

**DRAFT**

Chairperson Teager called the meeting to order at 5:38 P.M.

**ROLL CALL:**

Members Present - Michael Teager, Chairperson  
Amy Carpenter, Vice-Chairperson  
Theresa Funk  
Lawrence Kavanaugh, Jr.  
Rodney Montgomery  
Jon Minear, Deputy Town Attorney  
Amy Kobler, Town Clerk  
Tina Hawthorne, Town Attorney

Absent - None

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**PUBLIC COMMENTS**

- The following questions and comments regarding the agenda were discussed:
  - ✓ A resident asked whether the board would be discussing complaint forms or actual ethics complaints in the executive session – Chairperson Teager stated two complaints were filed and would not comment further, and that any revisions to forms are discussed in open meetings.
  - ✓ The questioner was a former member of the Ethics Board and knew there are limited topics that qualify for an executive session and proper wording used to enter into a closed meeting – Ms. Carpenter agreed the reason for going into executive session must be stated but they never shared details. Chairperson Teager questioned the resident if the issue was the wording used to enter executive session, as was discussed at a previous meeting. The resident stated it was separate. Chairperson Teager stated the complaints are confidential. Mr. Montgomery referred to the Open Meetings Law guidelines and stated Chairperson Teager will use one of the allowable reasons.
  - ✓ The resident asked about the ability to submit a FOIL request for the complaints – Town Clerk Kobler stated a redacted version would be provided.
  - ✓ The resident stated there were two items listed on the agenda, and asked how could be identified (e.g., for a FOIL request) – Chairperson Teager stated revealing any details to a complaint that is not substantiated could be detrimental to all involved.
  - ✓ Town Attorney Hawthorne was asked to weigh in on the situation – Ms. Hawthorne was informed of the discussion prior to her arrival and stated the Ethics Board is going to discuss actual complaints; the complaints do meet the threshold for discussion in a closed meeting. Ms. Hawthorne stated she can investigate the Open Meetings Committee opinions about disclosure of details of complaints along with Ethics Board Attorney Minear.
  - ✓ The resident stated that other Ethics Boards have referend to complaints with letters and numbers while discussing them in open meetings - Ms. Hawthorne stated the Ethics Board could decide to handle complaints this way. Ms. Carpenter stated rules have been put in place and the Ethics Code must be followed.
  - ✓ The resident asked whether every complaint would be discussed in executive session only – Mr.

Minear confirmed they will. Ms. Hawthorne stated once an advisory opinion is given to the Town Board more information could be available.

Chairperson Teager referred to the agenda and stated there would be no public business discussed.

- ✓ It was stated that no information was provided regarding the complaints – Mr. Minear stated at this stage they do not want to provide any details to protect the interests of all involved.
- ✓ The resident agreed that the identity of town employees should be protected but would like more information on the rules of procedure to be followed – Chairperson Teager stated he plans to enter into executive session to discuss complaints filed on the date they were made. Ms. Hawthorne suggested providing the date and sections of the code in question.

At this point members of the Ethics Board requested to begin the executive session.

Mr. Montgomery asked Mr. Minear how his legal representation worked for the Ethics Board. Mr. Minear stated he represents the Ethics Board as a whole and each member as an Ethics Board member but not in their personal capacity. Mr. Montgomery requested an executive session with Mr. Minear individually to discuss a legal question about an undefined Ethics Code section. Ms. Hawthorne stated that is not a permissible reason. Mr. Montgomery referred to the Open Meetings law and stated it was. Ms. Hawthorne stated that open litigation is one of the exceptions. Mr. Minear stated he could not do this; the conversation would have to be shared with the board as the entire board is the client.

Chairperson Teager offered to follow up with the resident.

Mr. Montgomery asked who the members of the Ethics Board. Mr. Kavanaugh read from the Ethics Code and stated the five voting members and the two nonvoting members.

### **EXECUTIVE SESSION**

Motion by Chairperson Teager, seconded by Ms. Carpenter, to enter into executive session to discuss two recently filed ethics complaints 2021-1 and 2021-2, as they pertain to 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

### **PUBLIC SESSION**

Chairperson Teager stated he forgot to mention it earlier and asked the members what day might work better for 2022 meetings. The members decided that moving to the second Wednesday of each month is agreeable.

### **ADJOURNMENT**

Motion by Chairperson Teager, seconded by Ms. Carpenter, to adjourn the meeting at 8:05.

Ayes: All

Noes: None

Motion Carried

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

**ETHICS BOARD PROCEEDINGS  
Meeting Minutes  
October 6, 2021**

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