

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of May 27, 2014

Present: Greene, McInerney, Wright, Coleman

Kelly arrived at 7:13 PM

Absent: None

7:00 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

No closed session was held.

Mayor Tom McInerney and Councilmember Kay Coleman presented appreciation awards to the Town's long-time volunteer receptionists, Joan Vermont, Ruth Hicks, Linda Crosby, Dee Crooke, Ione Breen, Bonnie Carson, and Shirley Paradiso.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke during this time.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Greene and Mayor McInerney discussed statements made by McInerney, in which McInerney praised staff for their work on the 711 Sir Francis Drake appeal.

Councilmember Coleman requested that Greene report on the Marin Telecommunications Authority (MTA) meeting that he attended in her absence. Also, Coleman requested information regarding the amount of franchise fees recently received by the Town. Finance Director, Daria Carrillo reported that the Town has received \$56,000 from Comcast and \$5,600 or \$5,700 from AT&T.

Greene reported on the MTA meeting. San Anselmo did not receive as much franchise fees last year, because some of the funding has been allocated to the Community Media Center of Marin for their operation.

McInerney was complimentary of the Community Advisory Committee (CAC), which is collecting input from the community regarding the Community Facilities Master Plan. Community Services Director, Dave Donery reported that there have been 378 respondents to a survey set up by the CAC.

1. **CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.**

- (a) Approve minutes of May 13, 2014.
- (b) Approve Special Event application for the 2014 Picnics on the Plaza event series, utilizing the Town Hall lawn and closing Tunstead Avenue between San Anselmo Avenue and Library Place from 4 p.m. to 8 p.m. on August 1, 8, 15, 22 and 29 and September 5, 2014.
- (c) Approve Special Event application for the 2014 Creekside Q on Wednesday, June 25, to be held in Creek Park from 4 p.m. to 9 p.m.
- (d) Approve the 2014 Pavement Rehabilitation Project, and authorize solicitation of bids.

Greene pulled Item (a)

M/s, Coleman/Kelly to approve Items (b), (c), and (d) on the Consent Agenda. AYES: Greene, Kelly, McInerney, Wright, Coleman NOES: None

With regard to Item (a) Greene noted on Item 4, page 4; he asked Condry if the Town has an excavation moratorium in place between October 15th through April 15th when no excavation work can normally be done. Condry replied yes.

M/s, Kelly/Greene, to approve Item (a) with the modification. AYES: Greene, Kelly, McInerney, Wright, Coleman NOES: None

2. **RECEIVE REPORT ON 19 KNOLL ROAD BUILDING PERMIT EXPIRATION AND PROVIDE DIRECTION TO STAFF ON NEXT STEPS**

Public Works Director Sean Condry presented the staff report, indicating that there has been a building permit on 19 Knoll Road since 2008 and that to date very little progress has been made on constructing a home on the property. The applicant chose to appeal the Building Department's April 2013 expiration of his building permit to the Town Council.

Although the appeal in September 2013 was denied, the Town Council granted the applicant a seven-month extension on his permit contingent on the submission of a construction management plan, proof of financing, maintenance of the site, and demonstration of substantial progress. The applicant's project was mistakenly red-tagged with a month of the extension remaining and his permit was reinstated, to expire May 6.

At the last Town Council meeting of May 13, 2014; it was agreed that Condry would work with Mayer on a more specific construction management plan, that Mayer would submit a bond in the amount of \$75,000-\$100,000 for grading, foundation, site work, drainage and erosion control, Mayer would fix the fencing to ensure public safety and Mayer would allow no outside storage of construction materials or vehicles on the site. This issue was to return to Council at the next

session, at which time a motion could be placed on the consent agenda. In the interim, Mayer could continue to work on the retaining wall.

Discussion ensued regarding the progress of 19 Knoll Road since the previous Town Council meeting. Condry stated that a revised Construction Management Plan was received on May 15th which has more specific dates to meet milestone inspections and a hard barrier had been installed on the road above. However, Mayer had not submitted a bond to Condry as required.

Wright confirmed with Condry that the Construction Management Plan had a typo; the date associated with completion of finishes was defined as April 2016 and should actually be April 2015.

Wright requested a Staff recommendation. Condry stated that because the status of the bond was unclear and it was unknown if Mayer would continue to get work done, it is Staff recommendation that the permit should expire.

