

STATE OF NEW YORK

CITY OF YONKERS

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MINUTES OF

THE CITY OF YONKERS

BOARD OF ETHICS MEETING

OCTOBER 25, 2023 - 5:30 P.M.

AT

YONKERS CITY HALL

40 SOUTH BROADWAY

MAYOR'S CONFERENCE ROOM

YONKERS, NEW YORK 10701

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M E M B E R S:

LOUIS MOSIELLO - CHAIR

MARIA FRAGOSO - MEMBER

DENNIS GALLEGO - MEMBER

KATHLEEN ENNIS - MEMBER

BRUCE DONNELLY - MEMBER

P R E S E N T:

HELEN AGGREY, ESQ. - DEPUTY CORPORATION COUNSEL

WILLIAM SERRATORE

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PROCEEDINGS

CHAIR MOSIELLO: So it's
Wednesday, October 25th, 2023, it's
5:33, something like that, in the
evening, and we're going to
officially call the meeting of the
Ethics Board of the City of Yonkers
to order.

We will start by calling the
roll. I'll start with myself. I am
Louis Mosiello, I am the designated
chair.

MS. ENNIS: Kathleen Ennis,
member.

MS. FRAGOSO: Maria Fragoso,
member.

MR. GALLEG0: Dennis Gallego,
member.

MS. AGGREY: Helen Aggrey,
Deputy Corporation Counsel.

CHAIR MOSIELLO: So we have a
quorum and we call a meeting to
order. Has everybody had the
opportunity to peruse the minutes
that were submitted of the

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September 6th meeting, and if so,
does anybody have any corrections or
suggestions or prepared to make a
motion to accept?

MS. ENNIS: I'll make a motion
that the minutes be accepted.

MS. FRAGOSO: I second, Maria
Fragoso.

CHAIR MOSIELLO: All in favor
say "aye."

(A chorus of ayes.)

CHAIR MOSIELLO: Any
abstentions or negative notes? No.
Okay. There is no report from the
Chair. Committee reports. How about
you, Dennis?

MR. GALLEG0: We closed it last
time.

CHAIR MOSIELLO: Okay. Review
of old business. We have a referral
-- can we talk outside of the
executive session, the referral from
the District Attorney?

MS. AGGREY: Are you prepared

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to make a final decision?

CHAIR MOSIELLO: We have to make a discussion.

MS. AGGREY: Then we have to do it in --

CHAIR MOSIELLO: In the executive session or no?

MS. AGGREY: It's your discussion about anything that would be confidential or are you just discussing --

CHAIR MOSIELLO: Discussing what correspondence came in and what we think --

MS. AGGREY: Yes.

MR. GALLEG0: And make a recommendation.

CHAIR MOSIELLO: All right. So review of old business. We're going to review the referral from the District Attorney dated May 4th, 2023. And we received a correspondence from the Inspector General with regard to this, and as

PROCEEDINGS

1
2 we had said in the minutes of
3 September 6th, we did not see any
4 violation of the ethics code, there
5 didn't appear to us to be any. And
6 we asked the Inspector General if he
7 thought our findings were correct,
8 and he responded with this letter
9 which, in essence, says that our
10 finding was appropriate, and there's
11 also a list of all the employees
12 related and how they received their
13 jobs. So I'm prepared to hear a
14 motion.

15 MR. GALLEGO: Make a motion to
16 discuss this issue, which I believe
17 -- unless you wanted to meet in
18 executive, or can we discuss it.

19 MS. AGGREY: They're still on
20 --

21 MR. GALLEGO: I believe that,
22 you know, even though we asked the IG
23 for his opinion, which kind of agrees
24 with the DA that there's no
25 violation. And when we looked at the

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list of names as provided by the financial disclosure, I reviewed them all myself, I looked them all up in the HR system. They were either hired before the current administration, or they were hired off of a civil service list, or they were hired by a city council. So I think it's a moot point. We should put it to bed and find no finding.

CHAIR MOSIELLO: Okay. Would you like to put that in the form of a motion?

MR. GALLEGGO: I make a motion that we just put this -- the whole issue of nepotism to bed in this situation with this list of names that was provided.

CHAIR MOSIELLO: So does your motion conclude a finding of --

MR. GALLEGGO: Finding of no action required because there was nothing in violation of the ethics law.

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MS. AGGREY: I will second on that.

CHAIR MOSIELLO: Any discussion on this motion? All in favor signify by saying "aye."

