

**Ethics Committee - Town of West Seneca
December 15, 2014 @ 5:55 P.M.**

Members Present - George P Clifford, Chairman
Amy L Carpenter
Susan Kims
Jacqueline A Felser, Town Clerk
Charles Grieco, Attorney for the Town

Members Absent - Edward F Gehen Jr.
James E Manley
Shawn P Martin

The meeting was held at the West Seneca Town Hall, 1250 Union Road, West Seneca and called to order by Chairman George Clifford at 5:55 P.M.

ETHICS REFERRAL FORM

Chairman Clifford stated the ethics violation form was sent to the Town Board and no response was received regarding its form.

Attorney for the Town Charles Grieco noted the language of the Town Code states only town officials, officers or employees can file a complaint. The Ethics Committee may not have jurisdiction to entertain complaints from the general public, but the Town Code could be changed to allow for this.

Amy Carpenter suggested adding a whistleblower clause to the Town Code for employees' protection.

Mr. Grieco stated there are whistleblower statutes that may protect employees depending on the complaint. If requested, he will draft proposed language to be included in the Town Code.

Motion by Clifford, seconded by Kims, that Attorney for the Town Charles Grieco recommend amendments to the Town Code involving any person's ability to file a complaint with the Ethics Committee and whistleblower protection.

Ayes: All

Noes: None

Motion Carried

ETHICS PROCEDURES

Susan Kims presented recommendations on procedures of the Ethics Committee summarized as follows:

- Disclosure Statements – All elected officials and salaried department heads shall file with the Town Clerk a disclosure of all outside employment, business interests and investments (other than ownership of less than 5% of the stock of a publicly held corporation).

Attorney for the Town Charles Grieco advised that the Town Board would have to adopt a local law that addresses disclosure statements. It is required by NYS Law when the population is over 50,000 and the population of West Seneca is under that. The Ethics Committee could make recommendations to the Town Board concerning which employees should be required to file disclosure statements.

- Establish term of office, procedure to fill vacancies and for removal of board member when warranted

Mrs. Kims stated she has questioned the Town Board as to the term of office and had not received an answer.

Amy Carpenter suggested inviting the Town Board to the next Ethics Committee meeting to discuss this issue.

- Establish powers and duties of the Board of Ethics
- Establish procedure for receiving complaints and procedure for conducting investigations
- Establish set of penalties for offenses
- Ethics training for officers, officials & employees with monitoring by the Ethics Committee
- Establish a policy for whistleblower protection (addressed earlier)
- Establish official ethics complaint form (addressed earlier)
- Establish periodic times Ethics Committee will meet annually
- Establish protocol for written and signed request for advisory opinions

Mrs. Kims suggested changing the verbiage of definitions in Town Code for the following: Doing Business with the Town; Family Member; Interest; Town official or employee (see attached). She further suggested reviewing the Town of Clarence code online, which she thought was a good example to follow.

Motion by Clifford, seconded by Carpenter, to table these suggestions until the next meeting.

Ayes: All

Noes: None

Motion Carried

CLOSED DOOR/CONFIDENTIAL INFORMATION

Attorney for the Town Charles Grieco referred to Judge Bannister's decision and stated the procedures followed with the last complaint are what the Ethics Committee has to do. Hearings shall be held in public, deliberations behind closed doors and the decision in public.

Amy Carpenter commented on the possibility of unfounded/unsupported complaints and thought they should be handled in private as a personnel matter. Mr. Grieco discussed the Freedom of Information Law with regard to disclosure of information and unwarranted invasion of personal privacy.

ETHICS COMMITTEE SECRETARY

Chairman Clifford reiterated a proposal from the previous meeting to compensate the Ethics Committee Secretary.

Attorney for the Town Charles Grieco stated this would have to be a recommendation to the Town Board and they would have to allocate funds for that purpose. He understood that all of the secretaries to other various boards get compensated.

Amy Carpenter suggested each of the members take turns transcribing the minutes.

Motion by Clifford, seconded by Kims, to table this issue until it is addressed with the Town Board.

Ayes: All

Noes: None

Motion Carried

Mrs. Carpenter questioned if the minutes are sufficient for communicating advisory opinions and recommendations to the Town Board.

Chairman Clifford questioned if the minutes were sent to the Town Board.

Town Clerk Jacqueline Felser did not recall if she had forwarded a copy to the Town Board, but they were posted online.

Chairman Clifford suggested the minutes could be sent as a draft to committee members and the Town Board and then voted on at the next meeting. The draft could also be posted online.

Susan Kims suggested advisory opinions be in written form to the Town Board and not part of the minutes.

Mrs. Carpenter suggested the committee members see the recommendation in writing prior to it being forwarded to the Town Board. She would also like to know what the Town Board does in response to their recommendations.

Mr. Grieco noted that according to General Municipal Law, no member of the Ethics Committee shall be compensated; therefore, if the secretary is to be compensated it will have to be someone not on the Ethics Committee.

Chairman Clifford suggested discussing this issue with the Town Board.

NEXT MEETING

The next Ethics Committee meeting was scheduled for Monday, January 26, 2015 at 5:30 P.M. and the Town Board members will be invited to attend in order to review various issues.

ADJOURNMENT

Motion by Carpenter, seconded by Kims, to adjourn the meeting at 6:45 P.M.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,



Jacqueline A Felser
Town Clerk