

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

ETHICS BOARD
August 28, 2019

Chairperson Carpenter called the meeting to order at 6:45 P.M.

ROLL CALL: Members Present – Amy Carpenter, Chairperson
Rodney Montgomery, Vice Chairperson
Teresa Funk
William Bauer
Jon Minear, Deputy Town Attorney
Tina Hawthorne, Town Attorney
Jacqueline Felser, Town Clerk

Not Present - Karl Spencer
James Lazaros

Review of Comments from Town Board Meeting 8/12 Re: CODE OF ETHICS

Discussion was lead by Ms. Funk.

DEFINITIONS

- Resident questioned meaning of "Recusal" – Ethics Board agreed current definition is sufficient
- Under "relative", there was a resident suggestion that the Ethics Board add "grandparents" and "grandchildren" – Ethics Board agreed to change

Whistle Blower Policy

- Ethics Board will give notice to an individual submitting a complaint that they should not speak or discuss an ethics case publicly to anyone besides their lawyer. This will be added to the form.

Section D – Re: Recusal

- Resident raised an issue with the "potential influence of a member"
- Conclusion to re-define recusal to include "from participation in an official action due to a conflict of interest or influence of said action"

Section E – Re: Gifts

- Resident raised issue with political donations
- Election Law/Public Officer Law addresses this issue
- 13-3 "M" addresses this, but Ethics Board will make this section more specific/reword in an effort to make it more "broad"
- State limit for gifts is \$25. Ethics board will change current amount of \$75 to \$25.

Whistle Blower Policy B-5

- Resident suggested Ethics Board define "authorities"
- Ethics Board concluded to change "authorities" to "local authorities" in an effort to be more specific

Whistle Blower Policy B-7

- Present language: "All allegations should be thoroughly investigated by the Town".
- Correction will be made so "the Town" is changed to "the Town Ethics Board"

13-7 A Composition of the Ethics Board

- Resident objected to "The members of the Board of Ethics shall be appointed by the Town Board to serve at the Town Board's pleasure"
- Town Attorney Hawthorne clarified the resident's issue is that the Ethics Board should not be an "advisory board" because if it is, the town board can remove anyone at any time, without cause.
- Conclusion: Remove "at the board's pleasure" and Town Attorney and Deputy Town Attorney will look further into the matter

Ms. Funk continued to lead the discussion on more general matters brought up about the Town Code of Ethics.

Training on the Ethics Code is not included the code, but was just a recommendation in the Presentation to the Town Board.

- Conclusion to add: "An intentional non-acceptance or non-acknowledgment of this code of ethics does not excuse an employee from the code, nor does it affect the enforcement of the code's provisions on that employee"

Resident commented, "No where in the code does the Ethics Board say that they "investigate" a complaint.

- Conclusion to add: "First a complaint is submitted under the Whistle Blower Policy, followed by an investigation and recommendation by the Ethics Board."

Suggestion was made that the Ethics Board should add language stating that Ethics Board Members should receive annual training.

- Conclusion to add: "Minimum of 2 hours NYS Ethics Training under 'P'"

Resident raised issue regarding "Illegal activity on Town Property"

- Conclusion to add: "personal convenience, profit or political advantage" in an effort to create a more broad statement

Resident raised an issue with Training – in the past the union refused to train or have their people sign off.

- Conclusion to reference "that all state codes apply"

Revised Ethics Code should be scheduled to go before the Town Board on October 7th.

EXECUTIVE SESSION

Motion by Chairperson Carpenter, seconded by Ms. Funk, to move into executive session to discuss an ethics complaint.

Ayes: All

Noes: None

Motion Carried

Motion by Ms. Funk, seconded by Chairperson Carpenter, to accept the written decision of the Ethics Board on the ethics complaint under investigation.

Ayes: All

Noes: None

Motion Carried

Motion by Chairperson Carpenter, seconded by Ms. Funk, to move out of executive session.

Ayes: All

Noes: None

Motion Carried

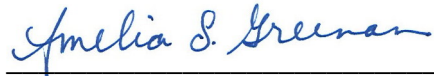
ADJOURNMENT

Motion by Ms. Funk, seconded by Chairperson Carpenter to adjourn the meeting at 8:51 p.m.

Ayes: All

Noes: None

Motion Carried



Amelia S. Greenan
Secretary to the Ethics Board