

STATE OF NEW YORK

CITY OF YONKERS

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MINUTES OF

THE CITY OF YONKERS

BOARD OF ETHICS MEETING

December 5, 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

DENNIS GALLEGO - MEMBER

KATHLEEN ENNIS - MEMBER

BRUCE DONNELLY - MEMBER

P R E S E N T:

HELEN AGGREY, ESQ. - DEPUTY CORPORATION COUNSEL

MATTHEW GALLAGHER, ESQ. - CORPORATION COUNSEL

PROCEEDINGS

CHAIR MOSIELLO: The time is 5:36 and this is the regularly scheduled meeting of the Ethics Board. We're going to start by calling the roll. I'll start with myself. I'm Lou Mosiello, designated chair.

MS. ENNIS: Kathleen Ennis, member.

MR. GALLEGGO: Dennis Gallego, member.

MR. DONNELLY: Bruce Donnelly, member.

MS. AGGREY: Helen Aggrey, Deputy Corporation Counsel.

MR. GALLAGHER: Matt Gallagher, Corporation Counsel.

CHAIR MOSIELLO: So we have a quorum. We're going to move to the minutes of the meeting of October 25th, 2023. Has everybody had the opportunity to read the minutes and are there any --

MS. ENNIS: Just have a few

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corrections.

CHAIR MOSIELLO: Okay, take off.

MS. ENNIS: On page 11, line 9, you have Lou saying "Christine, you brought it up," but I think it's Kathleen. It was me.

CHAIR MOSIELLO: It was.

MS. ENNIS: And also --

MR. DONNELLY: That was page 11, row 9?

MS. AGGREY: Yeah.

MS. ENNIS: On page 38, line 25 and on 39, line 3, Sam Dahdal's name is spelled wrong. The name should be spelled D-A-H-D-A-L. So that's twice.

And I have a feeling on page 19 toward the bottom Mr. Donnelly was being very polite because he came in late and apologizing, but it's when Mr. Serratore was there, and Mr. Donnelly is saying "I apologize for everyone on the board," and it gives

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a different interpretation of what
you were --

MR. DONNELLY: It depends what
was going on.

MS. ENNIS: You know what I
mean?

MR. DONNELLY: Yes, absolutely,
"to everybody."

CHAIR MOSIELLO: That should be
"to."

MS. ENNIS: And those are small
--

MR. DONNELLY: Yes, but that
one does make a difference.

MS. ENNIS: And I don't know
where -- on page 7, line 2, that it
has Ms. Aggrey saying "I will second
that," and she doesn't second
motions.

CHAIR MOSIELLO: Anything else,
Kathleen?

MS. ENNIS: That's it.

CHAIR MOSIELLO: Does anybody
else have any corrections to the

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minutes? In that case I will accept the motions to approve the minutes as amended.

MR. GALLEG0: So moved.

CHAIR MOSIELLO: Second?
Second. All in favor indicate by saying "aye."

(A chorus of ayes.)

CHAIR MOSIELLO: Any opposed?
Done. Okay. Report from the chair.
There is none. Committee reports.
Are there any committee reports,
Dennis? You're only the committee we
got.

MR. GALLEG0: No.

CHAIR MOSIELLO: Go to old
business. First one is the letter
from Yonkers Taxpayers of
September 18th, 2023. That was the
one that we discussed and we felt
that there was no violation of any
ethics rules and -- am I saying
something wrong?

MS. AGGREY: Yes.

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CHAIR MOSIELLO: Then please
correct me.

MS. AGGREY: That is the
complaint that you have received, the
investigation.

CHAIR MOSIELLO: Oh, that's
this one? Okay, I was thinking of
the other one. Okay. I correct
myself. That was the letter claiming
that a member of the city employ
attended a political event while
dressed in city -- no. Why don't you
just take over, Helen, because I'm
done anyway. I'm tired.

