

**BOARD OF ETHICS MEETING MINUTES
MONDAY OCTOBER 24, 2022**

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

Public Meeting

DATE: October 24, 2022

TIME: 8:30 a.m.

PLACE: Town Hall Meeting Room

PRESENT: Board of Ethics Members

Brett Summers, Chair

Kerri Kazak, Secretary

Edward Lobermann

Susan Shimer

David Simonds

Charity Lunder, Alternate

José Berra, Town Board Liaison

Barbara DiGiacinto, Town Board Member

Matt Milim, Town Board Member

1. Call to Order

At 8:41 a.m. the meeting was called to order by the Chair.

2. Revision and Adoption of Agenda

D. Simonds moved to adopt the agenda, S. Shimer seconded. Vote: 5-yes, 0-no. Motion carried. E. Lobermann moved to revise the agenda to add a discussion on the open meetings law.

3. Comments from the Public - None

4. Old Business

4.1 Discussion of response to concerns raised by Town Board members to revised disclosure statement.

K. Kazak stated that the purpose of calling this meeting was to re-open BOE discussion of proposed changes to code in light of concerns raised by Town Board members that our proposed changes were too difficult to understand. S. Shimer then reviewed and explained her proposal dated 10-21-22. D. Simonds stated that the definition of interest as proposed by BOE in July 2022 is the clearest definition. He likes B. Summers disclosure form but we should use S. Shimer's 1a and 1b which restricts the list of investment real estate to that of a relative that has an application, claim or proposal before a town board, but he noted that it should not distinguish between spouse and relative. B. Summers, S. Shimer, D. Simonds and K. Kazak all agreed with S. Shimer's proposed 1a and 1b, E. Lobermann stated that he believed it was still too confusing. C. Lunder stated she thinks the proposal is okay but still too confusing to a lay person. B. Summers agreed to harmonize his and S. Shimer's proposals. Discussion followed regarding a 5% caveat for stock ownership in publicly traded corporations. Agreed to add this to 2.B.

K. Kazak asked the group to discuss the definition of Interest. D. Simonds expressed appreciation for J. Berra's changes but would go with the July 2022 proposal by BOE. All agreed to go with the July 2022 proposed amendments. J. Berra suggested adding "grantor" to beneficiary or trustee and "manager" to cover LLCs. All agreed, but E. Lobermann who stated that the language was confusing and that he believed there was a conflict of interest with J. Berra proposing language given his position on the Town Board.

4.2 Discussion of exemption of sitting members of various town boards re: signing revised disclosure statement

D. Simonds stated that the form as currently designed is not a burden for them to sign by March 2023. S. Shimer noted that by now restricting real estate to that before a board, she no longer has any concerns. K. Kazak agreed with S. Shimer, D. Simonds, and B. Summers. E. Lobermann expressed that those in current positions should be allowed to complete their terms before signing the new form.

5. Executive Session

At 11:00, D. Simonds made a motion to move to Executive Session. S. Shimer seconded motion. Motion carried. At 11:10 D. Simonds left the meeting. At 11:47 E. Lobermann moved to leave Executive Session, S. Shimer seconded motion. Motion carried.

Public Session resumed at 11:54

6. New Business

E. Lobermann began a discussion of the open meetings law, read Sections 103(d) and (g) of the Open Meetings Law, and requested that BOE meetings be available to the public by Zoom. He believes that the refusal to do so makes for an uninformed public because if a meeting isn't Zoomed there is no other recording of the meeting. B. Summers stated that there is a distinction between Zoom which is videoconferencing and Section 103(d)(1) which says photographing the meeting is allowed, since with Zoom there is an opportunity for input and with photography requirement there is no such opportunity. E. Lobermann requested the BOE to pass a resolution that every BOE meeting be Zoomed. B. Summers expressed belief that the Town Board is the body to decide whether its boards and committees shall operate by Zoom. E. Lobermann requested the BOE ask the Town Board to have all BOE meetings be recorded, open to public participation, and available for viewing on the Town website. S. Shimer made a motion that the BOE requests the Town Board to arrange for BOE meetings to be recorded and available to the public through the Town website. B. Summers seconded. S. Shimer, B. Summers. K. Kazak voted yes. E. Lobermann voted no. E. Lobermann moved to amend the motion to allow for public participation at the meetings. B. Summers noted that there is a distinction between a public meeting and a meeting of the public. Members of the public do not have a right to participate in BOE meetings. C. Lunder pointed out that Section 103 requires the public to attend, listen, and observe meetings, not to participate. E. Lobermann stated that we should encourage public participation and he moved to amend the previous motion to provide that the public have the right to speak at BOE meetings via Zoom or in person. Motion was not seconded. B. Summers stated that the BOE will make a request to the Town Board for BOE meetings to be recorded and be available to the public contemporaneously. B. Summers notes that the BOE will have to include Zoom information in its posted agenda.

7. Chair's Report - Addressed in items above.

8. Topics for Future Agendas / Date for Next Meeting - to be arranged via email

9. Communications to the Board of Ethics

B. Summers noted that he has forwarded all of his communications with the Town Clerk and Town Board to the BOE. He doesn't believe this is the case with other BOE members. He noted that all communications to the Town Clerk and Town Board should be done through the BOE Chair.

10. Approval of Minutes of October 6, 2022 Meeting

S. Shimer moved to approve the draft minutes of the October 6, 2022 meeting, E. Lobermann seconded. Vote: 4-yes, 0-no. Motion carried. B. Summers made corrections to minutes and then S. Shimer moved to approve minutes as amended, B. Summers seconded. Vote: 4-yes, 0-no.

11. Adjournment

At 12:50 p.m. S. Shimer made a motion to adjourn the meeting, and K. Kazak seconded. Vote: 4-yes, 0-no. Motion carried. The public meeting ended at 12:50 p.m.

Respectfully submitted,

Kerri Kazak

Kerri Kazak Secretary

February 2, 2023

Date