

BOARD OF ETHICS MEETING MINUTES THURSDAY OCTOBER 6, 2022

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

Public Meeting

DATE: October 6, 2022

TIME: 8:30 a.m.

PLACE: Hergenhan Recreation Center, 2nd Floor Dance Studio

PRESENT: Board of Ethics Members
Brett Summers, Chair
Kerri Kazak, Secretary
Edward Lobermann
Susan Shimer - attending via Zoom
David Simonds
Charity Lunder, Alternate
José Berra, Town Board Liaison

1. Call to Order

At 8:38 a.m. the meeting was called to order by the Chair.

2. Revision and Adoption of Agenda

D. Simonds moved to adopt the agenda, E. Lobermann seconded. Vote: 4-yes, 0-no.
Motion carried.

3. Comments from the Public - None

4. New Business - None

5. Old Business

5.1 Review and discussion of comments from J. Berra to modified code sections 26-6E, 27-2 definition of "Interest", and disclosure form.

B. Summers noted that the disclosure form will be Appendix A to the Ethics Code. The BOE can amend the form from year to year but it must be materially in the form of what is attached. J. Berra stated that "Department Heads" should include Town Administrator and S. Shimer stated that we should also include the Residential Project Review Committee. B. Summers noted that we are currently just talking about elected officials and volunteer committees that have power over approving projects. E. Lobermann stated that the Taylor Law applies not just to what a proposal says, but the implementation of that proposal. He also noted that under the Taylor Law you cannot unilaterally change the terms of employment. E. Lobermann expressed his opinion that J. Berra expresses his personal opinion and oversteps his role as liaison to the BOE. S. Shimer and B. Summers disagreed with this statement. B. Summers noted that the Supervisor had requested J. Berra to present his recommended language to the BOE.

J. Berra reviewed his clarifications to Section 27-2 definition of Interest to treat interest in public and privately held corporations separately. B. Summers noted that the Town Board and Town Counsel had no objection to J. Berra's proposed changes. K. Kazak agreed. D. Simonds stated that the proposed language is more legalese than any other part of the

Ethics Code and a non-lawyer cannot read it and know what it means. This puts more burden on the BOE to clarify things and we are trying to prevent people from making inadvertent errors and this language makes it harder for people. B. Summers suggested that maybe the solution is to add some language to the training video to distinguish "direct" from "indirect." S. Shimer agreed with D. Simonds and she suggested that Paragraph 2 read "list any organization with respect to which you have an interest as defined in the attachment" and the attachment will numerically list each item. She expressed that this would be easier for a lay person. B. Summers stated that he was going to recommend that the Code have hyperlinks to examples for Interest. E. Lobermann agreed with D. Simonds, he noted that comparing the final proposal to the original shows we are over lawyering and discouraging lay people from understanding. He felt we were being counterproductive. J. Berra noted that we are also trying to address people who may purposefully be trying to commit a violation. B. Summers asked whether it simplifies things by putting things in a footnote to the disclosure form. K. Kazak stated that we have to stop making continuous changes; we can change and improve things endlessly but at some point we have to stop. B. Summers said that our proper focus should be on the training video.

Motion to approve J. Berra's October 2nd proposals. D. Simonds made the motion, K. Kazak seconded. Vote: 3 - yes, 1 - abstain (E. Lobermann). S. Shimer was not able to vote because of Zoom participation notice issue. She expressed "no concern" as to the ordinance proposal only.

5.2 Discussion of training video script

D. Simonds stated that the script should generally address the breadth of the disclosure form and suggest they come to BOE with any questions.

Note: D. Simonds left the meeting at 9:59.

Those present continued to modify the script. J. Berra stated that he didn't think that the Town Board should be approving the script. E. Lobermann stated that J. Berra should not be giving his personal opinion on every issue that comes before the BOE. S. Shimer stated that if J. Berra were any member of the public with a particular interest in these matters that the BOE would welcome his input. B. Summers agreed with S. Shimer.

6. Chair's Report

Addressed in items above.

7. Topics for Future Agendas / Date for Next Meeting

We expect to be on the Town Board agenda for October 13th. B. Summers will present the agreed upon language in a plain form and with a redline version and make a request to schedule a public hearing. All agreed that the BOE does not need to meet before the public hearing. Next meeting date for BOE will be scheduled via email.

8. Communications to the Board of Ethics - Covered above.

9. Approval of Minutes of August 10, 2022 Meeting

B. Summers moved to approve the draft minutes of the August 10, 2022 meeting, E. Lobermann seconded. Vote: 3-yes, 0-no. Motion carried.

10. Adjournment

At 10:13 a.m. E. Lobermann made a motion to adjourn the meeting, and K. Kazak seconded. Vote: 3-yes, 0-no. Motion carried. The public meeting ended at 10:13 a.m.

Respectfully submitted,

Kerri Kazak
Kerri Kazak Secretary

October 25, 2022
Date