

**GLASTONBURY ETHICS COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, AUGUST 14, 2019, 7:00 PM  
MEETING ROOM A, 2ND FLOOR TOWN HALL  
2155 MAIN STREET, GLASTONBURY**

**1. Roll Call**

*Present*

James Hagen, Chairman  
James Estrada  
Al Herzog  
Brooke Oppenheimer  
Angela Bull, Vice Chairman {excused}  
Anthony Gesnaldo, Alternate {excused}  
Nancy Thomas, Alternate {excused}

Also present was Attorney for the Commission, Jean D'Aquila, and Town Manager, Richard J. Johnson. To meet quorum, Chairman Hagen seated Brooke Oppenheimer as a voting member.

**2. Review and approval of minutes from previous meeting, January 14, 2019**

*Motion By:* Commissioner Herzog                      *Seconded By:* Commissioner Estrada

Moved that the Glastonbury Ethics Commission approve the minutes as submitted for the Regular Meeting held January 14, 2019.

*Result:* Motion passes unanimously (4-0-0).

**3. Review and consideration of request for advisory opinion dated July 11, 2019 from Town Manager Richard J. Johnson.**

Town Manager Richard J. Johnson appeared before the Commission to seek guidance on whether his recommendatory duties to the Town Council for information on the installment of a public water service poses a possible conflict of interest, given that his personal residence is among the 234 properties that would be served by this new service. Commissioner Estrada inquired about the code section in the bylaws on what a potential conflict of interest looks like. Attorney D'Aquila explained that a town official cannot act in a self-serving way to seek favor or opportunity that would not be available to other members of the public. Commissioner Estrada stated that he looked at the letter and it does not preclude Mr. Johnson from fulfilling his normal duties. He suggested setting up a contract negotiation time, where Mr. Johnson could recuse himself from the process during that time only. He also asked in what capacity does Mr. Johnson expect to serve in the project. Mr. Johnson stated that he will await the recommendations from

the Town Council, but he clarified that his involvement will be more of a global role advising the Town Council.

Mr. Johnson explained that the assessment formula is based on the front footage of one's lot. He noted that it is not the Town's formula, but the District's. Attorney D'Aquila asked if the supplier will be MDC or Manchester. Mr. Johnson stated that they both have service areas and each water supplier has a rate; the Town of Glastonbury does not set anything. Chairman Hagen inquired about the filtering mechanism. Mr. Johnson stated that he paid for it himself, out of pocket. He noted that everyone will pay the same front foot assessment cost, including himself. Mr. Johnson also stated that if anything were to come up, it would apply to the entire group of properties; nothing would be specific to him.

Chairman Hagen asked if there is any scenario in which MDC could approach Mr. Johnson and disclose information to him that no one else would know, and he could thus act on that information. Mr. Johnson answered no. Commissioner Estrada stated that someone from the public could attend a Town Council meeting and vocalize frustrations at this issue being prioritized over others, because it affects the Town Manager's property. Mr. Johnson replied that the MDC would not make a decision that would affect hundreds of property owners, solely because of his home.

Attorney D'Aquila clarified that Mr. Johnson would not be in a decision-making capacity, but rather, in a recommendatory capacity to the Town Council. Mr. Johnson stated that is correct. His discussions with the Commission will be on behalf of the entire Glastonbury community, not a particular neighborhood. Attorney D'Aquila advised Mr. Johnson to make that language very clear in his memoranda of recommendations to the Town Council. Mr. Johnson agreed that he will request this. The Glastonbury Ethics Commission thanked the applicant for his proactive behavior and cooperation and began drafting a decision.

#### **4. Possible decision on item #3 above.**

*Motion By:* Chairman Hagen

*Seconded By:* Commissioner Estrada

Thank you to the applicant, the Town Manager, for acting proactively to bring this to the attention of the Ethics Commission. There is a finding that there has been no violation of the Glastonbury Ethics Code to date, and we see no realistic possibility of a violation in the future, in view of the Town Manager's participation in the consideration of the extension of public water service within the Town. We recommend disclosure by the Town Manager to the Town Council that his personal residence is located within the affected area. And if a scenario develops wherein the Town Manager senses he might have a benefit accruing to himself or his property that is unique as compared with other affected properties, then he will bring it to the attention of the Ethics Commission.

*Result:* Motion passed unanimously (4-0-0)

5. Communications received. *None*

6. New business, if any. *None*

7. Adjournment

*Motion By:* Commissioner Herzog

*Seconded By:* Commissioner Estrada

Moved that the Glastonbury Ethics Commission adjourn its regular meeting of August 14, 2019 at 8:28 pm and meet again on Monday, September 9, 2019.

*Result:* Motion passes unanimously (4-0-0).

Respectfully submitted,

Lilly Torosyan  
Recording Clerk

James Hagen  
Chairman