

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 2, 2024, 6:30 P.M.
WORK SESSION**

9931

A Work Session of the Board of Trustees of the Village of Warwick was held on Tuesday, January 2, 2024, at 6:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, Carly Foster, and Mary Collura. Also, present was Village Clerk, Raina Abramson. Absent was Trustee Thomas McKnight.

The Mayor called the meeting to order and led in the Pledge of Allegiance.
The Village Clerk held the roll call.

Discussion

1. Draft Code of Ethics.

Mayor Newhard reviewed proposed changes to the Code of Ethics, including adjustments to applicability, a more comprehensive definition of "children," clarification of "family relationship," and a shift from "soliciting appointments" to "lobbying for appointments." Additionally, a new requirement for all elected officials to annually file a disclosure statement was highlighted, specifying the information to be disclosed.

Trustee Foster expressed a memory of discussing the disclosure requirement for boards in decision-making capacities, and Mayor Newhard affirmed the importance of extending this requirement to all boards, emphasizing the significance of transparency in a small community where connections or conflicts might arise. The discussion acknowledged the potential frustration of annual disclosures but underscored their crucial role in maintaining ethical standards across various boards, especially those making impactful decisions for the community.

Trustee Cheney raised the question of whether appointed officials, covered by existing ethics laws as employees, should be required to submit disclosure forms. He suggested that it might be more pertinent for the Planning Board and the Zoning Board of Appeals (ZBA), considering their decision-making roles, while expressing uncertainty about the necessity for the Architectural Review Board (ARB), given its advisory nature. The discussion revolved around the applicability of disclosure requirements to various boards based on their functions and decision-making capacities.

Trustee Foster expressed the view that positions like the Shade Tree Commissioner, involved in decision-making, could potentially benefit from disclosure requirements. The focus was on considering roles that entail decision-making responsibilities, where disclosure could enhance transparency and mitigate potential conflicts of interest.

Trustee Cheney provided insights into the county form, noting its broader scope in requiring disclosure from elected officials, appointed committee or board members, and

certain employees. He highlighted that the county form might be less extensive in terms of disclosing relationships beyond children and spouses. Trustee Foster expressed her initial interpretation, focusing on personal interests that could potentially create conflicts of interest. The discussion delved into the nuances of disclosure requirements and the extent of familial relationships covered by such regulations.

Mayor Newhard raised the question of whether the disclosure requirement should extend beyond the Village Board to include the Planning Board and the ZBA. Trustee Collura suggested expanding it to include the ARB to cover all relevant entities. She expressed the need for teeth in the future, referencing a scenario where a ARB member recused themselves due to a project's personal connection, which was deemed positive. The discussion revolved around broadening the scope of disclosure requirements to enhance transparency.

A discussion ensued about the scope of elected and appointed officials covered by the disclosure requirement. The Board reached a decision that elected and appointed officials in decision-making capacities, e.g. the Village Board, Planning Board, and Zoning Board, are mandated to annually file a disclosure statement. It was determined that the ARB and Shade Tree Commissioner would not be subjected to disclosure.

The Board discussed the need for certain employees, specifically top members such as the head of the Building Department, DPW(Department of Public Works), the Clerk's Office, and the Treasurer, to disclose interests due to their significant responsibilities over procurement.

In the context of gifts, the discussion emphasized that no Village officer or employee should directly or indirectly solicit a gift or accept one with a value of \$75.00 or more. However, there are exceptions for unsolicited campaign contributions and fees paid for attendance at sponsorship or election fundraising events.

Trustee Cheney asked for the Mayor to reread the portion that discussed campaign contributions and a discussion ensued. The addition of the phrase "provided, however, that this section shall not apply to unsolicited campaign contributions and fees paid for attendance at or sponsorships for election fundraising events" raised concerns about the potential misinterpretation. The Board clarified that legal and solicited campaign contributions should not be considered unethical or illegal. They discussed modifying the language to emphasize the legality of obtained campaign contributions, leading to the proposed revision: "provided, however, that this section shall not apply to legally obtained campaign contributions or in-kind services." The goal is to ensure clarity and prevent any ambiguity in the language.

