

TOWN OF BERLIN
Board of Ethics
Special Meeting
Tuesday, November 17, 2020
Board of Education Conference Room
Remote Meeting
6:00 PM

ATTENDANCE:

Members Present: Susan Bordonaro, Antonina DiDominicis, Kevin Hines

Alternate: Annmarie Marolda (present, not seated)

Staff Present:

Kate Wall – Town Clerk

Arosha Jayawickrema – Town Manager

1. Call to Order by Chairman

Chairman Hines called the meeting to order at 6:00 p.m.

Chairman Hines recognized Mayor Kaczynski in attendance and invited the Mayor to address the Board. Mayor Kaczynski thanked the Board of Ethics members for their volunteerism and notified them that Corporation Counsel Jeff Donofrio was unable to attend due to a prior commitment. He went on to say that Corporation Counsel Donofrio will be happy to assist the group with any proposed modifications to the Ethics Policy.

2. Discussion and possible recommendations on changing the Ethics Policy

Chairman Hines noted that the Board previously discussed the ambiguity of the Section 1.10(d) regarding the Town Clerk’s “second notice” procedure for Board / Commission members and employees that are non-compliant with the Financial Disclosure requirement. Town of Berlin Finance Director Kevin Delaney raised the possibility of eliminating the Financial Disclosure reporting requirement and instead inserting verbiage into the Ethics Policy prohibiting Board /Commission members, elected officials and employees from doing Town business with any entity in which that individual (or a family member) has a financial interest.

The Board members noted the intent of the Ethics Policy which is to give residents confidence in the integrity of the processes and actions of elected officials, Board / Commission members and Town offices / staff. The group also discussed whether the

Financial Disclosure is a necessary portion of the Ethics Policy. All of the Town employees' unions oppose the requirement and it is difficult to enforce.

The Board members also agreed that the if the Financial Disclosure will remain a requirement, it should be clarified in several ways, including:

- Specifically ask if the individual or their spouse / dependent has any relationship or affiliation with another Town employee, elected official or Board / Commission member;
- Expand disclosure to include interest in business entities outside of Berlin, as the Town frequently does business with companies around the State and region;
- Explain how frequently the disclosure must be updated;
- List the positions that are required to complete the disclosure;
- Clearly outline the formal notice process for noncompliance;
- After noncompliance is established by the Town Clerk and formal notice is given to the individual, whose responsibility does it become to pursue compliance with the requirement;
- What is the consequence of noncompliance?

Chairman Hines asked to clarify with Finance Director Delaney whether the Financial Disclosure was a specific recommendation of a prior audit, and if elimination of that requirement would adversely affect Berlin's audit compliance status. Assuming Berlin adopted the Financial Disclosure requirement to adhere to a general standard, Chairman Hines feels that a clear Ethics Policy could instill public confidence in the Town's operations without the need for individual Financial Disclosures.

Town Manager Jayawickrema added that individual agreement to comply with the Ethics Policy may not be necessary to establish the expectation of compliance. It may be sufficient to email the Ethics Policy to staff, Boards / Commissions and elected officials, thus creating a record of each individual's receipt of the document. If the party violates anything in the Policy, the Town may then take action accordingly. Town Manager Jayawickrema proposes that the Town could provide the unions with the revised Ethics Policy, indicate that it expects for staff to follow the requirements and advise that if an employee violates any part of the Policy, that individual would be held accountable as an employee of the Town. Corporation Counsel Donofrio would have to consider and offer his opinion on these matters.

Town Clerk Kate Wall indicated that she will continue to follow the current Ethics Policy and will begin pursuing 2021 annual disclosures. If it is modified in the future to eliminate the Financial Disclosure requirement, she will discontinue her efforts and follow that modified version. She also stated that Town Council's last meeting of 2020 is scheduled for December 15. Board of Ethics may present a proposed Amended Ethics Policy at that time, or at a future meeting in 2021.

Board of Ethics will try to reconvene with Finance Director Delaney and Corporation Counsel Donofrio in early December 2020.

3. Approval of October 14, 2020 minutes

Ms. Bordonaro moved to approve the October 14, 2020 meeting minutes.

Seconded by Ms. DiDominicis.

Vote being 3-0. (MOTION CARRIED)

4. Adjournment

Ms. DiDominicis moved to adjourn at 6:46 p.m.

Seconded by Ms. Bordonaro.

Vote being 3-0. (MOTION CARRIED)

Respectfully submitted,

Kate Wall
Town Clerk