

TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

302 Main Street • Old Saybrook, Connecticut 06475-2384
Telephone (860) 395-3123 • Fax (860) 395-3125

MEETING MINUTES OF THE BOARD OF SELECTMEN

Tuesday, July 9, 2019

3:30 P.M.

Town Hall – First Floor Conference Room

PRESENT: First Selectman Carl P. Fortuna Jr, Selectman Scott Giegerich, Selectman Carol Conklin and members of the public.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. COMMENTS FROM THE PUBLIC- Robert Raffalo handed out a document to the Board addressed to the Internal Affairs of the Police Department. He then commented that he felt that he was not treated fairly by the First Selectman's office, that there was a lack of transparency and mentioned several incidents including a recent arrest and his interaction with the Police Department with his gun permit.

IV. COMMENTS FROM THE SELECTMAN- The First Selectman commented on the following: Possible refunding of town debt in August or September and that Moody's will be rating the town again, and that they appear to have the highest standards of the rating agencies; the First Selectman may soon be appointed to the Materials Innovation Recycling Authority (MIRA), formerly the Connecticut Resource Recovery Association (CRRA) board of directors; that the FY '19 budget year finished with strong financials; that Denali is closing; that the Shoreline Times has stopped delivering to many homes in town due to new information distributed by the First Selectman (Paul Barbetta, Circulation Manager, can be reached at 631-896-6872, and he has assured me that all requests will be honored); that the Chamber building project is complete and \$4,863 allocated for that project was not spent; the First Selectman reviewed with the Board the trends in the defined contribution (DC) and defined benefit plans since inception of the DC plan. He noted that the trends are positive; the First Selectman noted that the tennis courts at Trask need to be repaired as well as the fence. Parks & Recreation received a quote and this matter will now move through the funding process; the First Selectman is also working on a draft ordinance to exempt ambulance type vehicles used solely for the purpose of transporting disabled family members and the First Selectman noted that the paper road on Waterbury Avenue has been cleared for easy pedestrian passage.

V. APPROVAL OF MINUTES: Board of Selectmen Meeting June 11, 2019.

FORTUNA/CONKLIN

Motion to approve Board of Selectmen Meeting minutes June 11, 2019.

MOTION CARRIED UNANIMOUSLY

VI. BUSINESS BEFORE THE BOARD

- A.** Discussion and possible action on recommending to Town Meeting, based upon the recommendation of the Board of Selectmen and Board of Finance, a transfer of \$40,000 from the fiscal year 2019 Transfer Station Waste Transport and Disposal budget (General Fund 1005, sub department 840300) to a new fund called "PW Water Installation".

A memo was prepared for the Board. Brief additional explanation was had. See attached memo.

FORTUNA/GIEGERICH

Motion to approve to Town Meeting a transfer of \$40,000 from the fiscal year 2019 Transfer Station Waste Transport and Disposal budget (General Fund 1005, sub department 840300) to a new fund called "PW Water Installation"

MOTION CARRIED UNANIMOUSLY

- B.** Discussion and possible action on recommending to Town Meeting, based upon the recommendation of the Board of Selectmen and Board of Finance, a transfer of \$138,000 from the Public Works Highway and Street fiscal year 2019 budget (account 57400) to the Public Works Paving Exchange, Fund 7400 (account 57400).

This was explained that due to a wet spring, not all paving funds were expended. Since we never have enough funds for paving, we do not want these funds to simply be surplus. See attached memo.

FORTUNA/CONKLIN

Motion to approve to Town Meeting, based upon the recommendation of the Board of Selectmen and Board of Finance, a transfer of \$138,000 from the Public Works Highway and Street fiscal year 2019 budget (account 57400) to the Public Works Paving Exchange, Fund 7400 (account 57400).

MOTION CARRIED UNANIMOUSLY

- C.** Discussion and possible action on recommending to Town Meeting based upon the recommendation of the Board of Selectmen and Board of Finance, a transfer of \$25,000 from fiscal year 2019 Library budget (General Fund 1005, sub department 450100) to a new Fund called "KHCAC Gutter Repair".

The First Selectman noted that after this repair, we will contract with someone to clean the gutters at least once a year. See attached memo.