(A chorus of ayes.)

CHAIR MOSIELLO: Any negative votes? Abstentions? No. This issue is now to bed.

MS. ENNIS: Would this be an appropriate time for me to comment though on what the Inspector General said about not being an investigative arm for the Ethics Board?

CHAIR MOSIELLO: I think it's appropriate.

MS. ENNIS: I think he is -- I think the Inspector General is supposed to be. I think it's mentioned a few times here that the Ethics Board can ask the Inspector General to do an investigation, as well as the Corporation Counsel's office. So should that be -- can

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that be or should it be relayed to --

MR. GALLEGOS: I believe that it should be -- you know, after the fact of not a first review, but if we can't come to a conclusion based on the facts presented to the Ethics Board, then we can present it to the IG. I think it should be a last resort rather than a first resort.

CHAIR MOSIELLO: What is the investigative arm of this court, Helen?

MS. AGGREY: As per the charter, the investigative arm is the board itself. You have the power to subpoena, you have the power to request documents, you have the power that the Inspector General has in addition to also directing the Corporation Counsel to do that for you as well.

CHAIR MOSIELLO: To?

MS. AGGREY: To request subpoenas on their behalf, to request

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documents on your behalf.

CHAIR MOSIELLO: And it is within the guidelines that if we need some assistance or a secondary looksie, that we can ask the Inspector General to do that?

MS. AGGREY: As the charter reads for the FSCS.

CHAIR MOSIELLO: Right.

MS. AGGREY: The only conflict of laws is that under the IG's legislation, it doesn't mention the Ethics Board.

CHAIR MOSIELLO: It does not?

MS. AGGREY: It does not.

CHAIR MOSIELLO: Right. Because he indicates it would only be the City Counsel or the Mayor, right?

MS. AGGREY: Right. Because the IG's legislation -- the IG was created prior to the Ethics Board creation. And when the Ethics Board law was created, it didn't mention the IG. It wasn't -- the IG's

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legislation wasn't changed to include the Ethics Board, so there's that over which one takes precedence.

CHAIR MOSIELLO: I think Kathleen has a great point --

MS. ENNIS: I think it says here at least twice.

CHAIR MOSIELLO: Right, so is there something that we should do to try and hopefully avoid this dilemma once again in the future? Is this something we can do to request the City Council maybe put something in the Ethics Board rules and regulations that say that under certain circumstances we would have the authority to reach out to the IG?

MS. AGGREY: It currently says that.

CHAIR MOSIELLO: In our rules but not if --

MS. ENNIS: But in the IG's rules?

MS. AGGREY: That is a

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recommendation that this board can
make.

CHAIR MOSIELLO: In doing so,
do we need to notify the Inspector
General that we're going to do that?

MS. AGGREY: There's nothing
that says you can't do it.

CHAIR MOSIELLO: Christine, you
brought it up. Would you like to
follow through on this, what would
you like to do?

MS. ENNIS: I'd like the
Corporation Counsel to follow through
on it.

CHAIR MOSIELLO: You want to
put it in the form of a motion?

MS. ENNIS: That the
Corporation Counsel begin the process
of coordinating with the Inspector
General's office -- no, that's not
right. Of --

CHAIR MOSIELLO: Spelling out.

MS. ENNIS: Yeah, spelling out
a rule for the Inspector General that

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the Ethics Board can request investigations when they see a possible ethics violation.

CHAIR MOSIELLO: How about to coordinate the two standing rules, one of which includes the Ethics Board's ability to reach out to the IG and the lack of that in the Inspector General's rules, to try to coordinate those two so they fit better together?

MS. FRAGOSO: They probably have to amend theirs.

CHAIR MOSIELLO: That's what I'm saying. It's probably just a matter of adding three words in.

MS. AGGREY: Yeah.

CHAIR MOSIELLO: Anybody would like to second that?

MR. GALLEGOS: I'll second.

CHAIR MOSIELLO: Any objections? All in favor say "aye."

(A chorus of ayes.)

CHAIR MOSIELLO: Any

PROCEEDINGS

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2 abstentions or negatives votes? No?
3 Now we move on.

