

# Town of Hudson

Code of Ethics Committee

7:00PM August 13th, 2020

## Minutes

### **Call to Order:**

The meeting was called to order by Chairwoman Kimberly Rice at 7:03PM 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 and Heather Smalley.

All members were present.

### **New Business:**

1. Resignation of Shane Coughlin

Chairwoman Rice: Sadly, you will notice we are one member short, that is because Shane Coughlin has tendered his resignation because he is off to Notre Dame Law School. While I am sad we lost him, I am super happy for him and proud.

Motion by Mrs. Rice, seconded by all, to approve the acceptance of Shane Coughlin's resignation from the Code of Ethics Committee. The motion passed 4-0.

2. Approval of the Minutes

Motion by Mr. MacDonald, seconded by Mr. Terrien, to approve the minutes from July 7th of 2020. The motion passed 4-0.

### 3. Ethics Complaint Review (Roy and Morin)

Chairwoman Rice: We are here to review the ethics complaint submitted by Kara Roy and Dave Morin.

Heather Smalley: I would first summarize that there is an allegation by Selectmen Roy and Morin that information discussed in a non-public session was discussed with a member of the town, suggesting that it was inappropriately released. We struggle here with what is in our purview, what we are allowed to cover. I think that's the same conversation we have had with every one of these meetings.

Kimberly Rice: Because we do not oversee the Right to Know Law and we do not cover Oath of Office.

Todd Terrien: Furthermore, there was no motion to seal the minutes made after coming out of a nonpublic session. So I feel like someone could have spoken afterwards because the meetings weren't sealed.

Heather Smalley: It's a real struggle here that we can't really move forward with anything. On this case, our options are really, we could bring in the town representative that sent these emails to Ms. Roy and Mr. Morin, Bill Cole, but let's say we brought him in and he says yes this is the particular selectmen, what are our rights.

Kimberly Rice: Nothing

Heather Smalley: Right, this would fall under the Oath of Office.

Kimberly Rice: Which you have to take to the Superior Court, and we don't oversee the Right to Know law. Now since we have had several of these come forward to us regarding the Right to Know law, if the selectmen saw fit by amending the Code of Ethics and putting that in there, that's on you, but we just don't have the ability to do anything about it. I just want to say too that when I first read this complaint I was upset because I always assumed that when you are in nonpublic what is said in there, stays in there, but apparently that's not the case if the minutes weren't closed, then I guess it's not as confidential. I'm a little disappointed that someone would still talk about it, but all I can do is give them a scolding and say please don't do that. It's just not under our purview. So again I say to the selectmen, the Right to Know law has come up quite a bit and we can't do anything, so if they see fit to add this to our list of things, then so be it. Until then, we don't have the ability to do anything about it, unfortunately. While I have

the floor, I would encourage anyone, that anything said in non-public, should probably stay there, but that's just me.

Michael MacDonald: I think it's frustrating, it's not a good thing that information is being disclosed, but our hands are a little tied. I look at something like this and it frustrated me reading it, that the information is being released and not kept confidential, but we can only work in the framework we have, and while it would be nice to have something to be able to do with this, we're a little limited in what we can go after.

Heather Smally: I would like to clarify that while the nonpublic session minutes were not sealed, even if they were sealed, we still would have no jurisdiction, because it falls under a potential violation of the Oath of Office. So while it is a valid point, in this instance it would not allow us to move forward.

Todd Terrien: We may recommend to the selectmen, that they take it to Superior Court, but that's all we can do is make that recommendation if the minutes were sealed.

Heather Smally: And unfortunately you'd have to do that investigation yourself.

Kimberly Rice: With that does anyone have a motion.

Motion by Mr. Terrien, seconded by Mrs. Smalley, to dismiss the complaint without prejudice. Motion passed 4-0.

Kimberly Rice: Just so you know there is an ad out for a new member, but no applications have come in yet.

Motion by Mr. Terrien, seconded by Mrs. Smalley, to adjourn the meeting. Motion passed 4-0.

The Code of Ethics Committee adjourned at 7:20PM.