GREENWICH BOARD OF ETHICS

Minutes of Regular Meeting on September 15th, 2020

Members Present: Paul de Bary, Chair, Robert Grele, Secretary, John Margenot, and Robert Sisca

Members Absent: None

Others Present: John Mastracchio and Fred Camillo

The meeting was called to order in executive session at 5:30 P.M. by the Chair, who noted that a quorum was present and that the agenda for the meeting had been provided to all the members, and posted in accordance with Freedom of Information Act requirements. The Chair also noted that, during the executive session, only matters permitted to be dealt with in executive session pursuant to FOIA should be discussed. Since no other persons had requested to have access to the public portion of the meeting, the persons listed as present for the meeting would also be considered a list of those present in accordance with FOIA requirements. Robert’s Rules of Order were suspended in the interest of efficiency.

The purpose of the executive session was to review a report received by the Board in the form of a complaint. As the respondent was also a non-voting member of the Board, ex officio, it is important to note that participation by the respondent in the Executive Session was not as a member of the Board, but solely to provide information for consideration by the Board in connection with the submission it had received. It is also noted that, since the respondent waived confidentiality during the executive session, separate minutes of the executive session were not required, nor was a motion to end the executive session needed.

During the executive session, the Board considered a report that was submitted in the form attached as Exhibit B to these minutes. Although the report did not contain any specific allegation of a violation of the Code, it alleged that members of the respondent’s family could “profit from” a plan proposed by the respondent. Therefore, the Board felt that it was appropriate to allow both the complainant and respondent to address the issue.

The complainant indicated that the allegation was not based on personal knowledge, but said that since the respondent’s family had been involved in the refuse business in the past, the complaint had been brought to address a situation that the complainant felt provided “bad optics” for the Town. Respondent stated that neither respondent nor any family member of the respondent was currently involved in the refuse business, nor had they been for many years. They also had no financial interest in any entity that would have been affected by the various plans considered or adopted by the Town. Therefore their only
interest was their general interest as citizens of the Town. Given these assurances, the complainant agreed that the complaint should be dismissed.

After further consideration by the Board, the Chair formulated the substance of a decision in the form attached as Exhibit C, which was duly moved, seconded and unanimously approved.

A draft of the minutes of Board’s meeting on June 9th, 2020 had been circulated to the members. After review, there were no further revisions requested to the draft minutes and upon motion made by Mr. Sisca and seconded by Mr. Margenot, the minutes of the June 9th, 2020 meeting of the Board were unanimously approved in the form attached to these minutes as Exhibit A.

The Chair then reported on the annual ethics filings, which are attached as Exhibit D. Only a few were received this year, which indicates the difficulties of maintaining an efficient system. The Board discussed its efforts to have technical amendments to the Code of Ethics made, so that an on-line filing system could be established.

The Board also discussed the efforts made to fill the vacancy on the Board and preliminary discussions with the Department of Administrative Services concerning the potential value of having various boards and commission adopt policies for use by their members when working on Town matters as a contractor. The Chair also discussed the Board’s annual report which will contain recommendations in each of these areas.

Following this discussion, there was no further business before the Board and the meeting was adjourned by unanimous consent at 6:32 P.M.
GREENWICH BOARD OF ETHICS  

Minutes of Regular Meeting on June 9th, 2020  

**Members Present:** Paul de Bary, Chair and Secretary of the Meeting, Robert Grele, Robert Sisca  

**Members Absent:** John Margenot  

**Others Present:** Rev. Stephanie Johnson  

The meeting was called to order at 5:30 P.M. by the Chair, who noted that a quorum was present and that the agenda for the meeting had been provided to all the members and posted online in accordance with Freedom of Information Act requirements as modified by Governor Lamont’s Executive Order 7B regarding the Covid-19 Pandemic. The Chair also noted that, with only members of the Board and an individual being considered for membership on the Board present, Robert’s Rules of Order would be suspended in the interest of efficiency, subject to being reinstituted in the interest of an orderly discussion.  

The Secretary of the meeting had distributed a draft of the minutes of Board’s meetings on December 12th, 2019 and May 13th, 2020. After review, there were no further revisions requested to the draft minutes.  

