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TOWN OF CROMWELL
TOWN COUNCIL
SPECIAL MEETING
TUESDAY MAY 5, 2015
6:30 PM TOWN HALL ROOM 224/5

Gloria Brendergast, Asst.
TOWN CLERK

MINUTES

Present: Mayor E. Faienza, Deputy Mayor R. Newton, A. Waters, A. Spotts,
F. Emanuele, S. Banic

Absent: M. Terry

Also Present: Acting Town Manager A. Salvatore, Town Attorney K. Olson, Public and
Press

A. CALL TO ORDER

Mayor Faienza called the Special Meeting to order at 6:30 p.m.

B. EXECUTIVE SESSION

1. Strategy

Motion made by F. Emanuele seconded by A. Waters and *unanimously carried* to adjourn to Executive Session at 6:39 p.m. for the purpose of strategy a. Boat Launch and b. Group Homes, if needed.

R. Newton recused himself from item a.

A. Waters recused himself from voting but stated he would like to be present for the discussion in Executive Session.

After discussion and comments from the public, Town Attorney Olson stated excerpts from our Charter that in her opinion that Mr. Waters' participation would be considered a conflict of interest. If he chose to participate the Counsel would have the opportunity to exclude him.

After further comments from the public, Mayor Faienza read the following into the record:

Section 9.01 of the Town's Charter

It is hereby declared to be the policy of the Town that any elected or appointed officer, any member of any board or commission, or any employee of the Town who has a financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board or commission, shall disclose that interest to the Town Council which shall record such disclosure upon the official record of its meeting. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or of any board or commission shall disqualify such elected or appointed official or such member of a board or commission or such Town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his removal. Violation of this section with the knowledge,

express or implied, of any person or corporation participating in such contract, transaction or decisions shall render the same voidable by the Town Council or by a court of competent jurisdiction.

The terms of the lease will have a both a direct and indirect impact on the financial interests of every member of the club. It will impact the payment of dues or fees to the club. It also may impact the actual use of the property by the members and thereby indirectly impact the members' financial interests as a member of the club.

Moreover, even if Section 9.01 did not require recusal, the general notion of conflicts of interest for public officials is the need to avoid the appearance of impropriety. Thus, even if one could be unbiased in his or her participation, the question to ask is how would it appear to the public at large to have a council member negotiating a lease of public land for a private boat club to which he or she belongs. I would recommend that any public official err on the side of caution and recuse themselves under such circumstances.

After further discussion A. Waters recused himself.

Mayor Faienza invited Acting Town Manager Salvatore and Town Attorney K. Olson into Executive Session. Executive Session was held in Room 219.

- a. Boat Launch
- b. Group Homes, if needed.

Mr. Newton and Mr. Waters entered Executive Session for number b. Group Homes.

Motion made by R. Newton seconded by S. Banic and *unanimously carried* to come out of Executive Session at 7:39 p.m.

- c. Action if necessary
- No Action taken on a. or b.

C. UNFINISHED BUSINESS

1. Authorize Mayor to set time and date of Public Hearing:

- a. Chapter 178 Peddling and Soliciting, 178-8, B. Fees, 178-12, c. Exemptions; registration of charitable organizations. -Tabled

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to remove from the table.

Motion made by R. Newton seconded by A. Waters and *unanimously carried* to authorize the Mayor to set the time and date of a Public Hearing for Chapter 178 Peddling and Soliciting. (May 13th at 6:45 p.m.)

Acting Town Manager Salvatore and Mayor Faienza recommended to charge a seasonal fee of \$40.00 for the entire season for crafters and leave the proposed ordinance the way it was presented, \$50.00 per month, for Food Vendors because they would be competing with Cromwell Restaurants.

D. ADJOURMENT

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to adjourn the Special Meeting at 7:45 p.m.

Respectfully submitted,

Re Matus

Re Matus
Secretary