TOWN OF NORTH EAST

LOCAL LAW NO. 5 of 2011

BE IT ENACTED by the Town Board of the Town of North East as follows:

§I. TITLE.

This Ethics Law shall be known and may be cited as the "Ethics Law of the Town of North East".

§II. PURPOSE.

The purposes of this Ethics Law are:

A. To establish and maintain a standard of uniform ethical conduct for elected and appointed officers, paid and contractual employees, agents, appointees and consultants of the Town (hereinafter "officers and employees");

B. To provide the officers and employees with clear guidance and specific recommendations for adherence to these standards;

C. To facilitate the prevention of any intentional or unintentional infraction of the ethical standards of conduct enacted by the Town, and avoid and prevent the appearance of any such infractions or unethical behavior by officers and employees;

D. To promote public confidence and trust in the Town's officers and employees and to provide ethical oversight of the processes and actions of the Town of North East;

E. To facilitate a wider understanding and recognition of ethical problems or conflicts of interest before they arise, and to enhance the accountability of local government to the citizens of the Town by requiring public disclosure of financial interests, associations or involvements, and personal and familial relationships that may influence or be perceived to influence the actions of Town officers and employees;

F. To implement these objectives through the establishment of clear and reasonable ethical standards of conduct;

G. To provide and define clear response and to recommend fair and standard legal sanctions or corrective disciplinary action in the event the Town's Ethics Law is found to be breached by a Town officer or employee; and

H. To create a Board of Ethics for the Town of North East to render advisory opinions and to investigate and act on complaints and provide counsel on the fair and effective administration of this Ethics Law.

I. This Ethics Law is enacted pursuant to §806 of the General Municipal Law and §10 of the Town Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. Any standards, prohibited acts or conflicts of interest prescribed herein shall be in addition to those required by Article 18, or any related New York State statutes.

§III. DEFINITIONS.

"Appear" and **"Appear Before"** means communicating in any form, including, without limitation, personally through another person, by letter, by electronic communication, or by telephone.

"Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning board of appeals), commission, or other agency or body comprised of two or more Town officers or employees.

"Code" means this Ethic Law.

"Contractual Goods/Services" means any work performed or goods delivered by a Town officer or employee to another person under mutual agreement of the two parties. Retail sales are excluded from this provision.

"Customer" or **"Client"** means any person for whom a Town officer or employee has directly supplied contractual goods/services during the previous twenty-four (24) months. Retail sales are excluded from this provision.

"Board of Ethics" means the Board of Ethics of the Town of North East established pursuant to §VI of this Ethics Law.

"Gift" and "Financial Benefit" shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof, or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "Financial Benefit" do not include campaign contributions permitted by law.

"Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

"Ministerial Act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

"Outside Employer or Business" means:

a. Any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced;

b. Any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he/she receives compensation for services rendered or goods sold or produced; or

c. Any entity in which the Town officer or employee has an ownership interest, except a corporation of which the Town officer or employee owns less than five percent (5%) of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

"Person" means both individuals and entities.

"Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, stepchild, uncle, aunt, nephew, niece, first cousin, or house hold member of a Town officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

"Significant Other" means an individual of the opposite or same sex living in shared quarters for the purpose of constituting a family unit.

"Subordinate" of a Town officer or employee means another Town officer or employee over whose activities he/she has direction, supervision or control, except those who serve in positions that are in the exempt classification under §41 of the Civil Service Law of the State of New York or in the unclassified service under subdivision (a) through (f) of §35 of that law.

"Town" means the Town of North East but shall not include the Town Justice Court.

"Town Officer or Employee" means any official, officer or employee of the Town, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, consultant or committee of the Town. "Town officer or employee" shall not include:

1. A judge, justice, officer, or employee of the court system; or

2. A volunteer firefighter or civil defense volunteer, except fire chief or assistant fire chief.

§IV. STANDARDS OF CONDUCT.

