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**EAST HAVEN BOARD OF ETHICS  
SPECIAL MEETING MINUTES  
TUESDAY, SEPTEMBER 12, 2017**

*Stacy Gravano, C.T.C.*  
TOWN CLERK

The East Haven Board of Ethics held a special meeting Tuesday, September 12, 2017, at 7:00PM in the Mario Giaimo Room, East Haven Town Hall, 250 Main Street, East Haven, CT 06512.

Chairwoman Marlene Asid calls the meeting to order at 7:00PM.

**Item #1**

Roll Call-all three members present (Marlene Asid, Anthony Naclerio and Joseph Polio). Town Attorney Joseph Zullo was also present.

**Item #2**

Chairwoman Asid asks all to stand for the Pledge of Allegiance.

**Item #3**

Appointment of Permanent Clerk for the period from 9/12/2017 to 1/31/2018.

Chairwoman Asid makes a motion to appoint Danelle Feeley as permanent clerk.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #4**

To consider and act upon the approval of minutes from the July 14, 2016 special meeting.

Commissioner Polio makes a motion to approve.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #5**

To consider and act upon the approval of minutes from the August 29, 2017 special meeting.

Chairwoman Asid makes a motion to approve.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #6**

Consideration and potential action regarding a complaint by Laura Lynn (initial cause/jurisdiction review).

Chairwoman Asid reads the letter submitted by Laura Lynn asking for an investigation of the actions by Board of Education member Christine Maisano. The letter cites Section 2-31 of the East Haven Town Charter which addresses confidentiality responsibilities, the Bylaws of the Board of Education Code of Ethics 9271 (a) sections 6,7,9,11-14, as well as sections from the Connecticut Association of Board of Education (CABE) ethics. The letter also mentions an FOI request for Board of Education email by Ms. Maisano specifically with individuals such as Pam Cofrancesco, Marianne Cesare, Lina Travers and Marc Conte, Sr.

Chairwoman Asid explains that tonight's meeting is to determine whether or not they have jurisdiction to move forward with this complaint to a hearing. Although the meetings are open to the public, this first step in the proceedings of the complaint is not subject for comment other than the Board itself and the Attorney.

Commissioner Naclerio says there is quite a bit of information there to go through, he thinks they would need to look at it at a future time. It would be too time consuming to go through all of the information right now and they would probably not give it justice.

Commissioner Polio says the basis for the entire complaint that he sees they would be talking about is in Section 2-31, which is in their code, the one below it is the code of the Board of Education, which he does not believe is within their purview. He would like to know a little more; maybe in the form of a hearing as to some of the direct testimony the people involved can give them that are substantial. He went through the booklet and there is a lot of content in there that talks about innuendoes and people gossiping. The major complaint is 2-31 and as far as behaviors go within different organizations it has to be handled within the organization. If they do choose to hear this, he would like to make sure everyone involved is extremely prepared to give a presentation. They need substantial facts from the interested parties as to what their concerns are and what they can present to either defend or promote a finding in this. He would like to tell them to gather as much information on both sides as possible that they can substantially put directly to the confidential information aspect of it. He thinks they need to ask some questions as to what exactly is confidential information within the realm of this writing and in the allegation. He would like to put it forward, table it and give the principals an opportunity to present.

Chairwoman Asid says she is not comfortable saying at this point if there is substantive enough evidence to move this to a hearing. She needs to put all of it into perspective before she can determine if it has the substance for them to go forward to a hearing on it. Some of the information included she doesn't know is actually evidence of the confidential information, it's blogging and social media. She has not viewed all of the so-called evidence that was sent to her so at this time she is ready to table it until another Special Meeting. For instance, is the resume public or private? She doesn't know if any or all of it is within their purview at this time. She defers to the Attorney to see if he has an opinion.

