

ETHICS COMMITTEE MEETING
April 12, 2021

PRESENT: Susan Schumacher, Robin Gilbert, Joseph Czechowski, Chris Trapp

The meeting was called to order at 5:37PM.

Hard copies of the updated Ethics Rules & Regulations were distributed to committee members.

A question was raised by member Gilbert as to the legality and ethics of the decision by the Village of Alden Board of Trustees to appoint Michael Manicki as Mayor at the 4/5/2021 Organizational Meeting.

Attorney Trapp provided a brief history of recent happenings with the Village Board positions:

Mark Casell resigned from the Mayor's position on 1/2/2021 due to an alleged conflict according to his employer. Elected in September 2020 (due to the delay set by the Executive Orders in response to the pandemic) with a term of office to expire in March 2024, the position was not eligible to be placed on the ballot for the March 2021 elections since it was less than seventy-five days prior to the March, 2021 election. The election for the remainder of this term would be held in March 2022.

Dan Warmus, a Trustee and Deputy Mayor, having been appointed as such by Mayor Casell, was advised that he could remain in his Trustee position, which was also up for re-election in March 2021, and serve as Deputy Mayor, or resign from his Trustee position and be appointed Mayor. Attorney Trapp noted that, according to Village Law, an individual cannot hold both the Mayor and Trustee position at the same time, but could hold the position of Deputy Mayor and Trustee simultaneously.

Warmus chose to resign his Trustee position and was appointed as Mayor on 1/26/2021 by the then-current Board until the next Organizational Meeting of the Board which would be in April 2021. He was advised that he would have to be re-appointed as Mayor at the Organizational meeting at that time for a term to expire in March 2022 at which time the position of Mayor would be on the ballot for the rest of the unexpired term originally held by Mayor Casell. It should be noted that the January appointment offered no protection or guarantee of future appointments to the position of Mayor after the current term ended on 4/5/2021. Warmus chose not to run for reelection as Trustee in the March 2021 elections, and as a result, three new Trustees were elected in the March 2021 elections, with their new terms to start at noon on the first Monday in April after the March elections as per Village Law.

At the Organizational Meeting on 4/5/2021, with the new Board of Trustees seated, Warmus asked for a motion and second to appoint Daniel J. Warmus Sr. to the position of Mayor for the term to expire in March 2022. No such motion or second was put forth. Warmus asked two more times for a motion and second (as per Robert's Rules of Order), but no such action came. At that point, Warmus exited the meeting.

Trustee Pruitt then made a motion to appoint Michael Manicki to the position of Mayor for the term to expire in March 2022. The motion was seconded by Trustee Refermat. A vote was taken and all were in favor. Mayor Manicki was then duly sworn in to the position.

The choice not to appoint Warmus and instead appoint Manicki was completely within the requirements of applicable Village Law. While Village Law section 4-400 requires the Deputy Mayor to come from the ranks of the Board of Trustees, no such similar requirement exists with respect to Mayor (or Trustee) under Village Law section 3-312. It was also clarified that there were no ethical violations regarding these actions as they were simply political appointment actions by a sitting Board of Trustees. The former Board could not have bound the new Board with the appointment prior to the end of their respective terms.

The Board of Ethics found no further need to investigate the matter or take further action.

A motion to adjourn was put forth by Schumacher and seconded by Gilbert. All were in favor.

The next meeting will be September 28, 2021 at 6:00PM.

The meeting was adjourned at 5:59PM.

I respectfully submit,

Joseph Czechowski
Ethics Committee