July 31, 2012

Town Board
Town of Fishkill
807 Route 52
Fishkill, New York 12524

RE: Ethics and Financial Disclosure

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Members of the Board:

You have discussed revising the Town’s Financial Disclosure Law that has been found to be cumbersome and onerous. There are several ways to do this and I need some guidance from you in order to prepare the law you wish to put in place. Let me begin with a background discussion of the requirements of financial disclosure in New York.

Under New York state law there is no requirement that officials in towns of less than 50,000 file financial disclosure forms at all. A town of under 50,000 people may, however, opt into the requirements of General Municipal Law Section 812 that requires financial disclosure filings for officials in towns of over 50,000 people. Once a town opts in, it must comply with the minimum requirements of financial disclosure filing. These are less onerous than those of your current law but still require the information set forth in Section 5 of Section 812 of the General Municipal Law [see attached copy of that law beginning at page 3].

A town of under 50,000 may elect to withdraw and relieve itself from the financial disclosure requirements of Section 812. It may do so by passage of a local law repealing its opt-in law requiring filing of financial disclosure forms. However, opting out laws may only be effective on the second year next succeeding the year in which the local law is enacted and all previous and current filings must be made and maintained by the town until that time. I read this as requiring the same two-year filing and maintaining of
disclosure forms if you choose to amend your law. Thus, whatever you do in regard to changing your financial disclosure filing requirements, previous year and current filings are required and will be required for an additional two-year period after you enact an amended law or an opt-out law.

I had earlier sent to the Supervisor a proposed outline of a local law amending your current financial disclosure requirements. The approach was to repeal the present law [Chapter 71] in its entirety and to place more modest financial disclosure requirements within the existing ethics chapter [Chapter 15]. I enclose a copy of the guts of a local law that I had earlier sent to the Supervisor. Please note that the level of detail of the identified categories on the form to be filed would need to be consistent with the forms set forth on pages 3–9 of the copy of Section 812 I include with this letter.

After you have had a chance to discuss these issues you can decide where you want to go and, from there, I can begin work on a local law that will achieve your objectives.

Very truly yours,

MICHAEL H. DONNELLY

MHD/lrm