



City of Kingston Board of Ethics Meeting Minutes
July 22, 2020

VIRTUAL MEETING

Board Members present were Allen Nace, Jackie DeCicco, Mike Decker and Dana Blackmon

Public attendance: 5 callers

The meeting was called to order by Allen Nace at 5:01pm on July 22, 2020.

Motion was made by Mike Decker to accept the meeting minutes as is and seconded by Dana Blackmon. All were in favor of adopting the minutes.

Old business: Review Financial Disclosure Statements received since last meeting. We have four statements turned in since the last meeting and 8 outstanding. Mike Decker and Allen Nace will stop in to City Hall to review the four statements received since the last meeting. Letters will be mailed to those individuals with copies to the Mayor as they are all members of a Board/Commission giving 30 day notice to be in compliance.

Complaints # 20192020-01 and 20192020-2 – still pending; 20192020-3 was resolved at the last meeting without finding of an ethical violation.

Allen Nace asked Dan Gartenstein on guidelines for going into executive session. The question was asked whether or not to have Corporation Counsel participate in executive session. Dan responded that without knowing what the complaints were he couldn't answer as to whether or not he could be included on the meeting. A letter must be submitted to Corporation Counsel to determine if outside counsel is appropriate. In the event it is appropriate then a formal written retainer agreement must be approved by the Mayor. If the investigation relates to the Mayor then the Alderman-at-Large would approve it.

New Business: Allen Nace spoke of the perception that there is a conflict of interest involving his participation on the Parks & Recreation and DPW Board of Commissioners. Although he has been told they are both advisory positions only he has publicly recused himself from both Boards to handle the complaints currently with the Board of Ethics.

Allen Nace requested to go into Executive Session to discuss employment history on a current City employee.

Executive Session:

Upon motion by Mike Decker, seconded by Jackie DeCicco, The Board convened in Executive Session to discuss the appointment and employment history of an employee mentioned in complaint 20192020-1 and 20192020-2. No further discussion was held and the motion carried unanimously and the the Board members entered into Executive Session at 5:27pm.

Upon motion by Jackie DeCicco, seconded by Dana Blackmon, the Executive Session was adjourned and the Board reconvened in public at 7:22pm.

Board of Ethics was in executive session interviewing and discussing existing complaints.

The Board will vote on complaint #20192020-1 that there was no finding of ethical violation. Board unanimously voted no they did not find any ethical violation in regard to this complaint.

Complaint #20192020-2 – The Board continues to investigate and will send a letter to Corporation Counsel seeking an opinion as to whether there is a conflict in using the City’s Corp Counsel or the Board should seek outside counsel.

Allen Nace not positive a letter was sent to the two employees involved in complaint #20192020-3. Requested a copy be sent to both employees.

Statement of the Board of Ethics regarding the makeup of the Board. According to Code 49 the Board of Ethics is made up of five members. Three of which are recommended by the Common Council while two are recommended and appointed by the Mayor. One of those two must be an employee of the City. Jackie DeCicco, Executive Secretary (Civil Service Commission) is the employee and serves at the pleasure of the Civil Service Commissioners according to Civil Service Law. Dana Blackmon was recommended by and appointed by the Mayor, while Allen Nace, Robert DiBella and Mike Decker were recommended by the Common Council and appointed by the Mayor. Robert DiBella relocated outside the City and therefore created a vacancy on the Board. That vacancy must be filled by a recommendation from the Common Council. Because of this process the Board members do not feel that there is conflict of interest as a result of the Mayor making the appointments as he followed the Code in doing so.

There has been mention of the Board unable to establish a quorum. With the exception of one meeting where one member was unable to attend and two others weren’t aware a meeting was scheduled the Board has always had a quorum for their meetings. The Board is required to hold meetings twice a year. Meeting minutes are located on the Ethics webpage found on www.Kingston-ny.gov as well as the Rules and the complaint form. .

The next Board meeting is scheduled for July 29, 2020 at 5:00pm in virtual format.

Motion was made by Mike Decker to adjourn the meeting. Motion was seconded by Jackie DeCicco. The meeting was adjourned at 7:36pm.

Respectfully submitted,

Jackie DeCicco
Secretary