

Town of Red Hook

Ethics Board Minutes

Friday, May 16, 2008

Attendance: Fred Cartier, Susan Goldstein, Claire Horst and Linda Keeling

Absent: Gail Nussbaum

Guest: Christine Chale, Attorney for the Town

Location: Town Hall, Conference Room

Call to Order: Chairman Fred Cartier called the meeting to order at 8:13 am.

Purpose: To continue the discussions of the Ethics Code revisions

Minutes: Susan motioned to accept the minutes of 5-8-08. Claire seconded and all agreed.

Correspondence: None

Discussion: Christine Chale handed out a new revision (5-16-08) of the Ethics Code with the recent modifications.

p. 3 regarding **13-4. Standards of conduct** regarding **E Representation before one's own agency** and regarding **F Representation before any agency of the Town for a contingent fee** will be cleaned up and reworked by her secretary.

p. 8 regarding **13.9 Qualifications** minor discussion on the change from "shall" to "may". All were comfortable with this as determinations are made on a case by case basis and presented to the Town Board for their consideration.

p. 9 regarding **13-12. Hearing procedure and representation** are filed with the Town Clerk rather than following the New York State Administrative Procedure Act (SAPA) which could become very cumbersome. Christine noted we must design our own procedural rules. Eliminate "time-to-time".

p. 11 regarding **13-17. Penalties for offenses**. Christine suggested \$1000. After some minor discussion the group agreed the amount is not excessive but shows the seriousness of its intent.

Christine will be making copies of an article by municipal lawyer Mark Davies of the NYC Ethics Board on "The Structure of an Ethics Board". She will send it by email to all the Ethics Board members.

p. 5 regarding **13-6. Definitions** will be moved to **13-4 under Article I General Provisions**. Everyone liked the idea of the definitions being located in the beginning for ease of understanding and referencing.

It was suggested that the to-be-developed guidance document for employees include “How to File a Complaint with the Ethics Board” and list all the Boards: Zoning, Planning, Ethics and Town. Some questioned if some committees should be listed as they were formed from NYS Environmental Laws as in the case of the Conservation Advisory Council. Another example might be the Community Preservation Act Commission which will be handling real estate transaction money.

Susan made copies for the members of an 8 page document on *Article 18: A Checklist* which brings up typical ethical dilemmas for municipalities. There is also a model financial disclosure sheet which most felt was too personally invasive into one’s private business dealings. It was suggested that a more open-ended question be developed as to the potential conflict as noted in the revised Ethics Code p. 4 regarding **13-5.A Prohibited interest**, for example: Who have you represented who came before a board?

Regarding **13-9. Qualifications**, letter **C Campaign participation** Christine read the new wording. Some felt the issue of not being able to participate in fundraising events like concerts, dances, house tours and dinner parties is overly restrictive in an individual’s right to participate in community social events that may cost far less than a legally sanctioned campaign contribution which may be more influential.

Regarding **13-4.C Recusal** there was discussion of the intent of the wording. Susan felt that it should include that the person should leave the room as body language could influence the remaining decision makers. Christine expressed her concern for the validity of the action taken or process during a vote. It was agreed that the guidance document could further address this issue. The term “abstaining” which is not voting on an issue (for example: you don’t have all the facts of the matter) is much different than “recusal” whereby you have some personal relationship or perceived conflict with the issue presented and do not vote on it.

Next Meeting: The next meeting is our regularly scheduled date of Friday, June 20th, 8 a.m., town hall. Christine hopes to present the final form in preparation for review by the town board.

Meeting Ended: Susan motioned to end the meeting. Claire seconded and all agreed. The meeting ended at 9:00 a.m.

Respectfully submitted,

Linda J. Keeling,
Ethics Board Secretary
May 16, 2008
Approved 10-17-08 with no changes