



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
ALBANY, NY 12224

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NOV 21 2011

TOWN OF CHILI
SUPERVISOR'S OFFICE 7330

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

November, 2011

Dear Town Supervisor:

New York State law provides for local conflict of interest issues to be resolved by local governments through local ethics boards. Specifically, General Municipal Law § 806(1)(a) requires that the local governing body for each county, city, town and village adopt a code of ethics setting forth a standard of conduct that is expected of its municipal officers and employees. In addition, pursuant to General Municipal Law §§ 808(1) and 808(3), the governing body of any county, city, town and village is authorized to establish Boards of Ethics.

As part of the Attorney General's effort to serve the citizens of the State of New York, we are gathering data from each county, city, town and village regarding its local ethics laws and Boards of Ethics.

In this regard, we would appreciate if you would advise this Office as to whether your town has adopted a Code of Ethics. If so, please provide this Office with a copy of the Code with your response. Please also advise us as to whether your town has an established Ethics Board, or as the law permits, ethics matters are generally referred to your county Ethics Board. If your town does have an established Ethics Board, please provide us with contact information for the Board. If your town has not established a Code of Ethics, we are available to assist you in such an effort.

Please mail your response to Martin J. Mack, Executive Deputy Attorney General, Division of Regional Offices, Office of the Attorney General, The Capitol, Albany, New York 12224-0341.

Thank you for your cooperation.

Sincerely,


MARTIN J. MACK
Executive Deputy Attorney General
Division of Regional Affairs

ETHICS COMMITTEE
(3 Year Terms – 3 member board)
Term Expires

- | | | | |
|----|---|----------------|--|
| 1. | Mark DeCory
9 Minute Man Trail
Rochester, NY 14624 | 3yr - 12-31-12 | Home: 247-0968 |
| 2. | Rie Rague
3390 Chili Avenue
Rochester, NY 14624 | 3yr - 12-31-12 | Home: 889-3438 |
| 3. | Rev. Robert Reeves
16 Springbrook Drive
Rochester, NY 14514 | 3yr - 12-31-12 | Home: 594-5929
Work: 889-0190
Cell: 943-7285 |

Town of Chili, NY

PART I: ADMINISTRATIVE LEGISLATION

CHAPTER 36

[HISTORY: Adopted by the Town Board of the Town of Chili 8-5-1970 (Ch. 13, Art. I, of the 1980 Code). Amendments noted where applicable.]

§ 36-1 Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Chili recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Chili. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Chili. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 36-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INTEREST

[Amended 12-3-2008 by L.L. No. 4-2008]

A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of:

A. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.

B. A firm, partnership or association of which such officer or employee is a member or employee.

C. A corporation of which such officer or employee is an officer, director or employee.

D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Town of Chili, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

§ 36-3 Standards of conduct.

Every officer or employee of the Town of Chili shall be subject to and abide by the following standards of conduct:

A. Gifts. He shall not directly or indirectly solicit any gift, nor accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

[Amended 12-3-2008 by L.L. No. 4-2008]

B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board of the Town of Chili and any officer or employee of the Town of Chili, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in conflict with official duties. He shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services or private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Chili in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 36-4 Filing of claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Chili, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 36-5 Distribution of copies.

The Supervisor of the Town of Chili shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Chili within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 36-6 Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Town Board Meeting

August 5, 1970

his feelings and thoughts on the application before the Planning Board of Ridge Barry to rezone property on Chili Avenue and Stottle Road from E Residential to MR.

The Town Board Meeting was adjourned at 9:05 P.M. for the purpose of holding a public hearing.

The Town Board Meeting was reopened at 9:50 P.M. Roll Call was as follows:

Present: Samuel S. Kent, Supervisor William M. Callahan, Councilman
James J. Powers, Councilman James R. Fraser, Councilman
Robert L. Criddle, Councilman

Also present: Clifford W. Tomer, Town Attorney
John Burchill, Comm. of Public Works/Supt. of Highways
James O. Dungan, Town Engineer
Mary B. Parkhurst, Town Clerk

#276. RESOLUTION OFFERED BY COUNCILMAN FRASER

RESOLVED THAT the 1971 estimated budget for Chili Water District amounting to \$95,083.86 to be raised by taxes for the Bond Account be accepted. Seconded by Councilman Criddle and carried with the following vote: Councilman Powers aye, Councilman Criddle aye, Councilman Callahan aye, Councilman Fraser aye, Supervisor Kent aye.

Corres: #231. Letter dated July 23, 1970 to Mr. Kent from Ronald J. Board re: vacant property located on Black Creek Road, and requesting being put on agenda of Town Board meeting on August 5, 1970 to obtain needed permit to have his land filled, together with letter from Monroe Tree Surgeons, Inc., dated July 21, 1970 to Town Board, advising they would fill this property and type of fill, read by Mary B. Parkhurst, Town Board.

Mr. Turre of Monroe Tree Surgeons, Inc. appeared before the Board and explained type of fill would use and discussion followed. Mr. Burchill advised he had requested Mr. Board present plot plan showing lot elevation of existing grade and of grade when finished, but had not received it. Supervisor Kent recommended putting this matter on the agenda of the September 2, 1970 Board Meeting and have them come in with the plans requested so that Town Board members will know a little more what they were talking about.

#277. RESOLUTION OFFERED BY COUNCILMAN POWERS

RESOLUTION ESTABLISHING Standards of Conduct for officers and employees of the Town of Chili.

BE IT RESOLVED by the Town Board of the Town of Chili as follows:

SECTION 1. Pursuant to the provisions of section eight hundred six of the general municipal law, the Town Board of the Town of Chili recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Resolution to promulgate these rules of ethical conduct for the officers and employees of the Town of Chili. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Chili. The rules of ethical conduct of this Resolution as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen of the general municipal law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers

Resolution #277 continued:

and employees.

SECTION 2. Definition. (a) "Municipal Officer or Employee" mean an officer or employee of the Town of Chill, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

SECTION 3. Standards of Conduct. Every officer or employee of the Town of Chill shall be subject to and abide by the following standards of conduct:

(a) Gifts. He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of twenty-five dollars or more, whether in the form of money, services, loan, travel entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

(b) Confidential Information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

(c) Representation before one's own agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

(d) Representation before any agency for a contingent fee. He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board of the Town of Chill and any officer or employee of the Town of Chill, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

(f) Investments in conflict with official duties. He shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

(g) Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

(h) Future Employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Chilli in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

SECTION 4. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Chilli, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 5. Distribution of Code of Ethics. The Supervisor of the Town of Chilli shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of Chilli within 30 days after the effective date of this Resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

SECTION 6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

SECTION 7. Effective date. This resolution shall take effect thirty (30) days after it has been filed as provided in section twenty-seven of the Municipal Home Rule Law.

Seconded by Councilman Criddle and carried with the following vote: Councilman Powers aye, Councilman Criddle aye, Councilman Callahan aye, Councilman Fraser aye, Supervisor Kent aye.

Corres: #232. Letter to Chilli Town Board from Robert E. Nudd taking exception with article that appeared in the Suburban News which gave him so much publicity, and denying charges, regretting something like this happened and expecting to see an apology published on this affair. read by Mary B. Parkhurst, Town Clerk.

On motion of Councilman Criddle, unanimously seconded and unandmously carried, the Town Board Meeting was declared closed at 10:34 P.M.

MARY B. PARKHURST
Town Clerk.