

**BOARD OF ETHICS MEETING MINUTES  
TUESDAY, May 10, 2018**

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

**Public Meeting:**

**DATE:** May 10, 2018

**TIME:** 8:38 a.m. called to order

**PLACE:** Hergenhan Recreation Center, Upstairs Conference Room

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

**OTHERS PRESENT:**

José Berra, Liaison with the Town Board

**1. Call to Order**

At 8:38 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**

An additional agenda item was proposed: Add executive session item 10.2, Personnel, Member of Board of Ethics, and schedule that item immediately following the revision and adoption of the agenda. It was also proposed that item 7 (Topics for Future Agendas) be moved to follow the approval of the Minutes of March 20, 2018. A motion was made by Mr. Summers and seconded by Mr. Simonds to adopt the agenda as revised. Vote: 5-yes 0-no. Motion carried.

**3. Executive Session**

**Personnel: Member of Board of Ethics**

At 8:51, a motion was made by Mr. Lobermann and seconded by Ms. Shimer to move into executive session to discuss the listed matter. Vote: 5-yes 0-no. Motion carried. Mr. Berra departed the meeting, and the conference room was closed. At 8:56 am, the Board resumed its public meeting.

**4. Comments from the Public**

None

**5. Unfinished Business**

**5.1 Annual Disclosure Obligation**

**Information, Discussion: 5.1 Annual Disclosure Obligation**

A discussion was held regarding the status of the town's progress on implementing a system to obtain annual ethics disclosures and acknowledgments pursuant to the Town's adopted Code of Ethics. Mr. Berra indicated that he would continue to follow up with the Town Board and provide the Board of Ethics with further information.

## **5.2 Educational Initiative**

### **Discussion, Action: 5.2 Educational Initiative**

A discussion was held regarding the most efficient and effective manner for representatives of the Board of Ethics to provide in person training sessions for all town employees, officers and committee members on the general requirements of the Code of Ethics. There was consensus that the Plain Language Guide would be the general outline for such presentations. Mr. Simonds will contact the Town Supervisor's office to inquire about getting on the agenda of various departmental meetings that are already regularly scheduled.

## **5.3 Second Read, Form for Individual Complaint**

A proposal was made to amend the verification sentence to add the provision "Under penalty of Perjury". Mr. Shimer moved that such amendment be made and Mr. Simonds seconded the motion. Vote: 5-yes 0-no. Motion carried. Mr. Summers will amend the form and send to the Town Clerk for posting.

## **6. New Business**

### **6.1 Code of Ethics §27-9 Interpretation**

### **6.2 Code of Ethics §27-10 Interpretation**

In order to further educate members of the Board of Ethics, a discussion was had about the interpretation, scope and applicability of these sections of the Code of Ethics. There is no pending request for an advisory opinion, and no actual current matter involving these provisions.

## **7. Chair's Report**

The Chair reported that the current alternate on the Board of Ethics was stepping down, and two new alternates would be considered by the Town Board for appointment. Mr. Summers also reported that he was recently appointed by the County Executive to the Westchester County Board of Ethics.

## **8. Communications to the Board of Ethics**

None

## **9. Approval of Minutes of March 20, 2018 Meeting**

A motion was made by Mr. Simonds and seconded by Mr. Klem to approve the draft Board of Ethics Minutes of March 20, 2018. Vote: 5-yes, 0-no. Motion carried.

## **10. Topics for Future Agendas / Requests for Information**

None

## **11. Executive Session**

### **Personnel, Legal: Contingent Outside Counsel**

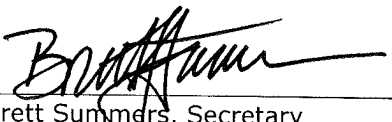
At 10:05 a.m., a motion was made by Mr. Summers and seconded by Mr. Lobermann to move into executive session to discuss the listed matter. Vote: 5-yes 0-no. Motion carried. Mr. Berra was invited to attend, and the conference room was closed.

## **12. Adjournment**

At 10:10 a.m., a motion was made by Mr. Summers and seconded by Mr. Klem to move back into public session and adjourn the meeting. Vote: 5-yes 0-no. Motion carried.

The public meeting ended at 10:10 a.m.

Respectfully submitted,

  
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Brett Summers, Secretary

July 12, 2018  
Date