

**Board of Selectmen
Regular Meeting Agenda
December 1, 2022 at 7:30 pm
Meeting held via Zoom**

To join by internet: <https://us02web.zoom.us/j/81396962574>

Join by Phone: 301 715 8592

Webinar ID: 813 9696 2574

1. Call to Order
2. Pledge of Allegiance
3. Discussion and decision regarding a letter from the Board of Ethics to Mark Harper dated November 21, 2022
4. Approval of Minutes from the November 3, 2022 Regular Board of Selectmen Meeting, the November 17, 2022 Special Board of Selectmen Meeting, and the November 17, 2022 Regular Board of Selectmen Meeting
5. Adjournment

DRAFT Motions for the 12/1/22 BOS Regular Meeting

1. Call to Order: **No motion**
2. Pledge of Allegiance: **No motion**
3. Discussion and decision regarding a letter from the Board of Ethics to Mark Harper dated November 21, 2022: **I move that the Board of Selectmen adopt the following resolution:**

RESOLVED, that the Board of Selectmen (BOS) has concluded that the November 21, 2022 letter from the Board of Ethics purporting to adjudicate a complaint filed on November 8, 2022 by Mark Harper regarding actions of Selectwoman Amy Jenner at the BOS meeting of November 3, 2022, violated established laws and procedures. The actions of the Board of Ethics, while likely done innocently, were nevertheless legally flawed. The BOS finds the following:

1. The Board of Ethics failed to properly notice meetings in violation of the Connecticut Freedom of Information Act, Conn. Gen. Stat. 1-200 et. seq.
2. The Board of Ethics failed to follow its own regulation, Section 64-5F(2), which required that Ms. Jenner be given notice of the complaint and be provided with an opportunity to be heard.

Now, therefore, the BOS resolves that the Board of Ethics letter of November 21, 2022 is hereby rejected and rescinded; that the original complaint from Mr. Harper should be adjudicated again by a minimum of three (3) alternate members of the Board of Ethics to be appointed for only this complaint by the BOS at the earliest possible time; and that the current members of the Board of Ethics be provided with Freedom of Information Act training within the next ninety (90) days.

4. Approval of Minutes from the November 3, 2022 Regular Board of Selectmen Meeting, the November 17, 2022 Special Board of Selectmen Meeting, and the November 17, 2022 Regular Board of Selectmen Meeting: **I move to approve the unapproved minutes from the November 3, 2022 Regular Board of Selectmen Meeting, the November 17, 2022 Special Board of Selectmen Meeting, and the November 17, 2022 Regular Board of Selectmen Meeting, as presented.**
5. Adjournment: **I move to adjourn.**

1. Call to Order: **No motion**
2. Pledge of Allegiance: **No motion**
3. Discussion and decision regarding a letter from the Board of Ethics to Mark Harper dated November 21, 2022:

I move that the Board of Selectmen adopt the following resolution:

RESOLVED, that the Board of Selectmen (BOS) has concluded that the November 21, 2022 letter from the Board of Ethics purporting to adjudicate a complaint filed on November 8, 2022 by Mark Harper regarding actions of Selectwoman Amy Jenner at the BOS meeting of November 3, 2022, violated established laws and procedures. The actions of the Board of Ethics, while likely done innocently, were nevertheless legally flawed. The BOS finds the following:

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4. Approval of Minutes from the November 3, 2022 Regular Board of Selectmen Meeting, the November 17, 2022 Special Board of Selectmen Meeting, and the November 17, 2022 Regular Board of Selectmen Meeting:

I move to approve the unapproved minutes from the November 3, 2022 Regular Board of Selectmen Meeting, the November 17, 2022 Special Board of Selectmen Meeting, and the November 17, 2022 Regular Board of Selectmen Meeting, as presented.

Chapter 64. Ethics, Code of

[HISTORY: Adopted by the Town of Weston 12-3-1996, effective 1-2-1997. Amendments noted where applicable.]

§ 64-1. Purpose.

Weston is a community proud of its heritage and supportive of strong ideals. This Code of Ethics is established to foster the highest standards of ethical behavior on the part of all elected and appointed officials of the Town and all employees of the Town. Its purpose is to provide guidelines for our Town officials and employees by establishing standards of conduct for those people who participate in its decisionmaking processes. It is intended to promote the continuation of the tradition of good government in Weston. Adherence to the code will ensure that our government operates with integrity and fairness and in a manner deserving of the confidence which the citizens of Weston have bestowed upon those who hold responsibilities to our community.

