

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

ROLL CALL:

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

Absent - None

MINUTES TO BE APPROVED

Motion by Chairperson Teager, seconded by Vice-Chairperson Funk, to approve Minutes of the December 14, 2022, meeting.

On the question, Chairperson Teager noted the correction to that and Mr. Kavanaugh seconded the motion to enter into executive session. Chairperson Teager stated an advisory request from the Erie County Board of Ethics was also discussed in the executive session and inadvertently did not include this in the motion entering into executive session.

Ayes: All

Noes: None

Motion Carried

COMMUNICATIONS

Election of Chairperson and Vice-Chairperson for 2023

Motion by Ms. Funk, seconded by Mr. Kavanaugh, to nominate Michael Teager as Chairperson of the Ethics Board for 2023.

Ayes: All

Noes: None

Motion Carried

Motion by Mr. Kavanaugh, seconded by Ms. Leonard, to nominate Teresa Funk as Vice-Chairperson of the Ethics Board for 2023.

Ayes: All

Noes: None

Motion Carried

Exceptions for Contractor/Vendor Disclosure Form

Deputy Town Attorney Minear advised adding language stating "intermunicipal agreements to be exempt from the contractor disclosure forms" in the definition section of the contractor form; further, it is not necessary to define intermunicipal agreements. However, Mr. Minear advised state bids are not exempt because while the bids are negotiated with the state, they are with private entities; waiving the disclosure form would be waiving the potential knowledge to discover if a private entity has an ethical conflict within the town. Mr. Minear stated the language on the disclosure form should be "state bid contractors are not excluded from completing this form" in the definition section or immediately following.

Motion by Chairperson Teager, seconded by Ms. Leonard, to add a disclaimer to the Contractor/Vendor Disclosure Form regarding no exceptions for state bids.

Ayes: All

Noes: None

Motion Carried

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to submit the updated disclosure form and the attached updated Ethics Code language.

Ayes: All

Noes: None

Motion Carried
APPENDICES

Ethics Board Composition

Chairperson Teager submitted the attached version of updated language regarding the composition of the Ethics Board and made the following comments:

- ✓ Undecided about adding the Secretary in the code
- ✓ Town Attorney and Town Clerk should not be ex-officio members
- ✓ Received a suggestion from Councilmember Piekarec to update the terms resulting in one new appointment per year; would prefer this begin as current members' terms expire and noted on drawback is always having a new member
- ✓ Require the entire Town Board to vote on appointments versus the current practice of each Town Board member appointing a person
- ✓ Review the code and address all updates at one time

Ms. Funk suggested having a work session as opposed to a board meeting to accomplish this. Chairperson Teager stated a work session would be a good way to proceed and the board can decide to change a scheduled meeting to a work session or add one to the schedule.

PUBLIC COMMENTS

No public comments were received.

EXECUTIVE SESSION

Motion by Chairperson Teager, seconded by Ms. Funk, to enter into executive session at 6:16 P.M. to continue to discuss matters related to an advisory opinion request from the Erie County Ethics Board.

Ayes: All

Noes: None

Motion Carried

Motion by Chairperson Teager, seconded by Ms. Leonard, to move out of executive session at 7:12 P.M.

Ayes: All

Noes: None

Motion Carried

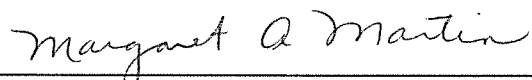
ADJOURNMENT

Motion by Chairperson Teager, seconded by Mr. Kavanaugh, to adjourn the meeting at 7:13 P.M.

Ayes: All

Noes: None

Motion Carried



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

Current Language:

§ 13-5. Disclosure Statements

[...]

C. Any independent contractors hired by the Town to perform any work for the Town shall be required to file annual disclosure statements by March 31 of each year in a form set forth in Exhibit "B" attached hereto.

Revision:

C. Any independent contractor hired by, or vendor entering into a contract with, the Town to perform any work for the Town shall be required to file an Annual Statement of Disclosure by March 31 of each year. Exceptions for completing the annual disclosure form are as follows:

- (1) A government entity doing business with the Town as part of an intermunicipal agreement.

Proposed Definitions to Add to WS Ethics Code § 13-2. Definitions and word usage.:

INDEPENDENT CONTRACTOR – A person or entity performing work for the Town as a contractor and receiving nonemployee compensation.

VENDOR – A person or entity selling goods or services to the Town under the terms of a contract.

A Board of Ethics is hereby established pursuant to Article 18, Section 808, Subdivision 3 of the General Municipal Law. The five members of the Board of Ethics shall be appointed by the Town Board and shall receive no salary or compensation for their services as members of such Board. A member of the Board of Ethics may be removed for cause. The Board shall be composed of one member to be appointed by each member of the Town Board with staggered terms. Three members shall be appointed in 2021 and two members to be appointed in 2022. The term of each member shall be five years with three more being appointed or reappointed in 2026 and two being appointed or reappointed in 2027, which shall continue on the same scheme. A member of the Town Board shall not appoint himself or herself or any other current Town Board member. The seventh member of the Board of Ethics shall be the Town Clerk, who shall be an ex officio member without the power to vote. The members of the Board of Ethics shall be residents of the Town of West Seneca and only one no voting member shall be a current Town official, officer or employee. The Town Attorney representing the Town shall be an ex officio member of the Board of Ethics without the power to vote. In the event that the Town Board increases to five board members, the Board of Ethics shall become a five member Board. One member shall be appointed by each Town Board member and the terms shall be five years as decided by a majority of the Town Board members. Each member of the Board of Ethics shall be appointed by a majority vote of the Town Board.