

Town of Red Hook Ethics Board Minutes

Friday, October 15, 2010

Attendance: Fred Cartier, Susan Simon, and Gail Nussbaum, Christine Chale, Attorney for the Town, Harry Colgan

Absent: Susan Goldstein, Linda Keeling

Guests: Diane Brent, Glen Brent

Location: Town Hall, Conference Room

Call to Order: Chairman Fred Cartier called the meeting to order at 8:15 am.

Purpose: Agenda

1-Present the minutes for the December 19, 2009 minutes

2- (2010-1) a Third Party Letter alleging

1- The listing of a private telephone number in the September 22, 2010 letter to the Town Board.

2- And, correspondence that the letter was emailed to a person who was not a member of the Board passed out to members of the council and that they should share their correspondence

3- (2010-2) That an email from one of the council persons was from their personal email address and not using the town's email address.

Minutes: On motion from Susan Simon to accept the minutes of 12/19/09 and Gail Nussbaum seconded, passed unanimously.

Discussion:

2010-1

- with review of the original letter, there was no "unlisted phone number" of the sender

2010-2, For background, The Town has not taken the position that ever Board member has to use the town's email all the time, it is a matter of convenience to the clerk and a matter of good practice.

Communication amongst Board members on legislature and regularity matters is a part of the activity of the members is supported by state law, though it is debatable by some.

For matters that we are required to keep a record of, should the Board members be required to use the town's email account? Chris Chale stated, it is a recommendation but not a requirement.

There are limitations on the Ethics Board and they should be careful in not telling the Town how they should run their meetings

Apparently the letter went out to a number of people, then it isn't private but at the same time, you are saying to each of the Town Board members that they may not have communications with people about legislative matters outside of the context of keeping a record of every single sent communication. Do the public records go that far.

These are questions beyond the scope of the Ethics Law, it is the question to the Town Board about its policies and procedures for the Town.

Can or should the Town require that all Board members use town email for communications that must be retained- that is a policy decision, falling outside of the Ethics Code, it doesn't mean that you could not provide advice to the Board if you want to, but if you were going to take action along those lines you would certainly want to have feed back from the town Board about the practically of that?

The second question is, Are all communications by the Town Board, that relate to legislate matters, are we required to keep a record of those?

The Ethics Board can decide that it is outside of their purview, in terms of enforcing the Ethics Law, or you can take it under advisement, but if you decide to take it under advisement, you would have to reach out to the Board members and understand what the consequences of that are.

The guests were excused and the Board went into executive session to deliberate on the two complaints before us, on a motion by Susan Simon and seconded by Gail Nussbaum, passed unanimously.

A motion was made by Susan Simon to close the Executive session, seconded by Gail Nussbaum, passed unanimously.

For complaint 2010-1:

A motion was made by Susan Simon that in fact there was no unlisted phone number in the letter and further, we do not feel that the letter was distributed unethically. Seconded by Gail Nussbaum, passed unanimously

For Complaint 2010-2:

A motion was made by Gail Nussbaum that we do not find this to be an ethical issue, but it will refer it to the Town Board and the town clerk to monitor compliance with the State FOIL law and local government records, seconded by Susan Simon, passed unanimously.

Other Business:

Next Meeting: The next meeting is our regularly scheduled date of Friday November 19, 2010, with the agenda being our attorney bring us up to date on Ethical Material for our benefit over the past year

Chris suggested that we have an educational function for the employees and elected officials of the Town

Meeting Ended: Susan Simon motioned to end the meeting, Gail Nussbaum seconded and all agreed. The meeting ended at 10:25 a.m.

Fred C. Cartier
Ethics Board Chairman