Upon motion made by Mr. Sisca and seconded by Mr. Grele, the minutes of the December 12th, 2019 and May 13th, 2020 meetings of the Board were approved in the form attached to these minutes as Exhibit A.  

The Chair then welcomed Rev. Johnson to the meeting and the members discussed her interest in joining the Board and recent activities of the Board. There is a vacancy on the Board due to the resignation of Pastor Bloom. Peter Crumbine informs that Rev. Johnson’s application is under review, but has been held up by the inability to conduct the normal interviews during the current pandemic emergency.  

The next item on the agenda was the report of the Chair. In advance of the meeting, he had circulated to the other members a draft of the annual reminder to Town Officers regarding their ethics filings. Members of the Board provided comments and suggestions. The issues of whether the deadline for filings should be delayed and whether it might be difficult for individuals to obtain notarizations under the current circumstances was considered. The Chair advised that he had contacted the Clerk’s office and that the reminder explained that the Clerk would accept filings by mail. Governor
Lamont’s executive orders do not seem to allow for the waiver of the notarization requirement or an extension of the deadline for filings made under local law requirements. The Board would take into account current difficulties if any complaints were filed based on a failure to notarize, but it was considered inadvisable to formally state that in the reminder letter.

The Board then discussed the importance of renewing efforts to amend the Code to provide for an on-line filing system. The requirements of the Town Purchasing Policy regarding Advisory Opinions was also discussed. The Chair indicated that he was expecting to speak with the Director of the Department of Purchasing and Administrative Services later in the week.

Following this discussion, there was no further business before the Board and the meeting was adjourned by unanimous consent at 6:13 P.M.

[Minutes of December 10, 2019 and May 13th, 2020 meetings have been previously filed in final form and are not attached to avoid duplication]
I’ve been concerned about the radical change to the Town’s waste removal policies. Initially the First Selectman proposed a plan that would require residents to purchase special garbage bags from specific trash disposal companies (Pay as You Throw). This seemed to be a conflict of interest, since I’ve been told that the First Selectman’s family is in that very same business, and would profit from the plan. Since nobody has asked the question, I’d like to know if such a conflict exists, and did the First Selectman file the necessary declarations with the legal department.
Exhibit C

Decision No. 21-01

Date: 09/15/2020

Topics: Substantial Financial Interest, Town Action, Sufficiency of a Complaint

Code Sections: Section 4 and Section 5

The Board of Ethics received a report concerning the activities of one of the Selectmen in connection with actions considered and taken by the Town with regard to refuse removal. Under its Statement of Procedures, the Board proceeded with a confidential investigation to determine if there was probable cause that a violation of the Code had occurred.

The first step in any such investigation is for the Board to determine whether the Board has jurisdiction over the subject matter and the person alleged to have violated the Code. The Board must then evaluate whether the report describes a specific violation of the Code by the Town Officer or Town Officers involved. In performing this preliminary review, the Board considers only the allegations contained in the report and assumes the truth and completeness of these allegations without further investigation. After this evaluation, the Board makes a finding as to whether the submission makes a complaint that should be further investigated or whether the submission should be dismissed because it fails to state a specific violation of the Code over which the Board has appropriate jurisdiction.

STATEMENT OF FACTS

The report submitted to the Board expressed concern about “the radical change to the Town’s waste removal policies.” It alleged that the respondent had supported a plan that would “require residents to purchase special garbage bags from specific trash disposal companies (Pay as You Throw).” The report indicated that this seemed to be a conflict of interest “since I’ve been told” that the respondent’s family “is in that very same business, and would profit from the plan.” The report concluded that: “Since nobody has asked the question, I’d like to know if such a conflict exists,” and asked if the respondent had filed “the necessary declarations with the legal department.”

Although the report did not contain specifics as to how the respondent had attempted to influence the process, it indicated that it was a complaint under Section 4 of the Code, which prohibits attempting to influence “Town actions” in which a Town Officer has a financial interest. If the Selectman’s family would profit from the Town
action, Section 4 of the Code would prohibit attempting to influence the action. Therefore, the Board considered it appropriate to obtain additional information before making a final decision as to whether the report met the requirements for a complaint under the Code of Ethics.

