

Chairperson Teager called the meeting to order at 6:04 P.M.

**ROLL CALL:**

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

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

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**MINUTES TO BE APPROVED**

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to approve Minutes of the May 5, 2021 meeting.

Ayes: All

Noes: None

Motion Carried

**COMMUNICATIONS**

**Independent Contractor Disclosure Form**

Chairperson Teager proposed adding a line to the form for the company name.

Mr. Kavanaugh stated the email that was recently shared with the Ethics Board members was a good example of the complexity surrounding the contractors and offered the attached draft with changes to Chairperson Teager with the following comments/questions:

- ✓ Why is it named "Independent Contractor Form" when the wording on the form applies to a broader group - Chairperson Teager stated the Ethics Code uses this term and two options would be changing the description under the Instructions or broaden the language in the code and/or the title of the form
- ✓ Require the disclosure form even if a company is not a NYS entity: page one under Instructions add "or authorized" under the laws of New York State
- ✓ Ownership interest to be indicated as a percentage even if it is zero
- ✓ Commission and/or compensation interest should be included; noting it does not disqualify a vendor – Ms. Funk asked if the monetary amount is required – Mr. Kavanaugh stated a "yes" or "no" response is sufficient
- ✓ Grammatical change: Page three change the word "any" to "either" – If you answered "either" of these 2 questions....

Chairperson Teager suggested including language from §13-5C of the Ethics Code defining the parties required to complete the disclosure form. Ms. Carpenter questioned if the name of the form should be changed. Chairperson Teager stated the Ethics Code uses the term "independent contractors" and currently does not apply to vendors such as Verizon. Ms. Carpenter stated the name change could be included in any future updates to the code.

Ms. Funk stated the members of the Ethics Board struggled with the independent disclosure statement when it was created.

Mr. Kavanaugh stated the definition of independent contractor is not included in the definitions section in the code and would like to add one. Chairperson Teager agreed with the suggestion.

Ms. Funk questioned if every vendor or service provider the town uses are required to fill out a disclosure. Mr. Kavanaugh replied yes if a contract is involved.

Ms. Carpenter referred to a previous Town Board member that used their position to secure a contract for their own company that was not in the best interest of the town and the intention of the disclosure form is to prohibit another such occurrence. Ms. Funk stated clarification should be made under the Instructions on the disclosure form.

Mr. Kavanaugh questioned if all contracts were sent out to bid. Secretary Martin referred the members to the Procurement and Purchasing Policy adopted by the Town Board in 2015 and stated the policy would provide insight on the current purchasing practices by departments.

Mr. Kavanaugh stated the form should be a "pre-contract disclosure" which would be used to qualify a contractor. Chairperson Teager questioned if this procedure would require the Ethics Board to review disclosures before a contract is signed, noting it is not a timely process and stated the disclosure form should fit into the purchasing process as seamlessly as possible and the department heads are currently including the forms when bringing on new vendors.

#### **OPEN DISCUSSION**

Ms. Carpenter stated there was an article in the Buffalo News recently about employees in Hamburg making political phone calls and will add this to the library for the members to review.

#### **EXECUTIVE SESSION**

Motion Chairperson Teager, seconded by Ms. Carpenter, to enter into executive session to review disclosure forms, as they pertain to past employment history, future employment plans, employment history of a corporation or limited liability company, and/or matters that may lead to the employment, demotion, discipline, suspension, dismissal, or removal of a particular person or business entity.

Ayes: All

Noes: None

Motion Carried

#### **ADJOURNMENT**

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to adjourn the meeting at 6:55 P.M.

Ayes: All

Noes: None

Motion Carried

*Margaret A. Martin*

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

TOWN OF WEST SENECA



PRE-CONTRACT DISCLOSURE FORM

INDEPENDENT CONTRACTOR

ANNUAL STATEMENT OF DISCLOSURE

FOR CALENDAR YEAR: \_\_\_\_\_

INSTRUCTIONS:

All individuals who have an ownership interest in a business entity, including, but not limited to, a corporation, limited liability company, partnership, sole proprietorship, or any other business entity organized under the laws of New York State shall complete this form.

