

**TOWN OF WEST SENECA
1250 Union Road
West Seneca, NY 14224**

**ETHICS BOARD
MEETING MINUTES
July 1, 2020**

Chairperson Carpenter called the meeting to order at 6:04 P.M.

ROLL CALL: Members Present – Amy Carpenter, Chairperson
Rodney Montgomery, Vice Chairperson
Teresa Funk
Jon Minear, Deputy Town Attorney
Amy Kobler, Town Clerk
Lawrence Kavanaugh, Jr.

Members Absent -- Tina Hawthorne, Town Attorney

APPROVAL OF MINUTES

Motion by Theresa Funk, seconded by Lawrence Kavanaugh to approve the Ethics Board Meeting Minutes from March 4, 2020.

Ayes: All

Noes: None

Motion Carried

COMMUNICATIONS

I. Submitted Financial Disclosure Forms

Chairperson Amy Carpenter asked Town Clerk Amy Kobler for a status on submitted Financial Disclosure Forms. Clerk Kobler reported that she has received numerous Financial Disclosure Forms, however, the number and tabulation was impacted COVID-19.

II. Independent Contractor Disclosure Form & Cover Letter

Chairperson Carpenter presented the Independent Contractor Disclosure Form to the Ethics Board. The Town Clerk will collect the forms and keep them on file.

Vice Chairperson Rodney Montgomery sought clarification on whether the form asks "who" is filling out the form (on behalf of a business) and "what their relationship to the business is". Ms. Funk answered that the form asks for the individual's "position held".

Mr. Kavanaugh asked for clarification as to whether the form is "directed to the owner". Chairperson Carpenter explained that it is directed to the owner "if they are doing

business directly with the town, but if not, it can be filled out by the representative or contact for the business”.

The Ethics Board reviewed the updated Independent Contractor Disclosure Form prepared by Chairperson Carpenter. There were no questions or additional suggestions.

Motion by Vice Chairperson Montgomery, seconded by Mr. Kavanaugh, to approve the Independent Contractor Disclosure Form and Cover Letter.

Ayes: All

Noes: None

Motion Carried

Theresa will send Chairperson Carpenter and Secretary Amelia Greenan an updated copy of the Cover Letter.

III. Ethics Training Plan

Ms. Funk reported she communicated with Highway Superintendent Brian Adams regarding ethics training for the Highway and Sanitation Departments. Superintendent Adams is going to get back to Ms. Funk with some available dates and times. Ms. Funk explained that the training will need to be split up and done early in the morning before the employees’ shifts start.

Ms. Funk reported she also communicated with Supervisor Gary Dickson. She will be sending Supervisor Dickson dates and times for him to pick from and he will notify the employees of the chosen time. The training will take place in the Court Room. Clerk Kobler suggested to Ms. Funk that the training should take place at two separate times because business will need to continue as usual without generating overtime costs.

Ms. Funk informed Deputy Town Attorney Jon Minear that Supervisor Dickson suggested having an attorney present for questions at the training. Deputy Town Attorney Minear replied that if he is available, he will be present and if not, questions can be forwarded to him in an email. Ms. Funk will forward Deputy Town Attorney Minear the email with suggested dates and times for the training.

Vice Chairperson Montgomery raised a concern that future Ethics Board Members may not be willing to voluntarily run all future trainings the same way Ms. Funk is currently preparing to do. Additionally, Vice Chairperson Montgomery was concerned that volunteer Ethics Board Members may accidentally make an incorrect statement or mistake while running a training.

Chairperson Carpenter said she has been researching ethics trainings for the Ethics Board Members. Vice Chairperson Montgomery has researched and trialed another training that may be an option for the Ethics Board.

Vice Chairperson Montgomery went on to explain a training in Massachusetts called, "Conflict of Interest Law":

- The questions in this training are multiple choice
- The course takes approximately one hour
- Participants cannot proceed forward until all questions have been answered correctly
- There is no grade after completion
- Participants are able to print a certificate after completion and have certificate filed with the Town
- If the Town can make this available, all employees can take part in the training on their own time
- Using this training will alleviate the concern that volunteer Ethics Board Members might mistakenly provide any incorrect advice during the training

Clerk Kobler informed the Ethics Board that the Town of West Seneca Human Resources Department has provided a similar training.

Chairperson Carpenter asked Vice Chairperson Montgomery of his opinion on the actual curriculum. Vice Chairperson Montgomery answered that 75% pertains to Ethics and the rest pertains to legal matters. Additionally, it does not relate substantially to finance. He explained that the training for West Seneca should be relative to the different departments. Ideally, the training will be posted on the Town Website, through the Human Resources Department, to be completed by employees once a year. The training can be monitored as well.

Ms. Funk clarified that during her trainings, she will only present bullet points and examples that are pertinent to the group she is training. She will not go through the whole Ethics Code line by line, but participants will leave with a copy of the entire Ethics Code.

