

Chairperson Teager called the meeting to order at 6:03 P.M.

ROLL CALL:

Members Present	Michael Teager, Chairperson Amy Carpenter, Vice Chairperson Teresa Funk Lawrence Kavanaugh, Jr. Rodney Montgomery Jon Minear, Deputy Town Attorney Amy Kobler, Town Clerk
Absent	Tina Hawthorne, Town Attorney

MINUTES TO BE APPROVED

Motion by Chairperson Teager, seconded by Ms. Carpenter, to approve Minutes of the June 2, 2021 meeting.

Ayes: All

Noes: None

Motion Carried

COMMUNICATIONS

Independent Contractor Disclosure Form

Chairperson Teager referenced a previous discussion from the June meeting which revolved around who the contractor form should apply to and if the code should be revised. Chairperson Teager proposed new language for §13-5 Disclosure Statement C along with definitions to be added to the Ethics Code. He reported there has been confusion amongst department heads as to who should be filling out the form; whether it's financially driven, like the procurement policy, or if it's for anyone who does business with the Town.

Mr. Kavanaugh suggested only individuals being paid via 1099 should be required to complete the Independent Contractor Disclosure form. Mr. Minear agreed and suggested the title 1099 Disclosure Form would serve as a catch-all for non-Town entities. Ms. Carpenter inquired about a printer/copier company, but it was decided they would be considered a vendor so there would be a contract and would not fall into the scope of the independent contractor form.

Chairperson Teager mentioned a large exception for professional services in the procurement policy which leaves gray area. Mr. Minear suggested reviewing the contract between Clark Patterson Lee and the Town's Engineering Department as it may be informative for the disclosure form. He continued stating the form is intended to avoid special treatment due to a relationship that's political or familial; however, the process will never be perfect regardless how big the scope is. Mr. Minear included that the Ethics Code and disclosure form can keep improving with experience.

Town Clerk Kobler recited the Cityethics.org section on Patronage: "no official or employee may promise an appointment or use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution." Mr. Minear stated there is nothing legally barring that type of relationship going into this form and suggested adding that type of statement into the Town's Ethics Code. Mr. Kavanaugh does not feel such a relationship should be prohibited so long as it is disclosed, and the taxpayers are aware, and their money was protected.

Mr. Kavanaugh suggested a condition be added to the current procurement policy, which would require a disclosure form be completed when submitting a bid proposal that may possibly be awarded. Mr. Minear agreed with this suggestion to help close loopholes. To include this new condition into the policy, Mr. Minear continued, a statute amendment would need to be presented to New York State with Attorney Hawthorne's assistance drafting the legislation. Mr. Kavanaugh would also like to add the definitions of Independent Contractor and Vendor to the code because the terms are used and not defined.

Chairperson Teager expressed concern about the form being updated without any updates to the Ethics Code or procurement policy, and whether there could potentially be pushback to completing the form as a result. In Mr. Minear's opinion, the first step in amending the code would be to settle on the language of the new form for Board approval, then get the finalized form into the procurement policy, and lastly to modify the code to include the revised form and definitions.

Chairperson Teager encouraged members to generate draft versions of the disclosure form to be reviewed and revised into one for the next meeting in August. There was further discussion of the potential new name of the form but one was not agreed upon.

EXECUTIVE SESSION

Motion by Chairperson Teager, seconded by Rodney Montgomery, to enter executive session to review disclosure forms, as they pertain to past employment history, future employment plans, employment history of a corporation or limited liability company, and/or matters that may lead to the employment, demotion, discipline, suspension, dismissal, or removal of a particular person or business entity.

Ayes: All

Noes: None

Motion Carried

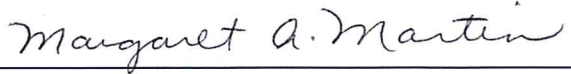
ADJOURNMENT

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to adjourn the meeting at 7:40 P.M.

Ayes: All

Noes: None

Motion Carried



Margaret A. Martin
Deputy Town Clerk/Secretary to the Ethics Board

Current Language:

§ 13-5. Disclosure Statements

[...]

C. Any independent contractors hired by the Town to perform any work for the Town shall be required to file annual disclosure statements by March 31 of each year in a form set forth in Exhibit "B" attached hereto.

Proposed Starting Point for Revision:

C. Any **independent contractor hired by, or vendor entering into a contract with**, the Town to perform any work for the Town shall be required to file annual disclosure statements by March 31 of each year in a form set forth in Exhibit "B" attached hereto.

Exceptions for completing the annual disclosure form are as follows:

- (1) The vendor is a sole source provider (e.g., utility provider)**
- (2) The contract does not exceed \$ ____ for the [year/duration/etc.?]**
- (3)**

Proposed Definitions to Add to WS Ethics Code § 13-2. Definitions and word usage.:

INDEPENDENT CONTRACTOR – A person or entity performing work for the Town as a contractor and receiving nonemployee compensation.

VENDOR – A person or entity selling goods or services to the Town under the terms of a contract.