

Town of East Greenbush
Board of Ethics

June 29, 2016 Meeting Minutes

The East Greenbush Board of Ethics started with a workshop at 7:00 pm. Pledge of Allegiance was said.

BOE members Kathleen Luria, Chair, Jessica Lansing, Guy Warner, Judy Erlich and attorney Joe Slater were in attendance.

The purpose of this meeting was to discuss the draft of BOE recommendations for amendments submitted to the Town Board to the current Ethics Law with Town Board members Jack Conway (Supervisor), Tom Grant, Tina Tierney, Mary Ann Matters and Deborah DeMartino who were also in attendance. Members of the public were also in attendance.

The Town Board had suggestions to the following Sections of the Code:

Section 2 – Definitions

Add domestic partner and step-child to relative

The Board of Ethics agrees these should be added.

Section 4(a) – Financial Disclosure

- (4) Change ‘assistant building inspector’ to ‘code enforcement officer’
- (5) Change ‘director of planning’ to ‘director of planning and zoning’
- (7) Change ‘comptroller’ to ‘town comptroller’
- (15) Delete ‘deputy supervisor’ – this is an unpaid position with no decision-making authority

The Board of Ethics agrees with these changes.

Section 11 – Future Employment

Is 11(d) necessary? This was inserted by an attorney who believes that the attorney’s professional Code of Ethics supersedes this document.

There was some discussion regarding this section. Joe Slater felt there was no reason to for this provision and the decision was made to delete Section 11 (d).

Section 16 – Political Activity and Solicitations

Section (g):

Persons prohibited from serving on a political party committee should be listed; members of Town Board, Zoning Board of Appeals and Board of Ethics; Commissioner of Public Works, Town Comptroller, Assessor, Director of Planning and Zoning, and Deputy Supervisor.

It should be noted that upon BOE's submission of the first draft to the Town Board that BOE added (g) and did not have unanimity on this proposed amendment to Section 16. (g). It should also be noted that some members of the BOE did not want to include (g) at all and that this provision would prohibit the rights of persons to participate in the political process. BOE's amended proposal is:

(g) No town officer or employee may serve as a committeeperson or equivalent role of any political party or political organization.

After much discussion BOE added the words "equivalent role" and "political organization" because of the unique situation in East Greenbush where a traditional party line was not elected. East Greenbush First petitioned to be on the ballot but asserted they were not a political party.

There was significant discussion regarding the proposed amendments to this Section at this meeting. Town Board members Supervisor Conway, Tom Grant and Tina Tierney argued that East Greenbush First is not a political party; they never had committeepersons; do not have meetings and was disbanded after the election. This discussion was spirited and took up a significant portion of the meeting. BOE members argued that while it may not be an officially a party they still performed the same type of activity to get elected and should be held to the same standards.

Town Board member Mary Ann Matters did not agree with this (g) at all and felt it stepped on the rights of town officers and employees to participate in the political process. There was no agreement on this issue.

BOE argued that we did not agree and since the Town Board is the legislative body and is the only board empowered to make law then they can write the law and pass what they want.

Section (j):

Change to "Prohibited officers and employees currently serving on a political party committees must resign from such committees by January 1, 2017."

BOE added (j) in its' first draft which read:

(j) Nothing contained herein shall prevent those town officers and employees who, as of the effective date of this Code of Ethics, currently serve as committeepersons, or who currently hold an office in a political party or political organization, from continuing to do so, provided they shall be prohibited from seeking additional or different political positions following expiration of their current term of office for such organization.

Town Board Members Supervisor Conway, Tom Grant and Tina Tierney did not agree with grandfathering in current Board Members because some have multiple year terms. If people want to be on town boards then they must agree to resign their committeeships or give up their terms on any board which they serve.

Add:

Section (l) "No member of the Rensselaer County Legislature may be appointed to serve as attorney or member of a Town Board."

BOE had no issue with this addition from the Town Board.

Section 19 – Board of Ethics

Add:

(a) (7):

“Members of the Board of Ethics may only be removed for cause, including but not limited to the following:

- Violation of the Code of Ethics;
- Violation of the confidentiality of any person who files a complaint, is the subject of an Investigation, or appears before the Board of Ethics;
- Conviction for a crime; or
- Announcing a run for political office.”

Both BOE and Town Board members agreed with these amendments. After the word cause in (a)(7) we agreed to add: “after an opportunity to be heard.” People do have a right to defend themselves. Also, added to –Conviction for a crime “while sitting on the board.”

(c) (3)

There is a fundamental flaw in this section. If, after an investigation, a person is found to not have violated the Code of Ethics, no report is prepared and there is no record that the person has been exonerated. The Town Board should be made formally aware of the results of all investigations. The Town Board must always keep the name of the complainant confidential and it can make a decision to maintain the confidentiality of the person who is exonerated.

BOE agreed with this provision.

After the draft issues were discussed Supervisor Conway asked we make the discussed revisions to the Code and have it back to him by July 7, 2016 so it could be posted to the town website before the Public Hearing on July 20, 2016. The Town Board members and left the meeting and BOE remained in session. At this time BOE was in agreement to keep t Section 16 – (g) and (j) as originally submitted. We felt it was important as an independent board to submit the recommendation we believed in. The Town Board will pass the law they see fit.

Kathleen Luria made a motion to end the meeting. Motion was seconded by Judy Erlich.

