



Town of Clifton Park
Ethics Advisory Board
Meeting Minutes
January 15, 2020

In attendance: R. Ochrym, L. Campion, , E. Pisano, J. Mahon, Secretary - M. Springli,
Chairman – B. Glick, Attorney - T. McCarthy

The meeting was called to order at: 7:00pm. Mr. Glick welcomed new member Erica Pisano.

- I. Appoint Chairman of the Ethics Advisory Board – 1 year term, expires 12/31/2020

Moved by: Linda Campion – nominated Brian Glick

Seconded by: Erica Pisano

Motion Carried

- II. Approve Meeting Minutes of 5/15/2019

Moved by: R. Ochrym

Seconded by: J. Mahon

Abstained: E. Pisano

Motion Carried

- III. **Review submissions**

- a. Request for Investigation of Ethics Law Violation submitted 12/9/2019

Chairman Glick read a statement that Kristen and Matthew Weber, 2 Legends Way Ballston Lake, who sent a notarized request for an investigation of a possible ethics law violation.

Mr. Mahon stated that the requestor had approached him about how to file a complaint, and he responded that he guided her to the form on the website. He then stated that he felt that the Ethics Board would make a recommendation as to the appearance of any possible impropriety but were not a governing body. Mr. Glick stated that he agreed and would like to see the Zoning Board of Appeals and Planning Board sections of the request should not be part of the Ethics Review and should be disregarded for this proceeding. Mr. Glick also disclosed that he was a member/chair of the ECC and had recused himself from the ECC review of the proposed plan knowing that it was also going to be reviewed by the Ethics Board.

Mrs. Springli, secretary, also disclosed that she had also been the secretary for the ZBA and had offered to recuse herself from the Ethics Board meeting. Mrs. Springli explained that she was informed that since her role was strictly a ministerial act, she did not need to be recused.

Ms. Pisano stated that she agreed with Mr. Glick and Mr. Mahon and felt the ethics decision should be separate from the other boards.

Ms. Pisano moved to separate the Ethics Issues relative to employee interactions from Zoning Board of Appeals and Planning Board reviews, seconded by Mr. Mahan,

Ayes: Mahon, Pisano, Campion, Ochrym, Chairman Glick

Noes: None

Unanimous

Mr. McCarthy, Town Attorney suggested that the Ethics Board should look at each point individually.

Mr. Glick lead the discussion regarding Section 17-4(A)(4)

Did any employee take an action that helped anyone else who worked or had business dealings with the Town?

Mr. Mahon asked if Kathy Boni filled out a disclosure form in 2019. Mr. Glick responded that she did and the Board had reviewed it last year and found no issues with it.

Mr. Ochrym asked if Ms. Boni had any authority to make any decisions. Mr. McCarthy replied that she did not and that Mr. Myers, the Director of Building and Development and Chief Zoning Officer has that authority. Mr. McCarthy noted that Mr. Myers had issued a letter summarizing Ms. Boni's duties and explained that she does not perform tasks relative to Zoning and she also does not process any building permits that are submitted by Boni Builders. Ms. Campion asked if Mr. Myers addressed the issue of Ms. Boni responding to a question by Ms. Weber about notifications, and Mr. McCarthy stated that Mr. Myers noted that Ms. Boni responded with the same information that any employee in the department would have in absence of the Building Director, repeating Mr. Myers past responses without interpreting it themselves.

Mr. McCarthy addressed questions about the code that regulated the notification process. Discussion ensued about how the code had changed in the past few years and methods of notification.

Board members stated that they felt that by submitting the disclosure form each year, Mrs. Boni has done her due diligence. Mr. Ochrym also noted that although she responded to a question about a project her son was proposing, it did not violate any section of Code, and she was responding with what was considered common knowledge.

Mr. Ochrym then asked about ethics training for employees. The chairman explained that he was going to announce that ethics expert, Steve Leventhal was scheduled to offer training later in the month. Mr. Ochrym added that he felt all employees should receive ethics training.

17-4A4

Mr. Mahon moved, seconded by Ms. Campion to find that action taken by Ms. Boni did not violate 17-4A4

Ayes: all

Noes: None

Motion unanimously carried.

17-9 Disclosure of relationship to employee

Mr. Glick asked members to consider whether or not Boni Enterprises should submit a form disclosing its relationship to the employee. Mr. Glick noted that he had found that there was not currently a place on the ZBA forms to disclose it. Mr. McCarthy also stated that there is no one working in Town Hall that does not know Ms. Boni is related to Boni Enterprises/Builders and Larry and Ryan Boni.

Board members felt that while that is true, they are concerned that it could lend an appearance of impropriety and might need to be addressed in the future. Discussion ensued about how much paperwork should be increased if only one person in Town Hall was affected by this and that person had filed a disclosure statement.

Mr. Mahon made a motion, seconded by Ms. Campion, to recommend that a statement disclosing relationship to any Town employees be added on the ZBA applications.

Ayes: All

Noes: None

Motion unanimously carried

17-5 Transactional

Ms. Campion moved, seconded by Ms. Pisano, that no violation of 17-5 was found since Mrs. Boni filed her Transactional Disclosure Statement in January of 2019.

Ayes: All

Noes: None

Motion unanimously carried.

Mr. Glick then asked board members to consider whether they considered anything else in the complaint was relevant to the Ethics Board, under chapter 17-7 of the code. Members agreed that Mrs. Boni filled out her paperwork and that she does not have any decision-making authority. Discussion ensued about the difference between procedure policy and ethics policy. None of the board members felt that there was anything more to be reviewed.

The chairman then stated that an advisory opinion would be drafted and sent to ethics board members to be voted on at the next meeting in February.

IV. Old Business – None

V. New Business - Annual Ethics Disclosure Forms received by Town Clerk

a. Annual Ethics Disclosure Forms for Review from 2020

i. 40 forms, 31 unremarkable

ii. 5 form responded affirmatively to Question 1.

The individuals that responded affirmatively to Question 1 were discussed. Board Members stated that they felt there was no significant finding of conflict of interest nor impropriety.

iii. 5 form responded affirmatively to Question 2.

The individuals that responded affirmatively to Question 2 were discussed. Board Members stated that they felt there was no significant finding of conflict of interest nor impropriety.

Board Members questioned 2 of the responses, Teresa Brobston should clarify who is president under 3b. Kathy Boni should clarify answers to 3b and 3c

Moved: Campion

Seconded by: Mahon

to approve 38 of the Annual Ethics Disclosure Forms for Review submitted as of January 15, 2020

Ayes: All

Noes: None

Motion carried

38/40 forms were approved. 2 returned for clarification to be reviewed at next meeting.

The meeting was adjourned at 8:16 pm. All in favor. None opposed. Motion carried.

The next meeting is scheduled for February 19, 2020 at 7:00 pm.

Respectfully submitted,

Meg Springli