4 Now we're onto our second issue
5 from your last meeting for Mr.
6 William Serratore. How do we handle
7 this, Helen? Do we just do this in
8 open meeting or --

9 MS. AGGREY: You're going to go
10 into executive session with
11 Mr. Serratore.

12 CHAIR MOSIELLO: And it's going
13 to be recorded?

14 MS. AGGREY: And it's going to
15 be recorded.

16 CHAIR MOSIELLO: So can I have
17 a motion to move into executive
18 session?

19 MR. GALLEGGO: So moved.

20 MS. FRAGOSO: Second.

21 CHAIR MOSIELLO: All in favor
22 say "aye."

23 (A chorus of ayes.)

24 CHAIR MOSIELLO: We are now in
25 executive session, [REDACTED]

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[REDACTED]

[REDACTED] Okay.

Motion to leave executive, go into
regular session, motion --

MR. GALLEGOS: So moved.

MS. FRAGOSO: Second.

CHAIR MOSIELLO: All in favor
say "aye."

(A chorus of ayes.)

CHAIR MOSIELLO: Okay. We are
now in regular session.

PROCEEDINGS

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2 Having had a conversation --
3 well, this will all be recorded,
4 right, this is all being recorded?
5 But that recording is separate. The
6 executive recording session is
7 separate.

8 We are now out of executive
9 section and we have discussed with
10 Mr. Serratore, employee of the City
11 of Yonkers, the complaint filed by
12 another citizen of Yonkers. And he
13 has indicated to us that he was
14 unaware of the policy in as much as
15 he hadn't been given his new employee
16 orientation as of yet at the time,
17 and that he apologized profusely for
18 making that mistake and promised it
19 would never happen again.

20 Would anybody like to add
21 something to that synopsis?

22 MR. GALLEG0: Just that we're
23 going to provide a letter to be put
24 in his file which simply says he's
25 now been educated and it will be

PROCEEDINGS

removed within a period of 90 days --

CHAIR MOSIELLO: Well, after that I put that synopsis on the board, now we need a motion from somebody about how we're going to send a letter.

MR. GALLEGGO: All right, I make a motion that we put a letter in Mr. Serratore's file notifying that he had a violation of the Ethics Board and that the letter was being -- that he's now since been educated on the policy, that the letter be sent to his file, which will be removed within 90 days, that as long as he doesn't do it again, is a moot point.

MS. ENNIS: Okay. Can we use the word --

MR. DONNELLY: Acknowledgement?

CHAIR MOSIELLO: Unintentional violation?

MR. GALLEGGO: Well, I'm saying we just put a letter in. We can

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compose the letter before it goes
down.

MR. DONNELLY: A letter of
acknowledgement --

CHAIR MOSIELLO: Oh, so we
don't have to say exactly what the
wording of the letter is, right?
We're going to it leave that in
Helen's hands?

MS. AGGREY: Yes.

MS. FRAGOSO: She's like no.

CHAIR MOSIELLO: Helen, you
know there's other committees. You
got to get a little seniority.

Anyway, a motion is on the
floor for a letter to be written from
the Ethics Board Counsel to Mr.
Serratore indicating that he has, in
fact, violated the ethics rules
unintentionally and that the letter
is to be placed in his file for a
period not to exceed 90 days at which
time the letter will be removed and
destroyed.

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MR. DONNELLY: Fair enough.

CHAIR MOSIELLO: That's good.

MS. FRAGOSO: Yep.

CHAIR MOSIELLO: Will anybody
second that motion? Bruce. All in
favor?

(A chorus of ayes.)

CHAIR MOSIELLO: All right,
next.

MS. AGGREY: Also for the
record, can you note yourself for the
record?

MR. DONNELLY: I did. Bruce
Donnelly.

CHAIR MOSIELLO: I think that
concludes all of our old business,
and we move onto new business.

MR. DONNELLY: Lou, before we
get to new business, I'd just like to
make a quick statement before, if you
guys don't mind.

CHAIR MOSIELLO: Sure.

MR. DONNELLY: So after being
appointed, I had questions about the

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2 fact that, one, I was a district
3 leader for the Republican party, so I
4 had obviously waited to get some
5 information on that. And last week
6 sometime I did get that, to the best
7 that I could, and so I resigned as a
8 district leader from the City of
9 Yonkers GOP, so everybody's aware in
10 case it has been -- I'm sure there's
11 more than one or two individuals from
12 the city that have looked at it. And
13 people monitor what goes on here, and
14 I don't want anybody to sit here and
15 say -- yes, I did sit as a district
16 leader, but I did resign that
17 position so I can remain on this
18 committee. All right? So
19 everybody's aware of that.

