

**Ethics Committee - Town of West Seneca
September 28th, 2015@ 5:45pm**

Members present- George P. Clifford, Chairman
Amy L. Carpenter
Susan Kims
James E. Manley
Shawn P. Martin
Jacqueline A. Felser, Town Clerk
John J. Fenz, Town Attorney
Edward F. Gehen Jr.

The meeting was held at the West Seneca Town Hall, 1250 Union Road, West Seneca and called to order by Chairman Clifford at 5:45 P.M. Mr. Manley arrived thirty minutes late to meeting.

Motion by Chairman Clifford, to approve the minutes for June 25th, 2015 meeting, seconded by Mr. Gehen and Mr. Martin.

Mrs. Carpenter requested that her name be changed from Mr. Carpenter to Mrs. Carpenter and Mrs. Kim to Mrs. Kims.

Corrections made to the minutes.

TERM LENGTHS:

Discussion between the board members on the lengths of term.

Chairman Clifford reported that the Town board members recommended to elect two members every two years or reappoint a member for two year terms.

Mr. Martin requested to have the members selected at the Organizational Meetings every two years.

Mrs. Kims reported having the board pick the members would make it a political decision. Mrs. Carpenter and Mrs. Kims expressed the worry that the ethics board members would all be voted out at the same time leaving no current board members.

Discussion occurred of staggering terms between two and four years versus just two year terms.

Chairman Clifford motioned to accept the original term proposal, effective 12/31/2015, that the Town board will either reappoint or appoint two members of the Ethics committee for two year terms. If they choose to keep them on after two years, they can reappoint the member. Seconded by Mr. Martin.

All in favor,

Ayes: Four

Noes: Two

(Mr. Manley not present for vote)

Motion carried.

Chairman Clifford also suggested the Chairman role be rotated out as well in January.

RULES AND REGULATIONS

Mrs. Kims prepared a reference material of neighboring towns Rules and Regulations of the Ethics board. PDF files were presented to the Ethics board members.

Mr. Fenz discussed the proper handling of requests for determination concerning the alleged violations of the Code of Ethics (referencing Page 2 from PDF). It gives the board a form to represent who can make such a complaint and provides a procedure on how to address those concerns. Also, the regulations show how to present something accurately to the board.

Mr. Manley arrived.

Mr. Fenz reported that the Rules and Regulations would be separate and adopted by the Ethics board only. In the Town Code it gave the ethics board the ability to make its own rules and regulations. One would need to recommend the policy to the Town Board to adopt the procedures.

Mrs. Kims motions to accept the Rules and Regulations as drafted on 9/28/15. Chairman Clifford seconded the motion.

Mr. Gehen commented on the confidentiality clause in the regulations packet. If someone addresses the ethics board, that every attempt is made to protect their confidentiality.

Mr. Fenz discussed the difficulty of keeping someone completely confident especially due to the nature that facts are being presented, on a written open complaint form.

Discussion on trying to limit the risks of keeping public matters private.

Chairman Clifford presented how under the form there has the possibility of charging someone with a misdemeanor for false accusations.

Mr. Fenz replied it is unlawful for any person to make a complaint or threaten to make a complaint to the board against a public service or to offer a withdrawal complaint against a public servant in order to improperly influence that servants roll, opinion, judgment, action, decision or exercise of digression as a public servant.

Debate occurred on government terminology and implication from the ethics boards when one would/could be punished for false accusations.

Mrs. Kims reported that twelve other surrounding towns used the complaint form as well. Mr. Fenz agreed he doesn't think that the form would put the Ethics board at risk. Discussion was brought up about the legal language about punishment for false accusations.

Chairman Clifford and Mr. Fenz agreed to keep the Ethics Complaint form as stated in the PDF.

Seconded by Mr. Gehen.

All in favor,

Ayes: Six

Noes: One

Motion Carried.

Chairman Clifford revisited the Ethics Rules and Regulation packet provided by Mrs. Kims.

All in favor to accept the eight page Rules and Regulations documents.

Ayes: All

Noes: None

Motion Carried.

The next Ethics Board meeting will be November 9th, 2105 @ 5:45pm.

Motion to adjourn by Chairman Clifford, seconded by Mr. Martin and Mr. Gehen.

All in favor,

Ayes: All

Noes: None

Motion Carried.

Respectfully submitted,

Katie Hourihan
Ethics Secretary