MS. AGGREY: That's the
complaint about a city employee not
being present in the office.

MR. DONNELLY: In the office.

CHAIR MOSIELLO: That one was
taken care of at that last?

MS. AGGREY: Exactly.

CHAIR MOSIELLO: So that's
done?

MS. AGGREY: Correct.

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CHAIR MOSIELLO: So what do we do this on one, Helen?

MS. AGGREY: We got to go into executive session to discuss what you have received in your packet.

CHAIR MOSIELLO: And what about the -- then we're going to have to come back in. And what about the letters from Dahdal?

MS. AGGREY: I can mention that one on the record. The office is still reviewing his complaints and we have not provided anything to you yet. We will hope to get something to you guys in the next year.

CHAIR MOSIELLO: Because your office was going to look into if there was an ethics violation involved in all of that.

MS. AGGREY: Correct.

CHAIR MOSIELLO: So we can for the moment dismiss that.

MS. AGGREY: Right.

CHAIR MOSIELLO: So motion to

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go into executive session?

MR. GALLEG0: So moved.

Second. All in favor?

(A chorus of ayes.)

(Whereupon, the Board held an executive session.)

CHAIR MOSIELLO: We're back in session. After discussion in executive session, it was determined that the investigation into this issue relative to a letter from the Yonkers Taxpayers dated September 18th of 2023 is still under investigation. The investigation has not been completed to come to a determination. So we're going to wait and deal with this at the next regularly scheduled meeting.

Next. That concludes old business. Does anybody else have anything under old business? No. Okay. Onto new business. Before we get into new business that's in our file that was given to us, I want to

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-- it's actually old business, but I'm bringing it up as new business. There was a conversation about the investigative powers of this board, and there seems to be a conflict between what we think the investigative powers of this board are and what the Inspector General thinks.

What we've determined thus far is that the Inspector General's -- the parameters of his duties and responsibilities were made before the Ethics Board came into existence. So therefore, he, according to his paperwork, says that he is only responsible to be guided by the Mayor and/or City Council, is my understanding.

But then the Ethics Board was constituted, and in its charter or whatever it is, its definition of terms, it says that under certain circumstances we can ask the

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Inspector General to investigate on our behalf. We need to settle this. We need to get it melded. And I'm looking for suggestions. Helen, Matt, or how do we get this done?

MS. AGGREY: I think the Ethics Board can make a recommendation --

CHAIR MOSIELLO: I know, but the last time we thought we might do that we were met with resistance.

MS. AGGREY: Regarding the --

CHAIR MOSIELLO: Yeah.

MS. AGGREY: -- the charter change.

CHAIR MOSIELLO: No, the -- I meant as far as --

MR. DONNELLY: No, from the IG's office --

CHAIR MOSIELLO: You know, help with an investigation because it was you guys don't have the right to tell me -- you know.

MR. DONNELLY: Is this a charter change that we would have to

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put forward so it gets amended?

MR. GALLAGHER: To beyond
requesting. Requesting is just
requesting as opposed to directing,
you know?

MR. DONNELLY: Right.

CHAIR MOSIELLO: But it says
here --

MR. DONNELLY: In other words
--

MR. GALLAGHER: He can always
just turn you down or say I don't
have the authority. Unfortunately, a
lot of the issues that this body has
been charged with investigating
lately, the IG has also gotten these
complaints, so these investigations
have been running concurrently, and I
think therein lies some of the
issues. And I think in the past in
some cases you've waited for him or
made a determination you'll wait for
the Inspector General to conclude his
investigation before you took any

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2 action, which I believe is completely
3 appropriate. I'm not sure how often
4 this would come up in the future. Is
5 there any particular investigation
6 that we're talking about?