§ 64-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONFIDENTIAL INFORMATION

Any information concerning the property, business or affairs of the Town not generally available to the public which is obtained by reason of the public position or office held.

FAVOR

Any representation or promise to confer a benefit of something other than economic value upon another without the return or exchange of adequate and lawful consideration.

FINANCIAL INTEREST

Any interest resulting from a Town action in which an individual, his/her relatives, through blood or marriage, or close business associate, either directly or indirectly, expects to derive a monetary gain which is more than nominal and not common to the interest of other citizens of the Town.

GIFT

Anything of economic value, regardless of the form, given, exchanged or transferred without the return or exchange of adequate and lawful consideration. It does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with provisions of federal, state, or local laws governing campaign finances.

PERSONAL INTEREST

Any interest resulting from a Town action in which an individual, his/her relatives, through blood or marriage, or close business associate, either directly or indirectly, expects to derive a benefit other than financial which is not common to the interest of other citizens of the Town.

TOWN ACTION

Any municipal legislative, administrative, appointive or discretionary act of any employee of the Town or any agency, board, committee or commission thereof.

TOWN EMPLOYEE

Any person providing services to the Town for salary or wages, including Board of Education employees.

TOWN OFFICIAL

Any person holding a position by election or appointment in the service of the Town, whether paid or unpaid, including members of any board, committee, or commission thereof.

§ 64-3. Standards of conduct.

- A. Conflict of interest. No Town official or employee or his/her relatives, through blood or marriage, or close business associate shall engage in any Town action in which said official or Town employee has a financial or personal interest which is incompatible with the proper discharge of his duties in the public interest or which would tend to impair his independence of judgment or action in the performance of those duties. Nothing herein shall be construed to be less demanding than what is contained in the Weston Town Charter (Section 10.1), relevant state statutes, or state court decisions.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. Gifts and favors. No Town official or employee or his/her relatives, through blood or marriage, or close business associate shall solicit or accept any gift or favor which might tend to influence the performance or nonperformance of said Town official's or employee's municipal duties. If it is impossible or inappropriate to refuse a gift, the gift shall become the property of the Town.
- C. Appearance before Town agencies. No Town official or employee shall appear for his or her financial or personal benefit on behalf of the private interests of another person before any board, commission or agency of the Town, nor shall he represent the private interests of another in a Town action. Nothing herein shall prohibit a Town official or employee from appearing before any board, commission or agency of the Town on his own behalf. No relative, through blood or marriage, or close business associate of a Town official or employee shall appear before any board, commission, or agency for personal or financial interest or engage in any Town action where there is likely to be a perception of influence being exerted by such Town official or employee, without first securing an advisory opinion of the Board of Ethics.
- D. Disclosure or use of confidential information. No Town official or employee shall disclose or use confidential information for the financial or personal interests of himself or others.
- E. Incompatible employment. No Town official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his duties in the public interest or would tend to impair his independence of judgment or action in the performance of those duties.
- F. Use of Town facilities. No Town official or employee shall request or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- G. Obligations to citizens. No Town official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

§ 64-4. Disclosure of interest.

- A. When a Town official becomes aware of facts or circumstances which demonstrate that he has a financial or personal interest in a pending matter, then said individual shall recuse himself from and shall not take any action on or exert any influence with respect to the pending matter and shall so state that he is recusing himself on the record. If a board or commission member decides to recuse himself, then the individual need not disclose the nature of the conflict unless the conflict is so substantial and so impacts the integrity of the government process as to warrant further disclosure.
- B. In the event the Town official becomes aware of facts or circumstances that suggest he may have a personal or financial interest in the pending matter but concludes that no interest, in fact, exists and that he intends to act, then said person must advise the board or commission, on the record, of the nature and details of his possible interest.
- C. When an employee becomes aware of facts or circumstances which suggest that he has a financial or personal interest in a pending matter, perceived or otherwise, then he shall report to his immediate supervisor and the Town Administrator in writing that he has a conflict of interest with respect to the pending matter, the nature of said conflict, and whether he believes he is permitted to take any further action with respect to the pending matter. The Town Administrator shall decide whether the employee is permitted to act further in the matter, subject to a complaint to or request for an advisory opinion from the Board of Ethics.

§ 64-5. Board of Ethics.

