

**Board of Ethics Commission
Special Meeting
August 26, 2004
Ludlow Room – Windsor Town Hall
Unapproved Minutes**

Present: Chairman James Parker and Commissioners George Griffin, George Morganthaler, and James Mason

Absent: Abraham Morrison

Staff: Peter Souza, Acting Town Manager; Steve Kosofsky, Tax Assessor; Greg Pavitt, Finance Director; Vincent Oswecki, Town Attorney

1. Call to Order

Chairman Parker called the meeting to order at 7:03 p.m.

2. New Business – Resolution to Complaint filed by Councilor Jepsen

Mr. Gregg Pavitt, Finance Director was asked to address the Board. Mr. Griffin asked if he was involved in the establishment of the house values. Mr. Pavitt indicated that for the past several years they had been using \$138,000, which was an adjustment due to the increase in new construction with higher property values.

Mr. Griffin does not see how anyone would benefit from this mistake. Mr. Griffin is satisfied that this was only a mistake.

Mr. Morganthaler indicated that only those people with a \$170,000 value home would have realized a 5.8% increase, however using the \$131,000 it would have been a 11.23% increase. He noted that the dollar amount of the tax levy was correct and the mill rate was also correct.

There was brief discussion on confusion by the general public on the information that was provided. It was noted that the public is confused on the actual increase that they should expect.

Mr. Pavitt stated that the town is not sitting on a "nest egg" of money because of this error. He indicated that he was not aware that the median house value was wrong until the end of July.

Mr. Griffin agreed with the Charter Revision Committee's recommendation that the Town Council have an independent auditor.

Moved by Mr. Griffin, seconded by Mr. Morganthaler that the Board of Ethics found no ethical violations in the setting of the FY 2005 tax rate.

Mr. Mason indicated that Mr. Generous clearly had a solid case against the math error, but he does not feel that Mr. Generous provided any proof that this mistake was done mischievously. Mr. Griffin agrees. Mr. Morganthaler felt that the methodology in setting the mill rate was correct and this does not change anything because taxes are determined by using the mill rate.

Mr. Oswecki, Town Attorney, pointed out that the 28.83 mill rate was identified correctly in the correspondence that incorrectly stated the 5.8% tax increase on a \$170,000 valued home.

Chairman Parker stated that this is more than just a question on the mill rate. Mr. Generous indicated preferential treatment. He noted that the Town Council acted on information given by staff. Their job is not to determine if this is correct and they are not involved in securing tax amounts. He does not feel the Town Council acted improperly and agreed that staff misrepresented the percent of tax increase but that it was not willful misrepresentation.

Mr. Parker would suggest that an independent auditor be hired. The implied charge was that this was done willfully to benefit certain members of the community to the detriment of the taxpayers. He does not see any direct evidence that this was willful.

Mr. Parker stated that something must be done to set the public's perception of the town staff and the Town Council at ease.

Mr. Mason called the question and the motion passed 4-0-0

3. Staff Reports – None
4. Minutes of Preceding Meeting – deferred
5. Adjournment

Moved by Mr. Mason, seconded by Mr. Griffin and passed unanimously to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Janet M. Burke
Recording Secretary