

Town of Red Hook Ethics Board Minutes

Friday, November 18, 2011

Attendance: Chairman Fred Cartier, Susan Goldstein, Linda Keeling Gail Nussbaum, Susan Simon and Christine Chale- Attorney of the Town

Not Present: Harry Colgan, Liason with the Town Board

Location: Town Hall, Conference Room

Call to Order: Chairman Fred Cartier called the meeting to order at 8:11 a.m.

Agenda

1- Introduction of new secretary, Toni Cochran, for the Ethics Board Committee.

2 - Presented the draft minutes for the November 19, 2010. A motion for acceptance was approved. Susan Goldstein requested clerical and content corrections to be made. Susan Goldstein proposed a motion to accept minutes as amended. Susan Simon seconded. Linda Keeling opposed. A discussion by Linda Keeling was conducted during the process of approving the minutes questioning the Ethic Board's procedures during the November 18, 2010 meeting.

Discussion:

Linda Keeling initiated a discussion questioning the process of the Ethics Board Committee providing her with due process.

Linda Keeling stated that the three (3) Discussion items of the November 18, 2010 meeting should not exist because the Ethics Board violated their own procedures. It was understood that it was not an amendment to the minutes, but a statement regarding the procedures. Linda stated, "that because it was not done properly, you would not have the Plaintiff and the Defendant in the same room together taking a testimony. It should have been done privately." Linda Keeling stated, "That it was done in a joint session. We've never done that before. Also, the Plaintiff was not given a written notification of the hearing. It was a total surprise. The Plaintiff did not have the opportunity to consult her attorney, or bring in witnesses."

Linda Keeling then stated, "On Page 2, the statement saying that I'm a paid lobbyist is totally incorrect. This written statement was taken out of context, and should not have been written in the minutes. As this was done, or should have been done, as part of the Executive session which all information during that time is not written down."

In the discussion following, there was some question if they were in an Executive session at the time of the statements because it was understood that Linda Keeling had recused herself at the time. Linda Keeling stated, “at this time that she felt she was not given due process.” Attorney Chris Chale stated, “that the minutes should have stated, more clearly, that when Linda Keeling recused herself, she left the meeting. That occurred before the Ethics Board went into an Executive session.”

Attorney Chris Chale advised the Board that the minutes are the minutes, they reflect what happened, and I don't think you expunge minutes because you're unhappy with the nature of the proceedings, whether they were correct or incorrect. They were the proceedings and the reflection of what actually happened. Linda agreed with that.

Chairman Fred Cartier stated that it should be added that Linda Keeling left at the beginning of the Executive session and after the close of Executive session she was not able to be located.

Other Business:

Linda Keeling opened a discussion on the procedures for doing a hearing. This past procedure (3-2010), the Ethics Board failed to follow its own procedures in regard to the Plaintiff and the Defendant. The Plaintiff was not given written notification of the hearing and not allowed to contact her attorney and bring in witnesses. Therefore, I declare that the finding is null and void, and a new hearing should start.

Linda Keeling was asked if that was a motion? Linda said, “yes.” Attorney Chris Chale asked Linda to consider whether it is appropriate for you to make a motion as a Member of the Board on a matter of which you are personally involved in, or whether you should recuse yourself from this particular issue and bring the issue before the Board as a citizen so that you are not bringing the position to the Board as a Board Member. Chris asked her to consider this. Linda will recuse herself and act as a citizen on this issue. Then it's not a motion, it's a proposal to the Board to consider it.

Susan Goldstein stated that when a complaint is filed, we must follow the correct procedures for handling that complaint. Attorney Chris Chale stated there are two places where the procedure for handling complaints is described which we must follow, The Procedures and Ethics Code itself, and The Ethics Board's Code of Provisions which Chris referenced Section 13-10, Sub. D that addresses 3rd party complaints.

Gail Nussbaum stated it was hard to remember back to November 19, 2010, and isn't this something that Linda Keeling should have brought to us at a more reasonable time. It's an unfair tactic for us to deal with. Attorney Chris Chale stated that Linda Keeling did bring a concurrent complaint to the Town Board on November 20, 2010. The Ethics Members were not there and were not apprised of the complaint. Susan Simon said that it appears that we did not violate our own rules because there was no rule of such to violate. Attorney Chris Chale said, “that's what it appears to be, and Linda having heard those provisions, do you have any other input about that”? Linda stated, “not at this time, I'll have to consult with my attorney.”

Susan Simon asked Linda Keeling if all her points of concern had been addressed satisfactorily and Linda stated she did not wish to comment at this time.

Linda Keeling then referenced the letter to the Town Board Council. Harry Colgan released this fake accusation as a Town Board Member while the Plaintiff was in the audience thereby causing damage to my reputation in reference to the lobbyist. He called me a lobbyist right then and there, in public, which I corrected him immediately and indicated that I am not a paid lobbyist. Gail Nussbaum said she did say that. That she does remember her saying that. Linda Keeling said it is in the context of how it was said. Susan Goldstein asked me (Linda Keeling) if she was a lobbyist. I asked her what she defined a lobbyist was and she gave the definition, and I agreed to her definition. But, I am not a paid lobbyist in the terms of a paid lobbyist under New York State Law. Gail Nussbaum said you could have made the point then and there.

Linda Keeling stated, “that she felt the Ethics Boards have prejudice this proceeding (3-2010), and a new hearing should be undertaken by either a newly appointed members or have the State Ethics Board handle this complaint.”

Meeting Ended: Susan Simon motioned to end the meeting, Gail Nussbaum seconded passed unanimously. The meeting ended at 8:44 a.m.

Next Meeting: The next meeting to be called by Chairman Fred Cartier.

Respectfully submitted,

Toni Cochran
Recording Secretary