FORTUNA/GIEGERICH

Motion to approve to Town Meeting, a transfer of \$25,000 from fiscal year 2019 Library budget (General Fund 1005, sub department 450100) to a new Fund called "KHCAC Gutter Repair".

MOTION CARRIED UNANIMOUSLY

- D.** Discussion and possible action on recommending to Town Meeting the transfer of funds in the amount of \$32,382 from the Police Field Service Budget (420101) to the retiree health insurance budget (414200) for the purpose of covering a deficit in excess of \$25 thousand in the Retiree Health Insurance budget.

Explanation was had that this transfer would allow us to not appropriate funds out of our off budget OPEB account, and that this is a like use- health insurance for health insurance.

FORTUNA/CONKLIN

Motion to approve to Town Meeting, the transfer of funds in the amount of \$32,382 from the Police Field Service Budget (420101) to the retiree health insurance budget (414200) for the

Board of Selectmen Meeting
Minutes
July 9, 2019

purpose of covering a deficit in excess of \$25 thousand in the Retiree Health Insurance budget.

MOTION CARRIED UNANIMOUSLY

- E.** Discussion and possible action for Call of Special Town Meeting July 16, 2019 at 6PM, Old Saybrook Town Hall, First Floor Conference Room.

FORTUNA/GIEGERICH

Motion to approve Call of Special Town Meeting July 16, 2019.

MOTION CARRIED UNANIMOUSLY

- F.** Discussion and possible action on approving a 2019 Second Plan Amendment as recommended by the Pension Board to modify to allow Board of Education unions join the Town's DC plan.

It was explained that this was to include Board of Education employees coming into the DC plan, which was not previously accounted for in the original amendment.

FORTUNA/CONKLIN

Motion to approve a 2019 Second Plan Amendment as recommended by the Pension Board to modify to allow Board of Education unions join the Town's DC plan.

MOTION CARRIED UNANIMOUSLY

- G.** Ratification of an Agreement between VNASC and the Town of Old Saybrook for provision of specific nursing services July 1, 2019 to June 20, 2020.

It was explained that this agreement has been ratified by the Public Health Nursing Board.

FORTUNA/GIEGERICH

Agreement between VNASC and the Town of Old Saybrook for provision of specific nursing services

MOTION CARRIED UNANIMOUSLY

- H.** Discussion and action on Public Works Director recommendation to release the following Encroachment Permit:

1. 18 Cedarwood Lane Gary Albanese & Sons Inc. \$1,500

FORTUNA/CONKLIN

Motion to approve release of Encroachment Bond 18 Cedarwod Lane.

MOTION CARRIED UNANIMOUSLY

- I.** Appointments

1. Architectural Review Board. Alternate member. This appointment is for the unexpired portion of a three year term due to expire 09/2019.

FORTUNA/GIEGERICH

Motion to appoint Robert Hansen as an alternate to the Architectural Review Board.

MOTION CARRIED UNANIMOUSLY

2. Public Health Nursing Board. Regular Member. This appointment is for unexpired portion of a three year term due to expire 11/2021.

FORTUNA/CONKLIN

Motion to appoint Mary Ann Iaderola as a regular member on the Public Health Nursing Board.

MOTION CARRIED UNANIMOUSLY

Board of Selectmen Meeting
Minutes
July 9, 2019

3. Water Pollution Control Authority. Regular member. This appointment is for the unexpired portion of a three year term due to expire 12/2019.

FORTUNA/GIEGERICH

Motion to appoint John Giannini as a regular member on the Water Pollution Control Authority.

MOTION CARRIED UNANIMOUSLY

- VII. COMMENTS FROM THE SELECTMEN-** Carol Conklin commented that based upon a recent Planning Commission meeting she attended, she recommends that those familiar with sea level rise current events meet at least once a year to discuss the latest news and trends so that the town is kept current on this important issue.

VIII. ADJOURNMENT

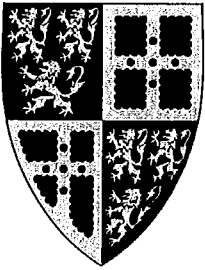
FORTUNA/CONKLIN

Motion to adjourn at 4:25 p.m.

