



member.

Chairman Clifford questioned how the Town Board would you like the ethics board to efficiently and professionally communicate back to the board on any findings or recommendations whether it is in an email or written document.

Councilman Hart responded that a formal letter should be submitted to the Town Board stating the recommendations or no findings on the matter. Supervisor Meegan agreed.

Councilman Hanley suggested possibility of a presentation that the residents can hear the findings after it has been submitted and reviewed by the Town Board.

Mrs. Carpenter questioned how members of the ethics board would hear back on the ruling of the issue at hand. Supervisor Meegan stated that the conclusion would be presented at a Town Board meeting.

Councilman Hart questioned what issues the ethics board can't discuss in public. Mr. Fenz stated that the individuals work history or personal information (such as bank records) has to be kept confidential. If there is a matter with these issues, it would be going straight to the Town Board. The ethics board is a fact finding body and then based upon the facts that they can make a recommendation to the Town Board.

Supervisor Meegan stated with a personal issue involving a town employee, we would seek labor counsel under Article 75.

Councilman Hart questioned to Mr. Martin that currently that the code only applies to appointed and elected officials. Mr. Martin replied that is the way it's written. There are other agencies that can handle violations of the Public Officers Law or the General Municipal Law. Members of the committee are to serve at the pleasure of the board and this does not apply to employee discipline.

Councilman Hart also recommended that once a member is appointed for a specific term, the Town Board should not have the power to remove anyone to help eliminate excess power to the Town Board members.

Chairmen Clifford motioned to put all findings and recommendations into a formal letter.

Mr. Martin questioned who would construct the formal letter, and what if the letter contradicts from the minutes? The minutes are the official recording keeping body. Councilman Hart responded that decision would fall to the Town Attorney.

Mrs. Susan questioned how to keep the identity disclosed as according to the code. Councilman Hart suggested to having deliberations in private and then bringing the findings to the public.

Mr. Martin answered deliberations are meant to be confidential but the fact finding is done in public. Confidentiality needs to be kept between the times that this ethics board makes a recommendation until the ultimate governing body, the town board, makes the determination.

Mr. Fenz stated you have to reveal the identity of the person within this board in order for there to be any amount of work down, as far as public, there is strict adherence to the code that the ethics board has to follow.

Mr. Gehen questioned examining witnesses in public. Mr. Fenz discussed the implications of a public body conducting a meeting in private.

ETHICS CODE 13-9B

Mrs. Kim stated to define under code:

"Advisory opinions. Upon written request of any Town official, officer or employee, the Board of Ethics established herein shall render advisory opinions regarding this chapter of Ethics or the provisions contained in Article 18 of the New York State General Municipal Law. The Board of Ethics shall also make recommendations as to any amendments to this chapter upon the request and majority vote of the Town Board. The opinions of the Board of Ethics shall be advisory and under no circumstances shall the identity of the Town officer, official or employee be disclosed except to authorized persons and agencies or pursuant to a court order".

Mr. Martin stated that is has to do with a request for some advice on a topic and that there isn't anything in there describing specific investigations of individuals.

Chairman Clifford asked Mr. Fenz to do some research with this part of the code with other towns.

Supervisor Meegan and Councilman Hart expressed the need for the ethics committee. Especially when interviewing someone for a questionable action, and they site another individual, they can be given the opportunity to clarify the situation. When anyone makes a statement about a person, that person should be made aware of that the statement and given the opportunity for rebuttal in all fairness.

#### ETHICS FORM-

Chairman Clifford stated to review ethics form previously given out to the members. There seem to be no revisions that you want to make as previously discussed. This would give people the right to formally write a document stating their request to the ethics board.

Councilman Hanley suggested adding in the line, "Filing out the form under false pretences would be subject to a violation of law"eliminating the chance of inappropriate information being used.

Councilman Hart questioned if the form would be part of the law itself. Mr. Fenz agreed. It is a formal documentation that can be published in front of the public.

Councilman Hanley stated how one determines if a person is responsible or not. Mr. Fenz answered that would be a difficult matter between the individual making the statement and the individual with whom the statement is made.

Mr. Fenz responded that the ethics committee would have to come up with a procedure where there is the complaint and then request advisory opinion. This would be two separate procedures not to confuse the two. You could have a separate form for the advisory opinion request. The advisory opinion form would then go in front of the ethics board.

Councilman Clifford and Mr. Manley recommend using the form as a written documentation for the issues to be presented to the board going forward. If changes need to be made along the way they can always be added.

Discussion of the notary clause occurred to prove that whoever is putting the complaint is that person.

Councilman Hanley recommends having the complainant hand in the form with two witnesses to the town clerk's office. Mrs. Carpenter questioned if there is a form of ID required?

Mr. Gehen responded that some form of ID should be required to verify who it is. Councilman Hanley also agreed, possibly using their NYS driver's license.

Chairmen Clifford discussed the appointment of a separate ethics secretary for the committee. Councilman Hanley

responded not to compensate the secretary that could have voting rights.

Chairmen Gehen also questioned how the employee and the department head would be aware of issues being filed out on the ethic forms.

Supervisor Meegan stated when there is an issue, Jackie would report it to the Board and then it would be at the discretion of the Board to go forth with such issue. If it was a pressing issue involving a crucial matter, the Board would be in contact then with those department heads. Disciplinary action would come from the Town Board.

#### ADJOURNMENT

Motion by Clifford, seconded by Carpenter.

Ayes: All

Noes: None

Motion Carried

The next Ethics Committee meeting will be emailed by Jackie either April 20th or 27th @ 5:30pm.

Respectfully submitted,

Katie Hourihan  
Ethics Secretary