

TOWN OF CHESTER
BOARD OF SELECTMEN

Special Selectboard Meeting
May 19, 2016
Minutes

PRESENT: John DeBenedetti; Heather Chase; Arne Jonynas; Ben Whalen; David Pisha

VISITORS: Julie Hance; Shawn Cunningham; Garrett Baxter; Suzy Forlie; William Lindsay;
Frank Bidwell

The meeting was called to order at 7:07 p.m. by John DeBenedetti.

1. CITIZEN COMMENTS:

David Pisha stated that on Tuesday, he and Matt Wilson will be going to Castleton to review their new fire station. He asked if there are any other members that would like to go. Board members agreed that they would let him know.

2. CONFLICT OF INTEREST DISCUSSION:

Garrett Baxter from the Vermont League of Cities and Towns was present to address the Board on Conflict of Interest. A copy of the Power Point Presentation is attached. The basis of the discussion was Ethical Dilemmas for the Selectboard. Ethical dilemmas include conflicts of interest, bias/prejudice and ex parte communication.

When reviewing the management steps of dealing with a conflict of interest, Garrett Baxter mentioned the following points that are not identified in the Presentation attached. Any board member can point to the conflict of interest of any other board member. This is the necessity of a conflict of interest policy. It is the responsibility of the Selectboard to adopt the policy and to hold each other accountable to those standards. Recusal cannot be forced upon an individual Selectboard member. It is the decision of each individual member.

Garrett Baxter reviewed the process to adopt a Conflict of Interest Ordinance. Of note, is that the Ordinance must be adopted by the voters at an annual or special meeting. A Conflict of Interest Policy is adopted by the Selectboard by a major of the board. An ordinance is a local law whereas a policy is a guideline. This does not include the town employees. That would need to be included in the personnel policy.

Shawn Cunningham questioned if a board member is sitting on a subcommittee, can the individual sit on the Selectboard when the board makes its decision. Garrett Baxter suggested that there could be a bias for that member since they are already in favor of the decision prior to reaching the Selectboard. Dan Cote further questioned if the Selectboard member is leading the committee, then this would not prevent them from making a presentation to the Board. Garrett Baxter agreed that this would be fine, just that the board member should not vote.

Heather Chase stated that she is a Rotarian. If the Rotary comes before the Board to use the town property would she need to recuse herself. Garrett Baxter stated that disclosure would be best with an explanation as why she could be impartial. If there are other board members that feel that she should recuse herself, then she might want to consider recusal. Garrett Baxter stated that when things are controversial is when there should be heightened awareness. This is the importance of a policy. Dan Cote stated that this would not be a requirement to leave the Rotary. Garrett Baxter agreed.

Arne Jonynas questioned the enforcement piece. Garrett Baxter stated that the Charter Amendment or possibly the Ordinance would be the most effective. Language would be added identifying specifics as to when to recuse themselves.

John DeBenedetti questioned if there are a lot of towns with policies. Garrett Baxter said that he has that list at his office. He further questioned the situation of a board member being a member of another committee. Garrett Baxter stated that disclosure is the best thing to do.

Ben Whalen specifically questioned the Fire Department situation. Garrett Baxter stated that in times of budget or personnel issues, he might want to consider recusal. Definitely disclosure would be appropriate. Discussion ensued on this topic.

Discussion continued relative to the need and benefits of having a policy. Garrett Baxter stated that their policy is a starting point. The Board may choose to review other town's policies or entertain a Charter change.

3. ADJOURN:

A motion was made by Dan Cote to adjourn. Seconded by Ben Whalen. The motion passed. The meeting adjourned at 8:59 p.m.

Julie Hance
Secretary of the Select Board

Heather Chase
Clerk of the Board