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Carl P. Fortuna Jr., First Selectman



TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

302 Main Street • Old Saybrook, Connecticut 06475-2384
Telephone (860) 395-3123 • Fax (860) 395-3125

To: Board of Finance Members
From: Carl P. Fortuna, Jr., First Selectman
Re: City Water Hook up at PW Garage
Date: June 25, 2019

The purpose of this memorandum is to request that you consider funding approximately \$40 thousand from the Transfer Station Waste Transport and Disposal budget to cover the expense of hooking up city water to the land owned by the Town of Old Saybrook (Public Works garage and Transfer Station), which will include a fire hydrant connection at the site.

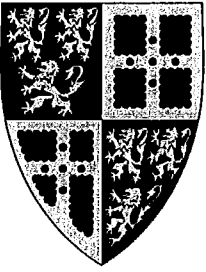
By way of background, the Public Works garage and Transfer Station do not presently have a city water connection. They both rely upon well water. About 10 years ago a city water line was installed in that area. If the Town had connected to the water prior to this point, it would have had to pay for a portion of the construction. However, after 10 years, the restriction is lifted and the cost of hook up is only for the portion of the direct line to the Public Works garage. In addition, this would include installation of a fire hydrant. Given the type of work performed at these two locations, and from a safety perspective, a fire hydrant is needed. Further the installation of the fire hydrant is recommended by the Fire Marshall for the safety of employees and residents.

The Transfer Station Waste Transport and Disposal budget is projected to have a surplus of at least \$50 thousand due to lower than anticipated waste removal expense. It is recommended that you consider setting aside approximately \$40 thousand from this account to pay for the water hook up. An RFP has been created and a competitive bidding process will take place. The specs for the job will be to install a 95 linear foot, 6 inch water line, shutoff and fire hydrant to the existing Connecticut Water Company main currently located on Route 154 opposite the Old Saybrook Department of Public Works to service the health and safety needs of the buildings and services located at this address. The RFP completion date is set for the end of July and once the final amount is determined, we will notify the Board of Finance of the exact amount awarded to the contractor.

Therefore, I am requesting that an amount not to exceed \$40 thousand be transferred from the Transfer Station Waste Transport and Disposal fiscal year 2019 budget (General Fund 1005, sub department 840300) to a new Fund "PW water installation". This expense projection has been arrived at through an estimate solicited from a local contractor.

Motion Requested

To approve the transfer of up to \$40 thousand from the fiscal year 2019 Transfer Station Waste Transport and Disposal budget (General Fund 1005, sub department 840300) to a new Fund called "PW water installation".



TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

302 Main Street • Old Saybrook, Connecticut 06475-2384

Telephone (860) 395-3123 • Fax (860) 395-3125

To: Board of Finance Members

From: Carl P. Fortuna, Jr., First Selectman

Re: Carry over for Paving Budget

Date: June 25, 2019

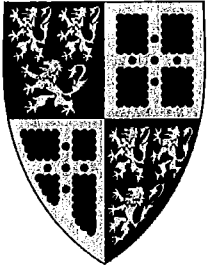
The purpose of this memorandum is to request that you consider carrying over \$138 thousand from the Highway and Streets paving budget (General Fund 1005, sub department 430300) and placing it into the Public Works ("PW") paving exchange Fund 7400.

By way of background, the PW Highway and Street budget has a line item allocation of \$375 thousand that was budgeted for paving. As of June 30th, the paving line item had a remaining balance of \$138 thousand. During April, May and June, prime paving months, the Town had been faced with inclement rainy weather, which made it impossible to pave the roads as planned.

Therefore, I am requesting that \$138 thousand be placed in the PW paving exchange. The Director of PW will contract for paving services to take place in July and August, along with the regular paving activity to ensure that targeted roads are paved.

Motion Requested

To approve the transfer of \$138,000 from the PW Highway and Street fiscal year 2019 budget (account 57400) to the PW Paving Exchange, Fund 7400 (account 57400).



TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

302 Main Street • Old Saybrook, Connecticut 06475-2384
Telephone (860) 395-3123 • Fax (860) 395-3125

To: Board of Finance Members

From: Carl P. Fortuna, Jr., First Selectman

Re: Replacement of Gutters at the Katherine Hepburn Cultural Arts Center

Date: June 28, 2019

The purpose of this memorandum is to request that you consider transferring \$25 thousand from the Library budget to be used on a Katherine Hepburn Cultural Arts Center ("KHCAC") project and to provide funds to pay for new gutters at the KHCAC.

By way of background, the KHCAC had recently undergone some repairs to its roof. At that time, it was discovered that the gutters were in bad condition as well as in need of cleaning. After inspection by the Town's facility manager and in consultation with Macri Roofing, it was decided that the best course of action was to replace the gutters rather than repair and clean.

The Library budget is projected to have a surplus of approximately \$50 thousand due to employment of two new full time positions where those employees waived medical coverage. Therefore, I am requesting that an amount not to exceed \$25 thousand be transferred from the Library fiscal year 2019 budget (General Fund 1005, sub department 450100) to a new Fund "KHCAC Gutter Repair". The expense projection has been arrived at through an estimate of \$23.5 thousand solicited from a local contractor. The Town will also solicit two additional bids to ensure a competitive bid process.

Motion Requested

To approve the transfer of up to \$25 thousand from the fiscal year 2019 Library budget (General Fund 1005, sub department 450100) to a new Fund called "KHCAC Gutter Repair".

AMENDMENT 3-5-19

MUNICIPAL CODE
TOWN OF OLD SAYBROOK

Chapter 23. ETHICS, CODE OF

History: Adopted by the Town Meeting of the Town of Old Saybrook at referendum 5-25-1995. Amended _____.

§ 23.1. Declaration of Policy and Purpose.

There is hereby established a Code of Ethics for all Town officials and employees and other affected personnel as specified in § 23-2 (hereinafter, the "Code"). The purpose of this Code is to establish suitable ethical standards for all Town officers, employees and officials by prohibiting official conduct that is not in the best interests of the Town of Old Saybrook, and to prevent conflicts of interest in official action as defined in Chapter 12 of the Town Code of Ordinances. In the event of any inconsistencies in the interpretation between this Chapter and Chapter 12 of the Code of Ordinances, this Chapter 23 shall govern.

§ 23.2 Applicability.

A. This Code shall apply to all Town officers, employees, and officials whether elected or appointed, paid or unpaid. This Code shall also apply to all town personnel including, but not limited to, the Office of the Selectmen, Board of Education, Police and Fire Commission, Town officers, Town departments, and all other personnel elected or appointed to boards, commissions, committees and agencies of the Town.

B. This Code shall also apply to all persons, businesses, consultants, companies, corporations and/or their agents and employees, or others hired by the Town or having a contractual relationship with the Town of Old Saybrook.

C. All of the above individuals or entities shall be referred to hereinafter collectively as "persons governed by this Code."

§ 23.3 Conflict of interest.

A. Persons governed by this Code shall not engage in or participate in any business or transaction, and/or shall not have a conflict of interest, direct or indirect, which is incompatible with the proper discharge of that person's official

duties in the public interest, or that would tend to impair that person's independent judgment or action in the performance of that person's official duties.

B. Persons governed by this Code also shall not appear at any time within a period of one year of the date upon which that person's official position with the Town ends, before any Town board, commission, committee, department, or agency with which that person was formally employed, appointed, acting, or participating on behalf of the Town, in connection with any matter or case with which that person was associated while an officer, employee, or official of the Town. Any such officer, employee, or official may, upon written application to the Ethics Commission, be released from this obligation after review and approval of such application by a majority vote of the Ethics Commission.

C. Persons governed by this code shall not be financially interested or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by the board, commission, committee, department, or agency of which that person is a member, or of which that person or persons is or are an employee. It is further provided, notwithstanding the above, that no member of the Board of Selectmen of the Town of Old Saybrook, and no member of the Board of Finance of the Town of Old Saybrook, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment, or contractual services furnished to or used by any board, agency, or commission of the Town of Old Saybrook.

