



Ethics Task Force

~MINUTES~

Friday, December, 15, 2017

11:30 AM

Task Force Chair:
Richard Wishnie

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

With a quorum present, Mr. Wishnie, called the meeting to order at 11:37am.

Attendee Name	Title	Status	Arrived
Richard Wishnie		Present	
Dennis Kremer		Present	

Others In Attendance: BOL: D. Linhardt, C. Crane GUESTS: L. Soule, A. Rodriguez.

MINUTES APPROVAL

Wednesday, April 19, 2017 at 3:00 PM

On motion of Mr. Kremer seconded by Legislator Mr. Wishnie, the minutes were approved 2 - 0.

Wednesday, April 12, 2017 at 10:00 AM

On motion of Mr. Kremer seconded by Legislator Mr. Wishnie, the minutes were approved 2 - 0.

Tuesday, June 13, 2017 at 1:00 PM

On motion of Mr. Kremer seconded by Legislator Mr. Wishnie, the minutes were approved 2 - 0.

Wednesday, September 20, 2017 at 10:00 AM

On motion of Mr. Kremer seconded by Legislator Mr. Wishnie, the minutes were approved 2 - 0.

I. ITEMS FOR DISCUSSION

1. **(ID # 10607) Communication - HON. MICHAEL KAPLOWITZ-County Ethics Waiver Request-Soule:**

Forwarding a letter from a County employee requesting a waiver to the County Code of Ethics pursuant to the Laws of the Westchester County Section 883.21(h)(2).

Mr. Wishnie asked Mr. Soule to discuss his request for a waiver. He asked Mr. Kremer if he had seen all the information and Mr. Kremer noted that he believed that CMA has only a \$5,000 contract with the County which is increased by the CPI. Mr. Soule confirmed that and stated that he understood that he cannot appear before any County agency for a period of one year.

Mr.Kremer moved the item, Mr.Wishnie seconded and the item was approved 2 - 0.

This item was recommended by the Ethics Task Force to the Committee on Legislation for approval and submission to the Board of Legislators for a vote.

RESULT:	REVIEWED
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2. **(ID # 10609) Communication - County Ethics Waiver Request-Rodriguez:**

Forwarding letters from a County employee requesting a waiver to the County Code of Ethics pursuant to the Laws of the Westchester County Section 883.21(h)(2).

Mr. Wishnie asked Mr. Rodriguez to discuss his application for a waiver. Mr. Rodriguez noted that he is well aware of the restraints placed upon him by the County and that he would abide by these regulations. Mr. Kremer asked Mr. Rodriguez to clarify his statement and he did so.

Mr.Kremer moved the item, Mr.Wishnie seconded and the item was approved 2 - 0.

This item was recommended by the Ethics Task Force to the Committee on Legislation for approval and submission to the Board of Legislators for a vote.

RESULT:	REVIEWED
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II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Task Force.

ADJOURNMENT

Moved by Mr. Wishnie seconded by Mr. Kremer, the Committee adjourned at 11:41 am.



Ethics Task Force

~MINUTES~

DRAFT

Wednesday, April, 19, 2017

3:00 PM

Task Force Chair:
Richard Wishnie

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

With a quorum present, Mr. Wishnie called the meeting to order at 3:03 PM.

Attendee Name	Title	Status	Arrived
Richard Wishnie		Present	
Marylou Green		Present	
Dennis Kremer		Present	
John Mattis		Absent	

Others In Attendance: BOL: D. Linhardt, C. Crane.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 10038) Communication - HON. MICHAEL KAPLOWITZ: County Ethics Waiver Request - Conte:**

Forwarding a letter from a former County employee requesting a waiver to the County Code of Ethics pursuant to the Laws of the Westchester County Section 883.21(i)(3).

Mr. Wishnie noted that the Ethics Task Force was meeting via a telephone conference. He asked if all the members had received the letter from Probation Commissioner Pozzi and they replied that they had. Mr. Wishnie than asked for comments form the members.

Ms. Green noted that she appreciated Commissioner Pozzi's communication, but also stated that she still had doubts about the urgency of the request.

Mr. Wishnie asked for a motion to approve which was made by Ms. Green and seconded by Mr. Wishnie.

