

At 7:00 p.m., Supervisor Johnson called the Regular Town Board meeting to order.

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present:

Arthur Johnson- Supervisor
Raymond O’Conor-Deputy Supervisor
Robert Rice-Councilman
Charles Gerber-Councilman
Robert Pulsifer-Councilman

Also present were: Town Comptroller, Jeffrey Reale, Town Attorney, Richard DeVall and the Director of Planning and Engineering, Keith Manz.

Public Comment

Supervisor Johnson recognized Dennis Towers who had signed up on the comment sheet.

Dennis Towers stated that there were some problems with the visual and audio system the town had put in. He asked the board to do a test with the microphones on the dais to make sure they were working.

Approve Pending Minutes

Supervisor Johnson asked for a motion and a second to approve the pending minutes from the last meeting.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 75

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the February 3, 2011 meeting as typed without amendment.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Appointment (ZBA)

Alternate Member

New Term to expire 12/31/11

Supervisor Johnson explained there was a vacancy on the Zoning Board of Appeals. The board interviewed four candidates last month and Jared Dinsmore has withdrawn his name from consideration. The board has three choices left to pick from: Tony McCracken, Dean Kolligan and Chris Ramsdill.

Deputy Supervisor O’Conor stated that the Town is very lucky every time a vacancy comes up we have a kind of community where a lot of good quality people step up and want to get involved. Deputy Supervisor O’Conor wanted to make a motion to appoint Dean Kolligan to the vacancy. No one seconded that motion.

On a motion introduced by Councilman Gerber, the board adopted the following resolution:

RESOLUTION # 76

NOW, THEREFORE, BE IT RESOLVED, to appoint Christopher Ramsdill to Alternate Member to the Zoning Board of Appeals. New Term to expire 12/31/11.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, three in favor, Supervisor Johnson voted in the affirmative, however, his choice was Dean Kolligan. Deputy Supervisor O’Conor wanted his vote cast in favor of Dean Kolligan.

Committee Reports (If Any)

Supervisor Johnson asked if anyone had any committee reports.

Deputy Supervisor O’Conor mentioned that a preliminary meeting was held by the core committee that will be working on the corridor study at the Exit 16 area. The official meeting is tentatively scheduled for March 17th of the expanded committee that includes Supervisor Johnson and himself who are co-chairing that committee, and with members of CDTC and the consulting engineers, together with representation from the County Planning Department, DOT, involved property owners, DA Collins, Frank Parillo and SEDC who are also involved. The public is welcome.

Councilman Rice explained that the Personnel Policy is moving along, There was a lot of feedback from the department heads and the comptroller has a couple of things to put in which I will be sharing with the board.

Supervisor Johnson stated he will have some recommendations as well.

Comptroller's Report
(Including Bills & Transfers)

2011 January Cash Disbursements

General Fund	\$ 212,593
Highway Fund	\$ 191,295
Total	\$ 403,887

2011 Budget Transfers and Budget Amendments

None

Personnel

Tina Westover (Carryover vacation time)(Assessors Department)

Comptroller Reale explained that Tina Westover is requesting to be allowed to carryover 20.2 hours of vacation time over and above the 2 week maximum. She states that due to the time of the year and how busy the office is that she will not be able to use this time. Comptroller Reale stated that this is not in conformance with the Personnel policy.

On a motion introduced by Councilman Gerber, the board adopted the following resolution:

RESOLUTION # 77

NOW, THEREFORE, BE IT RESOLVED, to approve Tina Westover's request to carryover 20.2 hours of vacation time with the caveat that she keep closer track next year so this does not happen again and that this year she uses the time by the end of June, so she is not accruing an unreasonable amount of time.

The adoption of the resolution was seconded by Councilman Rice, duly put to a vote, all in favor, except Deputy Supervisor O'Connor who voted no. Vote 4 to 1.

Tony Santiago (Borrow vacation time) (Highway Department)

Comptroller Reale explained that Tony Santiago is requesting to borrow from future vacation time for the rest of this year and possibly next year due to a personal matter in his life.