Wright requested information regarding next steps. Deputy Town Attorney Megan Acevedo confirmed that a procedure could be followed for 19 Knoll Road as part of a nuisance abatement proceeding. Acevedo stated she did not have an estimate of amount of time before a nuisance abatement proceeding could occur. Condry stated that if the road goes out, it would be declared an emergency and the Town would complete the repair at that time.

McInerney requested clarification from Condry regarding the schedules submitted by Mayer. Condry stated that the new Construction Management Plan had more specific end dates and through milestone inspections, the Town could verify continuous improvement at the property. McInerney asked Condry if he knew why there had been no work for the past year at the property. Condry responded that he did not know why.

Ken Mayer, 19 Knoll Road, stated he attempted to meet each of the four requirements put in place when Council granted him a seven-month extension. He noted he has asked staff what kind of proof of financing was required and was told he would need a letter from a bank. Mayer explained that his financing is through private sources and not through a bank. Mayer stated he asked the Town Manager for guidance and was told to submit a letter. Mayer stated he submitted a letter and his understanding was there was no motion that placed any conditions on him. Mayer believed he could continue to work and the issue was tabled until a Construction Management Plan was submitted.

McInerney asked Stutsman to check the minutes to confirm there had been no motion. Stutsman confirmed a motion had not occurred; however, it was agreed that Condry would work with Mayer on a more specific Construction Management Plan, that Mayer would submit a bond in the amount of \$75,000-\$100,000 for grading, foundation, site work, drainage and erosion control, Mayer would fix the fencing to ensure public safety and Mayer would return to Council at the next session, at which time a motion could be placed on the consent agenda. In the interim, Mayer could continue to work on the retaining wall.

Mayer stated his understanding was that the number one item was the Construction Management Plan, so there is a way to monitor the progress. He stated because there was no vote, he was unclear of what was required of him.

Greene asked if Mayer was able to get a bond. Mayer confirmed he could get a bond. Mayer stated he was unclear he needed to obtain a bond before the Town Council meeting. Greene asked Mayer if there had been a motion to require him to get a bond, would he have met that requirement. Mayer responded absolutely.

McInerney asked Mayer if he had called the bond contact previously provided to him by Condry. Mayer responded no.

Kelly asked Mayer if he had received an email from Condry stating all of the requirements discussed and gave a due date of the Town Council meeting. Mayer confirmed he had received the email.

McInerney asked for a status of the project from Condry. Condry responded that Mayer had worked on the footing. Condry was not sure if the concrete had been poured. Mayer confirmed the footing had been poured.

McInerney questioned what the next steps were, short of not allowing an extension to the permit. Acevedo suggested formalizing the requirement for a bond in a motion with the understanding that if this requirement is not met, the permit will automatically expire. Condry also added that the permit extension should be contingent upon completing the part of the retaining wall that supports the road regardless of whether Mayer gets a bond or continues working, so that the Town will not have to deal with that in the future.

McInerney opened up discussion to the public.

As there was no public comment, McInerney returned discussion to Council.

Councilmember Wright and Kelly agreed with formalizing the requirement for a bond in a motion. Coleman stated there is a safety concern and wants completion of the retaining wall to be considered. Greene stated Council should be formal in providing clear expectations and suggested a motion including strict compliance with an approved Construction Management Plan, identifying a date for when a bond should be in place, and no storage of construction vehicles or materials on-site that are not related to construction. Greene did not feel it was appropriate to stop the project. McInerney suggested Mayer should reapply for permits, noting that codes change every three years and due to the length of the permit extension, Mayer is operating under outdated building codes. McInerney asked Condry what happens if the Town is holding onto a bond and Mayer does not keep the schedule. Condry responded 19 Knoll will be red tagged and the permit will expire. McInerney asked if Mayer will have a period of time to correct it. Condry stated he didn't know the answer to that question. McInerney stated he would like for Mayer to reapply for the permits. Wright stated he would consider Mayer reapplying for a permit if in two weeks Mayer has not met the bond requirement. Kelly would like Mayer to meet the bond requirement and reconvene to determine next steps. Condry suggested the project

continues with a bond, but if a bond is not secured within two weeks, the permit should be expired. In order to prevent this from coming before Council at the next Town Council meeting, Acevedo suggested a motion that in two weeks a bond will be secured and stating if he doesn't, the permit would expire.

McInerney confirmed with Mayer that the Construction Management Plan had a typo; the date associated with completion of finishes defined as April 2016 should actually be April 2015. Mayer agreed.

Wright questioned whether Staff would be able to work with the schedule provided. Condry stated that the milestones were items that could be inspected.

