

I, Damien Henry, in my capacity as Selectman of the Town of Alburgh, hereby make the following statement regarding my participation in the selection process for the position of Town Administrator.

It has been disclosed that one of the applicants for the position, Josie Henry, is my sister-in-law. After careful consideration and review of state ethics law, I have determined that my relationship with the candidate will not impair my ability to act impartially and in the best interests of the Town.

I affirm that:

- I have no financial interest, direct or indirect, in the appointment of the Town Administrator.
- I am capable of exercising objective and unbiased judgment in evaluating all candidates.
- I will not provide preferential treatment to any candidate, including Josie Henry.
- I will conduct myself in strict compliance with applicable ethics laws and uphold the integrity of the selection process.

Based on the foregoing, I do not believe that recusal is necessary or required. I will fully disclose this relationship to the public and continue to participate in all discussions, deliberations, and votes regarding the selection of the Town Administrator.

Signed this 28th day of April 2025.

Damen Henry

24 USA CHAPTER 60

§ 1992. CONFLICTS OF INTEREST

(a) Duty to avoid conflicts of interest. In the municipal officer's official capacity, the officer shall avoid any conflict of interest or the appearance of a conflict of interest. The appearance of a conflict shall be determined from the perspective of a reasonable individual with knowledge of the relevant facts.

(b) Recusal. (1) If a municipal officer is confronted with a conflict of interest or the appearance of one, the officer shall immediately recuse themselves from the matter, except as otherwise provided in subdivisions (2) and (5) of this subsection and not take further action on the matter or participate in any way or act to influence a decision regarding the matter. The officer shall make a public statement explaining the officer's recusal.

(2)(A) Notwithstanding subdivision (1) of this subsection (b), an officer may continue to act in a matter involving the officer's conflict of interest or appearance of a conflict of interest if the officer first:

(i) determines there is good cause for the officer to proceed, meaning:

(I) the conflict is amorphous, intangible, or otherwise speculative;

(II) the officer cannot legally or practically delegate the matter; or

(III) the action to be taken by the officer is purely ministerial and does not involve substantive decision-making; and

(ii) the officer submits a written nonrecusal statement to the legislative body of the municipality regarding the nature of the conflict that shall:

(I) include a description of the matter requiring action;

(II) include a description of the nature of the potential conflict or actual conflict of interest;

(III) include an explanation of why good cause exists so that the municipal officer can take action in the matter fairly, objectively, and in the public interest;

(IV) be written in plain language and with sufficient detail so that the matter may be understood by the public; and

(V) be signed by the municipal officer.

(4) If an officer's conflict of interest is related to an official municipal act or actions considered at a public meeting, the officer's nonrecusal statement shall be filed as part of the minutes of the meeting of the public body in which the municipal officer serves.

(c) Authority to inquire about conflicts of interest. If a municipal officer is a member of a public body, the other members of that body shall have the authority to inquire of the officer about any possible conflict of interest or any appearance of a conflict of interest and to recommend that the member recuse themselves from the matter.