- A. Creation. There shall be established a Board of Ethics for the Town of Weston.
- B. Membership. The Board shall consist of five members, none of whom shall hold any elective or appointive Town office or be an employee of the Town or be an officer of any political party. The members shall be electors of the Town and shall be appointed by the Board of Selectmen. No more than three members may be from the same political party. Vacancies in the membership of the Board shall be filled for the unexpired term in the same manner as regular appointments.
- C. Terms. Board members shall serve for two-year terms. Of the first members appointed, three shall serve for three years, and two shall serve for two years. Thereafter, each member shall serve for a term of two years. No member may serve for more than six successive years and then may not serve for another two years before he/she may serve again.
- D. Officers. A Chairman, and any other officers deemed advisable by the Board of Ethics, shall be elected annually by the Board of Ethics. The Chairman shall preside over all Board meetings and may call special meetings as needed but otherwise shall have power equal to that of other Commission members.
- E. Meetings. The Board shall establish regular meeting times, as needed. Special meetings may be called as needed by the Chairman or by any two members.
- F. Duties. The Board shall:
 - (1) Design and promulgate its own rules and regulations, not otherwise covered herein and not otherwise inconsistent herewith, to fulfill the purpose and intent of this code, including the adoption of recommended enforcement guidelines for violations of this code. These rules and regulations shall be submitted to the Board of Selectmen for review and comment and adopted after a public hearing by the Board of Ethics;
 - (2) Receive complaints of violations of this code, investigate the same, give the Town official and/or employee notice and an opportunity to be heard, make such findings as it may deem appropriate in each case as promptly as feasible, and make recommendations to the Board of Selectmen, with notice to the respective board, commission, or agency;
 - (3) Render advisory opinions in writing to Town officials or employees who make a written request to the Board with respect to this code; and
 - (4) Manage the distribution of this code and the training of the Town's officials and employees as to its provisions.

§ 64-6. Distribution of code.

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to Town officials and employees upon their election, appointment, or hire.



Jonathan Luiz <jluiz@westonct.gov>

[EXTERNAL] Weston Board of Ethics - Mark Harper / Advisory Opinion

1 message

William Weiss <wweiss.westonct@gmail.com>

Tue, Nov 22, 2022 at 7:02 PM

To: "jluiz@westonct.gov" <jluiz@westonct.gov>

Cc: Samantha Nestor <snestor@westonct.gov>, mmohabeer@westonct.gov, ajenner@westonct.gov

Dear Jonathan, Samantha, Amy and Martin:

The Weston Board of Ethics received a complaint from Mark Harper on November 8, 2022 to which the full Board discussed and prepared the attached advisory opinion. This was submitted to Mr. Harper on November 22, 2022.

Sincerely,

William Weiss, III Chair

Att.

2 attachments

 **Weston Board of Ethics - A. Jenner November 21 2022 Opinion.pdf**
58K

 **Mark Harper BOARD OF ETHICS COMPLAINT 11-8-2022.pdf**
1202K

Board of Ethics
Town of Weston, Connecticut

November 21, 2022

TO: Mr. Mark Harper

RE: Ethics complaint of November 8, 2022

Dear Mr. Harper:

On November 8, 2022 a complaint was transmitted via email to the Chair of the Board of Ethics. The Complaint was submitted by Mark Harper, a Weston resident, in his capacity as Chair of the Weston Town Hall Employees' Union, Local #866, Council #4, AFL-CIO.

The subject of the Complaint is Weston Selectman Amy Jenner. The allegations in the Complaint are that at a November 3, 2022 meeting of the Weston Board of Selectmen, Selectman Jenner violated Section 64-4 of the Weston Code of Ethics by seconding a motion in which she herself was the subject of the Motion. The Motion, made by Selectman Martin Mohabeer, was to table discussion relating to a memorandum (a copy of which was submitted with the Complaint) that had been sent to First Selectman S. Nestor on October 28, 2022 by Mr. Harper (the "Memorandum"). The Memorandum made two requests: first, that Selectman Jenner be censured for statements that she allegedly made regarding the town's Tax Collector; and second, that the Selectmen pass a resolution prohibiting the Selectmen, the Town Manager, and the Town Supervisor from making false, disparaging, or negative remarks in any public forum respecting town employees, and requesting that any violation of such a resolution result in that official's immediate removal. According to the Complaint, because Selectman Jenner's alleged remarks were the source of the request for the Board of Selectmen to censure her, it was a violation of the Code of Ethics' prohibition for her to second the motion to table discussion of the Memorandum.

The Weston Code of Ethics provides that a Town official who has become "aware of facts or circumstances which demonstrate that he has a personal or financial interest in a pending matter," they "shall" recuse themselves from that matter, and "shall not take any action on or exert any influence with respect to the pending matter." [cite 64-4 (A).]