1. General Prohibition.

a. Town officers and employees shall conduct themselves in an ethical, fair and unbiased manner so as to fulfill in good faith the public trust placed upon them by the Town and its citizens.

b. Each Town officer or employee shall avoid conduct or actions that give the appearance of unethical behavior or which tend to suggest: (i) that any person or entity could improperly influence the officer's or employee's position or decision-making, or unduly enjoy his/her favor in the performance of his/her official duties; or (ii) that he/she may be inappropriately affected in the execution of his/her official duties by any factor of kinship or influence by any other private professional entity or relationship or business.

c. A Town officer or employee shall not use his/her official position or office, or take or fail to take any action in any matter he/she knows or has reason to know may provide a personal financial benefit or secure unwarranted or unfair exemptions for him/her or for any of the following persons or entities:

(i) Fellow town officers or entities;

(ii) A relative or significant other;

(iii) His/her outside employer, employer business relations or fellow members of unrelated committees, boards or corporate affiliations;

(iv) A past, current or future client or customer from private business affiliations.

2. Conflicts of Interest.

No Town officer or employee shall have, or give the appearance of: (i) any personal or professional interest, financial or otherwise, direct or indirect; (ii) engage in any business or transaction or professional activity; or (iii) incur any private business or professional obligation of any nature, which is in substantial conflict with the proper, unbiased execution of his/her official Town duties. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment or anything of value which would put him/her in violation of this Ethics Law.

3. Recusal.

a. A Town officer or employee shall promptly recuse himself/herself from participation, involvement and/or acting on any matter

involving, or before, the Town, when such participation, involvement, deliberations and/or act may benefit himself/herself, or any of the persons referred to in §IV1(c) of this law or may give the reasonable appearance of such benefit.

b. Whenever a Town officer or employee is required to recuse himself/herself pursuant to this law, he/she shall: (i) immediately recuse himself/herself and refrain from further participation in the matter; and (ii) fully disclose the grounds for such recusal in writing to the chairperson of the Town board on which such person sits, such person's immediate supervisor (if an employee) and to the Chairperson of the Town Board of Ethics. In the event the recusal occurs after the commencement of, and during, a meeting or public hearing, the recusal of the member shall not deprive the Board of a quorum for purposes of continuing the meeting or public hearing. However, the recused board member may not further participate in that portion of the meeting relating to the matter causing the recusal.

c. Any person who claims that an officer or employee of the Town is required to recuse himself/herself pursuant to this law, shall submit such claim to the chairperson of that person's Board, or to that person's immediate supervisor (if an employee), and in writing to the chairperson of the Board of Ethics. In the event the issue of the recusal of the officer or employee cannot be resolved by the board, or immediate supervisor, as the case may be, the matter shall be referred by the Board, or immediate supervisor, to the Board of Ethics for further proceedings as provided by this law.

4. **Gifts.** A Town officer or employee shall not directly or indirectly accept or solicit any gift valued over seventy-five dollars ($75.00), whether in the form of money services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence any Town officer or employee in the performance of their official duties or that such gift was intended as a reward for any officer action or inaction on the part of a Town officer or employee.

5. **Confidential Information.** A Town officer or employee, or any former officer or employee of the Town, shall not disclose confidential information acquired during the course of his/her official duties or use such information to further his/her personal interests or to unduly affect or influence the outcome of considerations before the Town. This provision does not prohibit disclosures protected under federal Whistleblower's laws, or any comparable state laws.

6. **Representation.** A Town officer or employee shall not represent any private interest before any Town agency or in any litigation in which the Town of

North East is a party, or complainant against, the private interest represented. Additionally, a Town officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services, or opinion to be rendered, in relation to any matter before any Town of North East board or agency.

7. **Appearances or Public Representation.** A Town officer or employee shall not appear before any board agency of the Town except on his/her own behalf, his/.her spouse or minor children's behalf, or on behalf of, or concern for, the Town. No Town officer or employee shall use his/her position to officially present, or advocate for, a person that could be considered in actual, or potential conflict of interest with the Town.

8. **Political Solicitation.** A Town officer or employee shall not request, or authorize anyone else to request, any subordinate of the officer or employee to participate or contribute to any election campaign or political committee. No Town officer or employee shall permit political materials to be placed on Town property, except where permitted by official policies adopted by the Town Board. Town officers and employees shall comply with all local, State and federal laws, rules and regulations governing political campaign contributions.

