

September 6, 2013

John Clarkson  
Town Supervisor  
Bethlehem Town Hall  
445 Delaware Avenue  
Delmar, New York 12054

Dear Mr. Clarkson:

The Town of Bethlehem Board of Ethics is pleased to deliver to the Bethlehem Town Board its 2013 Annual Report.

The new Town of Bethlehem Code of Ethics was adopted on June 13, 2012. Pursuant to the Code, a Board of Ethics ("Board") was established consisting of five residents appointed by the Town Board, each serving three-year terms, with the exception of the initial appointments where two of the five members each serve two-year terms. The Code authorizes the Board to render advisory opinions to officers and employees of the Town, receive complaints, conduct investigations and make recommendations to the Town Board regarding such complaints.

The Board was appointed on September 12, 2012. Among its activities over the previous twelve-month period, the Board worked collaboratively with the Town's Office of Human Resources ("Office") to develop training materials for an ethics orientation program presented by the Office to all Town officers and employees. A webpage was also developed to provide officers and employees as well as members of the public with information regarding the Code of Ethics and the work of the Board. In addition, an electronic mail box was established to make contact with the Board convenient and confidential.

In 2012-13, the Board held four meetings. During these meetings, the Board worked on establishing procedures to govern its operation, identified and discussed issues of concern, and analyzed requests for advisory opinions. Since October 2012, the Board has responded to two inquiries regarding its procedures and three requests for advisory opinions. No formal complaints were filed during this period. The Board believes this activity demonstrates that it can serve as a valuable resource to Town officers and employees when questions of ethical conduct arise. In the coming year, we hope to continue to work with the Office of Human Resources to develop greater awareness of the Ethics Code and the Board by developing informational materials for posting and distribution.

As part of its responsibility to both interpret and apply the Town Ethics Code, the Board is in the unique position of identifying ways in which the Code can be clarified and strengthened. We believe it is important to bring these matters to your attention for whatever action you deem appropriate. This year, the Board presents two legislative proposals for your consideration:

- Amend the Code to include a mechanism for appealing an advisory opinion issued by the Ethics Board. Alternatively, amend the Code to render advisory opinions issued by the Ethics Board to be binding on the requestor. Absent an appeal process or binding application, the issuance of an advisory opinion is of limited value; and

- Authorize the Ethics Board to initiate an inquiry into an alleged violation of the Code when it receives information outside of the formal complaint process. No such authorization is present in the current statutory framework.

Finally, we would like to thank the Town Board for initiating the revitalization of the Town Code of Ethics and for giving each member of the Ethics Board the opportunity to serve the Town in this important endeavor. We look forward to working with you in the future to build upon these efforts.

Respectfully submitted,

Theresa A. Schillaci, Chair  
Loretta Simon, Secretary  
Lisa Allendorph  
Michael Fallon  
Peter Lauricella

c: Joann Dawson  
Kyle Kotary  
Jeffrey Kuhn  
Bill Reinhardt