D. Persons governed by this code shall not accept or receive, directly or indirectly, from any person, firm, or corporation to which any contract or purchase order may be awarded by the Town of Old Saybrook, or any of its boards, commissions, committees, departments, or agencies, or commissions, by rebate, gifts, or otherwise, any money, or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation, except as otherwise provided in Section 23-5

E. Persons governed by this code who have a financial or personal interest in any transaction or contract with the Town, including the sale of real estate, materials, supplies, or the provision of services to the Town, shall not vote or otherwise participate in the transaction or contract on behalf of the Town. That person shall promptly disclose the conflict of interest in writing to the head of the board, commission, committee, department, or agency making the decision, and to the First Selectman.

F. Persons governed by this Code shall not request or permit the use of Town-owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such public property is available to the public generally, or when provided in accordance with an established municipal policy for the use of such public property by the officer, employee, or official as within the interests of the Town.

G. Persons governed by this code shall not grant any special consideration, treatment, favor, or advantage to any person, firm, or corporation beyond which is generally available to residents and/or taxpayers of the Town.

§ 23-4. Incompatible employment.

Persons governed by this Code shall not accept employment by a person, firm, company or corporation, or render services for a private interest when those services or employment are incompatible with the proper discharge of that person's official duties, or otherwise impair that person's judgment and obligation to act in the best interests of the Town.

§ 23-5. Gifts.

A. For the purposes of this provision, a "gift" is defined to mean anything of monetary value, and specifically includes travel, lodgings and meals. This provision is meant to compliment and amplify the gift prohibition set forth in Chapter 12 of the Town Code of Ordinances.

B. Prohibited Gifts

Unless an exception applies, persons governed by this code may not accept gifts that are offered because of the recipient's official position or that come from certain interested sources ("Prohibited Sources").

A "Prohibited Source" is a person or entity (or an organization made up of such persons) who:

- 1) is seeking official action by, is doing business or seeking to do business with, or is regulated by a person governed by this Code; and/or
- 2) has interests that may be substantially affected by the official action or non-action of a person governed by this Code.

C. Exceptions

There are a few exceptions to the prohibition on persons governed by this Code

accepting gifts. These exceptions allow persons governed by this Code to accept from a person other than a Prohibited Source:

- 1) a gift valued at \$20 or less, provided that the total value of gifts received from the same person totals no more than \$50 in a calendar year;
- 2) a gift motivated solely by a family relationship or personal friendship;
- 3) a gift based on a person's or spouse's outside business or employment relationships, including a gift customarily provided by a prospective employer as part of bona fide employment discussions;
- 4) a gift, including awards and honorary degrees; certain discounts and other benefits; and attendance at certain social events in which the person is attending in their official capacity..

D. Exclusions

The following items are not considered gifts and may be accepted by persons governed by this Code:

- 1) modest refreshments (such as coffee and donuts), greeting cards, plaques and other items of little intrinsic value; and
- 2) discounts available to the public or to all employees of the Town or members of a Town board, commission, committee, or agency and rewards or prizes connected to competitions open to the general public.

E. Prohibition on Soliciting Gifts

Notwithstanding the foregoing:

- 1) Persons governed by this code shall never solicit or coerce the offering of any gift, or accept a gift in return for being influenced in the performance of an official act; and
- 2) Persons governed by this code may not accept any gifts so frequently that a reasonable person might think that the person governed by this code was using public office for private gain.

F. Disposition of Prohibited Gifts

If a person governed by this Code has received a gift that cannot be accepted, that person must:

- 1) return the gift; or
- 2) pay the donor the market value of the gift; or
- 3) if the gift is perishable (e.g. a fruit basket or flowers) and it is not practical

to return it, the gift may, be given to charity, shared with the office, or destroyed.

G. Gifts between employees of the Town.

In this section, an "employee" means "an employee of the Town."