Mr. Kremer stated that although he also appreciated the communication from Commissioner Pozzi he doesn't see the urgency on the part of the County. He noted that he was not sure that anything would be lost by waiting until August, when Mr. Conte could accept the position as a paid consultant without needing a waiver. He said it doesn't reflect on Mr. Conte in any way.

Mr. Wishnie stated that the fact that the letter from Commissioner Pozzi had come to us from County Executive showed a need from the County administration.

Minutes Acceptance: Minutes of Apr 19, 2017 3:00 PM (MINUTES APPROVAL)

Ms. Green added that she finds it uncomfortable to be asked to make this decision. Mr. Wishnie made reference to a line from the Commissioner's letter showing that he sees a need for this program as soon as possible. Mr. Pozzi wrote, "I am very interested in establishing this pilot program. Obtaining Mr. Conte's expertise and services in this areas as soon as possible would be of great value to the Probation Department."

As there was already a motion on the floor, Mr. Wishnie called for a vote. Mr. Wishnie and Ms. Green voted to approve the recommendation and Mr. Kremer voted in the negative. The motion carried 2 -1.

This item was recommended by the Ethics Task Force to the Committee on Legislation for approval and submission to the Board of Legislators for a vote.

RESULT: REVIEWED

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Task Force.

ADJOURNMENT

Moved by Ms. Green, seconded by Mr. Wishnie, the Committee adjourned at 3:12 PM.

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Ethics Task Force

~MINUTES~

DRAFT

Wednesday, April, 12, 2017

10:00 AM

Task Force Chair:
Richard Wishnie

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

With a quorum present, Richard Wishnie called the meeting to order at 10:09AM.

Attendee Name	Title	Status	Arrived
Richard Wishnie		Present	
MaryLou Green		Present	
Dennis B. Kremer		Present	
John Mattis		Present	

Others In Attendance: BOL: D. Linhardt, C. Crane GUESTS: L. Conte.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 10038) Communication - HON. MICHAEL KAPLOWITZ: County Ethics Waiver Request - Conte:**

Forwarding a letter from a former County employee requesting a waiver to the County Code of Ethics pursuant to the Laws of the Westchester County Section 883.21(i)(3).

Mr. Wishnie, Acting Chair, reviewed the items in the members packets. He asked Chris Crane to discuss where this case falls within the Ethics Law. Mr. Crane discussed the letter that was received from Louis Conte asking for the waiver and describing what services he would provide. He then read the requirements for consultants as written in Section 883.21(i)(3) of the Laws of Westchester County.

Mr. Wishnie read for the record, the letter received by the Chairman from Louis Conte requesting the waiver. Mr. Wishnie noted that the Chairman had established the Ethics Task Force to provide some level of independence from the Board of Legislators on these requests.

Mr. Conte discussed what services he would give to the County and spoke about his background and qualifications to provide these services. He stated that he would be providing polygraph examinations of probationers and drafting of policies and procedures regarding the integration of polygraph services. He noted that after he retired he spent eleven weeks getting certified as a polygraph examiner with specialties in sex offense and domestic violence polygraphs. Currently, the Probation Department does polygraphs of sex offenders but would like to expand that to include domestic violence offenders. Mr. Conte brought the polygraph program into the County in 2000 and it has been tremendously

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successful. The department saw a significant drop in recidivism for sex offenders. There are similar dynamics with domestic violence offenders, such as power and control issues, therefore the Probation Department would like to use this program with them as well.

Mr. Conte stated that he was here today because they want to move the planning process forward. The department needs to have policies and procedures in place as well as operational things pulled together. He noted that there are very few polygraphers out there and none for domestic violence offenders.

Mr. Conte said he would like to start as soon as the Board of Legislators approved the waiver.

There was a discussion about how the program would work and Mr. Conte described the processes and noted that it was very involved which is why they wanted to get started as soon as possible.

In answer to a question from Mr. Kremer, Mr. Conte said he administered the program in the past but did not do polygraphs. There were independent contractors who did the polygraphs in prior years. A short discussion ensued concerning how much Mr. Conte would charge and the cost of the new program.