The Board agree unanimously that the conduct described breaches the Code of Ethics. A review of the publicly-available video recording of the meeting in question shows that Selectman Jenner took action and exerted influence on a matter in which she had a personal or financial interest by seconding the Motion in order to advance it to a vote, thus taking action that would delay discussion of whether she should be censured. Furthermore, we observe that Selectman Jenner committed a separate and distinct breach by voting to pass the motion, effectively ensuring that her conduct would not be discussed in that meeting.

There is no evidence in the record affirmatively indicating when Selectman Jenner was made aware of the Memorandum; however, the recording of the meeting shows that when the Selectmen arrived at this agenda item, all members of the Board of Selectman appeared to have reviewed the Memorandum and did not appear to have any questions about the topic, subject matter, or individuals involved. Because of this, the Board can infer that Selectman Jenner was aware that she was the subject of the Memorandum. With that knowledge in hand, she should have recused herself either in advance of the Meeting, or having failed to take that action, she should have refrained from taking any action that advanced Selectman Mohabeer's motion to a vote.

Even assuming for the sake of argument, that Selectman Jenner's act of seconding the motion was procedural rather than substantive, her subsequent act of voting to table discussion of the Memorandum was a clear violation of her mandatory obligation that she "shall not take any action on or exert any influence with respect to the pending matter."

Board of Ethics
Town of Weston, Connecticut

We have no opinion on whether Selectman Jenner's comments were appropriate or whether the relief requested by Mr. Harper would have been the correct response to any inappropriateness in those comments. We also express no opinion as to whether Selectman Jenner had any malicious intent in her actions. Nevertheless, she should have recused herself from the discussion so that citizens would arrive at their own conclusions about those matters. The Code of Ethics exists to ensure that those questions are entertained only by those who do not have a stake in the outcome so that Town decision makers cannot be accused of corrupt motives. Here, Selectman Jenner took two distinct actions that delayed the Board of Selectman's discussion of her own conduct and whether she should be publicly censured, and those actions raised the question of whether she was acting out of self-interest rather than to further the interest of the Town. In this way, Selectman Jenner's conduct breached the Weston Code of Ethics.

Sincerely,

A handwritten signature in black ink that reads "William Weiss, III". The signature is written in a cursive style and includes a long horizontal flourish extending to the right.

William Weiss, III Chair

N.B. This unanimous Opinion by the Board was drafted by Ruth Israely, Esq., member of the Board.

Town of Weston, CT

Board of Ethics

Complaint Submission Form

NOTICE:

By filing a complaint, the complainant acknowledges the confidentiality obligations imposed pursuant to Section 1-82a (see Appendix, pg 6) of the Connecticut General Statutes and those listed herein. Please see : <https://ecode360.com/13187692> for full information about the rules and regulations of the Weston Board of Ethics.

WHEN SHOULD I FILE AN ETHICS COMPLAINT?

An ethics complaint may be filed when any resident, employee, or official of the Town of Weston, Connecticut seeks a recommendation as to whether any Town official or employee has any conflict of interest or has committed some form of financial impropriety. Note: The Board of Ethics does not have the authority to adjudicate ethics complaints against the Weston Board of Education as that entity is under the authority of the State of Connecticut.

WHAT WILL HAPPEN WHEN I FILE A COMPLAINT?

1. Your complaint will be received confidentially and will be kept confidential until disclosure is ordered by the court, or upon the request of the respondent.
2. The Board of Ethics will conduct an evaluation as to whether it has jurisdiction over your complaint, and as to whether your complaint is stated with sufficient specificity to conduct an investigation, render a conclusion, and provide recommendations. Any decision of lack of jurisdiction or insufficient specificity will be issued in writing. If your complaint is deemed not sufficiently specific, you can amend your complaint.
 1. The Board of Ethics will investigate all valid complaints by interviewing witnesses (including at a minimum the complainant(s) and the subject(s) of the complaint), reviewing evidence and consulting with Town legal counsel as appropriate.
 2. The Board of Ethics will engage in group deliberation to render findings and issue recommendations in writing. Please see <https://ecode360.com/13187692> for complete information.

How to fill out this form:

This form is provided as a convenience but it is not required. However, to be evaluated, any complaint must contain the following:

1. A clear statement identifying the individual(s) against whom the complaint is made, and the official position held by that person that makes them subject to this Board's purview.
2. A detailed description of the violation, concern, or question at issue.
3. A detailed statement of any votes, actions, or transactions that form the basis of this complaint and for each individual(s) against whom the Complaint is made and a statement of the individual(s) financial interest in the matter or thing of value accepted which might influence the individual(s) behavior. Helpful details include dates, places, corroborating witnesses, documents or descriptions of documents, photographs, or other direct evidence or facts that are germane and probative of the issues raised in your complaint. Please attach any additional documentation pages if necessary.