- 1) An employee may not contribute toward, solicit contributions for, nor give a gift to the employee's official supervisor(s), or any other person in charge of determining that employee's continued employment terms (hereinafter, a "Supervisor").
- 2) An employee may not accept a gift from another employee who receives less pay, unless the recipient employee is not the gifting employee's subordinate and a personal relationship justifies the gift.
- 3) An employee may not ask another employee for a contribution toward a gift for the employee's own Supervisor or for the other employee's Supervisor.
- 4) These rules do not prohibit an employee from giving a gift to another employee, or accepting a gift from another employee, as long as a personal friendship or familial relationship justifies the gift and the employees are not in the same supervisory "chain of command," i. e., neither employee has a direct or indirect supervisory role with respect to the other.
- 5) Exceptions:
 - a. On an occasional basis (including for a birthday or annual holiday), an employee may give, and the Supervisor (or other employee receiving more pay than the gifting employee) may accept:
 - i. gifts, other than cash, having a market value of \$10 or less per occasion;
 - ii. items such as food and refreshments to be shared in the office among several employees;
 - iii. personal hospitality at a residence which is of a type and value customarily provided by the employee to personal friends;
 - iv. gifts exchanged in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
 - b. On "Special Occasions," an employee may give, and his or her Supervisor (or employee receiving more pay than the gifting employee) may accept a gift appropriate to that Special Occasion. Special Occasions include:
 - i. infrequently occurring events of personal significance, such as marriage, illness, or the birth or adoption of a child (as distinguished from a birthday or annual holiday); or

- ii. occasions that terminate the subordinate-Supervisor relationship, such as retirement, resignation, or transfer.
- c. In addition, notwithstanding the limitations above concerning solicitations and contributions, an employee may solicit or contribute--on a strictly voluntary basis--nominal amounts for a group gift to a Supervisor for:
 - i. items such as food and refreshments to be shared in the office among several employees; and/or
 - ii. a "Special Occasion."

§ 23-6. Procedures for complaints and advisory opinions.

The Ethics Commission shall adopt procedures and regulations for the initiation and handling of complaints, including those initiated by private citizens. The Commission shall also adopt procedures and regulations whereby all persons governed by this Code may request and receive advisory opinions from the Ethics Commission as to whether certain conduct by such officials and employees complies with this Code of Ethics.

§ 23-7. Distribution of Code of Ethics.

This Code of Ethics, together with all rules, regulations, and procedures adopted by the Ethics Commission, shall be printed in booklet form and distributed to all persons governed by this code. The Commission shall adopt regulations and procedures to implement and insure compliance with the provisions of this section.

§ 23-8. Deadline for Filing Complaints.

All complaints for violation of the Old Saybrook Code of Ethics against any person shall be filed within two years of the date of any such alleged violation. No complaint shall be filed for any claimed violation of the Old Saybrook Code of Ethics for any event occurring prior to the effective date of the enactment of the Old Saybrook Code of Ethics.

AMENDMENT 3-5-19

OLD SAYBROOK ETHICS COMMISSION PROCEDURES FOR COMPLAINTS AND ADVISORY OPINIONS

The following procedures shall be observed by the Old Saybrook Ethics Commission with regard to receiving and processing of all complaints made to it for a claimed violation of the Old Saybrook Code of Ethics and all applications for advisory opinions:

Section 1 – Definitions

A. “Commission” means the Ethics Commission of the Town of Old Saybrook, its commissioners, and any person duly authorized to act on behalf of the Commission.

B. “Hearing” means that portion of the Commission’s procedures in the disposition of matters delegated to its jurisdiction by law wherein an opportunity for presentation of evidence and argument occurs, which is preceded by due notice.

C. “Party” means each person named or admitted by the Commission as a party to a contested case, or properly seeking and entitled as of right to be admitted as a party. Each respondent shall be a party in all contested cases arising out of a complaint filed with the Commission.

D. “Person” includes any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character, or group of persons.

E. “Complainant” refers to any person who has filed a complaint with the Commission.

F. “Respondent” means any person against whom a complaint has been filed with the Commission or issued by the Commission.

Section 2 – Complaints

A. Filing: all Complaints made to the Commission shall be in writing on a form approved by the Old Saybrook Ethics Commission. Every Complaint must be signed by the Complainant under the penalties of false statement. All Complaints shall be mailed to the Chairman of the Old Saybrook Ethics Commission, Old Saybrook Town Hall, 302 Main Street, Old Saybrook, Connecticut 06475, by certified mail, return receipt requested. Except as otherwise provided herein, all Complaints shall be considered to have been “received” by the Commission when presented to the Commission by the

Chairman at its next regularly scheduled meeting, or at a special meeting of the Commission called for the purpose of receiving such Complaint.

