



BOARD OF SELECTMEN

Clifford J. Hurgin Municipal Center, 1 School Street
Bethel, Connecticut 06801 Telephone: (203) 794-8501

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TOWN OF BETHEL
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Robert Burke, First Selectman
Paul Szatkowski, Selectman
Kevin L. Cleary, Selectman

MINUTES OF SPECIAL MEETING

Tuesday, April 14, 2009

7:00 p.m.

CJH Municipal Center – Meeting Room “A”

PRESENT: First Selectman Burke, Selectman Szatkowski and Selectman Cleary. Also in attendance were William Hagan, Town Attorney, Kevin Riley and Attorney Martin Lawlor.

First Selectman Burke called the Special Meeting to order at 7:00 p.m.

Consideration of Ethics Commission findings regarding C-2009-001

First Selectman Burke opened the proceedings upon Ethics Complaint 2009-001 and explained that the purpose of tonight's meeting was to address the Ethics Commission findings regarding a complaint filed against Kevin Riley and their ruling that Article C9-3 of the Charter of the Town of Bethel was violated.

First Selectman Burke advised Mr. Riley that the proceedings would be held in Executive Session unless Mr. Riley requested they be held in Public Session. Mr. Riley advised that he preferred that the proceedings be public.

First Selectman Burke proceeded to ask a series of questions of Mr. Riley, to which Mr. Riley responded in the affirmative.

Mr. Riley confirmed that:

1. He had received a copy of Ethics Complaint C-2009-01;
2. He has been employed by the Town of Bethel as a coach;
3. His wife has been employed by the Town of Bethel as a part-time teacher in the summer school program;

4. Both occurred during the term of his service on the Board of Finance;
5. He has voted as a member of the Board of Finance on budget votes affecting the education budget for one or more fiscal years during which he was employed by the Town of Bethel as a coach;
6. He has voted as a member of the Board of Finance on budget votes affecting the education budget for one or more fiscal years during which his wife was employed by the Town of Bethel as a teacher; and
7. He had not sent a letter to the Board of Selectmen disclosing any conflict of interest arising out of his service on the Board of Finance.

Mr. Riley's Attorney, Martin Lawlor disputed that there was a violation. He contended that C9-3 is not enforceable to the extent that it provides for the removal of elected officials. He referenced several state statutes, explaining that there is no provision for a local authority to remove elected officials, summarizing: "*if it is not in the statutes, it doesn't exist,*" and cited the Connecticut Supreme Court decision in the *Simons v. Canty* case.

He continued that the Ethics Code provides that the Ethics Commission shall provide written findings of facts and conclusions and make recommendations to the Board of Selectmen; the Ethics Code reads "upon a receipt of a report from the Ethics Commission of a finding of probable cause". He claimed that the Ethics Commission did not file a report with the Board of Selectmen, and indicated that the report must include detailed findings of fact, a conclusion and a recommendation for Board of Selectmen to consider and act upon. The Ethics Commission filed minutes and submitted a letter to the Board of Selectmen advising that the respondent violated Article C9-3. Attorney Lawlor claimed that the Ethics Commission's report lacked written findings of facts and conclusion as well as any recommendation for Board of Selectmen consideration.

Attorney Lawlor also noted that the Charter provision of C9-3 is a requirement that all board members file a written statement explaining any conflict of interest they see in performing their work. He said while some finance board members have recently recused themselves because of possible conflicts of interest, they haven't filed any written statements to that effect.

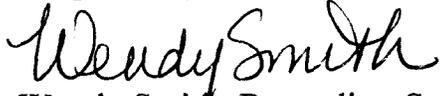
Selectman Cleary expressed concern that the Ethics Commission gave no recommendation to the Board of Selectmen and that they were remiss in their duty.

They Board of Selectmen concurred that, based on information provided by Attorney Lawlor, that the issues raised warranted further analysis as a decision would no doubt be precedent setting and agreed to have Town Attorney William Hagan look into the matter further, noting that they should review the validity of the questions and comments raised this evening before proceeding further.

First Selectman Burke made a motion, which was seconded by Selectman Cleary, to continue the proceedings to allow Town Attorney Hagan to review statutes cited by Attorney Lawlor, seek input from the various state officials and others deemed appropriate, and to then report back to the Board of Selectmen.

The Board of Selectmen continued the proceedings on Ethics Complaint C-2009-01 to a date to be determined. The Special Meeting of the Board of Selectmen ended at 7:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendy Smith".

Wendy Smith, Recording Secretary