

**DRAFT**

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

Absent - Jon Minear, Deputy Town Attorney

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Ethics Code Section 13-3 H

Specifically, the second half: "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."

- ✓ What is the concern, an unfair advantage of inside knowledge
- ✓ Public knowledge for many issues
- ✓ Benefit to using, for example, information gained through executive session
- ✓ As written, it is unfair to person who is now a private citizen, as the information may be public regardless
- ✓ Restriction on lobbying, which implies a monetary gain; lobbyists are organized and must disclose
- ✓ What was the intent – to prohibit people from taking advantage of prior positions for monetary gain and not to impede someone's first amendment rights
- ✓ Reword to make intent clearer
- ✓ There is a difference between an organized group of residents and a lobbying firm
- ✓ Limit speaking about "anything learned in executive session"
- ✓ Break 13-3 H into two parts and change the wording at the end of the sentence "personally participated in executive session..."

13-2 Definitions

Chairperson Teager stated the Ethics Board determined there was no definition of "contractor" and is waiting for the Town Board to act on this.

- ✓ Customer or client – should the monetary amount be changed
- ✓ What is the monetary threshold of similar size towns
- ✓ Include the definition of ethics

13-7 A Composition of Membership

- ✓ Received a suggestion from Councilmember Piekarec that one board member's term expires every year
- ✓ Concern that there would always a new member
- ✓ Would allow Town Board members to make appointments
- ✓ There is value to the continuity of the board members and building of their knowledge base
- ✓ Would not want a term shortened to less than two years
- ✓ Other West Seneca boards, Planning and Zoning, have one member's term expire each year
- ✓ Would like to wait for an official directive from the Town Board before changing current members' terms

- ✓ Change wording that each member of the Ethics Board be nominated by majority vote of the Town Board
- ✓ What is the best way to change the current terms to align with an expiration each year – discussed scenarios for this to be done with as little interruption as possible
- ✓ A reference to “The seventh member of the board” – remove sentence entirely
- ✓ Prefer no ex-officio members on the Ethics Board, as that member can be in executive session; current ex-officio members are Town Clerk and Town Attorney
- ✓ Suggested the Town Clerk appoint a member in their place
- ✓ Town Clerk was initially a member as an advisor to the Ethics Board of town processes

#### 13-6 C Whistleblower Policy

- ✓ No definition included in the Ethics Code for complaint
- ✓ The Whistleblower Policy mentions a complaint process, should this be a separate section
- ✓ 13-7 C Rules and Regulations – provides for the Bylaws of the Ethics Board
- ✓ The Ethics Complaint section of the Bylaws refers back to 13-6 C
- ✓ Each complaint is reviewed in executive session, and if it is merited, an investigation is then conducted – this process could be included in the code
- ✓ Keep the wording of the complaint process general
- ✓ Change title of 13-6 to include Complaint Policy and Procedures as Whistleblower Policies usually imply internal employees or remove whistleblower altogether and add section for how the complaints will be dealt with
- ✓ The definition of whistleblower does not match 13-6 A
- ✓ A whistleblower Policy refers to a protected subsection for employees and suggested separating and adding a specific section
- ✓ This policy should protect anyone that makes a complaint

#### Should any groups be omitted from the ethics complaint policy

- ✓ Police Department – have their own Ethics Code
- ✓ Include a link to other references, for example Police Ethics Code
- ✓ The Ethics Code should not limit the Ethics Board

Ms. Garvey stated it is important to clearly identify the role of the Ethics Board: to collect facts and make recommendations to the Town Board. The Ethics Board does not hand down punishments.

Chairperson Teager stated the Ethics Board may choose to change a future board meeting to a work session and requested the members review their calendars for the end of June. Many members have stated they have conflicts with the scheduled June meeting.

#### **ADJOURNMENT**

Motion by Chairperson Teager, seconded by Ms. Garvey, to adjourn the work session at 7:36 P.M.

Ayes: All

Noes: None

Motion Carried

**WEST SENECA COMMUNITY CENTER  
1300 Union Road  
West Seneca, NY 14224**

**ETHICS BOARD PROCEEDINGS  
Work Session Meeting Minutes  
April 6, 2023**

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