

Dr. Mansouri responded his firm has never worked on any project in the past in West Seneca, but they are currently working on a project for West Seneca Fire District #2.

Mr. Manley questioned if Dr. Mansouri ever discussed with Mr. Elling the conflict of interest with their friendship if his firm were to have a project in West Seneca.

Dr. Mansouri responded it had never come up in conversation and they had never discussed this.

Mr. Manley questioned how long Dr. Mansouri has known Mr. Elling and if they know each other's profession.

Dr. Mansouri responded he has known Mr. Elling for two to three years and they have never discussed their professions. He was aware that Mr. Elling works for Erie County Water Authority as a dispatcher.

Mr. Martin questioned if the Saturday morning breakfast at Daisy's is the weekly Conservative Party breakfast, how many people attend, if Dr. Mansouri sits with Mr. Elling and if they converse.

Dr. Mansouri responded it is the Conservative Party breakfast and the number of people varies from 45 to 50 or 10 to 15. They sit all together at a large, long table. Dr. Mansouri stated he calls Mr. Elling "Governor" and Mr. Elling calls him "Senator" and they talk about what's going on.

Mr. Martin questioned if the project for West Seneca Fire District #2 involves the design and construction of a new fire hall and how Dr. Mansouri became acquainted with the representatives of the fire district.

Dr. Mansouri responded the project is design and construction of a new fire hall which was advertised and his company bid on it.

Mr. Martin questioned if Dr. Mansouri ever discussed the project with Mr. Elling or asked Mr. Elling to discuss the project on his behalf with West Seneca Fire District #2 representatives.

Dr. Mansouri responded he never discussed the project with Mr. Elling and never asked him to discuss it with representatives of West Seneca Fire District #2.

Mr. Martin questioned if it was accurate to describe Dr. Mansouri and Mr. Elling's friendship as "acquaintances."

Dr. Mansouri responded that was a correct description.

Mr. Martin questioned if Dr. Mansouri gave Mr. Elling tickets to the Super Bowl this year.

Dr. Mansouri responded that he gets Super Bowl tickets every year as a package and he sometimes offers them to friends and family members. His wife had four tickets and was supposed to go this year but decided not to go at the last minute, so the tickets became available. Dr. Mansouri then put the tickets on his Facebook page as a first come, first serve.

Mr. Martin questioned how many tickets were given to Mr. Elling and what else was part of the package. He further questioned who originally purchased the tickets, who Dr. Mansouri gave other tickets to, the face value of the tickets and where they were located in the stadium.

Dr. Mansouri responded he gave two tickets to Mr. Elling and it was a package deal that included a room and airline tickets, but he did not know who purchased the tickets. The tickets were given to him as a gift and he gave the other tickets to a father and son by the name of Miller who he did not know. Dr. Mansouri did not know the face value of the tickets or where the seats were located in the stadium.

Mr. Gehen questioned if Dr. Mansouri offered the Super Bowl tickets directly to Mr. Elling.

Dr. Mansouri responded he offered the tickets to anyone on his Facebook page and said first come, first served.

Mr. Gehen questioned if Mr. Elling offered Dr. Mansouri anything for the tickets or if he received anything in return.

Dr. Mansouri responded that Mr. Elling offered to pay for the tickets and he told him "no" that he didn't expect anything in return. He further stated he was unaware that Mr. Elling held a position in the Town of West Seneca.

Mr. Gehen questioned what Dr. Mansouri thought it meant when Mr. Elling responded "You can count on West Seneca."

Dr. Mansouri responded that he thought it was because he calls Mr. Elling the Governor of West Seneca, in the same manner he calls Supervisor Meegan's father the Governor of Amherst.

Mr. Gehen questioned if Dr. Mansouri was aware if Mr. Elling uses or is called "Mr. West Seneca" as a nickname.

Dr. Mansouri responded that he did not know.

Mr. Clifford questioned if Dr. Mansouri had provided any other tickets to other West Seneca town employees or officials.

Dr. Mansouri responded he had not provided tickets to other West Seneca town officials or employees. He has tickets available, but no one from West Seneca has ever used them.

Mr. Elling's attorney, Andrew Fleming, stated nothing was expected in return for or given in return for the Super Bowl tickets. He further noted that Mr. Elling was never given a copy of the Ethics Code when he was appointed Zoning Board Chairman and suggested that an appropriate recommendation would be ethics training for all employees of the town.

