

Ethics Committee - Town of West Seneca

June 16, 2014 @ 5:30 P.M.

Members Present - Amy L Carpenter
George P Clifford
Edward F Gehen Jr.
Susan Kims
James E Manley
Shawn P Martin
Jacqueline A Felser, Town Clerk
Charles D Grieco, Attorney for the Town

Members Absent - None

The meeting was held at the West Seneca Town Hall, 1250 Union Road, West Seneca and called to order by Town Attorney Charles Grieco at 5:30 P.M.

APPROVAL OF MINUTES

Attorney for the Town, Charles Grieco, noted the following corrections to the minutes: 1) Town Attorney should read Attorney for the Town; 2) employees are required to sign Code of Ethics.

Motion by Manley, seconded by Gehen, to approve minutes from the June 2, 2014 meeting with corrections as noted by Attorney for the Town, Charles Grieco.

Mrs. Carpenter questioned if all employees had signed the Code of Ethics.

Mrs. Felser responded she reviewed the signed forms on file and informed Supervisor Meegan that Councilman Hanley and Zoning Board Chairman Timothy Elling had not signed.

Mr. Gehen questioned how any employee, including union employees, could be held to it if they had not signed.

Mr. Martin stated all employees are bound by the Code of Ethics and he referred to §13-8 which states, "Compliance with this code of ethics shall be deemed a condition of employment for all Town officials, officers and employees ..."

Mr. Gehen questioned if employees are given a copy of the Code of Ethics when they are hired.

Mrs. Felser responded that it is specified in the Code of Ethics that all employees shall be given a copy of the code by the Supervisor's office and she had provided forms to that office.

Mrs. Kims suggested it be noted in an employee's personnel file if they opt not to sign.

Mr. Clifford suggested recommending to the Town Board that future employees are required to sign the Code of Ethics as a condition of employment.

Mr. Grieco understood that the union had already grieved that issue and won.

Mr. Martin stated it never went to arbitration because the town did not want to waste time and money when the employees are bound by it anyway.

Mr. Gehen suggested recommending to the Town Board that the Code of Ethics be amended to include a statement that employees are bound by the code whether or not they sign it.

Mr. Grieco stated the committee could make that recommendation to the Town Board, but he did not see this as a problem since he did not think an employee would be able to defeat a disciplinary action based on not signing the Code of Ethics. Mr. Grieco distributed Ethics Codes from various other municipalities for the committee to review.

Mrs. Felser commented that when the town hires a human resource person and an employee handbook is developed, the Code of Ethics can be made a part of the handbook. She further suggested the committee review other municipalities' Ethics Codes prior to making any recommendations to the Town Board to amend the existing code.

Mr. Grieco stated the committee needs to adopt a chairperson and decide on a procedure for addressing referrals. The committee will have to convene in a public meeting first, but should recess to executive session for discussions involving specific employees.

Mrs. Carpenter questioned if it becomes public information if an employee is found to be not guilty of violating the Ethics Code.

Mr. Grieco responded the NYS Committee on Open Government has issued opinions that if someone is cleared of all wrongdoing, the issue should remain confidential; however, the current issue before the committee was discussed at an open Town Board meeting.

Mr. Gehen thought even the committee's recommendation on the current issues should be kept as confidential as possible.

Mr. Martin commented that the committee should do its own investigation of an issue and not simply go by what was presented at another forum.

Mrs. Carpenter referred to a recommendation at the previous meeting that a written complaint should be submitted to the committee members on any issues to be reviewed. She further commented on including the Whistleblower Law.

Mrs. Kims submitted a form used by the Town of Clarence for public officials' and employees' annual disclosure. She also suggested the form used to submit a complaint should be signed in front of the Town Clerk by the person making the complaint.

Mr. Manley submitted a form used by the State of Mississippi to submit complaints on violations of the Ethics Code.

Mr. Clifford suggested placing forms at the entrance to the Court Room and on the town's website.

Mr. Grieco stated that in accordance with §13-9(B) of the current Ethics Code, complaints are only referred to the Ethics Committee "Upon written request of any Town official, officer or employee." The committee would have to submit a recommendation to the Town Board if their suggestion is to allow the general public to file complaints. Mr. Grieco will prepare a form to be used for complaint referrals to the Ethics Committee.

Mr. Martin stated the general public can make a complaint to the Town Board and they can then refer it to the Ethics Committee if they choose to do so.

Mr. Gehen did not think the Ethics Committee should address the current issues because they occurred prior to the committee being formed.

Mrs. Felser responded that the Ethics Committee could have been appointed when the Ethics Code was first adopted, but there was nothing to address at that time. The current issues are what brought about the appointments to the committee.

Mr. Manley commented that the Town Board referred the issues to the Ethics Committee and appointments were made to the committee so the issues could be addressed.

Committee members discussed the two issues referred by the Town Board. It was decided that Mrs. Felser would send each of the individuals a letter asking them to appear before the Ethics Committee at the next meeting and include a request that they submit any comments concerning the alleged Ethics Code violations in writing prior to the next meeting. Mrs. Felser will also contact the individual that made the complaint and ask that he submit a written statement to substantiate the allegations.

Motion by Gehen, seconded by Kims, to appoint George Clifford as Chairman of the Ethics Committee.

Motion by Gehen, seconded by Martin, to adjourn the meeting at 6:40 P.M.

The next Ethics Committee meeting was scheduled for Monday, July 14, 2014 at 5:30 P.M.

Respectfully submitted,

Jacqueline A Felser Town Clerk