9. **Future Employment.**

   a. No Town officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

   b. No Town officer or employee, for a two-year period after serving as a Town officer or employee, may represent or render services to a private person or entity in connection with any matter involving the exercise of discretion before the Town office, board, department or comparable organizational unit for which he or she served.

   c. No Town officer or employee, at any time after serving as a Town officer or employee, may represent or render services to a private person or entity in connection with any particular transaction in which he or she personally and substantially participated while serving as a Town officer or employee.

10. **Investments.** A Town officer or employee shall not invest or hold any investment directly or indirectly in any business, financial, commercial or other private transaction, which would create a conflict with his/her official duties.

11. **Inducement of Others.** No Town officer or employee shall intentionally induce, encourage, compel or conspire with another Town officer, employee or person to violate any of the provisions of this Ethics Law.

12. **Nepotism.**

    a. Every officer and employee related closer in degree, by blood or marriage (including significant others), than first cousin to any persons seeking employment within any department, section or function of the Town shall disclose such relationship as provided herein.

    b. Such disclosure shall be made in writing to the Town Clerk, and shall be made at the earliest opportunity next following the date upon which such officer or employee first learns or has knowledge of the application.

13. **Use of Public Property.** No Town officer or employee shall request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the public generally or are provided as Town policy for the use of such officers or employees in the course or conduct of their official duties.

14. **Contracts Rendered Null and Void.** Pursuant to existing State laws, any contract entered into by the Town, or by any Town officer or employee on behalf of the Town, may be rendered null and void, either in whole or in part , if any of the sections or elements of this Town Ethics Law are found to have been violated in the course of that contract's development and/or implementation.

§V. APPLICANT DISCLOSURE: LAND USE APPLICATIONS.

A. **Disclosure.** Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of the Town shall state the information required, to the extent required, by §809 of the General Municipal Law of the State of New York.

B. **Violations.** Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by §809 of the General Municipal Law.

§VI. BOARD OF ETHICS

A. **Establishment.**

    1. The Board of Ethics shall consist of no less than three (3) members, and no more than five (5) members appointed by the Town Board.

2. The term of office for each member shall be five (5) years, running on a calendar year basis. In the event of a three (3) member board, one (1) member shall serve until December 31 of the year in which the Board is established; one (1) shall serve until the second December 31st; one (1) shall serve until the third December 31st. In the event of a five (5) member board, the fourth member shall serve until the fourth December 31st; and the fifth member shall serve until the fifth December 31st.

3. Members of the Board of Ethics may serve up to three (3) consecutive five (5) year terms provided that they adhere to all other provisions of this law.

4. In the event of a vacancy, the Town Board shall solicit recommendations for appointment to the Board of Ethics from the Board of Ethics and from the citizens of the Town.

5. The Town Clerk shall keep on file all records pertaining to the appointments, terms and/or resignations of Board of Ethics members.

6. There shall be support staff and sufficient funds (but no less than $1,000.00) appropriated annually by the Town Board for the operation of the Board of Ethics. Additional funds may be allocated as determined by the Town Board.

7. The Board of Ethics shall be advised by an attorney selected by the Board of Ethics, and appointed by the Town Board. Said attorney shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties. Such attorney may be, in the discretion of the Board of Ethics, the Town Attorney or Attorney to the Town.

8. Members shall serve without compensation and will be reimbursed for all reasonable and necessary expenses, provided they receive prior approval from the Town Board and proper documentation of those expenses have been submitted to the Town Board.

9. The Board of Ethics shall elect a chairperson from among its members. The term of the chairperson shall be for one (1) year. There shall be no limitation placed upon the number of consecutive or subsequent terms a chairperson may serve.

10. The chairperson or a majority of the Board may call a meeting of the Board. The Board of Ethics shall meet a minimum of two (2) times per year.

11. A person appointed to fill a vacancy shall serve the unexpired term of the member he/she replaces.

12. A quorum of the Board is required for the purpose of conducting a meeting. A vote of the quorum shall be required for the Board to take action including, but not limited to, initial, preliminary and final determinations.

