

Regular Meeting
December 20, 2017

Present: Supervisor Lewza
Councilman Blaisdell
Councilwoman Kerr
Councilman Zlotnick
Councilman Ostrander
Deputy Town Clerk Mevec

Absent: Town Clerk Mevec

Also Present: Town Attorney Craig

Meeting called to order by Supervisor Lewza.

Pledge to the flag by Councilman Blaisdell.

Motion by Ostrander seconded by Blaisdell to accept the December 6, 2017 minutes as presented.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

6:35 PM Public Hearing to amend Town Code, “Code of Ethics”

Supervisor opened public hearing.

Town Clerk read notice of public hearing.

No one spoke at the Public Hearing.

All persons were given an opportunity to speak.

Supervisor closed public hearing at 6:40 PM.

Motion by Zlotnick seconded by Blaisdell to adopt the following resolution adopting local law #4-2017 to amend Chapter 14 Code of Ethics as follows:

WHEREAS, the Town of Milton enacted and has in place one of the most advanced, comprehensive, and cutting edge Ethics Codes in the State; and

WHEREAS, after a few years of application, the Town Board has found that certain sections of the Ethics Code may be too restrictive in nature, and/or are otherwise in need of amendment and clarification; and

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WHEREAS, a motion was duly made by the Town Board of the Town of Milton, for a public hearing to be held by said Town Board on December 20, 2017 at 6:35 p.m., at Town Hall, located at 503 Geysers Road, Ballston Spa, New York, 12020, to hear all interested parties on a proposed Local Law entitled "Local Law # 4, 2017", amending various sections of Chapter 14, Code of Ethics; and

WHEREAS, notice of said public hearing was duly and properly advertised in the Gazette and Saratogian, the official newspapers of said Town of Milton; and

WHEREAS, said public hearing was duly held on December 20, 2017 at Town Hall, 503 Geysers Road, Ballston Spa, New York, 12020, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to, said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Milton, after due deliberation, finds it in the best interest of the Town of Milton to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Milton hereby adopts Local Law No. 4, 2017, amending various sections of Chapter 14, Ethics Code of the Town of Milton, a copy of which law is attached hereto and made a part of this Resolution; and be it further

RESOLVED, that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Milton, and to give due notice of the adoption of said Local Law to the Secretary of State of New York as is required by law; and

Now, Therefore Be It Resolved by the Town Board of the Town of Milton:

LOCAL LAW # 4 - 2017 OF THE TOWN OF MILTON
AMENDING VARIOUS SECTIONS OF THE TOWN ETHICS CODE

Be it enacted by the Town Board of the Town of Milton the Sections below of Chapter 14 of the Town Code are amended as follows:

Chapter 14. CODE OF ETHICS

Section 14-5 USE OF POSITION FOR PERSONAL OR PRIVATE GAIN

Subsection 14-5 (C) (5) is hereby removed in its entirety and replaced with the following language:

"Using municipal personnel, vehicles, equipment, materials, supplies or property for any municipal business purposes pursuant to law; or"

Section 14-11 RECUSAL AND ABSTENTION

Subsection 14-11(A) is hereby removed in its entirety and replaced with the following language:

"Except as otherwise required by law or as provided by this section, no municipal officer or employee may participate in the discussion or vote on any matter or exercise or perform any other official powers or duties in connection with any matter, when he or she has an interest in the matter and knows or should know that a family member or employer has an interest in the matter."

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Section 14-13 USE OF MUNICIPAL PROPERTY

New subsection 14-13(c) is added as follows:

“When the Town Board motions and votes to approve a use of Town property for any purpose deemed appropriate by the Town Board.”

Section 14-15 POLITICAL SOLICITATIONS

Subsection 14-15 (D) is hereby removed in its entirety and replaced with the following language:

“No town officer or employee shall use Town resources for any political campaign or political activities.”

Section 14-15 POLITICAL SOLICITATIONS

Subsection 14-15(F) is hereby removed in its entirety and replaced with the following language:

“No town officers or Town employees shall serve as a committeeperson or like position of any political party or political organization. Nothing contained herein shall prevent those, as of the effective date of this Code of Ethics, from serving as a committeeperson in a political party or political organization, or anyone who currently holds any office in a political party or political organization, including as a committeeperson, or other like position, from being appointed to or participating as a member of any Town committee.”