How to submit this form:

This form must be submitted either by email to the Chair of the Board of Ethics, in a sealed envelope by courier, US mail or hand delivered in person. If by envelope, the lower left corner of the sealed envelope should have in writing, the following line:

**"CONFIDENTIAL: TO BE DELIVERED UNOPENED TO THE ATTENTION OF THE CHAIR
OF THE WESTON, CONNECTICUT TOWN BOARD OF ETHICS".**

1. To submit this form in person, please bring the sealed envelope to Weston Town Hall and submit it to the Town Clerk, Weston Town Hall 56 Norfield Road Weston, CT 06883.
2. To submit this form by U.S. Mail, please mail it in a sealed envelope to: Town Clerk, Weston Town Hall 56 Norfield Road Weston, CT 06883

Complaint Submission Form

Name of Complainant:

Mark Harper, Union President

Telephone number of Complainant:

(203) 943-0979

Email address of Complainant:

mharper@westonct.gov

Address of Complainant:

P.O. Box 1272 Weston CT 06883

Date Complaint is being submitted: 11-08-2022

Date(s) of incident(s) alleged: 11-03-2022 Board of Selectman Meeting

Individual(s) against whom Complaint is made, and their official position(s):

Amy Jenner, First Selectwoman

Description of violation, concern, or question at issue:

Code of Ethics "SS 64-4 Disclosure of Interest" (see attached)
Unethical Vote; by seconding a motion in which
she was the subject of the pending matter on the
agenda before the Board of Selectman

Detailed statement of votes, actions, or transactions that form the basis of this

Complaint:

On November 3rd 2022, Selectwoman, Amy Jenner publicly
seconded the motion put forward by Selectman,
Martin Mohabeer regarding the discussion with Mark Harper,
Union President pertaining to the Tax Collector,
Cathleen Neblett and her rights under the Weston Town Hall
Employees Union Local #866, Council #4 AFL-CIO.

service is incompatible with the proper discharge of his duties in the public interest or would tend to impair his independence of judgment or action in the performance of those duties.

- F. Use of Town facilities. No Town official or employee shall request or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- G. Obligations to citizens. No Town official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

§ 64-4. Disclosure of interest.

- * A. When a Town official becomes aware of facts or circumstances which demonstrate that he has a financial or personal interest in a pending matter, then said individual shall recuse himself from and shall not take any action on or exert any influence with respect to the pending matter and shall so state that he is recusing himself on the record. If a board or commission member decides to recuse himself, then the individual need not disclose the nature of the conflict unless the conflict is so substantial and so impacts the integrity of the government process as to warrant further disclosure.
- B. In the event the Town official becomes aware of facts or circumstances that suggest he may have a personal or financial interest in the pending matter but concludes that no interest, in fact, exists and that he intends to act, then said person must advise the board or commission, on the record, of the nature and details of his possible interest.
- C. When an employee becomes aware of facts or circumstances which suggest that he has a financial or personal interest in a pending matter, perceived or otherwise, then he shall report to his immediate supervisor and the Town Administrator in writing that he has a conflict of interest with respect to the pending matter, the nature of said conflict, and whether he believes he is permitted to take any further action with respect to the pending matter. The Town Administrator shall decide whether the employee is permitted to act further in the matter, subject to a complaint to or request for an advisory opinion from the Board of Ethics.

§ 64-5. Board of Ethics.

- A. Creation. There shall be established a Board of Ethics for the Town of Weston.
- B. Membership. The Board shall consist of five members, none of whom shall hold any elective or appointive Town office or be an employee of the Town or be an officer of any political party. The members shall be electors of the Town and shall be appointed by the Board of Selectmen. No more than three members may be from the same political party. Vacancies in the membership of the Board shall be filled for the unexpired term in the same manner as regular appointments.