Mr. Mattis asked why the hurry to get the waiver when Mr. Conte will be allowed to work for the County starting in August without a waiver. Again, Mr. Conte replied that there have to be plans in place before the budget season.

Mr. Wishnie asked for a motion. Mr. Mattis made a motion and Mr. Wishnie seconded. At this point more questions arose about why this waiver was necessary and members agreed that they would like to have a letter from the Probation Commissioner stating why this waiver was needed at this time. Mr. Wishnie called for a vote but members stated that they would not recommend the waiver until they have more information. Mr. Mattis withdrew the motion. Mr. Wishnie asked staff to request the information and the task force adjourned.

To view the meeting, please go to: <http://westchestercountyny.iqm2.com/Citizens/default.aspx>

RESULT:	REVIEWED
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II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Task Force.

ADJOURNMENT

Moved by John Mattis, seconded by Richard Wishnie, the Task Force adjourned at 10:40 AM.



Ethics Task Force

~MINUTES~

DRAFT

Tuesday, June, 13, 2017

1:00 PM

Task Force Chair:
Richard Wishnie

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

The meeting was called to order by Richard Wishnie at 1:05PM.

Attendee Name	Title	Status	Arrived
Richard Wishnie		Present	
Marylou Green		Present	
Dennis Kremer		Present	
John Mattis		Present	

Others In Attendance: BOL: D. Linhardt, C. Crane.

MINUTES APPROVAL

Wednesday, April 12, 2017 at 10:00 AM

Wednesday, April 19, 2017 at 3:00 PM

I. ITEMS FOR DISCUSSION

1. **(ID # 10198) Communication - HON. MICHAEL KAPLOWITZ: County Ethics Waiver Request - Baker:**

Forwarding a letter from a former County employee requesting a waiver to the County Code of Ethics pursuant to the Laws of Westchester County, Section 883.21 (i)(3).

Mr. Wishnie, acting Chair announced that organizationally the Task Force needed to pick a Chair and set rules for the Task Force. Mr. Wishnie called for nominations for Chair. He was nominated and approved as Chair by a vote of 4-0. The Task Force then decided that the quorum for opening a meeting would be two and for a vote it would be the majority of the members participating in the meeting.

Chair Wishnie then introduced Mr. Baker to discuss his request for a waiver. Mr. Baker stated that he had been with the Westchester County Department of Parks, Recreation and Conservation for twenty years, serving for seventeen years as the Director of Program Development. Mr. Baker retired as of May 30, 2017 and is requesting a waiver because he

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has been offered a position with the Westchester Land Trust as the Land Conservation Projects Manager. Westchester Land Trust is a non-profit organization that has been in operation for approximately twenty years. Their mission is to preserve parcels of property in perpetuity for open space. His job will be to bring new properties into their portfolio, whether it be easements, fee simple purchases or partnerships with other organizations. A question was asked about who pays for the purchases. Mr. Baker replied that there are several different ways in which they are paid for ie: contributions, grants, state money. What brings him here today is the involvement of the Westchester Land Trust with Westchester County on Stuart's Farm protection. He continued to elaborate on this issue and noted that there is no exchange of funds. He noted that he had only one contact with the Westchester Land Trust while he was working for the County in connection with the Merestead property at a meeting with other organizations, held by the County Executive's Office 3-4 years ago.

Mr. Wishnie read the appropriate section from the Code of Ethics that would apply to this situation. A short discussion followed.

Mr. Mattis moved the item, Mr. Kramer seconded and the item was approved 4 - 0.

This item was recommended by the Ethics Task Force to the Committee on Legislation for approval and submission to the Board of Legislators for a vote.

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Task Force.

ADJOURNMENT

Moved by Mr. Kremer, seconded by Mr. Wishnie, the Committee adjourned at 1:24 PM.



Ethics Task Force

~MINUTES~

Wednesday, September, 20, 2017

10:00 AM

Task Force Chair:
Richard Wishnie

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

With a quorum present, Mr. Wishnie called the meeting to order at 10:06.