Town Attorney Joseph Zullo says he won't offer a substantive opinion as that is for the three sitting Board members to do. He says in looking at the rules, what they are talking about doing is okay as the rules say they have to address the complaint within 30 days which they are doing. He thinks what they are proposing is justifiable because the ordinance requires they afford due process to the parties and you can't get any more fair or do anything more to ensure due process than before moving forward, knowing if it has cause to go forward. The document is 60+ pages so he understands they might still need time to look at it; it is probably the longest ethics complaint they have ever received.

Commissioner Asid says she has reviewed it at a high level but she needs to make all her notes and her opinion is that she is not ready to make a commitment to a hearing.

Commissioner Polio says he thinks they can table it with the thought in mind that if they get any more presentation of information it would be real helpful.

Commissioner Asid says she doesn't know if they could ask for that until they have the hearing.

Attorney Zullo says it would only be the complainant who could provide something in the form of an amended complaint. He gets the impression that the Chairwoman is just saying it is a lot to digest and she needs some time to be sure she is making an informed decision. He says it is allowable and is contemplated in the ordinance itself.

Chairwoman Asid says there is a timeline there to consider but the timeline itself is about 20 pages long so she would like to take all of the evidence and put it into her own timeline and figure out what is there and what they can go forward with.

Commissioner Naclerio asks if this would come to another meeting where they would address it at that time.

Chairwoman Asid said they would have another meeting to address it and determine whether they feel there is enough there to move forward to a hearing or is it out of their jurisdiction or do they not feel it needs to move forward.

Commissioner Polio makes a motion to table this item to another Special Meeting at a later date.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none opposed-none abstain. Motion carries.

Chairwoman Asid says they will determine a date when they are all available and the parties will be informed either via email or letter as to when the next Special Meeting will be on this.

### **Item #7**

Consideration and potential action regarding a complaint by Dominic Milano (adjudication hearing).

Chairwoman Asid reads the letter submitted by Dominic Milano against Mr. Parente who he says has violated his oath of office and the Town Charter and ordinances with conflict of interest in his vote of the 2017/2018 budget. Specifically, Mr. Parente is the Superintendent of Operations for the Public Works Department and should have abstained from voting for the 3% raise for the position he holds. Mr. Parente is the chairman of the Republican Town Committee and voted on a \$22,000 raise (over two years) for the Mayor. Mr. Parente also voted on the stipend his daughter receives for clerk of the Board of Finance. He indicates that Mr. Parente needs to be held accountable and should resign from the Town Council, he asks the Board to impose actions that will address these violations.

She indicates they adjudicated this to a hearing for this evening and they will now call upon the accuser and accused. She asks the Attorney how they should proceed first.

Attorney Zullo explains that the rules state the complainant and the respondent do get a chance to make an opening statement if they would like. The Chairwoman mostly summarized the complainant, but he is entitled to speak. After that, the complainant gets a chance to submit any evidence and the respondent gets to respond after that. The Board then gets to ask some questions and then it is the Board's discretion to ask questions of people in the public that may be there as witnesses. The complainant and respondent get to recap and then the Board closes the hearing and can make a

decision then or schedule a Special Meeting to make a decision if they need time to think.

Mr. Dominic Milano says he gave the Board members a few handouts and he also brought Councilman Palladino in, he has his chromebook with the minutes of the Council meeting.

Chairwoman Asid asks if the respondent has received his backup? Will he be reading any of these items?

Councilman Nicholas Palladino says he has the minutes from that meeting and Mr. Parente did discuss the raises for non-union people, of which he is one of, and suggested they get the 3% raise and then he voted on it. Mr. Palladino says he called a point of order and the Chairman said it's too late they already did it and Attorney Zullo was there also and they acknowledged that he called a point of order because Mr. Parente should have abstained from voting for his own raise, you don't vote for your own raise anywhere.