B. Preliminary Review of Complaints: Upon receipt of a Complaint, the Commission shall review the Complaint in an Executive Session of the Commission. The Commission shall evaluate the Complaint to decide whether the allegations would constitute a violation if true, and whether it would be more appropriate to refer the matter to another administrative or judicial authority. Based on this evaluation, it may, in its discretion, deny further action upon the Complaint, or refer the Complaint to another authority and shall return notice to the Complainant of its reasons for the action taken.

If the Commission accepts the Complaint, acknowledgment of receipt shall be sent to the Complainant within five (5) days thereafter, and a copy of the Complaint shall be sent to the Respondent, certified mail, return-receipt requested, and any other means to insure receipt by the respondent.

Notice to the Respondent shall contain a copy of the Complaint, and a copy of the procedures adopted by the Commission for the handling of such Complaints. The notice shall provide the Respondent fifteen (15) days next from the date of mailing of the notice, to file a written response to said Complaint, if the Respondent chooses to do so. Said notice shall provide date of commission's next scheduled meeting to review the complaint.

Section 3 – Investigation by Commission

A. The Commission shall have the right to investigate the circumstances of any Complaint filed with it as the Commission, in its sole judgment, may deem appropriate. An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the Respondent. If the investigation is confidential, the allegations in the Complaint and any information supplied to or received from the Ethics Commission in conjunction therewith shall not be disclosed during the investigation to any third party by a Complainant, Respondent, witness, designated party, or Commission member.

Section 4 – Review of Complaint

A. Following the date of acceptance of any Complaint pursuant to Section 2.B., the Commission shall hold a meeting or meetings to determine whether or not there is probable cause to believe that the Respondent has violated any of the provisions of the Code of Ethics of the Town of Old Saybrook. Said determination shall be made by the Commission within a reasonable time following acceptance of any Complaint, not to exceed sixty (60) days from the date of acceptance of the Complaint.

B. Such meeting or meetings shall be held by the Commission, in Executive Session, and not in public, except if the Respondent requests in writing at least 10 ___ days in advance of the scheduled meeting, that said meeting shall be a public hearing. At said meeting or meetings, the Commission shall review the contents of the Complaint, any written response thereto by the Respondent, and any information secured by members of the Commission as a result of its independent investigation of the alleged violation.

C. If the Commission determines that there is no probable cause to believe that a violation has occurred, it shall dismiss the Complaint, the investigation shall be terminated and no further action shall be taken thereon. Not later than ten (10) days after the determination of no probable cause, the Commission shall inform the Complainant and the Respondent of its finding and provide them a summary of its reasons for making that finding. The Ethics Commission shall publish its finding upon the Respondent's request and may also publish a summary of its reasons for making such finding. If the Commission makes a finding of no probable cause, the Complaint and the record of the Commission's investigation shall remain confidential, except upon the request of the Respondent and except that some or all of the record may be used in subsequent proceedings. No Complainant, Respondent, witness, designated party, or Ethics Commission member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a Complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the Commission may, after consultation with the Respondent if the Respondent is not the source of the disclosure, publish its finding and a summary of the Commission's reasons therefor.

D. In the event that the Commission determines that there is probable cause that there has been a violation of the Code of Ethics of the Town of Old Saybrook by the Respondent, it shall notify both the Complainant and the Respondent of that fact, in writing, certified mail, return receipt requested, within ten (10) days of the date of such determination and the entire record of the investigation shall then become public.

E. The Commission shall, in such probable cause notice, designate a hearing date which shall be not less than fifteen (15), nor more than thirty (30) days of the date of said notice. The decision of the Commission and the establishment of the public hearing date, together with all other information with respect to said Complaint and the action of the Commission thereon, shall become public information five (5) days after the date of notification to the respondent of such determination of probable cause.

Section 5 – Right of Representative

At all stages with respect to proceedings before the Commission, all parties, including the Commission itself, shall have the right to be represented by counsel, and in the case of Complainants or Respondents, by other appropriate representatives.

Section 6 – Public Hearing

A. The Commission shall conduct the public hearing established and noticed under the provisions in Section 4 above.

B. At the hearing, all parties shall be given full and ample opportunity to present, by themselves, by third-party witness, or through counsel or representatives, evidence appropriate to the matter.