Statement of the subject's financial interest in the matter or the thing of value accepted which might influence the individual(s) behavior:

N/A

List of witnesses with relevant information:

Samantha Nestor, First Select woman; Martin Mohabeer, Selectman;
Amy Jenner, Select woman; Jonathan Luiz, Town Administrator;
Cathleen Neblett, Tax Collector; Mark Harper, Union President

List of evidence, photographs, or documents that might be probative as to this complaint:

See attached documentation

PLEASE ATTACH or EMAIL ADDITIONAL SUPPORTING DOCUMENTS AS NEEDED

APPENDIX (Section 1-82a of the Connecticut General Statutes)

Sec. 1-82a. Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings. (a) Unless a judge trial referee makes a finding of probable cause, a complaint alleging a violation of this part, section 1-101bb or section 1-101nn shall be confidential except upon the request of the respondent. An evaluation of a possible violation of this part, section 1-101bb or section 1-101nn by the Office of State Ethics prior to the filing of a complaint shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the Office of State Ethics shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by the ethics enforcement officer or staff of the Office of State Ethics. No provision of this subsection shall prevent the Office of State Ethics from reporting the possible commission of a crime to the Chief State's Attorney or other prosecutorial authority.

(b) 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 Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member of the Office of State Ethics.

(c) Not later than three business days after the termination of the investigation, the Office of State Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making that finding. The Office of State Ethics shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding.

(d) If a judge trial referee makes a finding of no probable cause, the complaint and the record of the Office of State Ethics' 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 board or staff member of the Office of State Ethics 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 judge trial referee may, after consultation with the respondent if the respondent is not the source of the disclosure, publish the judge trial referee's finding and a summary of the judge trial referee's reasons therefore.

(e) The judge trial referee shall make public a finding of probable cause not later than five business days after any such finding. At such time the entire record of the investigation shall become public, except that the Office of State Ethics may postpone examination or release of such public records for a period not to exceed fourteen days for the purpose of reaching a stipulation agreement pursuant to subsection (c) of section 4-177. Any such stipulation agreement or settlement shall be approved by a majority of those members present and voting.

**Board of Selectmen
Regular Meeting Agenda
November 3, 2022 at 7:30 pm
Meeting held via Zoom**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86280765445?pwd=M1ZnbFJwTnlwbkZlSjQwWDlQWXBkZz09>

Join by Phone: 646-558-8656

Webinar ID: 862 8076 5445

Passcode: 371685

1. Call to Order
2. Pledge of Allegiance
3. Overview of Veteran's Day Events
4. Discussion with the Commission for the Arts on its charge and current activities
5. Discussion with the President of the Weston Town Hall Employees Union Local #866, Council #4 AFL-CIO regarding memo written to First Selectwoman Samantha Nestor
6. Discussion/Decision to make an appointment to the Board of Education to fill the vacancy created by the resignation of Anthony Pesco for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter
7. Discussion/Decision to make an appointment to the Board of Finance to fill the vacancy created by the resignation of Jamie Zeppernick for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter
8. First Selectwoman's update on meeting with Eastern Connecticut State University regarding water studies
9. Approval of Hazardous Materials Response Mutual Aid Agreement
10. Approval of the Fiscal Year 2023-2024 Budget Development Calendar
11. Approval of Minutes from October 20, 2022 Regular Board of Selectmen Meeting
12. Adjournment

5. Discussion with the President of the Weston Town Hall Employees Union Local #866, Council #4 AFL-CIO regarding memo written to First Selectwoman Samantha Nestor: **no motion**

Mark Harper
Union President Local #866 Council #4 AFL-CIO
mharper@westoncl.gov

TO: Samantha Nestor, First Selectwoman
FROM: Mark Harper, Union President
DATE: October 28th, 2022
RE: Employee's Rights and Protection Under Union Contract Local #866

I am writing this letter as President of the Weston Town Hall Employees Union Local #866, Council #4 AFL-CIO. The position I hold as President of the Union has many responsibilities, one of which is to protect all employees from any person holding a managerial position from making false and or negative remarks about them personally and their job performance.

Selectwoman Amy Jenner, wrote in a public forum a letter to the editor on October 4th, 2022. This letter was an attack on our Tax Collector, Cathleen Neblett. In the letter she accuses the Tax Collector of "Negligence and Dereliction" in her duties.

This blatant attack on the Tax Collector is not going to be tolerated. As a result of Selectwoman Amy Jenner's false and disparaging statements, the Union is adamant that she be immediately censored. In my opinion Selectwoman Jenner is creating a hostile work environment with her inaccurate statements.

All of our Union Employees are governed under State Statute and meet with the Town Attorneys if needed with regard to making any crucial decisions. This case was no different; Cathleen Neblett worked closely with the Town Attorney's throughout this procedure.

I am requesting that a resolution be passed, procuring that "No" Selectperson, Town Manager or Supervisor make any false, disparaging or negative remarks with regard to any Town Employee in any public forum. If they do they will be immediately removed from whatever position they are serving for the Town of Weston.