20 CHAIR MOSIELLO: It also should
21 be noted for the record that
22 Committee Member Jennifer Oelkers has
23 submitted her resignation to the
24 board. She didn't indicate the
25 reason, but just did indicate she was

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happy to have served with us even for a brief period of time and that she finds it necessary to resign. So we have it on the record.

Okay, so now we'll go to new business. Is that okay with everybody? New business. We have a letter from Yonkers taxpayers dated September 18th. So according to this letter, somebody is complaining --

MR. GALLEG0: This is going to be executive session now --

CHAIR MOSIELLO: Oh, we got to do executive session for this too, right? Motion to enter executive session?

MR. GALLEG0: So moved.

MS. FRAGOSO: Second.

CHAIR MOSIELLO: All in favor?

(A chorus of ayes.)

MR. GALLEG0: I'll amend the motion to include the letter from the Yonkers citizen as well as the letters from -- was it Sam Didal

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(phonetic)?

CHAIR MOSIELLO: Sam Didal. We have two issues to discuss and we're going to do them both in executive session, one second. Second?

MS. FRAGOSO: Second.

CHAIR MOSIELLO: All in favor?

(A chorus of ayes.)

(Whereupon, an executive session was held without the presence of the stenographer.)

CHAIR MOSIELLO: We've moved out of executive session and in regular session now. During executive session we discussed two pieces of new business. The first was a letter, an anonymous letter to the Ethics Board making an accusation that an employee for the City of Yonkers was doing campaign work on City time. Would someone like it make a motion in regard to this issue?

MR. DONNELLY: I'd like to make

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1 a motion. I'd like to make a motion
2 that City Counsel, Corporation
3 Counsel send a request or letter to
4 human resources having them provide
5 the Ethics Committee with the unnamed
6 employee's job description, their
7 time card, coming in and going out,
8 as well as the parking lot log for
9 that individual employee for the
10 period of June 1st through
11 September 30th, 2023. Anyone second?
12

13 CHAIR MOSIELLO: Is there a
14 second?

15 MR. GALLEGGO: So moved.

16 MS. ENNIS: I'll second.

17 CHAIR MOSIELLO: All in favor
18 please indicate by saying "aye."

19 (A chorus of ayes.)

20 CHAIR MOSIELLO: Is there any
21 negatives or abstentions? None being
22 heard, that motion is passed.

23 Our second piece of new
24 business was the letter from a
25 contractor in the City of Yonkers who

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2 sent an extensive packet making some
3 accusations of what he believed were
4 either criminal and/or ethics
5 violations.

6 I would like to make a motion
7 that the Corporation Counsel's office
8 review the packet that was sent to
9 the Ethics Board and to break it down
10 into what actually would be ethics
11 violations that should be considered
12 by this board. That is what we're
13 concerned with. Anything else would
14 have to be referred to different
15 authorities.

16 Does anybody have anything that
17 they would like to add to that
18 motion? Would anyone like to second
19 that motion?

20 MR. GALLEG0: So moved.

21 CHAIR MOSIELLO: Bruce. All in
22 favor?

23 (A chorus of ayes.)

24 CHAIR MOSIELLO: Any opposed,
25 abstentions? None heard, that is

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passed.

We're required to have four meetings a year. We've only had three based on a variety of different reasons. So we originally had a meeting scheduled or tentatively scheduled for December 6th, Wednesday December 6th. Is everybody good with that date so we can get that fourth meeting in? We'll make it at 5:30.

MR. DONNELLY: That's the meeting we tentatively set, right?

MS. ENNIS: Yeah.

CHAIR MOSIELLO: Right.

MR. DONNELLY: Because I have that here already.

CHAIR MOSIELLO: We're going to lock it in stone now. Everyone okay with that?

MR. GALLEGGO: Yes.

MS. FRAGOSO: Yes.

MR. DONNELLY: Yep.

CHAIR MOSIELLO: So December 6th will be the fourth

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obligatory meeting of this board.

Does anybody have anything they want to bring up, talk about, anything before we adjourn the meeting? I'll entertain a motion to adjourn.

MR. GALLEG0: So moved.

CHAIR MOSIELLO: Dennis and Bruce. Thank you very much. So moved.

(Time noted: 6:27 P.M.)

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C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF WESTCHESTER)

I, NATHAN DAVIS, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of November 2023.



NATHAN DAVIS