



The Town of Simsbury, Connecticut



Town of Simsbury Board of Ethics

Minutes of Regular Meeting, June 19, 2017

Board Members:

Present: David Moore (Chairman), Rick Jones (Vice Chairman), Drew Brazer,
Kevin Crimmins, and Lynn Raccio.

Absent: Tom Rechen

Others Present: Selectman Michael S. Paine, Sr., Town Counsel Robert Decrescenzo, Esq.

The Regular Meeting of the Simsbury Board of Ethics, noticed for June 19, 2017, was called to Order at 7:03 p.m., a quorum having been determined by the Chairman.

- 1) Kevin Crimmins moved that the Board approve the Regular Meeting Minutes of March 20, 2017, and that Motion was seconded by Lynn Raccio. The Motion passed by a 5-0 vote.
- 2) Lynn Raccio moved that the Board approve the Special Meeting Minutes of June 6, 2017, and that Motion was seconded by Kevin Crimmins. The Motion passed by a 5-0 vote.
- 3) Kevin Crimmins moved that the Board table the discussion of rules revisions and that motion was seconded by Lynn Raccio. The Motion passed by a 5-0 vote.
- 4) David Moore opened the discussion of the issue of potential conflicts by suggesting with Messrs. Paine and Decrescenzo present, we start the discussion of potential conflicts of interest by discussing issues specific to Mr. Paine. Lynn Raccio disclosed that she had represented Mr. Paine in the past on a workers compensation matter. After a brief discussion, she indicated that she could render a fair opinion on the matter and the Board informally agreed.

As an introduction to the issue, David Moore noted that the Board's process of reviewing potential conflicts of interest began with the upcoming change in the form of Town Government. Specific to Mr. Paine, Chairman Moore expressed the Board's concern that the recusals required in its 2014 decision may now not be enough. Discussion was then opened to other members of the Board. Board Members started the discussion by commenting that with the new government structure, the Selectmen would be one step closer than current to the actual administration of vendor contracts and the hire/fire decision of personnel, particularly the Town Manager who would serve at the pleasure of the Board of Selectman. It was noted that with this structure, the First Selectman would become merely first among equals on the Board of Selectmen. Also mentioned was in light of the new structure, the Ethics Board was reviewing the conflict of interest status of all.

Mr. Paine noted that he was running for First Selectman, but had not been elected yet. He expected to continue doing what he has done in the past – recuse himself in all matters regarding Paine's, Inc. He also noted that the Board of Selectmen's structure of having designated a Deputy First Selectmen, allowed the Deputy to run things in the event of a recusal by the First Selectman.

Further concerns were raised regarding the potential discouragement of other potential vendors by having a member of the Board of Selectmen with the hire/fire and annual review power over the Town Manager, who would be responsible for the selection of the Town's vendors. As well, it was noted that in 2 separate public audiences during recent Board of Selectmen meetings, the conflict of interest matter regarding Mr. Paine was raised by 2 different individuals.

Mr. Paine was asked to address the outside concerns. He didn't feel any matters had been raised in a substantive way however, Mr. Paine noted that if a complaint were filed he has a plan to address it. The Board emphasized that there were no complaints before the Board and asked if he could discuss his plans, either publicly or in executive session. Mr. Decrescenzo opined that the Board could not enter executive session at this time because the discussion did not involve matters of confidentiality. Mr. Paine declined to discuss his plans. Mr. Decrescenzo then noted that he could not represent the Ethics Board because he represented the Board of Selectmen.

A final point of discussion revolved around asking Mr. Decrescenzo if the Board was accurate in its description of how the new form of Town Government would operate. Many details were reviewed but it was generally agreed that the descriptions posed by members of the Board were accurate. In response to a question, Mr. Paine also noted that he was not involved on the company side regarding any services provided by Paine's, Inc. to the Town. There being no further questions for Messrs. Paine and Decrescenzo, the Chairman thanked them for their attendance and responses, and they left the meeting.

The conflict of interest statements from members of the Planning Commission, Zoning Commission and Zoning Board of Appeals were reviewed. These included Derek Peterson's before he moved to the Board of Finance. Missing was Mark Drake, alternate on the Planning Commission. No matters were found requiring more review. David Moore then noted that Town Council thought the review to this level to be sufficient and that any issues regarding other members Town Government could be dealt with as they arose.

The Board continued its discussion regarding Mr. Paine, reviewing what took place when Messrs. Paine and Decrescenzo were present, various sections in the Ethics Code, previous Board actions in conflict of interest matters, and other related matters. Kevin Crimmins noted that before proceeding further, the Board should have a discussion with all members present. That was informally agreed to by all present.

5) There being no other business before the Board, a motion to adjourn was made by Kevin Crimmins and seconded by Rick Jones. The motion passed unanimously, 5-0, and the meeting was adjourned at 8:38p.m.

Respectfully submitted,

Rick Jones, Vice-Chairman