C. All witnesses before the Commission shall be sworn prior to their giving testimony. Rules and evidence, as established by the Courts of the State of Connecticut, shall not apply. All rules of due process in the conduct of the hearing shall pertain, including the right to cross-examine witnesses by all parties.

D. Any evidence acquired by the Commission or its members as a result of its independent investigation, if any, shall be presented and included as part of the testimony and record evidence at the public hearing.

E. The Commission shall have discretion with reference to granting reasonable requests for continuance of the hearing, or as to the date of its initial scheduling.

F. The hearing shall be recorded and a transcript of the hearing in the form of the recording thereafter provided and adequate safeguards for the securing of exhibits shall be observed by the Commission. Following the close of the hearing, the parties shall be afforded the opportunity to file summaries, memoranda or briefs on relevant issues upon the request of any party.

Section 7 – Decision

A. Time for Decision: Within forty-five (45) days of the date of conclusion of the hearing before the Commission under the provisions of the preceding paragraph, the Commission shall render its decision on the Complaint. Notice of said decision, and the decision itself, shall be given to all parties, in writing, mailed certified mail, return receipt requested, to their last known address, within ten (10) days of the date of the decision.

B. Action by the Commission: It is recognized by the Commission, under the provisions of the Charter of the Town of Old Saybrook, as amended, that all decisions of the Commission shall be in the form of recommendation only, and cannot include any punitive action, such as fines, suspensions, or disciplinary action. When appropriate, the Commission will forward copies of the Complaint, its findings and decision, together with the recommendation of the Commission to the Board of Selectmen and to the appropriate authority, board or commission which may have jurisdiction to take action as

the result of any violation of the Old Saybrook Code of Ethics. The recipients of said report shall report back to the Commission within sixty (60) days as to the action or actions taken by such authority, board or commission having jurisdiction in the matter.

Section 8 – Limitation Re: Filing of Complaint

All complaints for violation of the Old Saybrook Code of Ethics against any person shall be filed within two (2) years next following the date of any such alleged violation. No complaint shall be filed for any claimed violation of the Old Saybrook Code of Ethics for any event occurring prior to the effective date of the enactment of the Old Saybrook Code of Ethics.

Section 9 – Time Limitations

A. All days or time limitations set forth in this document shall be deemed to be calendar days.

Section 10 – Advisory Opinions

In accordance with the provisions of Chapter 23 Section 6 of the Code of Ethics Town of Old Saybrook, the Old Saybrook Ethics Commission has adopted the following regulations and procedures for the filing of requests for advisory opinions from the Commission.

A. Any town official or employee of the Town of Old Saybrook, including, but not limited to Board of Education officials and employees, may request and receive an advisory opinion from the Old Saybrook Ethics Commission as to whether certain proposed conduct by such officials or employees complies with the Old Saybrook Code of Ethics.

B. Advisory opinions shall be limited to possible future actions. They will not be accepted concerning a current, past, or ongoing action.

C. A request for an advisory opinion shall be in writing, on a form provided to applicants, which form shall include, but not necessarily be limited to, the following information:

1) a general description of the conduct involved, together with copies of any supporting documentation requested, to be reviewed by the Commission.

2) Name and address of the applicant, and position held in Town.

3) The specific section or sections of the Old Saybrook Code of Ethics which are involved in the request.

4) A general statement as to the purpose of the request.

5) The request shall be signed by the applicant under the penalties of false statement.

Section 11 – References

A. The Old Saybrook Ethics Commission is established under the enabling provisions of Section 7-148h of the General Statutes of Connecticut entitled “Ethics Commission; Establishment and Powers.” The local enabling enactment is as set forth in Chapter 6, Section 5, of the Charter of the Town of Old Saybrook, and Chapter 8, Section 65 of the Town Code entitled “Ethics Commission.” Also, it should be further noted that the Old Saybrook Code of Ethics incorporates as a prohibited practice certain provisions of Old Saybrook Town Ordinance Chapter 12 entitled “Conflicts of Interest.” Said “Conflict of Interest” ordinance was established under the provisions of Section 7-479 of the General Statutes of Connecticut.