

TOWN OF HUDSON

Code of Ethics Committee

7:00PM November 12,th 2019

Minutes

Call to Order:

The meeting was called to order by Chairwoman Kimberly Rice at 7:09PM in the Buxton Conference Room at Town Hall.

Pledge of Allegiance:

The pledge of allegiance was led by Mrs. Rice.

Roll Call:

Present: Kimberly Rice; Todd Terrien; Michael MacDonald; Heather Smalley; and Shane Coughlin.

All members were present.

New Business:

1. Approval of the Minutes

Motion by Mr. Terrien, seconded by Mrs. Smalley, to approve the minutes from October 29th of 2019. The motion passed 5-0.

2. Ethics Complaint Review (Filed by Peter Heilman)

Chairwoman Rice: First, we will review the ethics complaint by Peter Heilman against Selectwoman McGrath. What are your thoughts on it? I do not find that anything inappropriate happened. It is a small town, so people know each other. She is a non-voting representative from the Board of Selectmen to the Zoning Board of Adjustment. Greeting someone by giving them a hug is not an ethics violation.

Mrs. Smalley: Selectwoman McGrath's role as the selectmen liaison to the Zoning Board of Adjustment is not a conflict of interest here. There is no apparent evidence of a violation of the code of ethics here.

Mr. Terrien: Selectwoman McGrath did not even speak at the meeting.

Motion by Mrs. Smalley, seconded by Mr. Terrien, to dismiss the complaint without prejudice against Mr. Heilman's ability to file another one. The motion passed 5-0.

3. Review of Ethics Complaint (Filed by Mrs. Huard)

Chairwoman Rice: This next complaint was filed by Mrs. Huard.

Mrs. Smalley: It alleges a conflict of interest by Selectmen Morin because his daughter is a police officer. The complaint alleges multiple conflicts of interests over the past few years.

Mr. Coughlin: Mrs. Huard has provided us with factual allegations of what is supposed to display a violation to the town code of ethics. However, I don't see a violation of the code of ethics here. Most of the behavior relates to the general operations of the town, and so the police department is only indirectly involved. What I found most concerning was the section about his involvement in the police department collective bargaining and the vote about the rate for private detail police work being increased. However, he is not on the collective bargaining negotiating team. The vote related to private detail work increased the rate at which the town charges companies. It did not increase the rate of pay for police officers as that is set by the collective bargaining agreement.

Chairwoman Rice: If there was something directly related to his daughter, he should recuse himself. What he has voted on here impacts the entirety of the police department. I do not see improprieties.

Mr. Terrien: I understand these concerns. Some of these are gray. Overall, there has to be careful consideration by Mr. Morin in deciding when he should recuse himself.

Mrs. Smalley: Mr. Terrien, can you state specific allegations that make you uncomfortable?

Mr. Terrien: The details about the private detail work was a little concerning. I am not convinced that his daughter would have benefited from this monetarily. I am also concerned by the board approving construction projects in which his daughter could potentially make extra money from detail work. Overall, I do not see a clear conflict of interest, but it is gray.

Mr. MacDonald: I do see your concern. Initially, it raised my eyebrows. If he is voting to increase the rate of pay, she would benefit from that. However, this is on a department level and it is not impacting her directly. An ethics violation needs to show that an action specifically benefitted a family member.

Chairwoman Rice: The detail rate is set by collective bargaining. This is ultimately approved or rejected by the voters.

Mrs. Smalley: With respect to the allegation that "In July of 2019, David Morin voted on an increase in the rate of pay for private detail." This increase in pay would occur under the collective bargaining agreement.

Chairwoman Rice: He has no choice but to accept it once the voters approve it.

Mrs. Smalley: I believe that this is not an ethics violation. Perhaps there is an appearance of impropriety. I would recommend that we send a formal recommendation to Mr. Morin about his voting with respect to the police department. He should be mindful of situations in which he should recuse himself.

Motion by Mr. Coughlin, seconded by Mr. Terrien, to dismiss the complaint with prejudice against Mrs. Huard's ability to file another one. The motion passed 5-0.

Motion by Mr. Coughlin, seconded by Mr. Terrien, to adjourn the meeting. The motion passed 5-0.

The Code of Ethics Committee adjourned at 7:22 PM.