Section 14-17 GIFTS

Subsection 14-17 (B), the first paragraph is hereby removed in its entirety and replaced with the following language:

“Per gift. No municipal officer or employee may accept or receive any gift, or multiple gifts, from the same donor, whether individual, business, or firm, within a continuous twelve-month period valued at \$75 or more and shall not accept any such gift when:”

Section 14-19 BOARD OF ETHICS-MEMBERSHIP

Subsection 14-19 (A)(2) is hereby removed in its entirety and replaced with the following language:

“There shall be five members of the Ethics Board with members serving three-year terms. After the completion of a three year term, each member may be re-appointed for subsequent three year terms, or for one year terms at the Town Board’s discretion, if they are in good standing and with the approval of the Ethics Board and the Town Board.”

Section 14-19 BOARD OF ETHICS-MEMBERSHIP

Subsection 14-19(A)(3) is hereby removed in its entirety and the following are renumbered as follows:

“§14-19 (A)(4)(a-c) becomes §14-19 A (3)(a-c) and §14-19 (A)(5) becomes §14-19 (A)(4)

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Section 14-19 (B)(3) BOARD OF ETHICS-QUALIFICATIONS OF BOARD MEMBERS

Subsection 14-19(B)(3) is hereby removed in its entirety and replaced with the following language:

“No member of the Board of Ethics shall be a Political Committee person, or hold office in a partisan political organization, or hold elective office in the Town of Milton. A Ethics Board member may make campaign contributions and vote, but not otherwise participate in any Town of Milton election campaign. Nothing in this section shall prohibit a member of the Ethics Board from being selected to sit on any appointed or unpaid Town committees.”

Section 14-19 BOARD OF ETHICS

New subsection 14-19(6)(j) is added as follows:

“Disclosing their registered political affiliation so as not to be in conflict with the provision of §14-19 (B)(4).”

Section 14-20 COMPLAINTS AND INVESTIGATIONS

Subsection 14-20 (C)(1) is hereby removed in its entirety and replaced with the following language:

“The Ethics Board shall advise the employee or officer of their right to confer with or obtain outside legal (or other) counsel. No individual shall be denied his/her right to obtain and to utilize outside legal (or other) counsel. A reasonable period of time will be provided to retain outside counsel (as a general rule, no less than 30 calendar days).”

Section 14-22 CONFIDENTIAL ETHICS ADVISORY OPINIONS

Subsection 14-22 (B) is hereby removed in its entirety and replaced with the following language:

“The Board of Ethics will prepare an advisory opinion based on a thorough review of the facts and applicable law. The Board’s opinion is to be based primarily on the facts presented in the request or subsequently submitted in a written signed document. The opinion will be rendered in writing to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.”

Blaisdell – yes; Kerr-yes; Zlotnick-yes; Ostrander – yes; Lewza-yes. Resolution adopted.

Motion by Blaisdell seconded by Ostrander to hire Arceni Polyak, 297 Greenfield Avenue, Ballston Spa, New York as Dog Control Officer.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Motion by Kerr seconded by Zlotnick authorizing issuance of a 2018 Peddler’s Permit to Mr. Ding-A-Ling Ice Cream, 324 Old Niskayuna Road, Latham, New York, 12110.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

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Motion by Blaisdell seconded by Zlotnick to set a Special Meeting on January 1, 2018 at 10:00 AM for swearing in of newly elected officials and any other business.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Motion by Ostrander seconded by Blaisdell to appoint Fred Harris, 445 Maple Avenue, Ballston Spa, New York as Part Time Assistant Building Inspector.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Discussion on which Health Insurance Plan to implement for 2018.

Correspondence:

Supervisor read letter from John Cromie.

Reports

Town Clerk report read by Deputy Town Clerk Mevec and filed.

Building Department report read by Supervisor Lewza and filed.

Motion by Zlotnick seconded by Kerr authorizing MJ Engineering to examine shooting range and debris field at Boyhaven property not to exceed \$15,000.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Motion by Kerr seconded by Zlotnick to reappoint Ryan Isachsen to the Ethics Board.

Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – no; Lewza – yes. Motion carried.

Supervisor announced newly elected officials 2018 training school on January 10 -12, 2018 at the Albany Marriott and the 2018 Annual Meeting & training school on February 18-21, 2018, at the New York Marriott Marquis, New York City.

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Public Comment

The following people spoke: Jim Staulters; Frank Rossi; Bruce Boghosian and Barbara Kerr.

Motion by Zlotnick seconded by Blaisdell there being no further business to adjourn.
Blaisdell – yes; Kerr – yes; Zlotnick-yes; Ostrander – yes; Lewza – yes. Motion carried.

Meeting adjourned at 7:40 PM.

Respectfully submitted,

William J. Mevec
Town Clerk