

Minutes of Public Hearing on the proposed Germantown Code of Ethics held on August 14, 2008 at the Germantown Town Hall, Germantown, NY, following the 7:00 pm public hearing on the proposed junk law.

Present: Supervisor Roy Brown  
Councilwoman Joan Snyder  
Councilwoman Graceann Lamberta  
Councilman Joel Craig  
Councilman Jeremy Smith

Recorded by: Town Clerk, Charlene Diehl

The Town Clerk read the Notice to Meet.

Supervisor Brown inquired from the board if they had any comments on the proposed Germantown Code of Ethics.

Councilman Smith sought clarification that if the state adjusts changes to its Ethics Law that it won't affect the Germantown Code of Ethics.

Councilman Craig said the document repeatedly refers to town officer or employee but doesn't define who that is; would Planning and Zoning members be employees? He also didn't see a provision about making the document known as folks are hired or come aboard so they are aware of the Code of Ethics. He brought up questions on campaign activities - what is the depth and how far does that go, i.e. using your official title and also questioned if someone makes a decision to go against decisions made by the town board - what is the definition and how far does it go?

Councilwoman Snyder said she thinks the definition of employees and town officers would be that an employee receives a W-2 and an officer takes an oath of office. They would be the people subjected to the Code of Ethics.

Cheryl Rekow spoke and said normally the lawyer writes up the Code of Ethics and the town board approves or disapproves and the board should ask the town lawyer for definitions.

Supervisor Brown said the definition should be spelled out for laymen to understand and he will ask Jason Shaw at the next town board meeting.

Art Schiff inquired as to who drafted the Code of Ethics. He mentioned the preamble goes back to 1992 and there is questionable language that talks about people downgrading, and thinks it should be reviewed.

He said the Board of Ethics made a statement about using titles in a campaign environment. Also, any citizen of Germantown can look at the State law and bring questions to the Germantown Board of Ethics, which would justify a cause of action. He assumes the existing law stays in the statute and said the old law is not as comprehensive as New York State's.

Mr. Schiff said the proposed law mentions fines, investigations and penalties which require a lot of staff, time and money and turns it into a bureaucratic and imposing document. He doesn't think it should be so involved and that Jason Shaw should be consulted as to the language in the document. The Board of Ethics should be used and the document should be kept simple to solve the problem; it shouldn't become a budget item.

Councilman Craig said it gives the Ethics Commission leeway if they find something that should be investigated further.

Councilwoman Snyder said going along with all the rules and regulations of the State law could be a problem. The Board of Ethics shouldn't be a lawyer activity, use common sense.

Ellen Epstein agreed with Councilman Craig about the vague and broad definitions in the draft.

Councilman Smith agrees with Art Schiff in that he doesn't want to pile legalities on everything and cost the town and people money.

Councilman Craig said the board should consist of those with common sense and that if the board has a question they can go to the lawyer for clarification.

Supervisor Brown closed the public hearing.

Respectfully submitted,