

TOWN OF HUDSON

Code of Ethics Committee

7:00PM June 18th, 2020

Minutes

Call to Order:

The meeting was called to order by Chairwoman Kimberly Rice at 7:00PM in the Board of Selectmen meeting room at Town Hall.

Pledge of Allegiance:

The pledge of allegiance was led by Chairwoman 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 Mrs. Smalley, seconded by Mr. Terrien, to approve the minutes from November 12th of 2019. The motion passed 5-0.

2. Ethics Complaint Review (Filed by Brett Gagnon)

Chairwoman Rice: I am a sitting state representative who is running for reelection, and Mr. Gagnon is running for state representative. I want to put this out front as I do not want there to be any appearance of impropriety. Please let me know if you do not think that I can make an impartial decision. I have no problem recusing myself. We are here to look at the ethics complaint and we are going to vote on whether we are going to accept it. We will not be taking public input tonight.

Nobody from the Ethics Committee raised concerns.

Mr. Gagnon: I have no concerns.

Mr. Coughlin: There were a lot of issues raised in this complaint. The issues were connected to two letters. The first was a letter from the Chairman of the Planning Board to the Board of Selectmen, and the complaint points to issues in its secretive conception. The complaint alleges that there is defamation and retaliation involved. These are some of the issues that we need to focus on. Some of these same issues were raised with the second letter, which was sent by Roger Coutu of the Board of Selectmen. The aspect that I found most concerning related to whether or not the letters were sent solely by one member of the Board or whether they were sent by the Board as a whole.

Mr. MacDonald: We need to look at this from the lens of the Code of Ethics Committee and what we have jurisdiction over. The defamation aspect and the Right-to-Know violation component are not in our jurisdiction. Furthermore, spreading false information is not necessarily an ethics violation. False information becomes a violation of the code of ethics when one spreads false information about their interests. We should focus in on whether these letters were sent by an individual or whether they were approved by an entire board.

Chairwoman Rice: Defamation is beyond our control. The Right-to-Know law is also not under our jurisdiction.

Mr. Terrien: We do not know the nature of how the decisions to send these letters were made. That is concerning.

Mr. MacDonald: We need to have more information about how these decisions were made before we can make a decision on the complaint as a whole.

Chairwoman Rice: We can send letters to each respective Board and ask for the relevant minutes.

Mrs. Smalley: In general, we need to see whether they were approved in public or non-public.

Chairwoman Rice: I would like to have this information before we vote on whether or not to accept the complaint. We can come back in a few weeks with the updated information.

Mrs. Smalley: We should make a determination about meeting later on and we can update everyone on when we will meet. We should give the parties a timeframe in which they must provide the information.

Chairwoman Rice: We should give the parties two weeks to provide us with this information.

Motion by Mr. MacDonald, seconded by Mrs. Rice, to request documentation from the Planning Board and the Board of Selectmen related to the inception of the letters provided in the ethics complaint.

Mr. Terrien: We should request a response in 14 calendar days.

Mr. Gagnon: Is my ethics complaint part of the public record? Where would it be found?

Chairwoman Rice: Yes, it is part of the public record. Your application is missing a coversheet that needs to be filed.

Mr. Coughlin: The Town does not have your ethics complaint on the Town website right now, but we can get it posted.

The motion by Mr. MacDonald, seconded by Mrs. Rice, to request documentation from the Planning Board and the Board of Selectmen related to the inception of the letters provided in the ethics complaint passed 5-0.

3. Amendment to the Bylaws

Mr. Coughlin: This is an amendment to the bylaws that we looked at in November. It relates to certain petitions which are prohibited. Such prohibited petitions include those which are motivated by political reasons or those which are beyond the jurisdiction of the committee.

Mrs. Smalley: “Political” should be “politically.”

Motion by Mrs. Smalley, seconded by Mrs. Rice, to approve the amendment to the bylaws. The motion passed 5-0.

4. Election of officers

Motion by Mr. Terrien, seconded by Mr. Coughlin, to appoint Mrs. Rice as Chair of the Code of the Ethics Committee. The motion passes 5-0.

Motion by Mrs. Rice, seconded by Mrs. Smalley, to appoint Mr. Terrien as Vice-Chair of the Code of the Ethics Committee. The motion passes 5-0.

Motion by Mrs. Rice, seconded by Mr. Terrien, to appoint Mr. Coughlin as Clerk of the Code of the Ethics Committee. The motion passes 4-0-1. (Mr. Coughlin abstained.)

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

The Code of Ethics Committee adjourned at 7:18 PM.