7 CHAIR MOSIELLO: No. We're not
8 talking about -- we're not talking
9 about every letter we get saying just
10 shoe it over to the IG. We're
11 talking about in certain cases where
12 our investigative abilities are
13 limited and maybe -- we can go out
14 and hire a private detective I would
15 assume, but we have an in-house
16 investigator, and our rules say that
17 we're supposed to use him for
18 investigations. It's just that his
19 rules don't say that.

20 MR. GALLAGHER: Yeah.

21 CHAIR MOSIELLO: So we just
22 need to coordinate the rules. And I
23 don't know if that's done through
24 just an understanding, or the City
25 Council has to do something or what,

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but I think before it becomes a
problem, we should settle it.

MR. GALLAGHER: I don't recall
seeing his correspondence, but I will
review that, I will review the
charter positions.

MR. DONNELLY: That was at the
last meeting?

MS. ENNIS: Yeah, I think he
expressed it as something like his
office is not the investigative arm
--

CHAIR MOSIELLO: Right, he said
we are not the investigative arm of
your committee.

MR. DONNELLY: Consistent with
what his --

MS. ENNIS: Right.

CHAIR MOSIELLO: -- what he
says, yeah, he was right based on
what he says --

MS. ENNIS: But, you know, I've
actually been on this board for a
long time, and I don't want to

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2 exaggerate, but I really feel the
3 previous inspector generals were
4 almost a regular -- they would show
5 up on a regular basis.

6 MR. GALLAGHER: Well, you can
7 request -- anyone can request that
8 the IG -- I mean it really is charged
9 -- it's the executive branch and the
10 council, but he receives complaints
11 all the time from many sources and
12 conducts investigations if he deems
13 it's appropriate to do so. So he
14 always has the discretion. So I
15 would frame it more as a request from
16 this body to the Inspector General as
17 opposed to a mandate.

18 CHAIR MOSIELLO: We're not
19 looking to boss the Inspector General
20 around. We just want -- I'm just
21 trying to make the two different
22 definitions of how you go through
23 these things say the same thing.

24 MR. GALLAGHER: I don't see
25 that --

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CHAIR MOSIELLO: Because ours says twice it says that we're supposed to go to the Inspector General.

MS. ENNIS: Yeah, because --

CHAIR MOSIELLO: So how do we --

MS. ENNIS: He did go on to even say -- he's quoting I guess what was in his charter or whatever. Further, my office can only be directed by the Mayor and/or majority of the Yonkers City Council.

MR. GALLAGHER: And I believe that's the issue. There's a difference between being directed, which they can -- I mean the Council can do it through resolution and the mayor can just do it -- and request to come in from all sources which this body can be another one, so maybe it's just a discussion --

CHAIR MOSIELLO: Maybe we can have an understanding.

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2 MR. GALLAGHER: An
3 understanding. And before we go
4 anywhere, have the Inspector General
5 come down to the next meeting and try
6 to work this out because you can't
7 direct him, which is what I was
8 saying, it's not a mandate, but
9 anybody can ask the Inspector General
10 to conduct an investigation on any
11 issue. Whether he pursues it after
12 reviewing a complaint, it's up to his
13 discretion. I think the best course
14 of action would be to have him down
15 here at the next meeting and have a
16 discussion.

17 MR. DONNELLY: But in light of
18 that, we still have the Council going
19 this way and then to him. It's a
20 longer way, it's a longer way --

21 CHAIR MOSIELLO: Listen, I'm
22 not looking to give him any more
23 work, but you just -- but it's, you
24 know, I'm just --

25 MR. GALLAGHER: We need the

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resources. Understood.

CHAIR MOSIELLO: It's an inconsistency.

MR. DONNELLY: So maybe we can -- outside of this meeting we can put that together and have a conversation and then have him come to the next --

MR. GALLAGHER: And we do always have my two investigators.

CHAIR MOSIELLO: Oh, okay.

MR. GALLAGHER: We do. That's why I'm here tonight, and Helen. We can always be like this information that was pulled up was pulled by our investigators.

