

**BOARD OF ETHICS MEETING MINUTES
FRIDAY, MARCH 10, 2017**

**TOWN OF NORTH CASTLE
15 BEDFORD ROAD
ARMONK, NY**

Public Meeting:

DATE: March 10, 2017

TIME: 9:00 a.m.

PLACE: Judges' Conference Room, Town Hall

PRESENT: Board of Ethics Members
David Simonds, Chair
Brett Summers, Secretary
John Klem
Susan Shimer
Edward Lobermann

ABSENT:
Rabbi Stacy Bergman, Alternate

OTHERS PRESENT:
Alison Simon, Town Clerk
Tanya Orr, Personnel Manager
Joan Goldberg, Town Administrator (By Phone)

1. Call to Order

At 9:02 a.m. the meeting was called to order by the Chair.

2. Executive Session

None.

3. Revision and Adoption of Agenda

Discussion, Action: 3.1 Revisions (if necessary) and adoption of Agenda

A motion was made by Mr. Summers and seconded by Mr. Simonds to adopt the agenda as presented. Vote: 5-yes 0-no. Motion carried. There was consensus that future agendas contain items for Public Comment as well as Requests for Future Agenda Items. There was also consensus that a future agenda item include discussion of how fees for outside counsel would be budgeted and paid in the event that became necessary. The Town Administrator requested the Board of Ethics to provide clarification on restrictions placed on future employment under Section 27-11 of the Code, and disclosure requirements under the nepotism provisions of Section 27-15 of the Code. There was consensus that Ms. Goldberg would submit such questions in writing to the Board of Ethics and the Board would render appropriate Advisory Opinions.

4. Unfinished Business

Information, Discussion, Action: 4.1 Update from Town Clerk and Town Administrator re annual disclosure forms for Town employees

The Town Clerk, Alison Simon, advised that the Annual Disclosure Form being contemplated by the Board of Ethics would present a significant administrative burden to her office and to Town employees. Ms. Simon asked if the Board of Ethics would be satisfied if the requirement were amended to simply require the form to be signed and returned if there was

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a conflict to report. There was consensus that such a procedure would not provide the Board of Ethics with adequate evidence that an employee had sufficient notice of the ethics obligations under the Town Code.

The Town Administrator, Joan Goldberg, expressed concern that requiring the disclosures contemplated by the current form may require bargaining under one or more collective bargaining agreements. Mr. Loberman raised the question of whether there were possible implications under the Taylor Law as well.

The Town's Personnel Manager, Tanya Orr, described the current practices she follows with respect to all new hires and current employees.

A motion was made by Mr. Summers and seconded by Ms. Shimer to simplify the Annual Disclosure Form to make it merely an Annual Acknowledgement Form that such employee acknowledges receipt of a copy of the Code of Ethics. Vote: 5-yes 0-no. Motion carried.

There was further discussion of the burdens faced by the Town Clerk's office, and there was consensus that, once the form was simplified, the Town Clerk would investigate electronic distribution of the form through Outlook or another method available to the Town.

Information: 4.2 Indemnity Insurance for Board of Ethics Members

The Town Administrator, Joan Goldberg, indicated that liability and indemnification insurance for all members of the Board of Ethics was put in place as of January 1, 2017. Ms. Goldberg is currently working on getting verbiage describing the coverage so she can distribute that as appropriate, and indicated that coverage for Board of Ethics members is identical to that already provided to Town Board members.

Information: 4.3 Email Accounts

The Chair indicated that all Board of Ethics members now had dedicated email addresses that would be used for all Board of Ethics related communications, and thanked everyone for their cooperation in this regard.

Information, Discussion, Action: 4.4 Internal Guidelines

Board members discussed the draft Internal Guidelines paragraph by paragraph. Mr. Summers attempted to memorialize the agreed upon changes, and agreed to revise and circulate the draft document with changes indicated. There was also discussion of the obligation of the 20 day notice provision to the Town Board under Section 27-20, Subsection E, of the Code should the Board of Ethics determine that it has reasonable cause to believe an ethics violation has occurred. The question was raised of how this would work in the hypothetical case of an apparent criminal violation by a member of the Town Board, and whether an amendment to the Code of Ethics was required to obviate the need for notice in such cases. It was determined that no amendment would be recommended as the 20 day notice period provided ample opportunity for guidance and instruction from the relevant law enforcement agency following a referral promptly after reasonable cause was determined.

Information, Discussion, Action: 4.5 Plain Language Guide for Employees and Volunteers

Board members agreed to postpone detailed discussion of the draft Plain Language Guide until the next public meeting of the Board of Ethics to be scheduled at the next mutually convenient date for members.

5. New Business

Information: 5.1 Report to Town Board

The Chair reported that he attended a recent Town Board meeting to update the Town Board on the current efforts and undertakings of the Board of Ethics. Mr. Simonds indicated that the Town Board was receptive to, and pleased with, his report.

6. Communications to the Board of Ethics

The Chair reported that he had received communications from the Town Clerk regarding the annual disclosure forms, consistent with the discussions earlier in the meeting

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involving the Town Clerk. Additionally, there was communication to the Chair and Ms. Shimmer regarding a town employee who also sits on the board of a not-for-profit corporation, together with board members who are leaders in other local municipalities. There was discussion of the procedures to be followed in such cases, and Ms. Shimer and Mr. Simonds determined that, since the involvement was on a volunteer basis, there was no need for notice or referral to the Board of Ethics.

7. Board of Ethics Minutes

Action: 7.1 Board of Ethics Minutes: December 7, 2016

A motion was made by Mr. Klem and seconded by Mr. Simonds to approve the Board of Ethics Minutes of December 7, 2016. Mr. Klem expressed appreciation for the quality of the minutes. Vote: 5-yes, 0-no. Motion carried.

8. Adjournment

At 12:00 p.m. a motion was made by Mr. Summers and seconded by Mr. Klem to adjourn the meeting. Vote: 5-yes 0-no. Motion carried.
The public meeting ended at 12:00 noon.

Respectfully submitted,



Brett Summers, Secretary

April 18, 2017

Date