B. Qualifications for Board of Ethics Members.

1. All members of the Board of Ethics shall reside in the Town of North East.

2. No more than three (3) members of the Board of Ethics shall be registered within the same political party in the case of a five (5) member Ethics Board, and no more than two (2) members of the Board shall be registered within the same political party in the case of a three (3) or four (4) person Ethics Board.

3. No member of the Board of Ethics shall hold office in a political party committee, or be an officer of, another member's election campaign or committee; be a member of the North East Town Board; or serve as a Town Justice during his or her tenure on the Board of Ethics.

4. An appointed officer, employee or agent of the Town of North East may be a member of the Board of Ethics as long as his or her position is determined not to constitute an actual or implied conflict with his or her duties and responsibilities as a Board of Ethics member.

5. The Town Board may, by Resolution, prescribe initial and/or annual training requirements for Board of Ethics members and minimum meeting attendance requirements. Such requirements shall be established by the Town Board with the advice and consent of the Board of Ethics.

6. Members of the Board of Ethics shall record and file their Oaths of Office with the Town Clerk.

C. Removal of Board of Ethics Member.

1. The Town Board shall have the power to remove, after hearing for cause, any Board of Ethics member. Cause for such removal shall include, but not be limited to:

   a. failure to adhere to the rules and regulations and the provisions of this Ethics Law with regard to the organizations and procedures of the Board of Ethics;

b. failure to attend Board of Ethics meetings as prescribed by the Town Board;

c. failure to attend training sessions, as prescribed by the Town Board; and

d. failure to comply with applicable provisions of this Ethics Law.

2. Prior to the conduct of any hearing for the removal of a Board of Ethics member for cause, the Town Board shall provide the Board member with a statement setting forth the alleged grounds for such removal at least 30 days prior to the conduct of the hearing. During the hearing, the Town Board shall have the power to hear testimony and receive evidence presented by the Town Attorney, or the Attorney to the Town, the attorney to the Board of Ethics, the chairperson of the Board of Ethics, and/or any other person in support of the grounds for such removal. The Board member shall have the right to present witnesses or evidence in defense of the removal action and the Town Board shall have the power to hear other witnesses or members of the public and receive documentation and evidence relevant to the issue of the alleged cause for the Board member's removal.

3. Any determination of the Town Board with regard to removal of a Board member shall be made by the Town Board in writing and a copy shall be provided to the Board member and filed in the office of the Town Clerk and with the chairperson of the Board of Ethics within five (5) business days after the Town Board determination.

D. Powers and Duties of the Board of Ethics.

1. To administer and enforce all the provisions of this Ethics Law and Article 18 of the General Municipal Law.

2. To prescribe and promulgate rules and regulations governing its own organization and procedures.

3. To review, index, maintain on file, and hear all signed complaints that the Board determines to have merit alleging a violation of this Ethics Law upon the written request of any person. Any such complaint shall be signed by the complainant, and must include the complainant's address.

4. To render, index, and maintain on file advisory opinions on the requirements of this Ethics Law. Upon the written request of any Town officer or employee, the Board of Ethics may render a written advisory opinion with respect to the interpretation or application of this Ethics Law or Article 18 of General Municipal Law of the State of New York.

5. To investigate, conduct inquiry and act on any complaint from any person, or any Town officer or employee, that alleges that a violation of this Ethics Law has been committed by a Town officer or employee. Such complaints shall be submitted to the Board of Ethics on a form prescribed by the Board of Ethics. Complaint forms shall, at a minimum, bear the legible signature of the person filing the complaint, must include that person's address and telephone number, and set forth in reasonable detail, with supporting documentation, if appropriate, of the conduct alleged to have violated the Ethics Law. The completed form and support materials must be either mailed by certified mail, or personally filed with the Town Clerk. Upon receipt of the complaint, the Town Clerk shall file the complaint and supporting documentation, and promptly provide the Chairperson of the Board of Ethics with a copy of the same. The Town Clerk shall notify the person filing the complaint that the complaint has been received by the Town. A copy of the complaint and supporting material shall also be supplied to the officer or employee named in the complaint. A report shall be filed with the Town Board on a monthly basis of all complaints received and the disposition of the same.

