norwich. Chris noted that the first \$50 would be allowable; however spouses would not be covered. Discussion ensued with commissioners agreeing on restitution. Perhaps the restitution could a fund utility assistance for residents. The City Council has a responsibility to carry out its own decision with regard to restitution. They could be more or less stringent. Chris noted that justice is not an exact science.

Greg suggested Ms. Boisclair's removal as Chair of the Norwich Public Utilities Board of Commissioners. Mac Ballard suggested she be removed from the NPU Commission entirely. Carol noted that NPU Commissioners are appointed by the City Council and then the NPU Commission chooses their own Chairperson. Carol referred to Attorney Michael Driscoll for clarification. Attorney Driscoll confirmed and added that NPU Commissioners are not to be removed unless they no longer qualify. Otherwise the City of Norwich Charter states the NPU Commissioners serve their whole term. In his opinion, the City Council does not have the ability to remove an NPU commissioner. Attorney Driscoll noted the Charter is the prevailing document over the Code of Ethics. Greg suggested asking the NPU Commission to make sure she in not Chair and not on CMEEC until her term expires.

Greg inquired as to whether the City kept files concerning citizens who serve on boards and committees, similar to a personnel file. Carol directed the question to Attorney Driscoll. Attorney Driscoll confirmed that the mayor's office maintains them. Greg suggested a letter of reprimand be added to her file for this ethics violation.

Kathryn pointed out that according to Code of Ethics Section 3 indicates that at a public hearing a respondent has a right to legal representation at their own expense. She noted that Attorney Paul McCary is CMEEC's attorney and represented Ms. Boisclair at CMEEC's expense. Kathryn further noted that Mayor Hinchey hired her own representation and thereby obeyed the Code of Ethics. Kathryn suggested a note be made to this effect in the recommendations to the City Council.

Carol reviewed the important points of the recommendation to be made to the City Council regarding Case 2016-2, Diana Boisclair. The Ethics Commission found fair and concise evidence of an ethics violation. The commission recommends reimbursement to the city of Norwich for 25% of the per person cost for Ms. Boisclair, less \$50, and 25% for her spouse's cost. The Ethics Commission will also make a recommendation to the NPU Board of Commissioners to not seat her as Chair or Vice Chair and not as a regular or alternate on the CMEEC Board for the remainder of her term. Also, a letter of reprimand of violation of Code of Ethics will be placed in her city file. A note regarding her attorney's fees will also be made to the City Council. The Commissioners agreed.

On a motion by Greg Schlough, seconded by Kathryn Lord, the Ethics Commission unanimously approved the following points be recommended to the City Council and/or Norwich Public Utilities Board of Commissioners:

- An ethical violation took place
- Recommended reimbursement of 25% of the per person cost of the trip less \$50 for Ms Boisclair and 25% of the per person cost for her attending guest
- Recommended NPU Board not seat her as chair or vice chair nor on CMEEC Board
- Letter of reprimand in her volunteer file
- Note that legal fees paid by CMEEC when Code of Ethics states at own expense

2016-3: Robert Groner

Mac noted that the salient points from 2016-2 were relevant to Mr. Groner's Case 2016-3.

On a motion by Mac Ballard, seconded by Kathryn Lord, the Ethics Commission unanimously approved following points be recommended to the City Council and/or Norwich Public Utilities Board of Commissioners:

- An ethical violation took place
- Recommended reimbursement of 25% of the per person cost of the trip less \$50 for Mr. Groner and 25% of the per person cost for his attending guest
- Recommended NPU Board not seat him as chair or vice chair nor on CMEEC Board
- Letter of reprimand in his volunteer file
- Note that legal fees paid by CMEEC when Code of Ethics states at own expense

2016-4 and 2016-5: Deberey Hinchey

Greg noted that Mayor Hinchey was invited at the last minute and may not have had time to ask the Ethics Commission for an Advisory Opinion. She took the word of John Bilda only to find out later that his information was lacking. Mac noted she did not seek corporate counsel either. Carol agreed that all respondents were reassured by Mr. Bilda that the trip had been vetted but doesn't take away personal responsibility. Chris noted the Mayor did have a business relationship with CMEEC. On April 20, 2015 she introduced a resolution to the City Council regarding the Rogers Road solar garden partnership between CMEEC and the City of Norwich. Carol stated the Mayor's conduct was being evaluated in her capacity as a Norwich public official. The Commission agreed it was a clear violation of the Code of Ethics.