Cathleen Neblett <cneblett@westonct.gov>

Meeting

1 message

Cathleen Neblett <cneblett@westonct.gov>
To: Mark Harper <mharper@westonct.gov>

Mon, Oct 31, 2022 at 10:30 AM

Hello,
I give permission to Mark Harper, Town of Weston Union President, to discuss his concerns about me, as a Union Member, in a public forum at the November 3, 2022 Board of Selectmen meeting.

*Cathleen Neblett CCMC
Town of Weston
Tax Collector
203-222-2696*

**Board of Selectmen
Regular Meeting Minutes
November 3, 2022 at 7:30 pm
Meeting held via Zoom**

1. **Call to Order:** First Selectwoman Samantha Nestor called the meeting to order at 7:00 pm. Also in attendance were Selectman Martin Mohabeer, Selectwoman Amy Jenner, Town Administrator Jonathan Luiz, Ed Hutchins from the Veteran's Commission, Commission for the Arts Chairperson Paul Levin, Fire Chief John Pokorny and members of the public.
2. **Pledge of Allegiance:** The Board of Selectmen led in the recitation of the Pledge of Allegiance.
3. **Overview of Veteran's Day Events:** Ed Hutchins of the Veterans Affairs Commission discussed the events planned for Veteran's Day on November 11, 2022.

Selectman Mohabeer made a motion to table agenda item number 5. Selectwoman Jenner seconded the motion. Discussion took place. Selectman Mohabeer and Selectwoman Jenner voted in favor, Selectwoman Nestor was opposed. Motion passed two in favor, one opposed.

Selectwoman Jenner moved to add agenda item 10.5 as follows: Preliminary discussion on a noise ordinance. Selectman Mohabeer seconded the motion. Motion carried unanimously.

4. **Discussion with the Commission for the Arts on its charge and current activities:** Paul Levin, Chair of the Commission for the Arts reviewed the charge of the Commission for the Arts and provided an update on current activities.
5. **Discussion with the President of the Weston Town Hall Employees Union Local #866, Council #4 AFL-CIO regarding memo written to First Selectwoman Samantha Nestor:** This item was tabled.
6. **Discussion/Decision to make an appointment to the Board of Education to fill the vacancy created by the resignation of Anthony Pesco for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter:** First Selectwoman Nestor asked for a motion to appoint Lisa Luft appointment to the Board of Education to fill the vacancy created by the resignation of Anthony Pesco for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter, no motion was made. Selectwoman Jenner made a motion to appoint Michael Chad Hoeppener to the Board of Education to fill the vacancy created by the resignation of Anthony Pesco for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter. Selectman Mohabeer seconded the motion. Motion carried unanimously.
7. **Discussion/Decision to make an appointment to the Board of Finance to fill the vacancy created by the resignation of Jamie Zeppernick for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter:** Discussion took place regarding the appointment process. First Selectwoman Nestor asked for a motion to appoint Mike Schramm to the Board of Finance to fill the vacancy created by the resignation of Jamie Zeppernick for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter. She subsequently indicated that she had made a motion, motion was not seconded. First Selectwoman Nestor made a motion to appoint Theresa Brasco to the Board of Finance to fill the vacancy created by the resignation of Jamie Zeppernick for a term ending upon the next biennial election on November 6, 2023 in accordance with Section 7.6 of the Town Charter. Selectman Mohabeer seconded the motion. Motion carried unanimously.

8. **First Selectwoman's update on meeting with Eastern Connecticut State University regarding water studies:** First Selectwoman Nestor said she met with a Professor from Eastern Connecticut State University regarding the water study they completed in Weston that includes an analysis of water flow in all of Weston. ECSU will be providing more information about the water study and findings will be presented at a future meeting. There was discussion about a non-disclosure agreement, First Selectwoman Nestor said that there will be a non-disclosure agreement. A water study committee will be developed after information has been presented.
9. **Approval of Hazardous Materials Response Mutual Aid Agreement:** Discussion took place with Fire Chief John Pokorny regarding the Hazardous Materials Response Mutual Aid Agreement. Selectman Mohabeer made a motion to authorize the First Selectwoman to sign the Hazardous Materials Response Mutual Aid Agreement as presented. Selectwoman Jenner seconded the motion. Motion carried unanimously.
10. **Approval of the Fiscal Year 2023-2024 Budget Development Calendar:** Selectwoman Jenner made a motion to approve the fiscal year 2023-2024 budget development calendar as presented. Selectman Mohabeer seconded the motion. Motion carried unanimously.
- 10.5 **Noise Ordinance:** Discussion took place regarding the potential development of a noise ordinance. Selectwoman Jenner will look into the development of a noise ordinance with Jonathan Luiz and Police Chief Henion.
11. **Approval of Minutes from October 20, 2022 Regular Board of Selectmen Meeting:** Selectwoman Jenner made a motion to approve the minutes of the October 20, 2022 Regular Board of Selectmen meeting as presented. Selectman Mohabeer seconded the motion. Motion carried unanimously.
12. **Adjournment:** Selectwoman Jenner made a motion to adjourn. First Selectwoman Nestor seconded the motion. Motion carried unanimously Meeting adjourned at 8:35pm.