OR AUTHORIZED

BUSINESS ENTITY INFORMATION

FILL OUT COMPLETELY

PERSONAL INFORMATION

NAME:

\_\_\_\_\_  
(Last) (First) (Middle initial)

ADDRESS: \_\_\_\_\_ NY \_\_\_\_\_  
(Street Address) (Town) (Zip Code)

POSITION HELD: \_\_\_\_\_  
(Department) (Title)

OWNERSHIP INTEREST<sup>1</sup>: \_\_\_\_\_

COMPENSATION INTEREST<sup>3</sup> ← YES OR NO

Please List any real property in the Town of West Seneca where you, as an individual<sup>2</sup>, own or hold any ownership interest<sup>3</sup>:

<sup>1</sup> Ownership interest, includes, but is not limited to, the ownership of stock, membership units, silent partner, an ownership of a right to vote, or any other ownership interest, monetary or nonmonetary where one would receive a benefit from such business.

<sup>2</sup> For the purpose of this section an individual shall be deemed to have an ownership interest when he or she individually maintains any ownership interest in real property, or (a) is an officer or director of a business entity that owns any interest in real property or (b) owns or controls stock of a corporate or business entity that owns any interest in real property, or (c) is a member of a partnership or limited liability company, which maintains any ownership interest in real property.

<sup>3</sup> See footnote 1. ABOVE

some one who receives a commission. Bank or any comp

1 tied to this contract

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please List any Relatives employed by the Town of West Seneca or appointed to serve on a Committee in the Town of West Seneca:**

| <u>Relative Name</u> | <u>Relationship</u> | <u>Position Held</u> |
|----------------------|---------------------|----------------------|
|                      |                     |                      |
|                      |                     |                      |
|                      |                     |                      |
|                      |                     |                      |
|                      |                     |                      |

**Relative** – A spouse, parent, stepparent, sibling, step-sibling, sibling’s spouse, child, stepchild, uncle, aunt, nephew, niece or household member of a Town official, officer or employee and individuals having any of these relationships to the spouse of the Town official, officer or employee.

The purpose of this Annual Statement of Disclosure is to identify potential conflicts of interest before such conflicts occur. In answering the questions on this Annual Statement of Disclosure, the following definitions are critical:

1. Interest, as used in this Annual Statement of Disclosure, is defined as follows:
  - A. Providing goods, influence, investment, property or service(s) to any person, business or entity for which compensation or benefit is expected or received; and
  - B. Holding ownership, title or right, individually<sup>4</sup> or with others, to real property, within the Town of West Seneca.
2. Contract, as used in this Annual Statement of Disclosure, shall be defined in accordance with the Standard English usage.

**Please answer the following questions.**

1. Have you, your spouse/partner or relatives had any interest in any business or entity doing business with the Town currently or within the past twelve (12) months?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

<sup>4</sup> See footnote 2. , MTHV6

2. Have you, your spouse/partner or relatives had any interest in any contract made or executed by the Town of West Seneca within the past twelve (12) months?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If you answered yes to <sup>either</sup> any of these 2 questions, you should describe the nature, source, amount of such benefits, compensation and/or other considerations. Please attach an additional sheet of paper if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any position held in any other business, association or not-for-profit organization held by you, your spouse/partner or relatives that has or could in the future transact business with the Town of West Seneca.

| Business Name | Person Name | Nature of Business |
|---------------|-------------|--------------------|
|               |             |                    |
|               |             |                    |
|               |             |                    |

During the current year, if there are any changes in your answers to anything on this form, you must file an amended "Annual Statement of Disclosure" with the Town Clerk within thirty (30) days of such change.

**I HEREBY CERTIFY THAT THE INFORMATION I HAVE PROVIDED IN THIS ANNUAL STATEMENT OF DISCLOSURE IS TRUE, CORRECT, AND COMPLETE. I HAVE REVIEWED THE CURRENT CODE OF ETHICS FOR THE TOWN OF WEST SENECA.**

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Print Name)

Date: \_\_\_\_\_

(Return this form to the Town Clerk)