Chairwoman Asid asked if it was a line item vote to which Mr. Palladino says yes it was a 3% raise for all non-union patronage jobs, of which he has one, and he should have, in his opinion, abstained from talking about it and voting on it. He says Attorney Zullo also spoke quite a bit about it and at the following meeting he recommended that it's not appropriate as he is their counsel to give legal advice not to talk about giving raises. He says ethics is very important in anything and when he was Chairman of the Board of Education he was careful because his wife was a low level employee and anytime the subject came up he stayed out of it because it wasn't ethical. He says the minutes speak for themselves and it's obvious that what should have been done is Mr. Parente should have stayed out of the conversation and also not voted on it.

Chairwoman Asid says so the vote for the raises was a separate vote from the budget? Mr. Palladino says it was to accept that part of the budget, the 3% raises for non-union employees and he thinks the Finance Director got 5%. There was a lot of discussion and he brought to the table that the non-union people get free health benefits while cops, firefighters, public works, teachers all pay and they don't. The Police Dept. fought for several years to get a contract and some of it was 0% or 1% but every year we give the non-union patronage jobs 2.5%-3% no questions asked. Hopefully the Town Council can do something in the near future because if employees have to pay cost-share for their benefits, all employees should cost-share not just certain ones.

Town Council Chairman Fred Parlato says at that meeting there was a request to vote individually for each salary and that was denied. As far as the 3% raises that were given to people and their benefits is irrelevant for this meeting. This meeting is solely for the Ethics Commission not the policy of the Town Council. This is his 22<sup>nd</sup> year on the Town Council he thinks his integrity is unquestionable. If he thought there was a problem with ethics, he would have instructed Mr. Parente not to vote; if it came to individual raises he would have been instructed by him to abstain. The majority of the Council decided the vote was going to be as a lump sum for all of the people. He says he has held the position Mr. Parente has for 14 months and the people have to realize that position is 24/7 and he serves at the pleasure of the Mayor. His opinion is Mr. Parente had the option, he didn't have to vote but he did because he is a representative in the 1<sup>st</sup> District and he represents a number of people who voted for him. To give up that prerogative that he really had no effect on because if you look at the minutes it was passed by the vast majority; it wasn't a single vote that swung it one way or another so Mr. Parente's vote was not detrimental to it being passed or not passed. He says Mr. Parente deserves the raise and acted appropriately at that meeting and he thinks the whole motive of this meeting has nothing to do with Mr. Parente's raise.

Mr. Parente thanks Mr. Parlato for his words and brings out the point that there are 3,264 people in his district and you can't have 3,264 people sit in a chair so you elect three people to represent you on the Council to represent your thoughts, theories and votes and the budget took 12 subcommittee meetings with endless hours of debate line item by line item for this \$90 million dollar budget. How could he tell the 3,264 people in his district that he is going to abstain because one of the pages in here has a job title that he may hold for \$75,000 out of \$90 million dollars? In a perfect world if you want to change the Town Charter, you should give every Council member two votes, there hasn't been a member throughout history that he can remember that hasn't had some trickle down relationship whether it be a wife on the board, family member who works for the town, brother as a policeman, a teacher who is a relative, etc. and as you can see from his exhibit the vote was for one block of people there weren't names associated. \$29,604 was the amount the Mayor requested for these particular positions of Town Engineer, Superintendent of Operations, Admin. Mgt., Asst. Admin. Mgt., Admin. Ass't., Finance Director, Police Chief and Deputy, Fire Chief and Ass't., Exec. Admin. Ass't. It was asked by a few Councilmembers if they could break this block down into individual names because one Councilperson had a problem with someone on the list and wanted to negate his raise and actually wanted to give him more money because of the Town he does for the job. But they decided that this is a block of salaries and increases the Mayor is recommending and they will handle it as a block. He reads Section 9 of the Town Charter- Salaries of elected officials: "The Mayor shall prepare a salary schedule for each elected official for the budget next preceding such official's