Mayor Newhard discussed a provision related to future employment, highlighting that a

Village employee, after termination of service or employment, should not appear before any board, commission, or agency of the Village regarding a case, proceeding, or application in which they personally participated during their service or employment. This restriction applies for a two-year period after serving as a Village officer or employee.

Trustee Foster expressed the view that there are two aspects to consider regarding future employment. Firstly, if someone has been involved in a contract, they should be permanently barred from participating in that specific contract to avoid potential conflicts of interest. Secondly, for other matters, there could be a time-limited restriction, as outlined in the proposed change. However, Trustee Foster emphasized that the current modification may not entirely address the concern she raised during earlier discussions. Trustee Foster suggested dividing the language into two separate letters to address the distinction.

A discussion amongst the Board ensued regarding the implementation of time-related restrictions as well as who the restrictions would apply to, elected officials and/or volunteers. The definition of 'Village employee' was also touched upon.

Trustee Cheney expressed concerns about the potential impact on the AHDRB (Architectural and Historic Review Board) if architects were restricted from appearing before any board or commission for a period of two years after their service. The discussion highlighted the unique challenges posed by specific professional expertise required for certain volunteer boards and the potential limitations imposed by such restrictions. The Board noted the need to carefully consider the language to avoid unintended consequences and to strike a balance that ensures transparency and ethical conduct without discouraging qualified individuals from volunteering.

It was decided that the Board should seek advice from their council. In the meantime, Trustee Foster shared a relevant link to the rest of the Board.

Mayor Newhard highlighted a provision in the discussion, specifying that members of the Planning Board and ZBA should refrain from engaging in certain businesses, including real estate, insurance, building, contracting, or building material business during their employment on these boards. The statement aimed to establish clear guidelines for potential conflicts of interest related to specific business activities. The Board agreed on the clarity of the revision.

Moving on to the next revision, Mayor Newhard emphasized the importance of ensuring that all members of the public, regardless of their individual or organizational status, are treated with respect and without any special advantage in the execution of official duties by officers or employees of the Village.

The Board acknowledged the discussion around the distinction between ethics and procedural matters related to the employee manual. While recognizing that certain aspects might align more with the manual, there was a shared sentiment that the public-facing nature of the document should underscore the elevated standards expected of appointed and elected officials. The question about the process for addressing violations was raised, indicating a desire for clarity on the consequences or procedures in case of a breach.

The Board continued discussing the wording of the document, there was a consideration of whether the language should specifically address actions that suppress an individual's ability to engage with local government, highlighting the potential subjectivity and personality-specific nature of the current wording. Ultimately, the Board considered keeping the existing language under "Improper Influence" while acknowledging the broader scope of improper influence that encompasses both positive and negative aspects.

The Board engaged in a discussion to clarify the section on "lobbying for appointments." Trustee Cheney had concerns about the definition of lobbying and whether it applied to legitimate interactions between residents expressing interest in serving on a board. The Board considered removing the definition of lobbying and modifying the language to focus on seeking appointments in a way that influences decision-making. The proposed changes aimed to eliminate contradictions and make the language clearer. The title of the section was also suggested to be "Seeking Appointments" for clarity.

Trustee Cheney expressed concerns about the definition related to having a direct interest in the affairs of a corporation, business, or partnership, especially in terms of disclosure. He suggested that there should be a threshold for disclosure, such as if an individual holds 5% or more of the stock.

Trustee Cheney also discussed aspects related to the chairman's appointment and suggested changes to the language for clarity.

The Board went over the sections that needed additional discussion such as the post-employment restrictions and the 5% threshold disclosure.

2. 2024 Grants.

Grants would be discussed during the Village Board meeting.

Adjournment of Work Session

A **MOTION** was made by Trustee Cheney, seconded by Trustee Foster and carried to adjourn the work session at approximately 7:30 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Foster Aye Trustee Collura Aye

Trustee McKnight Absent Mayor Newhard Aye

Raina M. Abramson, Village Clerk