Both the complainant and the respondent agreed to cooperate and to appear before the Board in executive session at its next regular meeting. At the meeting, the complainant was asked to provide any additional information that would show how the respondent or the respondent’s family would “profit from” any of the recent plans that had been considered or implemented by the Town with regard to refuse disposal services. Complainant said that he was not aware of any specific situation, but had heard many rumors. The report had been submitted, complainant said, because the “optics” were not good, since the respondent and respondent’s family had been previously associated with the refuse disposal business and one of the first initiatives that respondent had been associated with as a Town Officer involved that business.

Respondent acknowledged being associated with the refuse hauling business many years ago and indicated that respondent was the last family member associated with the business when the remaining operations were sold in 2002. Respondent had also been involved with a local recycling company until 2011, although employed at that time as a full time teacher. Thus, for many years, neither respondent nor any family member has been involved in the refuse business. Nor have they had any financial interest in any company that would have provided bags under the “pay-as-you-throw” plan. However, respondent was aware that Greenwich is unique among surrounding municipalities in not charging a tipping fee to waste haulers. Whatever the reason, the quantity of refuse generated by the community is high and the question of how to best manage the process and fairly allocate the cost was an issue that the respondent felt was important to address.

Initially, respondent had considered a “pay-as-you-throw” system to have advantages because it would allocate cost based on the quantity of refuse produced at the source and could encourage conservation. Local refuse haulers had not been receptive to the idea, however, because they believed it was unduly cumbersome. In addition, it appeared that there was only one source for the bags necessary to support the system. As a result, the respondent ultimately came to support a system that charged residents an annual fee to use the Town facility and charged a tipping fee to the haulers. This system has been adopted and respondent indicated that it appears to be working well, although some residents have been disappointed with increases in their service fees as a result of haulers passing through the cost of the tipping fee to their customers.

After respondent provided this information, the Board asked the complainant if there was any other information that complainant wished to provide as to a specific violation of the Code by the respondent. Although complainant continued to feel that the “optics did not look good,” complainant agreed that there was no reason why the Board should not dismiss the complaint.
FINDINGS

The Board has carefully reviewed the complainant’s report and made inquiries with both the complainant and respondent regarding the circumstances. Based on this review, the Board has determined that the report should be dismissed, since it does not allege facts supporting the conclusion that a violation of the Code of Ethics has occurred. Accordingly, the report did not qualify as a complaint that should be investigated under the Code.
Exhibit D

Annual Ethics Filings
Annual Disclosure Form for Town Officers

Section 2.9 of the Town Code of Ethics requires all Town Officers to file a written statement disclosing under oath any substantial interest in transactions with the Town. Such statements are to be filed in each year that a Town Officer has a financial interest in one or more transactions totaling $100 or more. Such statement is to be provided in the following form and is to be filed in the office of the Town Clerk within thirty days after the end of the fiscal year. For this purpose:

(1) a Town Officer includes any official, employee or agent of the Town, any consultant to the Town or any member of any board, department, commission, committee, legislative body or other agency of the Town, whether elected or appointed, and

(2) a transaction includes the offer, sale or furnishing of any real or personal property, material, supplies or services to the Town for valuable consideration, directly as a vendor or prime contractor, or indirectly as a subcontractor, beneficial owner, family member or otherwise, but does not include services as a Town Officer.

Name: Thomas J. Byrne

Town Office: RTM Member

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.)

Sports Official at Town Middle School
Soccer & Basketball Games

Value of Interest: $700
(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

FALL 2019 - Soccer & Basketball
WINTER 2020 - Middle School Games

Signature: Thomas J. Byrne 7-20-20

Subscribed and sworn to before me this ___ day of ______ 201__.

Notary Public
Annual Disclosure Form for Town Officers

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Name: Thomas J. Byrne

Town Office: RTM Member

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.