On a motion by Chris Dixon, seconded by Kathryn Lord, the Ethics Commission approved the following points be recommended to the City Council:

- Ethics violation, did not seek appropriate vetting of ethics issues
- Letter of reprimand for violation of Code of Ethics in personnel file
- Recommended reimbursement of 25% of the per person cost of the trip less \$50 for Mayor Hinchey

2016-6: John Bilda

Greg stated Mr. Bilda should have known the Code of Ethics came into play. Mac clarified that Mr. Bilda's conduct was being evaluated as General Manager of NPU, not as a board member of CMEEC. The commissioners agreed that the other trip attendees, namely Ms. Boisclair, Mr. Groner and Mayor Hinchey, looked up to his authority in these matters and with that comes responsibility. Mac suggested that responsibility be taken into consideration when determining reimbursement for him.

Carol asked if the commission should recommend the NPU board evaluate his travel going forward. Greg agreed and suggested a time period of two years with the NPU Board of Commissioners giving prior approval to any travel for Mr. Bilda. If any question arises, the NPU board could refer the questions to the Ethics Commission. The repercussions of not following the guidelines could include termination. Kathryn noted that he should also report to the board on his accomplishments during the trip and benefits for NPU.

Mac inquired as to who hires the General Manager for NPU. Carol referred the question to Attorney Driscoll. Attorney Driscoll affirmed the NPU board hired Mr. Bilda and they can remove him. Mac suggested including the removal of Mr. Bilda from NPU. Carol reminded the commissioners that Mr. Bilda's removal would cause disruption throughout the city and NPU.

Kathryn suggested full reimbursement of the per person cost for Mr. Bilda and his guest.

On a motion by Greg Schlough, seconded by Kathryn Lord, the Ethics Commission unanimously approved the following points be recommended to the City Council and/or Norwich Public Utilities Board of Commissioners:

- Ethical violation occurred
- Letter of reprimand in personnel file, note more responsibility due to position
- Reimbursement of \$15,560
- More oversight by the board, two years prior travel approval and reporting to NPU board of commissioners
- Note that legal fees paid by CMEEC when Code of Ethics states at own expense

2016-9: Stephen Sinko.

Chris noted that part of Mr. Sinko's duties at NPU include being in charge of finance. He suggested that Mr. Sinko write a policy for NPU that puts stricter control on business travel and put controls in place to abide by the policy.

The commissioners agreed that reimbursement be 100% and the same two year travel prior approval with reports made the board. The suggestion to the NPU board will be that violation of this could lead to termination of employment.

On a motion by Kathryn Lord, seconded by Greg Schlough, with Carol Menard recusing herself for signing the Ethics Complaint, the Ethics Commission approved the following points be recommended to the City Council and/or Norwich Public Utilities Board of Commissioners:

- Clear evidence of ethics violation
- Reimbursement of 15560
- Recommendation he comes up with travel policy for NPU that has limits
- Per approval for trips and trip reports, two year trip limitations
- Letter reprimand in personnel file
- Note that legal fees paid by CMEEC when Code of Ethics states at own expense

Greg recommended a review of the Code of Ethics. Chris agreed the subject should be discussed at a future Ethics Commission meeting.

Greg made a statement at the close of the meeting. The commissioners are citizens of Norwich who volunteer to serve on the Ethics Commission and are appointed by the City Council and have the best interests of the city in mind.

Mac noted that the Ethics Commission is responsible to the citizens and can only act on complaints filed by citizens.

7. Adjournment: On a motion to adjourn by Chris Dixon, seconded by Greg Schlough, the Ethics Commission adjourned at 7:24 PM.