M/s, Greene/Wright, to authorize issuance of permit upon obtaining a construction bond of \$75,000 for grading, site work, retaining wall, foundation, drainage and erosion control and providing proof thereof by 5 PM Monday, June 9th. Mayer will comply with and keep the May 15th Construction Management Plan schedule as amended with the April 2015 date for completion of finishes, with the understanding that if the bond is not obtained, the permit expires. Mayer will maintain a clean and safe site, site will continue to have adequate fencing, and no storage of construction vehicles or materials not associated with the project at 19 Knoll Road. Failure to comply with any of these conditions, with time being of the essence, will result in an automatic expiration of the building permit. AYES: Greene, Kelly, McInerney, Wright, Coleman NOES: None

3. APPROVE THE RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD ON NOVEMBER 4, 2014, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE TOWN CLERK OR HER DULY AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS THE QUESTION RELATING TO A SPECIAL TAX FOR PARAMEDIC SERVICES.

Town Manager Debra Stutsman presented the staff report. Stutsman stated that the Ross Valley Paramedic Authority (RVPA) is primarily funded through property taxes. Every four years, the citizens who reside within the member community of the RVPA service area vote to fund the tax for a four year period. The current tax expires on June 30, 2015. The current tax is \$51.00 in the 2014-2015 year plus a 50 cent administrative fee. Ross Valley Paramedic Board of Directors approved a tax rate containing \$6 annual increases in the next 4 years. Increases in costs of ambulance staffing and medical supplies, and a potential shift in adjustment to ambulance boundaries are causing the rate increase. RVPA is currently using money out of the reserves to balance the budget.

San Anselmo Representative on the Ross Valley Board of Directors, Janice Przybylski spoke. In 2001, RVPA made the decision to place first responders on fire engines, which has helped with the gap in ambulatory services shared with other towns. RVPA has been paying for the first responders out of pocket reserves. The money collected is used for paramedic training and medical supplies. If the tax is not passed, RVPA will need to cut parts of the program. Przybylski stated that a large portion of the paramedic calls are from San Anselmo.

Coleman questioned whether the retirement for the salaries listed in the staff report came through the Fire Department. Przybylski stated that not all of the retirement comes from the tax.

Wright suggested that there be more time between the annual increase expirations. Greene stated he felt the shorter amounts of time between the increases gave more flexibility.

Kelly asked which other paramedic taxes were more and less than San Anselmo. Przybylski confirmed that San Anselmo is the most reasonable, even with a \$6 increase.

Fire Chief Mills stated without the tax, it would be up to the members of the Fire Authority to make up those funds. Without the tax, paramedics would not be on the fire engines and San Anselmo would lose a valuable service.

McInerney stated the costs seemed to be going up. Przybylski stated the increase is due to billing and wages, including that they are trying to control costs.

McInerney asked for public comment.

Steve Lamb, Laurel Ave, asked if the RVPA members meet and decide not to raise the tax by 6 dollars one year, could they come back the next year and raise the tax by 12 dollars. Przybylski stated that RVPA can only raise it 6 dollars a year, it's not accumulative.

M/s, Coleman/Greene, to approve Resolution 4068 placing a measure on the ballot to continue paramedic services for another 4 years. AYES: Greene, Kelly, McInerney, Wright, Coleman
NOES: None

4. APPROVE THE DEPOSIT OF THE ONE-TIME EXCESS EDUCATIONAL REVENUE AUGMENTATION FUND REVENUE IN THE AMOUNT OF \$193,477 INTO THE CAPITAL RECONSTRUCTION FUND.

Finance Director Daria Carrillo presented the staff report. Staff recommends that Council approve the deposit of one time excess Educational Revenue Augmentation Fund (ERAF) revenue in the amount of \$193,477 into the Capital Reconstruction Fund. Carrillo suggests the one time ERAF revenue should be spent on one time expenditures.

The Capital Reconstruction Fund is normally funded by the General Fund. As a result of minimal transfers to the Capital Reconstruction Fund, the town has deferred several projects. The Town has an immediate need to repair boilers, the roof, and install an ADA ramp at Isabel Cook and

repair the roof at Robson House. Additionally, the Town Hall tower needs repair. Carrillo confirmed depositing the ERAF revenue in the fund would cover the costs mentioned.

Wright asked if the County has any stipulations on the use of the money. Carrillo responded no.