election and such schedule shall provide for appropriate increases. This salary schedule shall, for each elected official, upon approval by the Council and subject to the provisions of Chapter III, Section 10A become effective when each elected official has been elected and qualified. The salary of such elected officials as determined heretofore, shall not be increased or diminished during that elected term of office." He says very simply, while people are insinuating he gave Joe Maturo a raise, unless there is no opponent in this election and he will definitely be the next Mayor maybe it can be construed he gave Joe Maturo a raise. This is very clear that according to our Charter, the Mayor can only give a raise in an election year for the incoming person who wins the election so in no way did he participate in giving Joe Maturo a raise, whoever wins in November gets the raise. The block of stipends for the Boards/Commissions for clerks there are no names attached. Those particular stipends are dealt with by that particular Board or Commission, they nominate within themselves a person to be the clerk and within their budget as you can see in his exhibit, there are no names attached and it doesn't go to the Mayor or Council for approval/vote they operate within themselves within the Council approved dollar amount of the stipend. So to say he had any influence for his daughter, he doesn't see her name anyplace and she can be replaced at any meeting just like he can at the pickup of a phone call; he also can come and go at the pleasure of the Mayor. He says he doesn't make a lot of money on the Council he makes \$50, he puts 60-70 hours per week at his job and is on a salary and he was late here tonight because there was a missing man hole cover at DC Moore School. He loves his job and feels he is respected in his job, you earn respect and he feels he has earned the respect of the Town and it's residents. He would never violate the Charter in any sense of the word and he would not look at his 3,264 people in District 1 and say he has to abstain from voting because he is somewhere in the budget book.

Mr. Milano mentions the handout he gave the Board regarding conflict of interest section 2-2.

Chairwoman Asid reads that it says disclosure of financial interest required; she asks if this came from the Charter. Attorney Zullo says it came out of the Code. She reads further that no official or employee either on his own behalf or any other person shall have any financial or personal interest in any business or transaction with any public body unless he shall first make public disclosure of the nature and extent of such interest.

Mr. Milano says if he voted on a raise of his own as Superintendent, and he's not saying the money shouldn't be given, but the point here is the ethical end of voting on

something of your own or a family member and not disclosing any of the information that was just read is unethical.

Chairwoman Asid says she is sure Mr. Parente is not the first person to live and work in this Town and he is not the first person to have a family member work in this Town. She is not sure exactly how the Council works with these things but she is assuming everyone knew he held this position beforehand. Are there other people on the Council that may vote and have financial interest in the Town through either friends/families so is it part of the Council rules for there to be disclosure of interest in the Town other than their position on the Town Council. She's not saying whether it is right or wrong, she is just asking, as she knows there were others, do they disclose they are a policeman and on the Town Council voting for a budget. Do they abstain?

Mr. Milano says in the past when Gary DePalma was on the Council up until he retired from the Police Department he would abstain from voting when it came to a Police Department matter.

Chairwoman Asid asks if he abstained from the budget voting to which Mr. Parente and Mr. Milano say no. Mr. Milano asks if there was a line in there for a raise for him, which Mr. Parente says yes.

Mr. Parente says he didn't set precedence with his situation nor did he hide a situation where there is not a name attached to any of the lists, he is an at will employee and when they were asked to separate each line item, if the position came up independently he's sure he would have abstained but he is not going to do an injustice to himself as a Councilmember for the people of District 1 or the people associated with these positions.

Chairwoman Asid asks about the disclosure of personal interest required that was given to them. She is not sure of the interpretation how high or low they go with it such as does it refer to if you have a business in Town that you are benefiting from with such a vote on the Council or is it as low as disclosing that you work in the Town. She is looking to determine what it applies to, does it apply to this situation or does it apply to someone with a personal business interest in Town that is also sitting on one of our Boards/Commissions.

