

Ethics Board Meeting Minutes - Approved
Date: June 12, 2017

The meeting of the Ethics Board began at 5:30 pm in the Yorktown Community and Cultural Center, Room 209.

Members attending were: Albert Durante, Acting Chair, James Martorano, Lynette Waterhouse, and Laurie Noonan, Secretary.

Non-voting Member/Ethics Board Counsel: Mr. Michael Mc Dermott, Town Attorney.

1. Regular Business:

- a. Attendance was noted.
- b. Minutes from the February 13, 2017, and April 27, 2017, meetings were reviewed and approved.

2. Ongoing Matters:

- a. Albert began the meeting with an outline for three points of discussion:
 - (1) Suggested language changes for the Code of Ethics to bring to the Town Board
 - (2) Ethics Board meeting notification process
 - (3) Proposed changes to the Code of Ethics regarding Disclosure Form retention.
- b. Jim Martorano again expressed his concern that the changes to the Ethics Code, as previously recommended by Steven Leventhal, were much too onerous. There was general consensus by all the board members present that language changes are needed, but should be simpler and more clearly stated.
- c. Regarding notification of our meetings, it was suggested that a request to the Town Board to announce our meetings at their work sessions and board meetings be submitted. Al offered to attend an upcoming Town Board meeting to make this request during a "Courtesy of the Floor" session, that our meetings be announced.
- d. Mike McDermott indicated that the retention period for the Disclosure Forms is set by NY State statute. He would ask Diana Quast, Town Clerk, about the retention procedures.
- e. Discussion then turned to public response to a recently submitted complaint. Jim again expressed his concern that the Town Attorney's participation in our Ethics Board meetings is negatively viewed by the public, as the Town Attorney is an "arm of the Town Board". Al agreed that there is an appearance of impropriety to have a town attorney participate in ethics board meetings.
- f. Mike noted that the current Code of Ethics, as well as every previous revision of the Code, includes a provision to have the town attorney participate in Ethics Board meetings. Mike added that it is a dangerous matter not to have the advice of counsel available to the Board.
- g. Al mentioned that the Ethics Board Chair has the ability to ask the town attorney to absent him/herself from the discussions. In addition the Ethics Board is an "Advisory Board" serving at the pleasure of the Town Board. As per the current Ethics Code, our board opines to the decisions of the Town Board. This will prevent any "rogue" actions by the Ethics Board.
- h. It was suggested that a revision of the current Ethics Code be recommended, to indicate that the Town Attorney may be present in the Ethics Board meetings to offer guidance and to avoid liability to the Town.
- i. It was also recommended to remove the vague language in the current code related to "indirect benefits" of Town Board decisions, to any member of the Town Board. Every decision made by Town councilmen and women, as well as the Supervisor, has an indirect benefit to any and all Town board members.
- j. Al asked Jim to draft proposed language for recommended changes to the Town's Code of Ethics.

3. New Business

- a. Laurie spoke with Elana in the Town Clerk's office, regarding outstanding Disclosure Forms that were due to be submitted by May 15, 2017. She will draft a letter to the Town Board regarding the missing forms.
- b. Albert moved to close the meeting at 6:33 pm, second by Jim Martorano.
- c. The next regular meeting was tentatively scheduled for July 10, 2017, at 5:00pm, location to be determined.

The meeting adjourned at 6:35 pm.

Minutes submitted by Laurie Noonan