Motion by Gehen, seconded by Manley, to recess to executive session at 5:45 P.M.

Ayes: All

Noes: None

Motion Carried

The committee members returned at 6:15 P.M.

Motion by Clifford, seconded by Kims, with regard to the issue involving Zoning Board Chairman Timothy Elling's acceptance of a gift of Super Bowl tickets, the Ethics Committee finds there was no violation of the Ethics Code; however, if Dr. Mansouri or his company come before the town Mr. Elling shall recuse himself from any vote or influence in the matter.

On the question, Mr. Martin stated the intent of the Ethics Code was to maintain high moral standards of all elected and appointed officials. He believes accepting the gift and commenting "You can count on West Seneca" does not satisfy that threshold.

Mr. Gehen stated that although Mr. Elling's use of the words, "You can count on West Seneca" was unwise there is no proof that he intended to offer any benefit or consideration to Dr. Mansouri in return, and therefore, no proof that the Ethics Code was violated.

Chairman Clifford stated there was no solicitation, which is part of the Town Code, and no influence at this point in time.

Ayes: (5) Chairman Clifford, Mrs. Kims, Mrs. Carpenter, Mr. Gehen, Mrs. Felser

Noes: (2) Mr. Manley, Mr. Martin

Motion Carried

ETHICS VIOLATION FORM

Chairman Clifford questioned if Town Clerk Jacqueline Felser had received a response from the Town Board on the ethics violation form that was submitted for their approval. Mrs. Felser responded she had received no response.

ETHICS COMMITTEE SECRETARY

Chairman Clifford questioned if the intent of the Town Code including the Town Clerk as a member of the Ethics Committee was for her to serve as secretary since she is the only paid town official serving on the committee.

Mr. Martin responded that each Town Board member appointed two individuals to serve on the Ethics Committee, which resulted in an even number, so the Town Clerk was added as a seventh member.

Chairman Clifford questioned if Mrs. Felser was interested in serving as secretary to the Ethics Committee.

Mrs. Felser responded that she had self-appointed herself as secretary and the Ethics Committee should elect a secretary just as they elected a chairman.

Motion by Clifford, seconded by Kims, to appoint Town Clerk Jacqueline Felser as secretary of the Ethics Committee.

On the question, Mrs. Kims questioned if Mrs. Felser will be reimbursed for her time.

Attorney for the Town Charles Grieco stated it would be up to the Town Board if they wanted to create a stipend for the secretary. The Ethics Committee did not have a budget or the authority to do that, but could make a recommendation to the Town Board.

Chairman Clifford questioned if the minutes are transcribed on town time and if her time served at the Ethics Committee meetings is reimbursed. Mrs. Felser responded she a volunteer the same as the other committee members. She often transcribes minutes from her home rather than the office and she is salaried so receives no overtime.

Motion by Martin, seconded by Clifford, to recommend to the Town Board a stipend of \$100 per meeting for the Ethics Committee secretary.

On the question, Mrs. Carpenter thought it was important to have a town official as a representative of the Ethics Committee for the purpose of correspondence, etc.

Ayes: (6) Chairman Clifford, Mr. Martin, Mr. Gehen, Mr. Manley, Mrs. Carpenter, Mrs. Kims

Noes: None

Abstentions: (1) Mrs. Felser

Motion Carried

DISCLOSURE STATEMENTS

Chairman Clifford questioned if Mr. Grieco had an opportunity to review information on disclosure statements. Mr. Grieco responded he did not have an opportunity to review this issue.

Mr. Martin questioned the purpose of the disclosure statements.

Chairman Clifford stated the disclosure statements will disclose whether an individual has a conflict of interest.

ETHICS CODE AMENDMENTS

Mr. Gehen suggested the Ethics Committee members work with Mr. Grieco to tighten up language in the Code of Ethics so it is as simple and concise as possible and not left up to interpretation.

Mrs. Kims further suggested the Ethics Committee develop their own rules, regulations and procedures, including deciding how many times they should meet annually.

Chairman Clifford asked Mrs. Kims to research this issue and report back at the next meeting. He further asked that Mr. Grieco provide a draft that clarifies some of the ambiguities of the Ethics Code.

ADJOURNMENT

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

Ayes: All

Noes: None

Motion Carried

The next Ethics Committee meeting was scheduled for Monday, December 15, 2014 at 5:30 P.M.

Respectfully submitted,



Jacqueline A Felser
Town Clerk