

TOWN OF HUDSON

Code of Ethics Committee

7:20PM July 7th, 2020

Minutes

Call to Order:

The meeting was called to order by Chairwoman Kimberly Rice at 7:20PM in the Hudson Community Center.

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 Mr. MacDonald, seconded by Mr. Terrien, to approve the minutes from June 18th of 2020. The motion passed 5-0.

2. Ethics Complaint Review (Gagnon)

Chairwoman Rice: I want to repeat that I am a sitting state representative. As long as nobody has any issues with that, I believe that I can be impartial in responding to this ethics complaint.

Nobody raised any concerns.

Chairwoman Rice: We received minutes from the Planning Board which affirmed that the Planning Board voted to authorize this letter.

Mrs. Smalley: On February 26th of 2020, it was authorized.

Chairwoman Rice: Mr. Gagnon, do you have any further evidence to offer us? We typically do not take testimony. The complaint that you filed has been addressed by these minutes.

Mr. MacDonald: The other aspect was the defamatory nature of that letter. That falls out of this committee's jurisdiction. We were looking at whether it was approved unilaterally. It was done by the Planning Board and not individuals.

Motion by Mrs. Smalley, seconded by Mrs. Rice, to dismiss the ethics complaint against the Planning Board with prejudice. The motion passed 5-0.

Chairwoman Rice: Onto the other aspect of the complaint, we received a letter from the Board of Selectmen. We wanted to see if Selectmen Coutu acted unilaterally.

Mr. MacDonald: We got a letter from Selectmen Morin on behalf of the Board of Selectmen. He stated that they met as a Board to approve this letter.

Chairwoman Rice: Looking at the nonpublic meeting minutes, it appears that there was no formal vote. These minute meetings leave a lot to be desired. The nonpublic minutes read "Discussion relative to the Conversation Commission – the issue and problems continued. BOS asked for a legal opinion for the removal of members." There was no formal vote, but the Selectmen write that they did authorize the letter. Your allegation does not have evidence that states that Mr. Coutu did this on his own.

Mrs. Smalley: This is a struggle for me. You, Mr. Gagnon, are not wrong in saying that there is no evidence that the evidence was approved. The minutes do not provide the information needed to show that it was authorized. The minutes do not close the gap. However, we do have a letter saying that they did approve it. At the very least, the Board of the Selectmen should be clearer in their non-public minutes on votes taken. If we have a public hearing, we will not reach a resolution. You will say that Selectmen Coutu acted unilaterally, and the Board of Selectmen would say that they authorized this letter. Would we end up in a different position? Would there be new evidence?

Mr. MacDonald: I am not convinced that we will get a different answer.

Mrs. Rice: We could dismiss this without prejudice so you could come up with new evidence to file another complaint. The minutes state that there was a discussion about the Conservation Commission. I don't think that I can make a fair judgment on whether or not they authorized the letter from the nonpublic minutes alone.

Mr. Gagnon: I understand where you are coming from. I have read your bylaws and relevant state law. My goal has been accomplished as I wanted to bring this to light. I do not believe that I will find more. My intent was to show the background intentions over the past year between the Board of Selectmen and other groups.

Chairwoman Rice: I don't think that is a fair assessment. We do not know where all the parties are coming from. We need proof to be making allegations like that.

Mrs. Smalley: All boards need to be reminded about professionalism. The tone within the minutes are not professional. I would ask that members think about their tone. Furthermore, I would ask that we recommend that various committees and boards provide appropriate training related to the Right to Know Law. New members on town boards should receive Right to Know Law training, and returning members should receive education about the Right to Know Law every other year.

Mrs. Rice: I agree with this suggestion.

Mrs. Smalley: I also recommend that members sign an understanding of the Right to Know Law after training.

Mr. Gagnon: It is a very good recommendation. Your recommendation of continual education is a great idea as there are grey areas.

Motion by Mr. Coughlin, seconded by Mr. MacDonald, to dismiss the ethics complaint against the Board of Selectmen without prejudice. The motion passed 5-0.

Motion by Mr. Coughlin, seconded by Mr. MacDonald, to send a letter to the Board of Selectmen recommending that new members of town government receive education related to the Right to Know Law; furthermore, the committee recommends that continuing members in town government receive Right to Know Law education every other year.

Chairwoman Rice requested a roll call vote.

Mrs. Rice – Yes.

Mr. Terrien – Yes.

Mr. MacDonald – Yes.

Mrs. Smalley – Yes.

Mr. Coughlin – Yes.

The motion passed 5-0.

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

The Code of Ethics Committee adjourned at 7:39PM.