CHAIR MOSIELLO: So why don't you, or if you wish, me, just give Liam a call and tell him we were discussing this because there's an inconsistency in your charters.

MR. GALLAGHER: I will do that.

CHAIR MOSIELLO: And if we can just do something on a cordial basis which if we think it's something you

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need to look at it, we'll request it.

MR. GALLAGHER: So the body is making a motion, a resolution to direct me to have a conversation with the Inspector General, which is fine, because the body has to act as a body.

MR. DONNELLY: I make the motion and Matt can confer with Inspector General to discuss the issue moving forward.

CHAIR MOSIELLO: Any second?

MR. GALLEGGO: I'll second.

MS. ENNIS: Second.

CHAIR MOSIELLO: All in favor?

(A chorus of ayes.)

CHAIR MOSIELLO: Any opposed?
No. Okay, great, that's out of the way.

Under new business we have a substantial number of letters here. Could you please explain to us what's going on with these letters, please?

MS. AGGREY: Want to go into

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executive session?

CHAIR MOSIELLO: Oh, do we need to? Is that what you're recommending?

MS. AGGREY: Yes.

CHAIR MOSIELLO: We need to move into executive session. Can we get a motion, please?

MR. DONNELLY: So moved.

CHAIR MOSIELLO: Second.

MR. GALLEGGO: Aye.

CHAIR MOSIELLO: All in favor?

(A chorus of ayes.)

(Whereupon, the Board held an executive session.)

CHAIR MOSIELLO: We're back -- we're out of executive session, back into regular session. A discussion was held, and we go to Bruce for a motion.

MR. DONNELLY: I'd like to make a motion that we have a resolution that the Corporation Counsel provide us with the information and

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documentation discussed during the
executive committee meeting.

MS. ENNIS: I'll second.

CHAIR MOSIELLO: All in favor?

(A chorus of ayes.)

CHAIR MOSIELLO: Any opposed?

So moved.

It says here "review of
complaints." That's it, we're done
with that. Okay, next.

As I said once before, I like
to try and do meetings March, June,
September, and December. Every three
months or so. I would suggest perhaps
the third Wednesday in March because
it would be just about spring then
and nobody has to worry about coming
out in the snow, which would bring it
to the 20th of March.

MR. DONNELLY: Let me check my
St. Patty's day calendar.
Considerably different now that you
have an Irish child on board.

CHAIR MOSIELLO: That's 3/17.

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So that's the Sunday before. That gives us three days.

MR. DONNELLY: Okay, okay.

MS. ENNIS: Well, the third Wednesday is the 20th.

CHAIR MOSIELLO: Or we can do it the second Wednesday if you want. I just thought it would be a little more into the winter month as opposed to getting closer to the spring.

MS. ENNIS: And probably --

MR. DONNELLY: 13 or 20th works for me.

CHAIR MOSIELLO: Unless you want to hold it to the end of March which would be the 27th. I'm good with any of them. Dennis?

MS. ENNIS: Yeah, I think --

MR. GALLEGGO: 20th.

CHAIR MOSIELLO: He likes the 20th.

MS. ENNIS: Yeah, probably.

CHAIR MOSIELLO: Bruce?

MS. AGGREY: Yeah.

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CHAIR MOSIELLO: Okay. So I propose that we have our next regular meeting on March 20th. That's Wednesday, March 20th at 5:30 P.M. Are there any objections? None being heard, we'll set the meeting date for that. Is there anything else that anybody would like to bring up before the board? No? Bruce?

MR. DONNELLY: No, no, I think we're good.

CHAIR MOSIELLO: Nothing being heard, I will accept the motion for adjournment.

MR. GALLEG0: So moved.

CHAIR MOSIELLO: Second?

MR. DONNELLY: Second.

CHAIR MOSIELLO: All in favor?

(A chorus of ayes.)

(Time noted: 6:45 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 12th day of November 2023.



NATHAN DAVIS

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