Councilman Pulsifer asked Highway Superintendent Kirklin Woodcock to explain why his employee needs to move this vacation time around.

Superintendent Woodcock explained that there was a serious automobile accident just before Christmas that seriously impacted his life. He felt, as the department head, he should ask the board to grant this request. He also stated that Mr. Santiago is a good employee and is not going anywhere.

Deputy Supervisor O’Conor explained that this is a very unusual situation and circumstance for someone who is considered to be a rule follower to the letter of the law. Mr. Santiago is a good worker and a great employee and given the circumstances we will say it is personal, not necessarily family. Councilman O’Conor stated that he would not want to see something completely open-ended, because the circumstances that he is dealing with may change over time, hopefully improve. He stated he would be in favor of giving this advance leave time for this particular year and then perhaps, as we proceed further into the year, we can look at the situation again.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 78

NOW, THEREFORE, BE IT RESOLVED, to approve Tony Santiago’s request for advance leave time for this particular year and then, perhaps, as we proceed further into the year, we can look at the situation again.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Small Cities Block Grant

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 79

NOW, THEREFORE, BE IT RESOLVED, to adopt the civil rights policies that are required to be in conformance with the CDBG Small Cities regulations.

The adoption of the resolution was seconded by Councilman Pulsifer, duly put to a vote, all in favor.

Wilton Heritage Society (Informational)

The Wilton Heritage Society has submitted their 2010 report as per the contract.

NOT ON AGENDA

Highway Truck

Supervisor Johnson explained that Highway Superintendent Kirklin Woodcock would like to discuss one of his trucks that was in an accident.

Superintendent Woodcock stated that over the weekend there was an incident where one of the front-line plow trucks went into a catch basin and as a result the truck is a total loss. He asked the board for answers as to whether to get another truck.

Supervisor Johnson suggested that the town is nearing the end of the winter season and he thought the highway department could get by without going out and buying another vehicle. If Superintendent Woodcock ordered the truck now, he would not get it before the season was over anyway. Just evaluate the deed and purchase it during the regular budget cycle.

Councilman Pulsifer suggested that he and Superintendent Woodcock sit down and re-review the replacement schedule that Kirklin and Keith Manz put together at one time to see where this comes up.

Supervisor Johnson stated that the agenda was concluded, but there was a request from Councilman Pulsifer, who wanted to address the board.

ETHICS ISSUE

Councilman Pulsifer explained that he wanted to recuse himself from the board and speak as a private citizen.

Councilman Pulsifer explained that some Town Officials and a few people in town are confused with the different roles that he plays as an elected official, lawyer and band member. In the past six to eight months he had become aware that the Wilton Ethics Board has made an investigation of him on three particular allegations: One of the allegations is actually in the jurisdiction of the Ethics Board, two of the allegations are something the board should not have anything to do with. The Ethics Board has acted outside the scope of their authority. He stated that he was giving everyone permission to talk about this now, there is a duty of confidentiality with the Ethics Board and the Town Board in relation to these matters. The confidentiality requirements belongs to him, it does not belong to the Ethics Board or other citizens in town or the Town Board. He released all the documents and photos included in the Ethics Board's investigation to the Town Clerk and asked that it be included in the record and he had extra copies made for residents. He stated he had nothing to hide, so he wanted all reasonable people all over the Town of Wilton to be able read those documents. The first allegation from the Ethics Board was that Councilman Pulsifer, on his financial disclosure form did not disclose that he played in a band called E-Town Express. Councilman Pulsifer produced his disclosure form and showed that he had put the information in there and then went over some of the factual inaccuracies made by the Ethics Board. The second inaccuracy was his behavior with his band. He stated that his band had nothing to do with the Town of Wilton. He is an American Citizen and he will behave and act anyway he wants. He was not having any reflection on the Town. He went over some of the findings of the Ethics Board such as photos and his band rules. He stated that the band rules and how his band behaves, has nothing to do with the Town's Ethics Law. The third allegation was because he took office and had strong opinions on zoning and planning that his strong opinions should have precluded him from discussing planning and zoning

items. That is absolutely ant-American. He stated that he had the First Amendment right to free speech. Councilman Pulsifer explained that he thought the Town's Ethics Board just extended their political disagreement with him in the context of an ethics disclosure. There is nothing in there that he was ashamed of or have to answer for, however, since he has recused himself from the board he would like to argue that the four remaining members of the council have an oversight responsibility, because we have a runaway Ethics Board that is using the board for their own purposes. At this point, Councilman Pulsifer left the building.