Wright asked if there was a Capital Projects Monitoring Committee that could monitor use of money. Stutsman confirmed a Committee is in place and the projects discussed are considered necessary. Stutsman mentioned the Town had previously thought that these projects would need to be financed by the sales tax fund.

Carrillo confirmed the Town had not received the funds yet, but if approved, the revenue would go into the Capital Improvement account.

Greene asked if the Town knew it would be receiving this revenue and for how long. Stutsman responded that for about a year it had been discussed at Marin Manager meetings; however, no one knew the amount. Greene asked if there is an internal auditing system in place to track what should be extracted from the Town by the County. Carrillo stated the ERAF money is extracted county-wide and distributed to each agency.

As there was no public comment, McInerney returned discussion to Council.

M/s, Greene/Kelly, to support the staff recommendation to transfer the ERAF money to the Capital Reconstruction Fund. AYES: Greene, Kelly, McInerney, Wright, Coleman NOES: None

5. RECEIVE REPORT FOR OPTIONS FOR THE 2014-15 WORK PLAN FOR THE TOWN'S ALLOTMENT OF MEASURE A FUNDS AND PROVIDE DIRECTION TO STAFF.

Community Services Director Dave Donery presented the staff report. At the May 13th meeting, it was recommended that 90% of the Measure A funds be allocated toward the Memorial Park Renovation Project and the remaining 10% be allocated to the San Anselmo Open Space Fund. However, Jonathan Braun, Scenic Avenue, Brian Crawford, Oakland Avenue, and Renee Voss, Alderney, urged taking more time to consider this issue. The item was postponed until the next meeting.

Donery presented two staff recommendations for consideration. One recommendation committed 100% of the 2014/2015 Measure A allocation towards Memorial Park and \$50,000 towards the purchase of Sky Ranch. The other recommendation committed 90% of the 2014/2015 Measure A allocation towards Memorial Park and \$55,494 towards the purchase of Sky Ranch.

Greene asked what the anticipated amount of Measure A funds are this year. Donery responded \$74,215.

McInerney asked for public comment.

Jonathan Braun, Scenic Avenue, announced that Marin Open Space Trust was in contract to purchase Sky Ranch. The Marin Open Space Trust has a 90 day contingency for due diligence after which their deposit becomes nonrefundable. Braun asked for the maximum amount from Measure A. The purchase of Sky Ranch is part and parcel to the Town's Master Plan adopted in the 1980's and would create a ridgeline between Bald Hill and Sky Ranch.

Kelly asked how much anticipated public funds would be going towards the purchase of Sky Ranch. Braun did not have a specified amount.

Wright asked how much did the property cost. Braun responded that the contract price was \$1.2 million. Wright clarifies the Open Space fund is a 501C3 fund with Braun.

Brian Crawford, Oakland Ave, proposed 18% of the 2014/2015 Measure A allocation and the remaining 2013/2014 funds to go towards the purchase of Sky Ranch bringing the total contribution to \$61,000 from the Town.

Nancy Bennit, San Francisco Blvd, wanted as much money as possible to go towards the purchase of Sky Ranch.

Danny Krebs, would like a forum for coming up with proposals such as purchasing Sky Ranch.

Barbara Thornton, supported the Town giving as much as possible to the purchase of Sky Ranch, because she feels it is a once in a lifetime opportunity.

Ed Shaner, Scenic, wanted to say how lucky the Town is to have Jonathan Braun. Shaner supported buying the ridgetop.

Yvonne, supported the purchase of Sky Ranch stating that it is a special parcel. She went on to state there will always be maintenance needs and the opportunity to purchase this ridgeline will not always be available.

As there was no further comment from the public, McInerney returned the discussion to Council.

Greene stated what makes the living in Marin and San Anselmo so special and wonderful is the quality and continuity of open space. Greene added if the land wasn't protected, it would be developed and in the day to day press of priority development, it is easy to lose track of. Greene was in favor of Option 2 recommended in the staff report; however, after hearing Brian Crawford's proposal, he was in favor of splitting the money right down the middle, adding the Sky Ranch parcel is pretty spectacular and it links the habitats of many animals.

Wright was struck by the fact there wasn't any public support for the park. He stated that Memorial Park does not have a 501C3 fund, therefore the costs for upkeep of the park come directly from the Town. He is inclined to go with Option 1, because there seems to be lots of other funds available for open space.

