

**TOWN OF WEST SENECA
1250 Union Road
West Seneca, NY 14224**

**ETHICS BOARD
Organizational Meeting
June 28, 2018**

Town Clerk Jacqueline Felser called the meeting to order at 5:32 PM followed by the Pledge of Allegiance led by Nelson Cosgrove.

ROLL CALL: Members Present – Amy Carpenter
Nelson Cosgrove
Theresa Funk
Susan Kims
James Lazaros
Rodney Montgomery
Jacqueline Felser, Town Clerk
John J Fenz, Town Attorney

Members Absent - None

ETHICS COMMITTEE CHAIRMAN AND VICE CHAIRMAN

Town Attorney John Fenz stated under the Ethics Committee by-laws which were passed in November 2015, a member of the Ethics Board is required to nominate a chairperson and a majority vote is needed for the individual to be selected as the chairperson.

Motion by Mrs. Felser, seconded by Mr. Montgomery, to nominate Mr. Cosgrove to the position of Ethics Committee Chairperson.

Motion by Mrs. Kims, to nominate Mrs. Carpenter to the position of Ethics Committee Chairperson. Motion failed due to lack of a second.

On the original motion,

Ayes: All

Noes: None

Motion Carried

The organizational meeting was turned over to Chairman Cosgrove.

Town Attorney John Fenz suggested the appointment of a Vice Chairperson.

Motion by Mrs. Felser, seconded by Chairman Cosgrove, to appoint Mrs. Carpenter to the position of Vice Chairperson.

No further nominations were received.

Motion by Mrs. Funk, seconded by Chairman Cosgrove, to close the nominations for the position of Vice Chair.

Ayes: All

Noes: None

Motion Carried

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On the original motion,

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Mr. Montgomery, seconded by Mrs. Funk, to dispense with the reading of the minutes.

Ayes: All

Noes: None

Motion Carried

Motion by Mrs. Felser, seconded by Mr. Montgomery to approve the minutes from November 9, 2015.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

No old business was discussed.

CORRESPONDENCE

No correspondence was received.

NEW BUSINESS

Ethics Board Attorney

Chairman Cosgrove questioned if Town Attorney John Fenz can continue to act as the Attorney of the Ethics Board. Mr. Fenz responded the Town Code reads the Town Attorney is an ex officio member of the Ethics Board without the power to vote. In the past, Mr. Fenz advised the board on legalities. With the Ethics Board being separate of the Town Board, Mr. Fenz believed the Town Attorney should not serve both boards and it was suggested that Deputy Town Attorney Jon Minear serve as the Attorney to the Ethics Board. The appointment has been tabled over concerns raised and the Town Board would like the Ethics Board to have input.

Mr. Lazaros questioned if legally Mr. Fenz can act on both sides. Mr. Fenz explained he will be serving as an ex officio member representing the Town of West Seneca whereas a Deputy Town Attorney will be appointed to represent the interests of the Ethics Board. Mr. Lazaros suggested inviting Mr. Minear to the next Ethics Board meeting so the members can meet him.

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Mrs. Kims asked if Mr. Minear holds any other positions with the Town and if those positions create a conflict with the Ethics Board. Mr. Fenz replied that Mr. Minear is the Town Prosecutor, Harassment Officer and Americans with Disabilities Officer and none of the positions conflict with the Ethics Board. Mr. Fenz noted the Code of Ethics also applies to the Ethics Board and if there is a conflict of interest they must recuse themselves. Chairman Cosgrove stated Mr. Minear is an attorney and required to notify the Ethics Board when there is a conflict of interest; an attorney is bound to recuse himself. Chairman Cosgrove further stated he does not see a conflict at this point and would like to bring Mr. Minear in to meet with the Ethics Board.

Ethics Board Meetings

Mrs. Kims stated the Ethics Board meetings are to be held quarterly. Mrs. Felser commented the by-laws can be amended and there are items that need amending such as the meeting location, noting the Town Board would like the Ethics Board to propose changes.

Chairman Cosgrove stated the next meeting of the Ethics Board will be held July 19, 2018 at 5:30 PM. Some of the items to be discussed will be amendments to Ethics Code, by-laws and rules and regulations along with meeting Jon Minear.

Mrs. Carpenter noted the bylaws require training for the Ethics Board Members. Mr. Fenz replied he will find training for the Ethics Board to attend.

Mr. Fenz stated the Ethics Board is governed by the Open Meetings Law and with seven members, if four or more are conducting business they are in violation of the Open Meetings Law.

Administration of Oath

Town Clerk Jacqueline Felser administered the oath of office to the new members of the Ethics Board.

PUBLIC COMMENT

A Union Road resident stated it was hard to hear the Ethics Board and asked the Board to speak into the microphones.

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ADJOURNMENT

Motion by Nelson Cosgrove, seconded by Jacqueline Felser, to adjourn the meeting at 6:02 P.M.

Ayes: All

Noes: None

Motion Carried

Amy M. Kobler
Deputy Town Clerk/Secretary to the Ethics Board