6. The Board of Ethics shall also have the power upon resolution enacted by a majority of its members to initiate on its own and conduct an inquiry of any Town officer or employee who may have in the course of his/her official duties violated the provisions of the Ethics Law.

7. In fulfilling its functions, the Board of Ethics shall have the power to:

   (a) request and record testimony under oath (under penalty of perjury);

   (b) request from the officer or employee who is the subject of the investigation, and/or from the Town Board or Clerk, or from the appropriate board agency or subdivision of the Town, such additional materials and records as the Board of Ethics deems necessary to conduct its inquiry;

   (c) to refer to the Dutchess County District Attorney for further action any violation of criminal law which it uncovers during the course of its investigation; and

   (d) to issue subpoenas and subpoenas duces tecum.

8. All procedures and inquiries conducted by the Board of Ethics shall be conducted in a manner that preserves to the extent reasonably practical, the confidentiality of affected persons and complies with the requirements of due process of law.

9. If the Board of Ethics preliminarily finds pursuant to its review of: (i) a request for an advisory opinion, (ii) receipt of a complaint alleging a violation of this Ethics Law, or (iii) pursuant to an investigation initiated by the Board of Ethics that a possible violation of this Ethics Law exists, the Board of Ethics may schedule a meeting with the person who is the subject of the complaint, inquiry or investigation for purposes of providing that person with a reasonable opportunity to cure any such violation, or to clarify or gather additional information concerning the substance of the alleged conduct. Such a preliminary finding shall be confidential and not subject to public disclosure. Prior to issuing the preliminary finding, the Board may also schedule a meeting with the person who has filed the complaint to elicit more information concerning the substance of the complaint. If the Board of Ethics determines that there is reasonable cause to believe that a violation of this Ethics Law has occurred, or after any grace period for cure granted by the Board of Ethics has expired and such violation remains uncured, the Board of Ethics shall send a notice of its reasonable cause determination to: (a) the subject of the complaint, investigation or inquiry; (b) the complainant, if any; and (c) the Town Supervisor and the Town Board.

10. Before any such "reasonable cause" determination shall be made the Board of Ethics shall: (a) notify in writing the subject of the complaint inquiry or investigation ("subject") as to the possible or alleged violation of this Ethics Law; (b) afford the subject an opportunity to submit a written response setting forth such information as said subject deems relevant to the alleged violation of this Ethics Law; and (c) upon written request of the subject, afford the subject a meeting wherein the subject may submit a written or oral response setting forth such information as the subject deems necessary or appropriate in response to the actions by the Board of Ethics.

11. After its preliminary investigation, if the Board of Ethics should find no reasonable cause for the inquiry or complaint, the Board may dismiss the action and so notify the complainant, the subject, the Town Supervisor and the Town Board of its findings.

12. In the event the Board of Ethics should find reasonable cause for the request or complaint, it shall forward its written findings to the Supervisor and the Town Board, together with copies of all information and documentation gathered by the Board of Ethics in its reasonable cause determination. The Board of Ethics shall then pursue the additional investigation and fact finding, as set forth herein:

    (a) The Board shall schedule a hearing on the matter under consideration.

(b) The Board of Ethics shall have the power to request such additional documentation or evidence from any person, and shall have subpoena power.

(c) All witnesses testifying before the Board of Ethics shall be sworn under oath, subject to penalty of perjury.

(d) The subject shall be entitled to appear before the Board and be represented by an attorney of his/her own choosing.

(e) At the request of the subject, the subject may be permitted to provide a written sworn response to questions from the Board of Ethics in lieu of an appearance before the Board.

(f) The inquiry of the Board of Ethics shall be confidential, and no member of the Board shall communicate directly or indirectly with any party or persons about any issue of fact or law regarding any investigation, inquiry or complaint before the Board. This shall not, however, prevent the Board from obtaining legal advice from its legal counsel.

