

To: Town of Thompson Board, Thompson Planning Board, Michael Mednick Esq, Paula Kay Esq., Richard McGoe, P.E.

RE: POSSIBLE CONFLICT OF INTEREST FOR RICHARD MCGOEY P.E.

I have read the agenda for the upcoming February 3, 2015 meeting which states that Mr. McGoe, who is an employee of the Town of Thompson, will be asked to prepare, for sewage purposes, a map, plan and report for the Thompson Education Center (formerly China City).

I read the Town of Thompsons Ethic Law and I interpreted it that this would create the appearance of impropriety with a conflict of interest. Since Mr. McGoe is a paid employee of the Town of Thompson and he has previously given testimony and statements of fact before this board and the Planning Board regarding T.E.C.. He cannot serve two masters by representing the residents of Thompson and also by representing T.E.C. in the manner aforementioned. Furthermore, I understand that he would be paid by T.E.C. for his expertise which would also be a conflict of interest.

Under 21-3 Standards of conduct.

E. Representation before any agency for a contingent fee. No officer or employee or the Town shall receive or enter into any agreement, express or implied, for compensation or services to be rendered in relation to any matter before any agency of the Town whereby the compensation of such officer or employee is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

F. Disclosure of interest in pending matters. To the extent that an officer or employee of the Town shall have knowledge of such facts, any officer or employee of the Town, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Town on any matter before the agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest that officer or employee of the Town has in such matter pending before the Town or any agency of the Town.

K. Course of conduct. No officer or employee of the Town shall pursue any course of conduct which will raise or tend to raise a suspicion among the public that such officer or employee is likely to be engaged in acts that are in violation of his trust and/or oath of office.

L. Contracts with interested parties. No officer or employee of the Town should enter into a contract with a person or party after the filing by such person or party of an application with the Town Board or other agency of the Town unless the Town Board or other agency of the Town shall have determined on written request that such contract will have no adverse effect on the performance of the official duties of such officer or employee of the Town and will not be a conflict of interest as defined in and by the General Municipal Law.

For the purposes of this subsection, a subcontract for the performance of work, labor and services with respect to a project funded by the Town shall be deemed to be a contract with the person or party who is a member of a board or agency having jurisdiction of the contract or the contractor.

M. No officer or employee of the Town should engage in any transaction as a representative of the Town with any business entity in which such officer or employee of the Town has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of the official duties of such officer or employee of the Town; provided, however, that the Town Board or other agency of the Town, after full disclosure, may consent to representation in accordance with appropriate standards established by ethical boards representing attorneys and other professional consultants advising the Town Board or other agency of the Town, and provided further that ownership by an officer or employee of the Town of a publicly traded security issued by a corporation which has a matter, proceeding or application pending before the Town Board or other agency of the Town shall not be deemed to be a conflict if such ownership does not involve a controlling position held by such officer or employee of the Town and such ownership shall be disclosed as herein provided.

With all this being said I respectfully request that the Town Board and the Town Attorney review the Code of Ethics before allowing Mr. McGoey and his engineering firm to participate in any and all review or expertise mapping, plans or reports.

Thank you,

John F. Konefal, February 1, 2015