Coleman was around for the open space acquisitions and was complimentary of the Open Space Committee's work and foresight. She has an affiliation with the Children's playground within Memorial Park. She added Robson House is in terrible need of a bathroom and the Town doesn't often get an opportunity to have funds that go towards things such as this. She was in support of Option 2, which would allocate some funds for open space and some for parks.

Kelly stated that the Council could always reconvene at a later date to reallocate funds, if needed, so he was happy to vote for Option 2.

McInerney stated there are a lot of immediate financial issues with regards to the Town's parks and was hesitant to give a large chunk of the limited Measure A funds to the purchase of Sky Ranch, considering that there are other sources of money for it. He was in support of Option 1, stating it is a fair split, adding the Town would be offering the same amount as Fairfax and Fairfax would be getting a larger portion of the open space.

M/s, Greene/Kelly, to adopt Option 2 set forth in the staff report including the allocation from the 2013/2014 Measure A fund with the total going toward the purchase of Sky Ranch being \$55,464. AYES: Greene, Kelly, Coleman NOES: McInerney, Wright

6. INTRODUCTION AND FIRST READING OF THE ORDINANCE AMENDING THE SAN ANSELMO MUNICIPAL CODE BY ADDING A NEW CHAPTER 9 TO TITLE 5 SANITATION AND HEALTH REGULATING THE USE OF SINGLE CARRYOUT BAGS.

Interim Planning Director Diane Henderson presented the staff report. She stated that we are all aware of the negative effects of plastic bag use to the environment. In September of 2008, the Town Council adopted a resolution urging San Anselmo businesses to voluntarily stop using plastic bags and since that time the Grand Jury has issued a report "Holding the Bag" which encourages adoption of regulation of single bag use. Fairfax and Mill Valley have banned use of plastic bags. An environmental impact report (EIR) and model ordinance were completed by the Marin County Hazardous and Solid Waste Management Joint Powers Authority. The EIR examined multiple alternatives which were categorized in the staff report. Based on direction provided to staff at the March 11, 2014 Council meeting, staff prepared an ordinance which prohibited plastic bags and requires a 10 cent charge for recycled paper bags, which was Alternative 4. The ordinance will only apply to supermarkets, pharmacies and convenience /liquor stores. Staff has included a provision that the ordinance go into effect on January 1, 2015.

Coleman asked if this would include Safeway, CVS, and Walgreens. Henderson responded yes, adding Andronicos, United Markets, Bolinas Market, Quick and Easy but not Jack's because of the square footage. Coleman asked if restaurants were affected. Henderson responded no.

Greene noted a typo in Item A last paragraph, "ingestion of entanglement" should be "ingestion or entanglement." Henderson confirmed the typo.

Wright noted a typo on Page 6, Section 2 under the definition of a single use carryout bag, line 3, the word "or" should be taken out after the word "a". Henderson acknowledged the typo. Wright stated there were a lot of references to the EIR, and questioned whether part of the Council approval would also be approval of the EIR. Henderson responded that the EIR had already been certified. Wright noted if State law is passed, it could preempt or change this Ordinance. Henderson said that the State adoption has been slow going, so the towns and cities have taken it upon themselves to make the change.

McInerney asked for public comment.

Janice Przybylski asked who gets the 10 cents for the bag? Council confirmed the store would receive the 10 cents.

Sita Khufu stated that the Quality of Life Commission supports the use of reusable shopping bags and would like to include the requirement for restaurants next year.

Marita Mayer, Austin Avenue, stated that her son testified in front of the assembly about this subject. She hoped San Anselmo passes the ordinance before the State so her son could be proud of his town.

Barbara Thorton, Scenic Avenue, would like to pass Alternative 4 for now and then take a look at Alternative 3 which would require all retail establishments to follow the ordinance, including restaurants and Alternative 7, which would increase the amount to a 25 cents charge for each bag.

As there were no further comments from the public, McInerney returned the discussion to Council.

M/s, Greene/Wright, to read ordinance by title only and schedule a public hearing. AYES: Greene, Kelly, McInerney, Wright, Coleman NOES: None

Town Manager Stutsman read the title of the ordinance.

**7. REVIEW AND CONSIDER APPROVAL OF THE RESOLUTIONS ESTABLISHING
1) POLICIES REGARDING THE APPOINTMENT OF THE MAYOR AND VICE
MAYOR AND 2) A CODE OF ETHICS AND VALUES FOR ALL ELECTED AND
APPOINTED OFFICIALS.**

Town Manager Debra Stutsman presented the staff report. At the meeting of April 22, 2014, the Town Council reviewed the list of governance topics that were outlined for potential future policies and materials were presented on two topics, selection of Mayor/Vice Mayor and Ethics. Materials attached to the staff report included policies on topics from other cities/towns across California. Feedback was provided and the resolutions presented were based on those comments.

