



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PUBLIC HEARING September 21, 2016

Call to Order **6:15 PM**
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present	Absent	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supervisor Conway
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor DiMartino
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor Matters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor Grant
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor Tierney

PLEASE TAKE NOTICE that a Public Hearing has been scheduled by the Town Board on an amended Code of Ethics for September 21, 2016 at 6:15 p.m. at Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144, to solicit and consider public input before finalizing a new Local Law that would amend the current Code of Ethics.

By orders of the Town Board

Kimberly Carlock, Town Clerk

Supervisor Conway stated that he will ask three times if you are in favor of the amended Code of Ethics, and then he will ask three times if anyone is opposed to the amended code.

In Favor

Eileen G- She wanted to thank all of the Board of Ethics members past and present for their contribution to this code. She believes they did an absolutely marvelous job on this. Eileen explained the process and stated that this Board is looking for a sweeping change, and the time has come. Eileen went on to explain section of the law that she stated needed clarifying. She urged the Board to pass the code.

Opposition

Pete S.- He spoke in opposition to the wording of officials and officers in certain sections of the code, and other verbiage he disagreed with. Pete also asked for explanation of 16F.

Kathleen Luria read a statement from the Board of Ethics.

BOE Comments for September 21, 2016 Public Hearing on Revised Code

In a memo from Supervisor Conway dated January 6, 2016 the Board of Ethics was tasked to expand the Town's current Code of Ethics. The supervisor stated and the board agreed the BOE should function independently to give town residents confidence in its commitment to ethical conduct on the part of elected officials, town officials and employees. The BOE extensively researched and developed the sections of the code outlined by Supervisor Conway as well as reviewed the Code in its entirety. The BOE convened several times between January and May to discuss and review the Code. Our revised draft was submitted to the Town Board on May 4, 2016.

A public hearing was held on July 20th to review a revised draft of the code. This draft included revisions to BOE's original draft to the Town Board. As a result of the public hearing the BOE convened on July 26th to discuss the changes made by the Town Board as well as public comments. For your review, minutes of this meeting can be found on the town's website under government- BOE. We went through our original draft and incorporated some of the Town Board's revisions as well as public comments.

Sections 16 (g) and (j) were two sections in which the Town Board suggested revisions. We disagreed with the Town Board suggestion to section 16(g) because we believed it would provide an opportunity for a political organization to circumvent the law. BOE's disagreement with Section 16(j) was because we felt it was appropriate to give people in these positions time to make the transition them rather than give them an abrupt termination. The BOE submitted this second draft to the Town Board on July 28, 2016.

While we understood the Town Board's position on these sections of the law, we disagreed. The BOE's actions reinforced the supervisor's and the BOE's intent to, as I mentioned earlier function independently from the town board. In an email to the BOE, Supervisor Conway asserted that the Town Board reserves the right to edit our second draft for either stylistic or substantive reasons. While we understand this, we also agree with the statement of supervisor Conway made in his October 26, 2012 letter of resignation as chairman of the then BOE that, "there is a fundamental conflict of interest in having the town board write the code of ethics that is supposed to regulate the conduct of its own members."

I want to be clear so that town residents understand that the version which is the subject of tonight's public hearing is not the version put forward by the BOE. It is the town board's draft which includes the provisions that we rejected for the reasons I enumerated earlier.

Joan G- asked for clarification on a section of the law, and disagreed with the section that does not allow you to be on a political committee and a Board at the same time. The Supervisor clarified this section.

Linda- also spoke regarding opposing the section that does not allow a resident to sit on specific boards and also be committee members for Political parties.

Supervisor Conway asked if the Board Members had any comments.

Councilor DiMartino stated that the Ethics code has been a long time in the making. She felt that this amended code is an excellent code, a lot of hard work has been put into this, and she thanked the Board of Ethics for all of their hard work.

Councilor Matters stated that she sent an email to Joseph Slater to ask Joe a question about section 16c of the ethics code. Supervisor Conway explained to her at that time that her comments would have to be brought to the Public Hearing.

Councilor Matters read her comments in regards to 16c. She asked the Board to make two changes regarding the wording in 16C. She believes the two changes that she had discussed would make the code better and stronger.

Councilor Grant wanted to thank all of the members of the Board of Ethics for their input on the new code. They came up with a remarkably strong document. He did state that he does not agree with all of it. He went on to explain that he feels the duties you promise to fulfill as a member of a political party committee member conflicts with the duties you promise to fulfill as a member of specific boards like the Planning Board, It can give an appearance of impropriety.

Councilor Tierney thanked the Board of Ethics and everyone at the meeting for all of their comments.

Supervisor Conway also thanked the Board of ethics. He stated that he hoped that Chairperson Luria's statement did not create a misimpression because 99% of this document was either written or approved by the Board of Ethics. It has been 6 years that the Supervisor has been working to improve the Code of Ethics. The Democratic will of the people demanded this change. The Supervisor state that he believes the Board of Ethics wanted them to include language that included East Greenbush First. He went on to state that East Greenbush First by Law is not a Political Party. He explained that East Greenbush first was just a line on the Ballot, not a party.

Supervisor Conway made a motion to adjourn at 7:00 and it was seconded by Councilor DiMartino

Supervisor Conway	Yes
Councilor DiMartino	Yes
Councilor Matters	Yes
Councilor Grant	Yes
Councilor Tierney	Yes

