

**BOARD OF ETHICS MEETING MINUTES  
MONDAY, December 2, 2019**

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

**Public Meeting:**

**DATE:** December 2, 2019

**TIME:** 8:37 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  
Kerri Kazak-Lowe  
Robin Glat, Alternate  
Nils Chittenden, Alternate

**OTHERS PRESENT:**

José Berra, Town Board Liaison  
Michael Schilliro, Supervisor

**1. Call to Order**

At 8:37 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. Vote: 5-yes, 0-no. Motion carried.

**3. Comments from the Public**

None

**4. Unfinished Business**

**4.1 Consideration of Ethics Code Amendments**

**- Town Supervisor to Summarize Concerns**

**4.2 Annual Disclosure Form (Ethics Disclosure Statement)**

**- List of Town Contractees**

(Agenda items 4.1 and 4.2 were discussed together.) Recognizing the Town Board's apparent interest in eliminating the annual disclosure obligation in its entirety, Ms. Shimer indicated that good government requires, at a minimum, an annual disclosure statement by all individuals who occupy decision making positions. Ms. Shimer presented a list of titles that were essentially department heads and other key positions such as Planning Board members, Town Board members, and members of the Zoning Board of Appeals. Considerable discussion ensued on how to trim the annual disclosure obligations from every individual (numbering over 250) to a substantially reduced subset. Ms. Shimer's proposal would reduce the number of individuals required to file disclosure statements to 33 individuals in key positions.

In response to the concern that annual disclosure statements presented an administrative burden, Mr. Berra suggested there were many ways to reduce such a burden, and that some additional administrative obligations would be necessary because disclosures

should be required for those positions. Mr. Summers indicated that the annual disclosure obligations could be pared to the list of individuals presented by Ms. Shimer, provided an annual educational component was put in place for all individuals. Mr. Summers then summarized the script for the proposed educational video. Mr. Lobermann favored an educational component, but not on an annual basis.

Mr. Chittenden indicated that a pragmatic solution to the Town's concerns would be to reduce the number of individuals required to file to those on Ms. Shimer's list of key positions, but that an effective educational piece was critical to such a reduction in annual filing obligations. He agreed that the educational piece could be something less than annually, but without individuals being educated as to the requirements of the Ethics Code, the value of the culture of ethics that the Town has built over the previous few years would be negatively impacted, and there would be a risk that public confidence in Town governance would be eroded. Ms. Glat indicated that it was critically important to have a meaningful reminder of the various aspects of the ethics code on an annual basis, and suggested that individuals be provided with a link to the educational video.

Supervisor Schiliro indicated that he continued to struggle with the practical and operational difficulties of requiring any annual disclosure obligation, but he appreciated and understood the need for some type of ethics education. He indicated that the Town Board takes its ethical obligations seriously, but it would be problematic to require different classes of individuals to have different disclosure obligations. He favored the simplification of providing a vendor list to individuals, but only as an annual reminder of one's ethical obligations without requiring any disclosure obligation.

The discussion continued regarding the benefits and burdens of annual disclosure obligations, and there was ultimately consensus that an annual disclosure obligation would be limited to all elected officials, non-union Department heads and members of the Planning Board and ZBA. All other board or committee members would be required to provide disclosures only upon appointment and reappointment. Messrs. Schiliro and Simonds then left the meeting at 10:47.

#### **4.3 Annual Disclosure Obligation Follow up re Non-Filers**

Mr. Berra would follow up on the short list of non-filers.

#### **4.4 Educational Initiative -Video Production Schedule**

This agenda item was tabled to a later meeting.

#### **5. New Business** None

#### **6. Chair's Report** None

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

#### **8. Communications to the Board of Ethics** None

#### **9. Approval of Minutes of August 9, 2019 Meeting**

A motion was made by Mr. Kazak-Lowe and seconded by Ms. Shimer to approve the draft Board of Ethics Minutes of November 4, 2019. Vote: 5-yes, 0-no. Motion carried.

**10. Adjournment**

At 10:50 a.m., a motion was made by Ms. Shimer and seconded by Ms. Glat to adjourn the meeting. Vote: 5-yes, 0-no. Motion carried.

The public meeting ended at 10:50 a.m.

Respectfully submitted,

  
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Brett Summers, Secretary

January 7, 2020  
\_\_\_\_\_  
Date