

Chairperson Teager called the meeting to order at 6:07 P.M.

ROLL CALL:

Members Present - Michael Teager, Chairperson
Teresa Funk, Vice-Chairperson
Anna Garvey

Absent - Lawrence Kavanaugh, Jr.
Kayla Leonard
Paula Eade Newcomb, Deputy Town Attorney

MINUTES TO BE APPROVED

Motion by Chairperson Teager, seconded by Ms. Garvey, to approve Minutes of the March 13, 2024, board meeting.

Ayes: All

Noes: None

Motion Carried

COMMUNICATIONS

Chairperson Teager stated he would like to schedule a work session for the board members to further discuss the proposed revisions to the Ethics Code and suggested using the May 8th meeting.

For the benefit of the students in attendance, Chairperson Teager explained the Ethics Board is an advisory board to the Town Board and the members have been reviewing and proposing updates to the Ethics Code. Those updates include the annual disclosure forms, board composition, and the complaint process.

PUBLIC COMMENTS

James Randolph, West Bihrowood Road, made the following comments with regards to the proposed Ethics Code revisions:

- Agrees with Chairperson Teager's comments that the public should not be included
- NYS Office of the State Comptroller established a Code of Ethics regarding conflicts of interest for Municipal Officers and Employees
- The purpose was to protect the public from Officers and Employees who might use their powers or authority for private gain, breaching confidentiality, and maintaining a standard decorum for governing

To provide context for the students, Chairperson Teager explained one of the Town Attorney's proposed revisions was to make the Ethics Code binding against members of the public. Currently the Ethics Code applies to employees of the Town of West Seneca, department heads, and elected and appointed officials. Chairperson Teager stated he is not clear on what the limits would be, for example, the proposal seems to include the members of the public speaking at public meetings and has issues with this. The purpose of the Ethics Code is to prevent conflicts of interest and self-dealing in the town, not to prevent members of the public from speaking to or engaging with the Town itself. Chairperson Teager requested examples of where this provision currently exists in other municipalities and reiterated this provision was not requested by the Ethics Board.

Chairperson Teager stated he will distribute Mr. Randolph's comments to the Ethics Board members. Mr. Randolph offered additional materials pertaining to harassment laws in NYS that already exist. Chairperson Teager stated in his opinion, some of the suggested changes enter the realm of legal considerations or customer service considerations, neither of which should be the purview of the Ethics Board. The Ethics Board's concern should be if an individual is embezzling, using their public office for private gain, etc., and not if determining if someone was rude to someone else. Ms. Funk stated the Ethics Board welcomes any additional comments from Mr. Randolph.

Chairperson Teager explained the process of changing a town code to the students:

- Changes are discussed in an open forum and public comments are welcome
- The Ethics Board will vote on the final draft and, if approved, pass the recommendations to the Town Board
- The Town Board will hold a public hearing and then vote on the changes

A member of the audience asked what the Ethics Code is. Chairperson Teager provided the following information and advised the students how to find the code on the town's website:

- Each municipality in NYS is required to have a Code of Ethics to ensure a standard of conduct by the members of the Town
- The Ethics Board:
 - Reviews disclosure forms submitted by individuals and vendors
 - Investigates ethics complaints and submits a decision to the Town Board
- Members of the Ethics Board are unpaid volunteers
- There is an attorney assigned to the Ethics Board that is not the Town Attorney

Ms. Funk provided some examples of things that would qualify as ethics violations:

- A Highway Department employee using a town owned snow plow to plow a private residence, i.e., using town owned equipment for private use
- A vendor offering gifts, such as Buffalo Sabres tickets, in an effort to obtain business. Chairperson Teager stated any member of the Town accepting a gift in excess of \$25 is a violation and an investigation would include determining if the violation was intentional or unintentional.

EXECUTIVE SESSION

Motion by Chairperson Teager, seconded by Ms. Funk, to enter into executive session to review disclosure forms, as they pertain to past employment history, future employment plans, employment history of a corporation or limited liability company, and/or matters that may lead to the employment, demotion, discipline, suspension, dismissal, or removal of a particular person or business entity at 6:31 P.M.

Ayes: All

Noes: None

Motion Carried

Motion by Chairperson Teager, seconded by Ms. Garvey, to move out of executive session at 6:46 P.M.

Ayes: All

Noes: None

Motion Carried

ADJOURNMENT

Motion by Chairperson Teager, seconded by Ms. Funk, to adjourn the meeting at 6:47 P.M.

Ayes: All

Noes: None

Motion Carried

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

ETHICS BOARD PROCEEDINGS
Meeting Minutes
April 10, 2024

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