

**MINUTES  
OF  
THE TOWN OF RENSSELAERVILLE TOWN BOARD  
SPECIAL MEETING  
AUGUST 7, 2014**

The Town Board of the Town of Rensselaerville held a Special Meeting on the 7<sup>th</sup> day of August 2014 at 7 o'clock in the evening at the Rensselaerville Town Hall, 87 Barger Road, Medusa, NY. The meeting was convened by Supervisor Lounsbury and the roll was called with the following results:

PRESENT WERE:            Attorney Tom Fallati  
                                 Supervisor Valerie Lounsbury  
                                 Councilwoman Marion Cooke  
                                 Councilwoman Margaret Sedlmeir  
                                 Councilman Robert Bolte  
                                 Town Clerk Victoria Kraker  
ABSENT WAS:             Councilman Gerald Wood

Also present were two interested citizens as well as Board of Ethics committee members Diana Hinchcliff, Georgette Koenig, and Maryann Overbaugh.

The purpose of this meeting was to review the draft of the proposed changes to the procedures of the Board of Ethics.

Supervisor Lounsbury turned the meeting over to Attorney Fallati.

Attorney Fallati has compiled a final draft of the proposed changes to the procedures of the Board of Ethics. Additional comments and recommendations were received by Committee members as well as Town Board members in order to fine-tune these changes.

- In reference to the receipt and investigation of complaints, and the fear of retaliation specifically, Attorney Fallati has incorporated phrases which are commonly used in Employment Law.
- Committee member, Diana Hinchcliff, recommended that a portion of the phrase "...conduct complained of ..." be replaced with "... the conduct that is the subject of the complaint ..."
- Supervisor Lounsbury suggested that "days" be replaced with "business days" .

- Attorney Fallati will clarify in his next final draft, that the Town will cover the expense of the stenographer.
- In reference to finding a violation of the Code of Ethics, ‘clear and convincing evidence’ specifically, Attorney Fallati has again used words and phrases that are common in the practice of everyday Law.
- Ms. Hinchcliff believes that if at any stage any person attempts to unduly influence a Board of Ethics member it should be reported as soon as possible rather than at the next regular meeting of the Board of Ethics. Attorney Fallati will amend the wording to read that the member shall report the substance of the communication to the Board of Ethic’s Chairperson, the Town’s attorney, and the Town Supervisor by the close of the next business day.
- Marie Dermody stated that she knows in Town Law there is a distinction between ‘Town Attorney’ and ‘attorney for the Town’. Because the phrase ‘Town Attorney’ has been used throughout she inquired into whether the rules applied to both terms. Both Attorney Fallati and Diana Hinchcliff explained that the use of ‘Town Attorney’ is used consistently throughout and is defined within the Draft as well. In addition, ‘Town Attorney’ is also defined in the Law, and if it is defined in the Law, it applies throughout.

Supervisor Lounsbury questioned whether the adoption of the new procedures required a Public Hearing. Attorney Fallati responded that in the past documents such as these could be done by Resolution.

A motion was made by Councilman Bolte to adjourn the meeting at 7:28 PM; 2<sup>nd</sup> by Councilwoman Sedlmeir.

*Motion carried: Ayes (4) Lounsbury, Cooke, Sedlmeir, and Bolte; Nays (0)*

**RESPECTFULLY SUBMITTED;**

Victoria H. Kraker  
Town Clerk