Attendee Name	Title	Status	Arrived
Richard Wishnie		Present	
Dennis Kremer		Present	

Others In Attendance: LAW: Robert Meehan; BOL: Aviva Meyer, Dante Dante; GUESTS: Paul Kutzy;

MINUTES APPROVAL

Tuesday, June 13, 2017 at 1:00 PM

I. ITEMS FOR DISCUSSION

1. **(ID # 10389) *Communication - County Ethics Waiver Request - Kutzy:***

Forwarding a letter from a former County employee requesting a waiver to the County Code of Ethics pursuant to the Laws of Westchester County, Section 883.21 (i)(3).

Chair Richard Wishnie then introduced Paul Kutzy to discuss his request for a waiver. Mr. Kutzy is presently the Assistant Commissioner of the Westchester County Department of Health of the Bureau of Environmental Quality and is considering taking a job with the Westchester Joint Water Works. Mr. Kutzy explained that this opportunity became available in June due to a retirement, and he has desired to work in the water utility sector. Mr. Wishnie pointed out Mr. Kutzy is already complying with the Ethics law by giving notice to the employer. The Task Force's concern is with the portion of the law stated that Mr. Kutzy could not appear before any county agency for a year, and read the portion of the draft resolution which addressed this.

Mr. Kremer inquired into Mr. Kutzy's current responsibilities. Mr. Kutzy explained that he was charged with administrating environmental programs which included regulating private and public water supplies, private and public sewerage disposal systems, industrial and commercial sources of air contamination, and construction of public swimming pools for regulatory compliance. At the Westchester Joint Water Works, Mr. Kutzy's responsibilities will be general manager for overall administration and technical operation of the water

Minutes Acceptance: Minutes of Sep 20, 2017 10:00 AM (MINUTES APPROVAL)

supply. He mentioned that his knowledge of the regulatory standards would be useful to Westchester Joint to avoid situations of being out of compliance.

Mr. Kremer moved the item, Mr. Wishnie seconded and the item was approved 2 - 0.

This item was recommended by the Ethics Task Force to the Committee on Legislation for approval and submission to the Board of Legislators for a vote.

RESULT: REVIEWED

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Task Force.

ADJOURNMENT

Moved by Mr. Kremer seconded by Mr. Wishnie the Task Force adjourned at 10:13 AM.

Minutes Acceptance: Minutes of Sep 20, 2017 10:00 AM (MINUTES APPROVAL)



Robert P. Astorino
County Executive

Department of Budget

Lawrence C. Soule
Budget Director

December 13, 2017

Hon. Michael B. Kaplowitz
Chairman of the Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Chairman Kaplowitz:

Please consider this letter to be a request related to potential future employment made pursuant to Section 883.21(h)(2) of the Laws of Westchester County.

I have received and am considering an offer of employment from Capital Markets Advisors, LLC (CMA), a corporation that is currently contracted with the County to assist the County and the Westchester Tobacco Asset Securitization Corporation to comply with their Continuing Disclosure Obligation under SEC Rule 15c 2-12. All services rendered and work performed by CMA is under the direction and subject to the approval of the Commissioner of finance. The term of the agreement between the County and CMA commenced on July 14, 2014 and terminates on July 13, 2019 with (2) additional (1) year option periods. For the work performed CMA receives a fee of \$5,000 annually which is increased by the CPI on July 1, 2016, July 1, 2017 and July 1, 2018.

CMA was also was previously contracted with the County to provide consulting services in connection with compliance for the SEC's Municipal Continuing Disclosure Cooperative Initiative. For this work Capital Markets advisors was paid a fee of \$5,000. This contract, which was procured by and administered by the Department of Finance, was in effect for the period July 14, 2014 to July 31, 2014.

I am aware that, if the Board of Legislators should act favorably upon my application and that if I should accept employment with CMA, I on my own behalf or as an employee, agent or representative of CMA, may not appear before any County agency in relation to any contract, case, proceeding or application in connection with which I rendered substantial services during the period of my employment by such agency and that I may not appear before any such County agency in connection with any other matter for a period of one year following my resignation from County service.

I respectfully request that the Board of Legislators consider my request at its meeting of March 6, 2017.

Sincerely,

Lawrence C. Soule III

Cc: Robert P. Astorino
Kevin J. Plunkett

Attachment: Soule Letter -Ethics waiver (10607 : County Ethics Waiver Request-Soule)