

TOWN OF MANSFIELD  
Ethics Board  
Thursday, December 3, 2009  
Audrey Beck Municipal Building, Conference Room B  
4:30pm

**Minutes**

Members Present: Lena Barry, Nancy Cox (Chair), David Ferrero, Saul Nesselroth,  
Mike Sikoski, Win Smith, Nora Stevens

Staff Present: Maria Capriola, Assistant to Town Manager

I. BOARD PROCEDURES

Ms. Cox outlined items to be discussed relevant to the Board procedures: public comment, annual report, complaint procedures, plain language summary of Code, process for advisory opinions, procedures for disclosure. Ms. Cox inquired about the memo Mr. Sikoski was to prepare for the Board's <sup>(1)</sup> review; he stated that he did not draft the memo because a citizen sent a communication to the Committee on Committees that addressed his concerns.

*Public comment discussion.* Ms. Stevens presented on the research she conducted regarding public comment permitted during meetings of bodies in Mansfield and in neighboring towns.

Mr. Sikoski made a motion for all meetings of the Mansfield Ethics Board to contain a minimum of 5 minutes per speaker for public comment. There was no second to the motion. Motion died.

Ms. Stevens made a motion for all regularly scheduled meetings of the Board to have a 5 minute time limit per person for public comment and for special meetings it will be at the discretion of the Chair as to whether or not public comment will be included on the agenda. Mr. Smith seconded the motion. Motion passed (4-1-0) with Cox, Ferrero, Smith and Stevens voting in favor and Sikoski opposed.

*Annual report.* By consensus, the Board decided that it will submit its annual report on a fiscal year basis for inclusion in the Town's Annual Report.

*Complaint procedures.* Mr. Smith made a motion, seconded by Mr. Ferrero that the Town Attorney will be used (by the Board) unless there is a conflict of interest or specialized counsel is needed and to request to the Town Manager a small budget for the Board when such counsel is needed. Motion passes (4-1-0) with Cox, Ferrero, Smith and Stevens voting in favor and Sikoski opposed. Mr. Smith agreed to review the existing procedures and provide recommendations for revisions, notification procedures, time limits for decisions, etc.

Plain language summary of Code, process for advisory opinions will be discussed at a future meeting.

## II. MEETING SCHEDULE

Ms. Stevens made a motion for the Ethics Board to meet the first Thursday of every month during 2010 and adjust as needed. Mr. Smith seconded the motion. Motion passes, all voted in favor (5-0-0). By consensus, the Board decided it will continue to meet at 4:30pm. The Board asked Ms. Capriola to forward its 2010 regular meeting schedule to the Clerk so as to be in compliance with state statute. The Board will revisit the frequency of its regular meetings for 2011 in the future.

Pending the availability of the Personnel Committee, the Board is available to meet on January 7<sup>th</sup> at 6pm for a joint meeting of the Boards for the purpose of discussing recommended revisions to the Ethics Code.

## III. WEBSITE UPDATES

Ms. Capriola provided an update. The Board reviewed and discussed its draft FAQ brochure. Mr. Sikoski made a motion that the Board wait to its next meeting and review revisions to the FAQ prior to posting. Ms. Stevens seconded the motion. Motion passed, all voted in favor (5-0-0).

## IV. COMMUNICATIONS

*Letter to the Editor, by Bruce Clouette, October 31, 2009 (advisory opinion).* Ms. Capriola updated the Board that Mr. Clouette will not be seeking an advisory opinion since he is no longer on the Council.

*FOI Request from R. Hossack re: Ethics Board email documents.* Ms. Capriola informed the Board that she and the Town Clerk are taking the lead on this request. Ms. Cox reminded members to use the Ethics Board email address for its electronic communications.

*Letter from R. Hossack to Town Council dated November 23, 2009.* Ms. Stevens noted her objection to Mr. Hossack's statement that the "Board has been overly tainted and unduly influenced by staff." Ms. Stevens stated that there is no evidence to support such a statement.

## V. APPROVAL OF MINUTES FROM 10/29/09 MEETING

Mr. Sikoski made a motion to approve the minutes of the 10/29/09 meeting, seconded by Mr. Smith. Motion passed, all voted in favor (5-0-0).

## VI. FUTURE AGENDAS

Revisions to Board procedures will be continued at a future meeting.

## VII. EXECUTIVE SESSION – PENDING CLAIMS & LITIGATION (FOI COMPLAINT DOCKET #FIC-2009-627)

Ms. Cox made a motion to enter into executive session, seconded by Mr. Sikoski. Motion passed, all voted in favor (5-0-0). The Board asked for Ms. Capriola to attend. Capriola, Barry, Cox, Ferrero, Nesselroth, Sikoski, Smith, Stevens entered into executive session at 5:55pm. Mr. Smith made a motion to leave executive session, seconded by Mr. Sikoski. Motion passed, with Cox, Sikoski, Smith and Stevens voting in favor, Ferrero abstaining (4-0-1). Board re-entered open session at 6:07pm

## VII. ADJOURNMENT

Ms. Stevens made a motion, seconded by Mr. Sikoski to adjourn the meeting. All voted in favor. The meeting adjourned at 6:08 pm.

Respectfully Submitted,  
Maria E. Capriola, Assistant to Town Manager

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<sup>[1]</sup> Reference 10/29/09 meeting minutes.