

Deliberations on the clarify of the letter went on. Mr. Fenz reported that the ethics board members are addressing a specific section of the code and to present the facts.

Motion to letter being submitted as written.

Ayes: All

Noes: None

Motion Carried

Mr. Fenz also proposed to issue the letter as a communication to the Town Board. Chairman Clifford agreed that the proposed letter will go on the Town Board meeting following the Ethics meeting tonight upon approval by the board.

~~Chairman~~ Chairman (corrected 6/15/15) Clifford motioned to review the second letter regarding Town employee Timothy Elling.

Mr. Fenz stated the proposed letter:

"Finding: In its pertinent part, the Town of West Seneca Code of Ethics §13-3(D) states:

"A Town official, officer or employee, whether paid or unpaid, shall not directly or indirectly solicit, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, material goods, things, or promise or any other form, under circumstances in which it could reasonably be inferred or could reasonably be expected that the gift was intended to influence such official, officer or employee in the performance of his or her official duties or which was intended to reward official action or inaction."

After gathering all relevant facts on the matter, and due deliberation of this Board, it is determined by a majority vote that Mr. Elling did not violate the Town of West Seneca Code of Ethics.

RECOMMENDATION

Although there is a finding of no violation, the Board recommends that Mr. Elling recuse himself on those matters before the Zoning Board of Appeals which involve Dr. Hormoz Mansouri."

Chairman Clifford motioned to accept the letter as written by ~~Mrs. Kims~~ (corrected 6/15/15) Mr. Fenz, seconded by Mrs. Carpenter.

Mr. Gehen questioned the recommendation, since Mr. Elling was found to not to (corrected 6/15/15) violate the Town of West Seneca, can restrictions be put on such employee. Mr. Fenz responded it wouldn't be necessary because the recommendation would be for Mr. Elling to follow the code of Ethics, which is why it is in place. It would be at the board discretion if they want to include a separate recommendation. Mr. Gehen also questioned the legality of the recommendation since the facts didn't bear a violation of the code of ethics. Mr. Fenz responded that as a board we can remind Mr. Elling or his provisions towards Mr. Mansouri.

Mr. Fenz stated that these issues were also addressed in previous meeting stating,

"However if Dr. Mansouri or his company were to come were to come before the town, Mr. Elling should recuse himself in any vote or influence of the matter."

Mr. Fenz stated it is not prejudicial to either parties involved.

Chairman Clifford motioned to accept the letter to send to the Town Board following the Ethics meeting tonight.

Ayes: All

Noes: None

Motion Carried

Chairman Clifford reported that the next topic meetings include the resolution of the Ethics Secretary, disclosure statements, and verbiage of the Ethics Code.

Discussions about payment to the Ethics secretary were deliberated. Mr. Fenz will look into the legality of the terms and payment received. Secretary will be compensated due on record keeping, attendance to the meetings, and transcribing meeting minutes, in particular for January meeting, current meeting, and forgoing meetings.

NEXT MEETING

The next Ethics Committee meeting was scheduled for April 20th, 2015 at 5:45 P.M.

ADJOURNMENT

Motion by Mr. Martin, seconded by Mr. Gehen.

Ayes: All

Noes: None

Motion Carried

Respectfully submitted,

Katie Hourihan
Ethics Secretary