

**BOARD OF ETHICS MEETING MINUTES
TUESDAY, July 11, 2017**

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

Public Meeting:

DATE: July 11, 2017

TIME: 8:55 a.m. called to order

PLACE: Hergenhan Recreation Center, Upstairs Conference Room

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
Joan Goldberg, Town Administrator

1. Call to Order
At 8:55 a.m. the meeting was called to order by the Chair.

2. Revision and Adoption of Agenda

Discussion, Action: 2.1 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.

3. Executive Session
None

4. Comments from the Public
None

5. Unfinished Business

5.1 Board of Ethics Forms:

Information, Discussion, Action: 5.1.1 Employees/Officials Disclosure Statement (§27-6(E))

The form entitled "Town of North Castle Employees/Officials Disclosure Statement (2017)", which was approved by consensus at the May 9, 2017 meeting of the Board of Ethics, was the subject of additional discussion given concerns and questions raised by Clerk Simon and Administrator Goldberg. Specifically, one of the labor unions in the Town reportedly objected to the obligation to make the annual ethics certifications as contemplated by the form. There was a discussion of the implications of the labor laws in general and the Taylor law in particular, and a consensus that the form at issue requires nothing more than what is already required under the existing Town of North Castle Code of Ethics. Thus, if there are

labor issues requiring bargaining under a Collective Bargaining Agreement, those issues would be for resolution by the Town Board and not the Board of Ethics. A motion was made by Mr. Simonds and seconded by Ms. Shimer to approve the form entitled "Town of North Castle Employees/Officials Disclosure Statement (2017)," with a footer notation showing July 11, 2017 as the date of Board of Ethics approval. Vote: 4-yes, 1-no (Mr. Lobermann). Motion carried.

Information, Discussion, Action: 5.1.2 Acknowledgement of Receipt (§27-23(C))

There was unanimous consensus that the benefits and purpose of the form entitled "Acknowledgement of Receipt (§27-23(C))" were made redundant by the form entitled "Town of North Castle Employees/Officials Disclosure Statement (2017)." Thus, the draft form entitled "Acknowledgement of Receipt (§27-23(C))" would not be used.

Information, Discussion, Action: 5.1.3 Disclosure – Conflict of Interest

The form entitled "Disclosure – Conflict of Interest", which was approved by consensus at the May 9, 2017 meeting of the Board of Ethics with minor edits, was the subject of additional discussion after such edits had been made. A motion was made by Mr. Summers and seconded by Ms. Shimer to approve the form entitled "Disclosure – Conflict of Interest" with a footer notation showing July 11, 2017 as the date of Board of Ethics approval. Vote: 5-yes, 0-no. Motion carried.

Information, Discussion, Action: 5.1.4 Request for Advisory Opinion

The form entitled "REQUEST FOR AN ADVISORY OPINION pursuant to Ethics Code Section 27-19(G)", which was approved by consensus at the May 9, 2017 meeting of the Board of Ethics with a minor edit, was the subject of additional discussion after such edit. A motion was made by Mr. Simonds and seconded by Ms. Shimer to approve the form entitled "REQUEST FOR AN ADVISORY OPINION pursuant to Ethics Code Section 27-19(G)" with a footer notation showing July 11, 2017 as the date of Board of Ethics approval. Vote: 5-yes, 0-no. Motion carried.

Information, Discussion, Action: 5.1.5 Complaint Form

The form entitled "Complaint Form", which was approved by consensus at the May 9, 2017 meeting of the Board of Ethics with no suggested edits, was the subject of additional discussion for final approval. A motion was made by Mr. Summers and seconded by Ms. Shimer to approve the form entitled "Complaint Form" with a footer notation showing July 11, 2017 as the date of Board of Ethics approval. Vote: 5-yes, 0-no. Motion carried.

Following the discussion and approval of the forms referenced in 5.1.1 through 5.1.5, Administrator Goldberg raised questions regarding the application of provisions of the Code of Ethics concerning nepotism (Section 27-15) and restrictions on future employment (Section 27-11). There was discussion and consensus that Administrator Goldberg would submit the questions and requests for clarification in writing as requests for advisory opinions.

Information, Discussion, Action: 5.1.6 Plain Language Guide

The document entitled "Town of North Castle Code of Ethics, Covering Municipal Officers and Employees", which was discussed at the May 9, 2017 meeting of the Board of Ethics with various suggested edits, was the subject of additional discussion. All of the previously proposed revisions were discussed, as was the need for additional edits. Mr. Summers agreed to revise the document consistent with the unanimous consensus expressed on all proposed changes, with the intent of approving the document in final form at the next subsequently scheduled Board of Ethics meeting. Among the approved changes was the new title "Plain language Guide of the Town of North Castle Code of Ethics, Covering Municipal Officers and Employees".

Information, Discussion, Action: 5.1.7 Caller Information Sheet

There continued to be consensus that a "Caller Information Sheet" be prepared for review and eventual adoption, to provide a record of each new communication to any member of the Board of Ethics, as well as recommendations to the caller or the disposition of such inquiries. This item was put over to a future meeting of the Board of Ethics.

5.2 Nepotism Provisions

Information, Discussion 5.2 Nepotism Provisions

Mr. Lobermann informed the Board of some of his concerns and actions taken to date regarding the apparent lack of proper enforcement by the Town of various provisions of the Town Code concerning household refuse. Mr. Lobermann questioned whether the nepotism provisions of the Code of Ethics were implicated, and a discussion ensued regarding the potential role of the Board of Ethics should Mr. Loberman seek to involve the Board in such a matter. There was also discussion of the potential implications and restrictions that such an inquiry would place on Mr. Lobermann's participation in that matter as a member of the Board of Ethics.

Mr. Summers also informed the Board of Ethics of a Town enforcement matter he is challenging in the Town's Justice Court.

5.3 Budgeting for Fees for Outside Counsel When Necessary

Information, Discussion, Action: 5.3 Budgeting for Fees for Outside Counsel When Necessary

After discussion, there was unanimous consensus that the Board of Ethics would follow best practices and recommend to the Town Board that the annual municipal operating budget for the Town contain a \$10,000 budget line for Board of Ethics expenditures for fees and expenses of outside counsel, when necessary as determined by the Board of Ethics.

6. New Business

None

7. Chair's Report

None

8. Topics for Future Agendas / Requests for Information

None

9. Communications to the Board of Ethics

None

10. Approval of Minutes of May 9, 2017 Meeting


Action: 10.1 Board of Ethics Minutes: March 10, 2017

A motion was made by Mr. Summers and seconded by Mr. Klem to approve the Board of Ethics Minutes of May 9, 2017. Vote: 5-yes, 0-no. Motion carried.

11. Adjournment

At 10:59 a.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 10:59 a.m.

Respectfully submitted,



Brett Summers, Secretary

September 26, 2017
Date