

Chairperson Teager called the meeting to order at 6:05 P.M.

ROLL CALL:

Members Present - Michael Teager, Chairperson
Teresa Funk, Vice-Chairperson
Lawrence Kavanaugh, Jr.
Kayla Leonard
Jon Minear, Deputy Town Attorney

Absent - Anna Garvey

MINUTES TO BE APPROVED

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to approve Minutes of the September 14, 2022, meeting.

Ayes: All

Noes: None

Motion Carried

COMMUNICATIONS

Chairperson Teager stated that he will be following up with the Town Attorney regarding the required Town Board approval of the revised disclosure form. Deputy Town Attorney Minear stated he will also follow up.

Chairperson Teager stated the 2023 meeting calendar is being prepared and has indicated the Ethics Board will continue to meet on the second Wednesday of each month.

Mr. Kavanaugh referred to the Ethics Code Section 13.3.H, "No officer or employee of the Town shall, within one year after termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration." and stated in his opinion, additional language should be added for example, "notwithstanding one's First Amendment Rights." Mr. Kavanaugh stated he believes the concept behind this was one should not be soliciting things or representing someone. Ms. Leonard stated confidential information should not be shared, but what is common/public knowledge is different. Chairperson Teager stated Executive Session confidences do not expire. Mr. Minear stated the emphasis is on soliciting but no one can be prevented from speaking at a meeting. Chairperson Teager stated there is a provision in the Ethics Code that states elected or appointed officials are not barred from speaking on topics generally, only that they may not use their position to influence a decision. Chairperson Teager referred to comments he made as a private citizen with regards to the marijuana legislation in 2021 and publicly disclosed his role each time. Mr. Minear agreed that discrepancies exist within the Ethics Code and the ability for the Ethics Board to make changes to the code. Ms. Leonard stated social media should also be addressed considering the Town of West Seneca Facebook account. Secretary Martin stated the Town was preparing social media guidelines and questioned if the Ethics Board was aware of this action. Ethics Board members stated they were aware of this. Chairperson Teager stated the Ethics Board should explore revising the Ethics Code as suggested by Mr. Kavanaugh.

The Ethics Board acknowledged the students in attendance for their government participation requirement and Mr. Kavanaugh stated the Ethics Board is a piece of the self-government process and the committee’s purpose is to ask are people behaving properly or ethically, what behavior is expected, are there conflicts of interest, etc.

EXECUTIVE SESSION

Motion by Chairperson Teager, seconded by Ms. Leonard, to enter into executive session to discuss Ethics Complaint 2022-1.

Ayes: All Noes: None Motion Carried

Motion by Chairperson Teager, seconded by Ms. Funk, to return from executive session at 6:53 P.M.

Ayes: All Noes: None Motion Carried

ADJOURNMENT

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

Ayes: All Noes: None Motion Carried

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