Minutes submitted by Darcy Barrera-Hawes, Executive Administrative Assistant

**Board of Selectmen
Special Meeting Minutes
November 17, 2022 at 7:00 pm
Meeting held via Zoom**

1. **Call to order:** First Selectwoman Samantha Nestor called the meeting to order at 7:00 pm, also in attendance were Selectman Martin Mohabeer, and Selectwoman Amy Jenner.

2. **Discussion/Decision to enter into executive session to discuss pending litigation:** Selectman Mohabeer moved to enter executive session for the purpose of discussing pending litigation. Invited to attend were Town Administrator Jonathan Luiz, and Attorney Al DiVincentis. Motion was seconded by Selectwoman Jenner, motion carried unanimously.

3. **Adjournment:** Selectman Mohabeer made a motion to adjourn. Motion was seconded by First Selectwoman Nestor, motion carried unanimously. Meeting adjourned at 7:41 pm.

Minutes prepared by Darcy Barrera-Hawes, Executive Administrative Assistant

**Board of Selectmen
Regular Meeting Minutes
November 17, 2022 at 7:30 pm
Meeting held via Zoom**

1. **Call to Order:** First Selectwoman Samantha Nestor called the meeting to order at 7:41 pm. Also in attendance were Selectman Mohabeer and Selectwoman Jenner, Town Administrator Jonathan Luiz, Lavinia Hurd, Diana Medina, and Commission for the Arts member Ewa Ojarovska.
2. **Pledge of Allegiance:** The Board of Selectmen led in the recitation of the Pledge of Allegiance.
3. **Discussion/Decision to hire an Administrative Floater:** The Board of Selectmen interviewed Lavinia Hurd for the position of Administrative Floater. Selectman Mohabeer made a motion to hire Lavinia Hurd as the Administrative Floater effective November 22, 2022. Selectwoman Jenner seconded the motion, motion carried unanimously.
4. **Discussion/Decision to hire a Family and Youth Social Worker:** The Board of Selectmen interviewed Diana Medina for the position of Family and Youth Social Worker. Selectwoman Jenner made a motion to hire Diana Medina as the Family and Youth Social Worker pending the successful completion of a criminal background check. Selectman Mohabeer seconded the motion, motion carried unanimously.
5. **Discussion with Commission on the Arts regarding December 1st Holiday Tree Lighting and Music Festival:** First Selectwoman Nestor and Ewa Ojarovska discussed the plans for the December 1st Holiday Tree Lighting and Music Festival.
6. **Setting of the regular meeting schedule of the Board of Selectmen for 2023:** Selectwoman Jenner made a motion to adopt the 2023 regular meeting schedule for the Board of Selectmen, as presented. Selectman Mohabeer seconded the motion, motion carried unanimously.
7. **Discussion about establishing a Town Procurement Policy:** Discussion took place regarding a town procurement policy. After the Board of Selectmen has established a draft document, it will be sent to the Board of Finance for review.
8. **Approval of Tax Refunds:** Selectman Mohabeer made a motion to approve Tax Refunds in the amount of \$21,451.26, as presented. Selectwoman Jenner seconded the motion, motion carried unanimously.
9. **Approval of minutes from the October 31, 2022 Special Board of Selectmen Meeting and November 3, 2022 Regular Board of Selectmen Meeting:** Selectwoman Jenner moved to approve the minutes from the October 31, 2022 Special Board of Selectmen Meeting. Selectman Mohabeer seconded the motion, motion carried unanimously. Discussion of the November 3, 2022 Regular Board of Selectmen Meeting Minutes took place, approval of this item was tabled.
10. **Adjournment:** Selectwoman Jenner made a motion to adjourn. Selectman Mohabeer seconded the motion, motion carried unanimously. Meeting adjourned at 8:29 pm.

Minutes prepared by Darcy Barrera-Hawes, Executive Administrative Assistant

5. **Adjournment: I move to adjourn.**