(g) Any improper inquiry or attempt to influence a member of the Board of Ethics regarding an ongoing complaint, investigation or inquiry shall be immediately reported to the Board of Ethics chairperson and to the Supervisor and Town Board, in writing.

(h) All testimony and documents and materials gathered by the Board of Ethics during the course of its investigation and/or hearing shall remain confidential until the investigation has been completed and the Board's findings are issued.

(i) In fulfilling its functions, the Board of Ethics shall have the right to obtain additional opinions from other qualified agencies or persons with regard to issues before the Board.

(j) At the conclusion of its investigation, inquiry and proceedings, the Board of Ethics shall render its finding and disposition, with recommendations to the Town Board, of appropriate sanctions, discipline or other action to be taken by the Town Board with regard to any violation of the Ethics Law. The recommendation may include, but shall not be limited to, a warning, reprimand, suspension, or removal from office.

(k) Any person compelled to appear in person, or who voluntarily appears before the Board of Ethics shall be accorded the right to be accompanied, represented and advised by legal counsel of his/her own choosing.

(l) In acting on a request for an advisory opinion, the Board of Ethics, where it deems appropriate, may conduct a hearing following all of the procedures prescribed herein for such hearings. The Board of Ethics may, however, in its discretion, where appropriate, render an advisory opinion after its own investigation and consultation without the conduct of a hearing, render its advisory opinion to the person requesting the same. A copy of the advisory opinion shall be supplied to that officer or employee or person requesting the advisory opinion and the subject, if any, and a copy of the advisory opinion shall be filed with the Town Clerk, Town Supervisor and Town Board within five (5) business days after the rendering of the advisory opinion.

(m) The Board of Ethics may also, if requested to do so by the Town Board, make recommendations to the Town Board regarding amendments to the Ethics Law.

E. Waivers. The Board of Ethics shall also have the following powers:

1. Upon written application and proof of compelling need by an officer or employee, the Board of Ethics may grant a waiver of standards of conduct and disclosure requirements of this Ethics Law, provided that no such waiver shall permit conduct otherwise prohibited by Article 18 of the General Municipal Law of the State of New York and shall not be adverse to the best interests of the Town of North East.

2. Waivers shall be in writing and state the reasons for granting the waiver and be made part of the public record.

F. Public Disclosure of Proceedings: To provide for public inspection of records:

1. The only records of the Board of Ethics that shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other State or Federal law or regulations.

2. No meeting or proceeding of the Board of Ethics concerning an officer or employee shall be open to the public, except upon the request of that officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.

§VII. JUDICIAL REVIEW.

Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§VIII. SUPERSESSION OF GENERAL TOWN LAW §808.

Wherever the requirements of this Ethics Law are inconsistent with the provisions of §808 of the General Municipal Law, this law shall supersede those provisions.

§IX. MISCELLANEOUS PROVISIONS.

A. No existing right or remedy shall be lost, impaired, or affected by reason of this Ethics Law.

B. Nothing in this Ethics Law shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself/herself or any member of his/her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

C. If any provision of this Ethics Law is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this law.

§X. DISTRIBUTION AND POSTING.

A. Within sixty (60) days of the adoption of this Ethics Law, the Town Board shall cause the distribution of this Ethics Law to all Town officers and employees and shall post the same conspicuously where public notices are generally posted within the Town as well as on the Town website. Copies of the Ethics Law shall be made available through the Town Clerk for distribution to the public upon request, and copies of this Ethics Law shall be provided by the Town Clerk to all subsequent officers and employees, and to any contractual laborer or supplier receiving a contract from the Town valued over the sum of $2,500.00. The Town Clerk shall keep a record of every officer and employee to whom a copy of this law has been distributed.

B. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this Ethics Law shall have no effect on the duty of an officer or employee to comply with this Ethics Law or on the enforcement of its provisions.

§XI. SUPERSESSION.

This Ethics Law shall supersede any existing North East Code of Ethics.

§XIV. EFFECTIVE DATE.

This Ethics Law shall take effect immediately upon filing in the Office of the Secretary of State in compliance with all applicable provisions of law.