

TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
November 16, 2009- Monday

Present: Kevin Whitaker, Chairman
Arthur Mathews
Ed Harrington
Brian McDonald
Michael Smart

Also Present: George Lane, Town Solicitor
Michael Gallagher, Director of Community Services

Recording Secretary: Diane T. Hachey

Chairman Kevin Whitaker called the Ordinance Committee meeting to order at 7:20 PM.

09 124-Designation of Commission Member as Special Employee

Chairman Whitaker stated that he had made an earlier request for additional information from administration, in anticipation of this meeting. The purpose of this evening's meeting is to gather information and he does not anticipate that the matter will be voted out tonight.

Solicitor Lane presented and stated that this measure arose as a result of the recent appointment of Steve DeGabriele to the Conservation Commission. It was noted that Mr. DeGabriele is an employee of the Department of Environmental Protection. The opinion received from the State Ethics Commission notes that Mr. DeGabriele will not be receiving a stipend as a Conservation Commission member and further explains the background/classification of a Special Municipal Employee. Mr. Lane noted that Mr. DeGabriele allowed the opinion received from the State Ethics Commission to be made public.

The initial question posed to administration: Are there any benefits inherent in becoming a Special Municipal Employee?

Mr. Lane noted that classification as a Special Municipal Employee does not have any economic impact and as such, Mr. DeGabriele is not entitled to receive any benefits. Mr. Lane noted that the intent of this measure is to allow the employee flexibility in his position.

Second question posed to administration: Should other boards be classified as Special Municipal employees as well? Mr. Lane noted that classification should only be granted in special circumstances, he does not recommend across-the-board classification.

Third question posed to administration: Do the Conservation Committee Members have any objection(s) to this classification? Mr. Lane confirmed that the Commission, MaryEllen Schloss and James Clarke do not have any opposition to the classification.

Fourth question posed to administration: Does the Council need to hold a public hearing on this measure? Mr. Lane confirmed that the Council would simply approve the classification, and a public hearing would not be required. He further added that this classification is beneficial as it allows the individual latitude if/when a conflict arose.

Councilor Mathews noted that Mr. DeGabriele and Mr. Lane assured the Budget/Management Committee that there would not be any issues regarding this appointment, and confirmed that this resulted from numerous conversations they had with the State Ethics Commission. Councilor Mathews had earlier requested that the appointment wait until the opinion was received from State Ethics-specifically for this reason. He suggested development of an ordinance to define special municipal employees –in an effort to

protect both the town and the individual. Councilor Mathews stated that since the change of government 10 years ago, this is the first time this issue has been raised.

Chairman Whitaker asked that due to time constraints this evening, that discussion on this matter wait until a future meeting. He asked if his fellow committee members needed additional information or had further questions, in preparation of this future meeting.

Councilor Mathews asked whether classification of one member of the Conservation Commission as a Special Municipal Employee would warrant the entire commission foregoing their stipends.

Councilor Harrington requested clarification of whether there is a conflict with this classification and the mission of the Conservation Commission.

Chairman Whitaker expressed his gratitude to all for attending and announced that a future meeting to address these questions would be forthcoming.

Councilor Mathews motioned to adjourn at 7:35 PM, motion seconded by Councilor Smart, and voted unanimously.

Respectfully Submitted by Diane T. Hachey

Approved by Chairman Kevin Whitaker