Son Michael is a Volunteer Firefighter with SBVFD & receives some compensation from Town

Value of Interest: $ Unknown

(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

See above FY 2019-20

Signature: Thomas Byrne 7-20-20

Subscribed and sworn to before me this ___ day of ____ 20__.  
Notary Public

BANKS & TOWN HALL CLOSED. NO ACCESS TO NOTARY
Board of Ethics
Town of Greenwich, Connecticut

Annual Disclosure Form for Town Officers

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Name: P. Jude Collins

Town Office: RTM (D10) and Condemnation Commission

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member. Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.)

Two sons have part time employment with Town

Value of Interest: $400.00
(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

Christopher Collins - Town Hockey Ref - Parks Dept

Quinn Collins - Town Hockey Ref - Parks Dept

Their total salary was less than $400

Signature: [Signature]

Subscribed and sworn to before me this 23 day of April 2023.
Notary Public
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Name: John R. Conte Jr.

Town Office: Architectural Review Committee Member

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as subcontractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.

Value of Interest: $ 0.00
(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

Submitted RFPs for Town Projects

Signature: [Signature]

Subscribed and sworn to before me this 4th day of July 2019

Notary Public [Notary Public]

Robin L. Hopkins
Notary Public, State of Connecticut
My Commission Expires Sept. 30, 2024
Board of Ethics
Town of Greenwich, Connecticut

Annual Disclosure Form for Town Officers

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Name: Kimberly R.S. Conte

Town Office: John R. Conte Jr., Architectural Review Committee Member

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.

Family member, wife of John R. Conte Jr.

Value of Interest: $ 0.00
(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

Signature:

Subscribed and sworn to before me this 14 day of July 2020

Notary Public

Robin L. Hoffkins
Notary Public, State of Connecticut
My Commission Expires Sept. 30, 2024
BOARD OF ETHICS OF THE TOWN OF GREENWICH
RECORD OF VOTES BY THE BOARD

DATE: SEPTEMBER 15, 2020

MOTION/RESOLUTION: (1) TO APPROVE DECISION 20-01

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<tr>
<th>Member</th>
<th>Yea</th>
<th>Nay</th>
<th>Abstain</th>
<th>Absent</th>
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</thead>
<tbody>
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<tr>
<td>Robert Grele</td>
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<tr>
<td>John Margenot</td>
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<tr>
<td>Robert Sisca</td>
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BOARD OF ETHICS OF THE TOWN OF GREENWICH  
RECORD OF VOTES BY THE BOARD

DATE: SEPTEMBER 15, 2020

MOTION/RESOLUTION: (2) TO ADOPT THE MINUTES OF THE June 6th, 2020 MEETING OF THE BOARD

<table>
<thead>
<tr>
<th>Member</th>
<th>Yea</th>
<th>Nay</th>
<th>Abstain</th>
<th>Absent</th>
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<td>Paul de Bary</td>
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Name: David B. Conte

Town Office: John R. Conte Jr., Architectural Review Committee Member

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.)

Family member, son of John R. Conte Jr.

Value of Interest: $0.00
(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

Signature:

Subscribed and sworn to before me this 14th day of July 2020

Notary Public

Robin L. Hopkins
Notary Public, State of Connecticut
My Commission Expires Sept. 30, 2024
Board of Ethics
Town of Greenwich, Connecticut

Annual Disclosure Form for Town Officers

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Name: John R. Conte III

Town Office: John R. Conte Jr., Architectural Review Committee Member

Nature of Substantial Financial Interest:
(Describe direct interest, such as owner, partner or shareholder or indirect interest, such as sub-contractor, employee or family member) Persons must file a separate form for their separate interests in unrelated transactions. An interest in a transaction or series of related transactions having a total value of less than $100 is not required to be reported.

Family member, son of John R. Conte Jr.

Value of Interest: $ 0.00

(No filing is necessary if this amount is less than $100)

Transaction or Transactions:
(Provide the date or dates and other appropriate information to identify each transaction, including the name of any Town vendor, contractor or other person affected. Attach additional sheets if necessary.)

Signature: John R. Conte III

Subscribed and sworn to before me this 20th day of July, 2018

Notary Public Robin L. Hoffkins
Notary Public, State of Connecticut
My Commission Expires Sept. 30, 2024