McInerney asked if Council should review the resolutions and come back at another session to approve. Stutsman stated if they agreed with the resolutions, they could be approved during the current session.

Coleman questioned (4d) on the Resolution for Mayor and Vice Mayor, if the term would begin in December. Stutsman clarified the intent was for the highest place finisher to have priority.

Wright mentioned there are rotation lists in other jurisdictions. Stutsman stated at the last meeting only one Councilmember wanted a list and the others did not.

Greene stated he does not see anything in the proposed resolution that handles seniority. Stutsman said (4c) includes this information. Greene stated (4c) and (4d) are more quantitative than seniority based. Stutsman offered to add that information in the resolution.

McInerney asked for clarification from Greene regarding seniority. Greene clarified that the seniority should be chopped up every election cycle, instead of a Councilmember having more priority over the Mayor position based on how long they have been around.

McInerney tabled the discussion and asked for public comment.

As there was no public comment, McInerney returned discussion to Council.

Kelly stated the 2 year Councilmember is guaranteed a term as Mayor and two of the 3 year candidates are guaranteed, but the 3rd person is not necessarily guaranteed. McInerney said that essentially the clock starts again after his term as Mayor. Wright commented everyone was describing a rotation list. Greene stated the list would be subject to the pleasure of the Council; it would be a mechanism of continuity. Wright commented that it should be handled as a written list that could be overridden. McInerney stated if two individuals had the same seniority; it would be whoever got the most votes. Greene included it would be subject to veto. Wright added that Burlingame has a rotation list based on seniority of Councilmembers. McInerney asked the Town Manager for input. Stutsman stated in the previous session, McInerney had mentioned seniority based on each class, but Burlingame's is based on consecutive years. Greene and Wright agreed consecutive years would be easier to administer. Coleman stated she would go along with everyone else. McInerney asked if Stutsman had enough direction to change the resolution. Stutsman suggested staff keep the list to keep from having to bring the list to Town Council for approval every time that it changes.

This will return to Council at another session, at which time a motion can be placed on the resolution.

McInerney asked for public comment about the Ethics portion of the staff report.

As there was no public comment, McInerney returned discussion to Council.

Wright had a wording suggestion on page 14, No 6 on the proposed Code of Ethics and Values Resolution. He wanted the word "you" to be replaced with "they." He also wanted it to state

“you should not at the same time serve on that body” instead of “you should not at the same time serve on a Town Board, Commission, and Committee.” McInerney stated he does not believe that to be the intent. Wright stated it is too restrictive for appointed officials. McInerney stated he believes a Planning Commissioner, which is an appointed seat, should not be able to represent a person in a nuisance abatement issue. Greene asked if we could go that far in restricting an appointed official. Stutsman stated that a previous situation had occurred with an architect and it was determined you could not deprive someone of their livelihood, but they can’t represent clients in front of the Town Council or Planning Commission. There are strict rules on only asking questions at the Counter that are informative and not persuasive. Greene asked if Council could get a copy of the rules Stutsman spoke of. Stutsman responded yes.

McInerney suggested changing the verbiage to “understand if you represent clients or friends before the Planning Commission or Park and Recreation Commission, you should not at the same time serve on a Town Board, Commission, or Committee.” Stutsman suggested adding Town Council also. Council agreed. Kelly suggested adding Open Space Committee.

McInerney had a wording suggestion on page 14, No 7 on the Proposed Code of Ethics and Values Resolution. He suggested “to avoid even the appearance of a financial conflict” instead of “to avoid the appearance of a conflict.” Greene stated there are conflicts based on bias; if it is limited to financial, it will be too narrow. Wright suggested a statement including “financial or other recognized conflicts.” McInerney stated No 7 is avoiding the appearance of a conflict. Coleman stated it should not be restricted to the legal or financial aspect, it can be personal too. Greene suggested changing No 7 to read “understand that even if an actual conflict does not exist, it may be inappropriate to participate in a decision for personal reasons to avoid even the appearance of financial or other recognized conflict.” McInerney suggested “recognized” change to “legal.”

This will return to Council at another session, at which time a motion can be placed on the resolution.

8. ADJOURN

McInerney adjourned the meeting at 10:04 p.m.

Respectfully submitted,

Carla Kacmar