Mr. Parente says in the past he served several years as Chairman of the Inland/Wetland Commission and the Zoning Board of years before going to the Board of Education for 14 years and at that point he did in fact own a business in Town and did fill out the proper paperwork and brought it to the Town Clerk's office due to him having



a construction business at the time which was on file that it would not be to his benefit anything pertaining to those two Boards. It was dealt with in accordance to the Town Charter at that particular time.

Attorney Zullo says not during their presentations, as he doesn't want what he says to be construed as a contribution to either the complainant or respondents presentation, but during the Boards deliberations he can give advice in terms of interpretation of those two provisions. He can't do it now, as he doesn't want to lead them into either direction.

Commissioner Polio says what he understands is that when this vote came it was done as a block vote. Mr. Parente says yes, they tried to separate it as more than one individual asked if they could vote on it individually and it's in the minutes, it was decided no because it wouldn't be fair to single out a particular person so it was collectively decided that this is a 3% block for these particular positions.

Commissioner Polio asks Mr. Milano if the nature of his complaint is that under Disclosure and Disqualification of Section 2.27 that he should have disqualified himself on the basis of the fact that he was mentioned in that block, Mr. Milano says that is correct.

Commissioner Polio asks Mr. Parente if what he is saying is that at that time he was prohibited from doing that because the block was voted on as a block, he didn't really have a say in it because he was voting on other things within that block, Mr. Parente says that is correct. Mr. Polio asks Mr. Milano if he understands what Mr. Parente is saying and if he has any comments on it.

Mr. Milano asks Councilman Palladino how long the discussion was on whether they should have voted on it by each line. Councilman Palladino says there was a pretty good discussion that went for a while then came to a vote, which unfortunately said no and that they were going to vote it as a block.

Commissioner Polio asks if that was by majority vote which Councilman Palladino says it was majority he doesn't know exactly what the count was because then after everything was said and done and they went to vote on the entire budget, Mr. Parente called a caucus of the Republican members and they all went in caucus and came out and had the vote.

Commissioner Naclerio says it seems things were done properly, he doesn't see anything wrong, they had a meeting and set things up as a block and voted the way they did. Where the conflict is, the way it is presented here, he doesn't see it.

Commissioner Polio says the concern he has is that you need willful disregard in order for disqualification, you need to have willful disregard for the process and Mr. Parente didn't have a say in the process of separating that, the group as a whole voted that is how they are going to do it and it wasn't that he had a willful desire to make his own money.

Chairwoman Asid asks if there are any additional comments before the Board deliberates.

Attorney Zullo reminds them that at the end of presentation, the Board will vote to close the public hearing portion and once it is closed, there are no other presentations.

Councilman Palladino says his concern is the political part of it, Mr. Parente is the Republican Town Chairman and called a caucus after many discussions where people were maybe yes, maybe no and then they all came out and voted across the party line. He says that is his concern and he tries to abstain from things when it is political, he's not saying he is wrong for doing that because that is how it works but that is his concern anytime any Board has a political head on a Board.

Chairwoman Asid says but the Democrats can also call a caucus, she doesn't know if it made a difference whether or not he was the one who called it and they are within their rights to do that.

Commissioner Polio says in the future it may be something they want to look at in terms of making line items votes if that is the process that is necessary to clear the air so that everyone is satisfied to make it work and there is no appearance of impropriety.

Temple Parente-Smith, daughter of Mr. Parente, says she was at the Council meeting as well and this was a block vote for future unknown positions, nobody knows who will be in these positions. These were monetary items put to a title with no name attached. As far as line item #3, clerking, she has been to those meetings as well and those are recommendations from the Town Council to the Boards, once you get to the Board you are an at will employee and voted to be clerk every year; they can tell her they don't need her anymore. It is up to the Board as to whom they want as their clerk so as far as any affiliation to her father, that had nothing to do with it and she has watched him and other people abstain from things at meetings.

