

Minutes
Board of Ethics Special Meeting via Zoom
December 5, 2023, 7:00 pm

Members in attendance were: Vivian Hardison, Ben Lehberger, Mark Peyser, and Craig Sternberg

Members absent: Florisca Carter

Pursuant to the Agenda, the following items were taken up:

- 1. The Board of Ethics meeting was called to order at 7:05 pm by co-chair Ben Lehberger.**
- 2. Minutes from the August 22, 2023, meeting was reviewed. No amendments were made. A motion to approve the minutes of August 22, 2023, was made by Mark Peyser and seconded by Craig Sternberg. Vote was unanimous. The minutes of August 22, 2023, were approved.**
- 3. Old Business: Co-chair Vivian Hardison stated that she has made a third request that the board of selectmen send written approval to engage outside assistance in the review of ethics ordinance. The latest requests were made on November 9, 2023, via email and verbally to David Bindelglass on Thursday November 30, 2023. No response has been provided to date.**
- 4. New Business: None was discussed.**
- 5. FOIA request made by Mrs. Logie was addressed. Co-chair Ben Lehberger stated that the FOIA request stems from Facebook posts made by Ray Martin where he included a message referencing a sitting chair that appears to be an accusation that the board of ethics was disclosing information improperly. Co-chair Lehberger stated that he has had no communications with Ray Martin outside of the board of ethics committee, which includes emails, phone calls or text messages and has not sent any messages secretly to Martin or to the board of Selectmen. Furthermore, the FOIA requests suggest that information about one of the members of the board of ethics was given to Martin. Ben Lehberger stated that he had not done so and only met Martin briefly in town years ago. The co-chair stated that personally, he had nothing to disclose. As part of the ethics investigation, the board of ethics engaged in communications pertinent to the investigation which were done by email. If the FOIA request includes these communications, then the board of ethics will confirm this. Co-chair, Lehberger further clarified that copies of complaints are given to the respondent with all personal information redacted beforehand. To date, the board of ethics has not disclosed any personal information. Mark Peyser stated that he has never spoken to Ray Martin outside the meeting with Martin and his attorney and the board of ethics nor has any knowledge of the Facebook postings. Craig Sternberg stated that the same was true for him but had spoken to Ray Martin two or three years ago at a function for the Republican party at a lodge down in Easton. Craig further stated he had no correspondence, or text messages to Martin. Co-chair Vivian Hardison stated that she has had no**

communications with Ray Martin outside the board of ethics meeting and did not know him prior to the recent ethics investigation. Co-chair Vivian Hardison stated that the doxing incident that occurred on October 25, 2023, against her by Ray Martin may have prompted this FOIA request. For the record, co-chair Vivian Hardison stated that state statute dictates that after the board of ethics finds probable cause, the findings can be made public, which entails sending copies of the ruling to the respondent, the board of selectmen and all complainants. Furthermore, the board of ethics is not obligated to discuss any aspect of any case once the ruling has been finalized. The person who made the FOIA request was invited to comment. Mrs. Logie clarified that she was satisfied with how the board of ethics addressed her FOIA request and that several people were concerned that the contact information of the complainants was kept confidential or shared with anyone else. Mrs. Logie wanted to know if anyone had asked for the contact information of the complainants and what was the board of ethics response since Martin's Facebook posts alluded to a 'male chair.' Mrs. Logie asked what protection was in place for complainants and what was the process and extent of confidentiality by the board of ethics. Co-chair Vivian Hardison then addressed the 4 questions asked by Mrs. Logie about confidentiality and right of privacy of complaints made to the board of ethics and the extent to which the board of ethics is subject to FOIA requests. Exceptions include discussions held in executive sessions are exempt from FOIA and if disclosure of identities would put the complainant in harm's-way. The Board of ethics has not disclosed any personal and confidential information of any complainant from any FOIA request. Mrs. Logie thanked the board of ethics for clarifying and addressing her concerns.

6. Rules of Operation and Ethics Ordinance: Board of ethics will review the ordinance and are still waiting to get approval to engage counsel to assist with this endeavor. In the interim, the board will make notes and flag any sections for review with counsel. The public was encouraged to submit any comments for consideration before any changes are made and presented in a town meeting for approval. Rules of Operation will be addressed accordingly.
7. With no additional business to discuss, at 7:42pm, Mark Peyser made a motion to move into Executive Session to discuss complaints number: 09-11082023. The motion was seconded by Ben Lehberger. The vote was unanimous.
8. Motion was made by Mark Peyser to move out of Executive Session and second by Ben Lehberger. Vote was unanimous. The Executive Session ended at 8:05pm.
9. Outcome of Executive Session: The Board found cause of a violation of ethics ordinance for complaint no. 09-11082023. Complainants will be notified of the ruling.
10. Motion to adjourn the meeting was made by Mark Peyser and seconded by Ben Lehberger. Vote was unanimous. Meeting of the Board of Ethics ended at 8:05pm.

VC Hardison
Vivian Hardison

Ben Lehberger
Ben Lehberger