Councilman Rice explained that he would like the board to have a discussion regarding this item. He stated that he had read the material and assumed other members along with some attorneys have read the document. The kindest comment that any of the attorneys had to offer was that it was a "hatchet job". There were points in the complaints and the response to the complaints at which the Ethics Board came to a conclusion that there was no violation of the Ethics Law. Then the Ethics Board went on and editorialized and that is where they digressed from their responsibility of an Ethics Board. He then proposed a resolution to the Town Board regarding the Ethics Board's investigation.

On a motion introduced by Councilman Rice, the board discussed the following resolution:

That the Town of Wilton Ethics Board investigation of Councilman Pulsifer which commenced July 6, 2010 and concluded February 10, 2011, the Town Board finds the Town of Wilton Ethics Board exceeded its scope of authority, powers and responsibilities as designated by the Town of Wilton Ethics and Disclosure Law Part V section F adopted June 7, 2007.

The resolution was seconded by Councilman Gerber, at this point the board went into some discussion.

Supervisor Johnson asked Town Attorney Richard DeVall for some legal advice. It appears that the report once filed is a public document and the only function the board has is to receive that report.

Attorney DeVall explained that his view of the Ethics Law and the Town Board's role is a ministerial act. The report came to us and the board is duty bound to go to file.

Deputy Supervisor O'Connor stated that the board's role in this process is not to condemn either those who accused of wrong doing or misbehavior or conflicts of interest, nor to condemn those who have a very difficult job of making judgments when accusations are made to the Ethics Board. Councilman Gerber, Supervisor Johnson and himself actually appointed every single member of that board and voted for them. Just three months ago all five members of this board reappointed the chairman. The board put these people in this place and asked them to do a very difficult job. The Town hired separate Legal Council for that board. He believed they did the best job the board knew how to do under these circumstances.

Councilman Rice stated that with all due respect he found that absurd. It is the Town Board that created the Ethics Board in the first place and he thought the board had an oversight responsibility.

Councilman Gerber stated that the reason he seconded Councilman Rice's resolution was that he was outraged when he read the document. Anyone can make a complaint, but the Ethics board went off base. The Ethics Board states there is no violation of the code of Ethics and then they go on and blast Councilman Pulsifer.

Deputy Supervisor O'Connor explained that as the Town Council has pointed out in the Ethics and Financial Disclosure Law the law dictates that if the Ethics Board reaches a conclusion on certain matters that they are required by law to deliver a report to the Town Board. It does not dictate to the Town Board to take action.

Supervisor Johnson asked Councilman Rice to read the motion again.

On a motion introduced by Councilman Rice, the following resolution was put before the board:

RESOLUTION # 80

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilton Ethics Board investigation of Councilman Pulsifer which commenced July 6, 2010 and concluded February 10, 2011, the Town Board finds the Town of Wilton Ethics Board exceeded its scope of authority, powers and responsibilities as designated by the Town of Wilton Ethics and Disclosure Law Part V section f adopted June 7, 2007.

Attorney DeVall stated that he wanted to caution the board that by adopting such a resolution with that speaking language not only expresses the board's opinion, but maybe laying the Town open to a law suit by admitting, in the open record, that the Ethics Board may have committed some sort of civil rights language.

The resolution was seconded by Councilman Gerber, duly put to a vote, 2 voted for 2 voted against, motion failed.

Supervisor Johnson entertained a motion to adjourn the meeting.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Rice, the meeting was adjourned at 7:55 p.m..

Respectfully Submitted,

Carol Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Robert Rice

Councilman Robert Pulsifer