

PUBLIC HEARING February 23, 2004 6:30 P.M.

Present: Supervisor Newlin; Council Members Ceretto, Johnson, Kilmer & Langlois; Deputy Tn. Atty. Boniello; Deputy Supervisor Elgin; Tn. Clerk Brandon; 3 Press and 5 residents.

The Supervisor opened the Public Hearing and asked the Clerk to read the notice.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Lewiston on the 23rd day of February 2004 at 6:30 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York to consider an amendment to Chapter 8A-7 of the Town Code entitled *Board of Ethics*, as follows:

§8A-7. Establishment; membership. There is hereby continued in the Town of Lewiston a Board of Ethics consisting of five (5) members to be appointed by the Town Board, all of whom shall reside in the Town of Lewiston and who shall serve without compensation and at the pleasure of the Town Board of the Town of Lewiston. A majority of such members shall be persons other than Town employees but shall include at least one (1) member who is an elected or appointed Town employee of the Town of Lewiston.

By order of the Town Board
February 9, 2004
Carol J. Brandon
Town Clerk

The Supervisor asked if any wished to speak.

RESIDENT:

Paulette Glasgow of 836 The Circle: I will not dispute your intention of adding two members to this Board but I have a problem with adding two more members to a Board that has no procedural rules on which it functions. Historically, Ethics Boards possessing only a guarded issued advisory position opinion as Lewiston has done has accomplished very little. Accordingly, ethics requirements should establish an independent and “a” political board having full investigative and enforcement authority over a comprehensive local ethics code including the filing of financial disclosure by all those serving in either an administrative, appointed or elected capacity in the town’s government. From its conception in 1970 until the present, the Board of Ethics has failed to apply Section 8A-9 of that local law and promulgating its own rules and regulations as to its form and procedures and thus by failing to establish procedural rules has remained an inactive board. It is unfortunate that because of this failure in establishing procedural rules as most New York State municipalities have done, Lewiston’s board has become a political board and has created an appearance of favoritism or the administrating of punishment to those not in common. For example, nowhere in our local law, which you are discussing this evening, establishing the Ethics Board does it state that the Town Board appoints the chair. The reason for letting the Board choose their chair establishes it as an independent and “a” political board. But, by appointing not only as a member as its’ chair, but someone who has been a member and I should say is a member of a town political committee and who has also been a member of at least two present Town Board members campaigns, you have caused this Board to be political and caused the appearance of favoritism thus undermining its’ effectiveness.

Further, the Town has failed to follow Article 18, General Municipal Law regarding the administration of local codes of ethics. Under Article 18, local ethics codes must include standards of full disclosure by those serving in either an elective, appointive position or volunteer member of any boards, committees or commissions stating any conflicts of interest which they may have either direct or indirectly personal business or political involvement. Article 18 is specific with regards to the appointment of the Ethics Board members if they are presently

serving on any other municipal board, committee or commission in the case of the present chair. She also serves on the Town's Assessment Board of Review. Should any matter with regards to the Assessor's Office go before the Ethics Board her presence undermines the Board independent effectiveness and independence. By failing to establish rules under which all members of the Ethics Board functions your purpose tonight although I must say I applaud you for that will have little administrative impact. What you are doing is putting two more additional members on a local board who have no authority in administering ethical behavior. They will merely be sitting there taking up space.

Kilmer: I do agree with some of her comments that our Board of Ethics has "no bite" and I think that maybe we should review it. We should put some teeth into that Ethics Cmte. because a few times things have gone before them with melancholy responses to the issues. Today, we need to get it off of the table but for the future we should consider some procedural issues. Actually, we should produce our own procedures.

Ceretto: I think we should go to our attorneys and have them look it over.

Newlin: There are also guidelines provided by the County and the State with regard to Boards of Ethics.

Paulette Glasgow: Our Board of Ethics was established pursuant to the County Board of Ethics. That is in Article 18 and I guess what I will try to say is that our Board of Ethics should mirror the County Board of Ethics. The County Board of Ethics has what is called an annual financial disclosure and it also has a rule of procedure. Again, we don't have that. So, if you are doing a good job but you are doing it for no reason at all you need to start to parallel the County because it is the County that gives you the lead that you need.

Ceretto: We have Dave Boniello who has worked on both levels.

Paulette Glasgow: Back in 1997, I tried to pass rules of procedures to the Ethics Board and I was voted down. So, those should still be in parallel with the County. I have a copy.

Newlin asked that it be given to the Clerk's office.

On MOTION of Kilmer, seconded by Langlois the Public Hearing was closed at 6:45 p.m. Carried 5-0.

Respectfully submitted and transcribed by:

Carol J. Brandon
Town Clerk