

Town of East Greenbush
Board of Ethics

July 26, 2016 Meeting Minutes

Attendees: Kathleen Luria, Chair, Jessica Lansing, Guy Warner, Judy Ehrlich, Joe Slater

Pledge of Allegiance

BOE discussed the comments from the July 20, 2016 Public Hearing. Joe Slater read through the proposed amended code of ethics. He made some wording changes to make things more clear and incorporated some suggestions from the public. He made the following modifications:

Section 2 – Definitions

Added:

(i)“Domestic Partner(s)” means two people age eighteen (18) years or older, who have been living together on a continuous basis for at least six (6) months. The persons intend to continue living together indefinitely and are not related by blood in a manner that would legally prohibit their marriage. Neither person is married, and neither person has had another domestic partner within the last six (6) months.

Section 4 – Financial Disclosure

(a) added:

(15) deputy supervisor
(17) Human Resources Director

(c)(12) changed:

“proprietary” to representations and added, “ Representations shall include applications or matters before a board in which the individual has an interest in the outcome not applicable to the general public as the last sentence.”

Section 10 – Private Employment in Conflict with Official Duties

Deleted (d) and Changed (c) to and:

In addition, no town officer or employee may receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any town board or agency of which he is an officer, member, or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee;; or receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any board or agency of the town, whereby his compensation is to be dependent or contingent upon any action by such board or agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Section 14 – Interests in Contracts

(a) changed to:

No town officer or employee shall have an interest in any contract with the town, when such officer or employee, individually or as a member of the board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment of the contract.

(b) deleted:

Every town officer and employee shall disclose interests in contracts with the town at the time and in the manner required by § 803 of the New York General Municipal Law which states

Revised to:

Any town officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the town, shall publicly disclose the nature and extent of such interest in writing to the Ethics Board as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Ethics Board. Once disclosure has been made by an officer or employee with respect to an interest in a contact with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

Section 15 – Nepotism

(c) added:

Domestic partner, children and step-children

Section 16 – Political Activity and Solicitations

Added:

(m) This section shall not apply to any position of employment in the Town made possible by any act of congress or of the legislature appropriating, or authorizing the appropriation of funds for work relief or relief purposes.

Additional discussion:

The Board then discussed the revisions made to the draft BOE sent to the Town Board. There was still disagreement with Sections 16 (g) and (j). BOE does not agree with the revisions made by the Town Board to these sections. The Board of Ethics is distinct and independent from the Town Board and we believe it is important to make sure the recommendations we make to amend the East Greenbush Ethics Code should be on record. Therefore, we are submitting a new draft to the Town Board which includes our original wording to Section 16 (g) and (j). BOE does not enact law; only the Town Board is empowered to make law. If the Town Board wants to revise BOE's recommendation with regard to Sections 16 (g) and (j) they have the power to do that. BOE is on record we do not agree with the Town Board on this issue. Our work on the amended Code of Ethics is complete.

We also discussed the importance of training town officials and employees on the new Ethics Code when is enacted into law. There is no training now in place. Jessica indicated that when the last law was enacted, town officials and employees were given a copy and requested to sign a document to indicate they received and understood the law. Receiving and reading the law does not constitute

training. We discussed various ways to provide training. One suggestion is that we as the BOE hold training sessions going over the law and provide examples. Guy Warner said he would head the sessions. Possibly we could tape the sessions so they would be available in the future. We discussed that we have \$2,500 provided to BOE which we agreed would not be enough to hire someone from the outside to train.

We will discuss training at our next meeting which has not yet been set.

Kathleen Luria