Stacy Gravino, Town Clerk, says after going through several budgets, those salaries for the clerks have remained stagnant. If someone wanted to try and get their daughter or someone something, they would try to put money into certain line items but they have

remained stagnant for at least five years. People have to remember it is for the position, like she puts a raise in for her position every two years; hopefully she will benefit from it after the election but if not the next person would get it. She adds that she has seen Democrats caucus and all come out together, it has been seen on both sides.

Mrs. Parente speaks on behalf of her husband indicating he does not get overtime, there have been times she hasn't seen her husband for 2-3 days during a snowstorm. When something happens at 2:00am he gets a call and goes out there no matter what the weather is and he is out to save the Town \$1. He doesn't go into it for himself, he works for the Town, loves this Town and she pays the price for it whether he's at a meeting, an alarm goes off, etc. and he doesn't make overtime.

Following no further comment, Commissioner Polio makes a motion to close the hearing and comments.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Attorney Zullo tells them to read carefully 2-27 about making full public disclosure and understand what that can mean because when he first got on the Council he filed a letter with the Council indicating all of the people they have done work for in Town; elected, appointed, etc. and tried to make it clear what any potential conflicts would be and there may be others. He doesn't expect the Council would know their client list so that is why he did that. When you ask about full public disclosure, you need to question if there was anyone on the Council that was not aware of the position Mr. Parente held.

Councilwoman Asid says she mentioned that, she was assuming everyone knows what he does.

Attorney Zullo continues that it doesn't take away from the question of whether or not he should abstain but the spirit of that provision is to prevent people from having business before the Council that the rest of the Council isn't aware of for example him as an Attorney, if he hasn't disclosed he has or does represent them it is patently unfair. If the Council is aware this person holds the position or has an interest in it, there is a question of whether there is need for public disclosure.

Councilwoman Asid says in listening to all of the comment and some of the conclusions she has come to herself prior to this, having looked at the meeting minutes, she knew there was a request for the line item voting but that was voted down so she doesn't think that can be considered, the entire budget was voted on. It's a \$90 million dollar budget and it's not necessarily voting for a raise for people's names it is for positions.

Was Mr. Parente in violation of ethics by not abstaining or disclosing, she believes we determined his position was known and she doesn't think he needed to or should have abstained from a \$90 million dollar budget for \$25,000 for which he may or may not see \$2,300 of. It doesn't make it an ethical violation in her opinion.

Commissioner Polio says also there is another side of that, if for one reason or another the budget is voted on and something happens in the future he is just as notorious as everyone that voted, the accountability is going to be there so you either step in or out of it. He thinks it's important to make that commitment.

Chairwoman Asid adds in looking at the vote for the entire budget whether or not he abstained would not affect the outcome of the vote; it overwhelmingly passed. Whether he abstained or voted the result would be the same. The question is whether he has to remind everyone what he does; she thinks everyone already knows what he does. Did it really have an impact on the outcome and the future of the Town?

Commissioner Naclerio says it is his obligation to vote.

Commissioner Polio makes a motion that this complaint is not an ethical violation by the nature of what has been disclosed here today. There is no bad faith in this on the part of Mr. Parente.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Chairwoman Asid indicates this matter is closed, they have determined Mr. Parente will continue to hold his head up high in this Town as there was not an ethical violation as determined by the Board of Ethics of the Town of East Haven. She thanks everyone for the attention and participation in this matter.

### **Item #8**

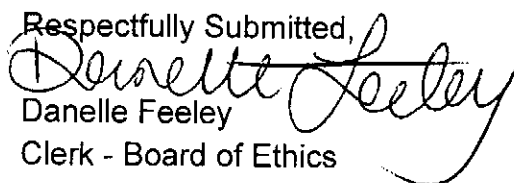
Adjournment of Special Meeting.

Chairwoman Asid makes a motion to adjourn.

Commissioner Naclerio seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries. Meeting is adjourned at 8:08PM.

Respectfully Submitted,

  
Danelle Feeley  
Clerk - Board of Ethics