

No action on code of ethics

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The Telegram

BURKE – The members of the town board of Burke have decided to postpone adoption of a proposed revision to the code of ethics until they have had time to consider information presented to them by Town Attorney Brian Stewart.

In a work session on Tuesday night to discuss the proposed revision to the code of ethics for the town of Burke, Stewart clarified the meaning of some of the exceptions contained in the code.

Town Supervisor Darrel Bushey began the work session by saying that a town's code of ethics must be as strong or stronger than that used by New York State. He then asked Stewart if this proposed code of ethics met that standard.

"This is a pretty comprehensive code," Stewart replied. "It's stronger than any town around except for Bellmont."

Before the meeting began, Janet Tacy and other town residents presented the board with a typed list of concerns asserting that the code of ethics was not equal or stronger than the one used by New York State and that the exceptions written into the code of ethics were altered to meet the best interests of the board members and not the town.

During the work session, Stewart said that in the exception to the code of ethics that states "a contract in which a subject has a prohibited interest in such a contract was entered into prior to the time he or she was elected or appointed, but this paragraph shall in no event authorize a renewal of any such contract."

The word "contracts" refers to agreements between the town and other entities such as in the case of permits.

He said the code could not be skewed so as to allow board members with contracts with wind power companies to vote on wind power laws as it would be illegal.

"The definition of a contract is not between people," Stewart said. "A contract is between somebody and the town."

He said the exceptions included in the code of ethics being considered by Burke were standard exceptions used by New York State.

"Most of the exceptions are pretty boring," Stewart said.

Stewart said Town Councilman Jim Otis' employment with Graymont Materials Inc. would not present a conflict of interest unless he was being especially compensated for the rela-

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tionship for example if he was receiving a bonus or a promotion.

"If a guy like Jim works for Graymont and Graymont makes a ton of money, that's not a problem for Jim," Stewart said. "The big thing is that he doesn't get paid for it."

Otis asked why Belmont would opt to adopt a new code of ethics when it had a current one in place.

Stewart said the regulation requiring towns to have a code of ethics originated in 1969.

He said the general idea of a code of ethics is that it should change over time because unforeseen events can occur.

"So as we were looking at some of these codes of ethics we found they weren't very good," Stewart said.

Otis suggested that the matter be tabled until Town Councilmen David Vincent and Donald Smith, who were absent at the work session, had a chance to review the information provided by Stewart.

Otis said the information Stewart provided each council member with contained a full copy of the code of ethics and information on case studies related to the topic.

"It gives us a better understanding of the code," Otis said.

The next meeting of the Burke Town Board will be at 7 p.m. on April 2.

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