

Chairperson Teager called the meeting to order at 6:00 P.M.

ROLL CALL:

Members Present - Michael Teager
Amy Carpenter
Rodney Montgomery
Teresa Funk
Lawrence Kavanaugh, Jr.

Absent - Tina Hawthorne, Town Attorney
Amy Kobler, Town Clerk
Jon Minear, Deputy Town Attorney

MINUTES TO BE APPROVED

Motion by Chairperson Teager, to approve Minutes of the January 6, 2021 meeting.

On the question, Vice Chairperson Carpenter requested the minutes be amended to state Deputy Town Attorney Minear's email was received in a timely manner for the December meeting, but the meeting was cancelled.

Motion by Mr. Kavanaugh, seconded by Ms. Carpenter, to approve meeting minutes from January 6, 2021 with addition of the requested wording.

Ayes: All

Noes: None

Motion Carried

COMMUNICATIONS

▪ **Ethics Code Review**

Chairperson Teager suggested the following changes:

- ✓ Term dates outlined in Ethics Code do not align with the current members' terms; concerned that members may be deemed illegitimate:
 - Ms. Funk stated there was an agreement that three members terms would expire at the end of 2021 and two at the end of 2022; going forward the new members would have five year terms.
 - Ms. Carpenter stated Mr. Montgomery, Mr. Teager, and herself would be done at the end of this year
 - Mr. Kavanaugh stated he was reappointed in January 2021
 - Mr. Montgomery stated there was confusion with resignations and would be in favor of Chairperson Teager having a five year term
 - Ms. Carpenter would like Attorney Minear to clarify the terms
 - Chairperson Teager suggested the Town Board pass a motion correcting the terms, also
- ✓ The "sixth" member of the Ethics Board is not identified – the Town Attorney

Mr. Montgomery questioned how the items will be tracked for a future update to the code and suggested the secretary could do this.

Ms. Carpenter questioned if there was a central location, either physically or electronically that information could be retained for members of the Ethics Board. Mr. Montgomery suggested guidelines for running meetings and basic information for new members be included, also.

Ms. Funk made the following suggestion:

- ✓ Selection of board appointees – interviewing candidates rather than Town Board members making appointments; Mr. Kavanaugh stated Article 18 of General Municipal Law gives the power of appointment to each of the Town Board members
- ✓ 13-3, Section Q: is this being accomplished – providing the Ethics Code annually; Ms. Carpenter understands the HR company is making new employees aware of the code but is not certain if they are addressing current employees
- ✓ 13-5, Section C: Annual disclosures for independent contractors: who holds that responsibility and is it being accomplished - Ms. Carpenter questioned if it would be the Town Clerk; Mr. Montgomery questioned if prior to a bid award the town should check for the disclosure statement. Councilman Bauer was in attendance and stated the Engineering Department would do this. Further, not all contractors must bid; are they submitting the disclosure form and is it being reviewed by the Ethics Board
- ✓ 13-10: is HR accomplishing the distribution to new employees – Ms. Carpenter stated they had not but have been given the newest version of the Ethics Code and will be going forward

Ms. Funk suggested making a draft copy of the list that has been compiled.

Ms. Carpenter questioned if an attendance clause should be added. Chairperson Teager questioned if the Ethics Board has any bylaws to address this and not incorporate it into the code.

▪ **Ethics Training for Ethics Board Members**

Chairperson Teager reviewed information on the JCOPE, Joint Commission of Public Ethics, website; good information but focused on state ethics laws. Similarly, information from Erie County is for county ethics laws but can reach out to the Chair of the Erie County Ethics Board for guidance. Mr. Montgomery stated he has attempted to find relevant training noting he came across an example from Massachusetts geared toward money. Mr. Montgomery suggested the Ethics Board create their own training program in conjunction with other municipalities. Ms. Carpenter stated her research uncovered the fact that some Ethics Boards do not meet unless they are reviewing a case.

Chairperson Teager would like the board to be active and is open to ideas. Ms. Carpenter suggested collecting examples that come to light through news articles and build an inventory of real world examples.

▪ **Ethics Training for Town Employees, Elected and Appointed Officials**

Chairperson Teager would like to create a schedule to reach all applicable groups over the next ten months.

▪ **2021 Annual Financial Disclosure Forms**

Chairperson Teager stated the due date is March 31, 2021. Ms. Carpenter suggested reviewing a group

of them at the March meeting. This includes the independent contractor forms. Councilman Bauer volunteered to follow up with the Town Engineer.

▪ **December 2021 Meeting Date**

Chairperson Teager would like to put a date on the calendar as the first Wednesday in December will not be able to use the Community Center Meeting room on this day.

Motion by Mr. Montgomery, seconded by Ms. Carpenter, to change the December 1, 2020 meeting date to December 8, 2021.

Ayes: All

Noes: None

Motion Carried

OPEN DISCUSSION

Chairperson Teager invited Councilman Bauer to comment.

Councilman Bauer addressed the following items:

- ✓ Suggested creating an electronic drop box for the Ethics Board – Chairperson Teager stated he asked Attorney Minear to advise if the disclosure statements could be shared electronically
- ✓ Selection of Ethics Board members – beginning in 2020 applicants were asked to submit resumes and the Town Board voted during executive sessions noting many submissions were received; only two applicants applied this year to openings on multiple boards and all the current members requested to be reinstated; personally committed to attending meetings to understand what the board does
- ✓ The NYS Association of Towns offers seminars on ethics training and is a great resource for newly elected and appointed municipal representatives

Mr. Kavanaugh mentioned the Ethics Board meeting minutes posted on the town webpage may need to be added and/or the draft versions replaced with the approved minutes.

Ms. Carpenter stated the recent events occurring within the federal government call for a statement that lying and cheating are not allowed; put an emphasis that truth matters. Chairperson Teager supports the sentiment but is not certain what the board can do. Ms. Carpenter suggested a social media policy may be needed. Ms. Funk cautioned that any statement given at this point will be perceived as political.

Chairperson Teager would like to submit a letter to the Town Board at a December meeting summarizing what the Ethics Board accomplished throughout the year. Ms. Funk supports the idea. Mr. Kavanaugh advised that the board should always remain objective.

PUBLIC COMMENTS

A resident complimented the Ethics Board and thanked the members for their hard work.

Councilman Bauer advised Chairperson Teager to send the letter through the Town Clerk's Office or himself to be included in a Town Board Meeting. Additionally, Councilman Bauer requested Chairperson Teager send a request for Town Board to clarify the term dates at a Town Board meeting.

ADJOURNMENT

Motion by Mr. Kavanaugh, seconded by Ms. Carpenter, to adjourn the meeting at 7:00 P.M.

Margaret A. Martin

Margaret A. Martin
Deputy Town Clerk/Secretary to the Ethics Board