Clerk Kobler asked Ms. Funk if she will meet with Department Heads to decide what examples and information are important to present on. Ms. Funk responded that she was going to go through the information herself and pull the necessary information in order to make the presentation for each Department.

Chairperson Carpenter mentioned that she thought of reaching out to other local municipalities with Ethics Boards to see how they conduct their Ethics Trainings. Ms. Funk made the point that the Ethics Training may not have to take place every year but it is important to have trainings at this time due to the recent and drastic changes in the Ethics Code. She suggested having a training every other year and on off years, employees are still given a copy of the Ethics Code.

Clerk Kobler asked for clarification on “employees”, whether that is in reference to blue and white collar, or if it includes Councilmembers, Supervisor, the Supervisor’s Secretary. Chairperson Carpenter said the only people the Ethics Board does not have access to is the police. Ms. Funk added that Supervisor Dickson advised her that the police have their own code and suggested the Ethics Board give the police copies of the Ethics Code, which police members must abide by.

Deputy Town Attorney Minear said that he views the training less as “teaching” and more so as an opportunity to draw awareness to the Ethics Code and offer examples that may pertain to the different departments.

Chairperson Carpenter said she will reach out to the other Ethics Board Chairs in the area to research what they offer for ethics trainings.

OPEN DISCUSSION

I. Ethics Complaint Form

Chairperson Carpenter commented that the requirement for certification when submitting the Ethics Complaint Form may be unnecessary. Clerk Kobler agreed. Chairperson Carpenter suggested that verification may suffice. Chairperson Carpenter drafted a new version of the form to be approved at the next Ethics Board Meeting.

Ms. Funk asked how the Ethics Board should address a complaint that is submitted in the form of a letter that is missing required information required by the Ethics Code. Chairperson Carpenter responded that the Ethics Board can direct the individual to the Ethics Board section of the Town of West Seneca website where a copy of the Ethics Form can now be found.

Clerk Kobler stated that not all residents have access to a printer or the ability to scan and send a completed Ethics Complaint Form, from what she has seen at the Clerk’s Office. In this case, Clerk Kobler asked why individual could not send in a letter. Ms. Funk said a letter should be fine so long as the individual submitting identifies him/herself and includes the necessary information, required by the Ethics Code.

A discussion continued regarding whether or not the individual completing the complaint from will eventually have to meet with the individual the complaint is against. Ms. Funk said that it is not in the Code, however Chairperson Carpenter said it is on the current Ethics Complaint Form. Deputy Town Attorney Minear explained that it depends on the situation. Chairperson Carpenter expressed that she wants to ensure consistency and clarity on the matter. Mr. Kavanaugh suggested that it should depend on the degree of the complaint and that it should be up to the Ethics Board to decide based on the needs of the individual case. Chairperson Carpenter said she will make sure everyone has the correct version of the form in order to continue the discussion.

II. New Ethics Board Member

Vice Chairperson Montgomery asked Chairperson Carpenter if there were any new updates regarding a new Ethics Board Member. Chairperson Carpenter said she did not have any but she reached out to the Supervisor last month. Vice Chairperson Montgomery stated that he did see advertisements in the paper and applications were made available by the Town Supervisor. With respect to the interview of any potential candidates, Clerk Kobler said the interviews take place during an executive session of the Town Board and any appointments would be voted upon in a public Town Board Meeting.

Mr. Kavanaugh reached out to a retired police officer but is was unsure if there would be a conflict. Chairperson Carpenter explained there would not be a conflict and the Chief of Police was formally on the Ethics Board. Mr. Kavanaugh asked if the Chief of Police can recommend someone, like a retired officer. Chairperson Carpenter said the Chief of Police can recommend someone but she would prefer it come from the public, if there is anyone interested.

Vice Chairperson Montgomery expressed his concern that the Ethics Board votes may result in a tie because there are only four votes being taken. Ms. Funk suggested the Ethics Board draft an email to the entire Town Board that notifies them that the Ethics Board is still down a position on the Board and asks that they please move forward in an attempt to fill the position. Chairperson Carpenter said she will draft the email and copy all the Ethics Board Members on it. Vice Chairperson Montgomery added that he does not think anyone on the Ethics Board should suggest a new member applicant nor should the Ethics Board select the next appointment. Ms. Funk added that the Town Code states that the Town Board makes the appointment.

GENERAL PUBLIC COMMENTS

West Seneca Sun Reporter Lian Bunny asked for clarification on the Independent Contractor Disclosure Form. She wanted to know if it would be going into effect soon. Chairperson Carpenter confirmed it will be in effect as soon as it is posted to the website. Additionally, the Ethics Complaint Form will also be posted on the website after its updates are voted on at the next meeting. Upon approval, Secretary Greenan will be posting both forms on the website under the Ethics Board Section.

Ms. Bunny asked if current contractors of the town will have to fill out the form. Chairperson Carpenter and Ms. Funk replied that they will have to fill out the form by March 31st of 2021. The date was originally March 31st of 2020 but it has been postponed due to the Covid-19 Pandemic.

