

**TOWN OF EAST GREENBUSH
RESOLUTION 161-2010**

**Appointment of Members to the Town Board of Ethics;
Promulgation of Procedural Rules and Regulations; and
Amendment of the Town Code of Ethics**

WHEREAS, § 15-3 of the East Greenbush Town Code (hereinafter, "Town Code") provides for the constitution of the East Greenbush Town Board of Ethics (hereinafter, Ethics Board"), to wit, at least three members to serve at the pleasure of the East Greenbush Town Board (hereinafter, "Town Board"), at least one of whom shall be an elected or appointed employee of the Town of East Greenbush (hereinafter, "Town"); and

WHEREAS, the Ethics Board is not currently constituted; and

WHEREAS, the Town Board hereby finds and determines that it is in the best interest of the Town to, at this time, constitute the Ethics Board in order to carry out the legislative intent of Town Code Chapter 15 as stated in § 15-1, subd. A therein; and

WHEREAS, no procedural rules and regulations, under which the Ethics Board would function, have heretofore been promulgated; and

WHEREAS, the Town Code of Ethics, as provided in § 15-2 of the Town Code and having been enacted in 1974, is antiquated and does not reflect the current ethical standards as provided in New York General Municipal Law and as recommended by the New York State Comptroller; now, therefore, be it

RESOLVED, that the appointment of James A. Breig, John J. Conway, and David A. Youmans to the Ethics Board be, and the same hereby are, approved; and be it further

RESOLVED, that, prior to any deliberation thereby but as soon as practicable, the Ethics Board, pursuant to § 15-3, subd. C of the Town Code and upon the review and advice of the Attorney for the Town, shall promulgate procedural rules and regulations, and maintain appropriate records of its opinions and proceedings; and be it further

RESOLVED, that, following promulgation of procedural rules and regulations thereby but as soon as practicable, the Ethics Board, upon the advise and review of the Attorney for the Town, shall recommend to the Town Board, for its consideration and adoption, amendments to be made to the Town Code of Ethics, including, but not limited to, financial-disclosure provisions; and be it further

RESOLVED, that the Town Board, immediately upon being fully and duly constituted following the general election of November 2, 2010, may appoint two additional members to the Ethics Board for a total of five members; and be it further

RESOLVED, that no member of the Ethics Board shall receive compensation from the Town, monetary or otherwise, for his or her service thereto; and be it further

RESOLVED, that the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances.

The foregoing resolution was duly moved by Councilperson Matters, seconded by Supervisor McCabe, and resulted in the following vote:

Councilperson Matters	VOTED	YES
Supervisor McCabe	VOTED	YES
Councilperson O'Brien	VOTED	YES

Dated: October 13, 2010

**TOWN OF EAST GREENBUSH
RESOLUTION 190-2010**

Appointment of Member to the Town Board of Ethics

WHEREAS, by Resolution 161-2010 passed on October 13th, 2010, the East Greenbush Town Board (hereinafter, "Town Board") constituted the Ethics Board in order to carry out the legislative intent of Town Code Chapter 15 as stated in § 15-1, subd. A therein; and

WHEREAS, at that time appointed three members to serve at the pleasure of the East Greenbush Town Board (hereinafter, "Town Board"), and

WHEREAS, Resolution 161-2010 stipulated that the Town Board, immediately upon being fully and duly constituted following the general election of November 2, 2010, may appoint two additional members to the Ethics Board for a total of five members; and

WHEREAS, the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore

BE IT RESOLVED, that the appointment of Joseph Slater to the Ethics Board be, and the same hereby is, approved; and be it

FURTHER RESOLVED, that such member shall serve at the pleasure of the East Greenbush Town Board.

The foregoing Resolution was duly moved by Councilperson Malone and seconded by Councilperson Mangold and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	YES
Supervisor McCabe	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES

Dated: December 8, 2010

**TOWN OF EAST GREENBUSH
RESOLUTION 10-2011**

Appointment of Member to the Town Board of Ethics

WHEREAS, by Resolution 161-2010 passed on October 13th, 2010, the East Greenbush Town Board (hereinafter, "Town Board") constituted the Ethics Board in order to carry out the legislative intent of Town Code Chapter 15 as stated in § 15-1, subd. A therein; and

WHEREAS, to date, four members have been appointed to serve at the pleasure of the East Greenbush Town Board (hereinafter, "Town Board"), and

WHEREAS, Resolution 161-2010 stipulated that the Town Board, immediately upon being fully and duly constituted following the general election of November 2, 2010, may appoint two additional members to the Ethics Board for a total of five members; and

WHEREAS, the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore

BE IT RESOLVED, that the appointment of Justine L. Spada to the Ethics Board be, and the same hereby is, approved; and be it

FURTHER RESOLVED, that such member shall serve at the pleasure of the East Greenbush Town Board.

The foregoing Resolution was duly moved by Councilperson Mangold and seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor McCabe	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES

Dated: January 19, 2011

ETHICS, CODE OF

Chapter 15

ETHICS, CODE OF

Local Law
No.1
1974

A LOCAL LAW TO BE KNOWN AS LOCAL LAW NO. 1 FOR THE YEAR 1974

§ 15-1 Intent of Town Board; conflict with other laws.

§ 15-2 Code of Ethics.

§ 15-3 Board of Ethics.

§ 15-4 Administration

§ 15-5 Severability

§ 15-6 When effective

[HISTORY: Adopted East Greenbush Town Board 6-5-74 as Local Law No. 1, 1974.
Amendments noted where applicable.]

Be it enacted by the Town Board of the Town of East Greenbush as follows:

§ 15-1 Intent of Town Board; conflict with other laws.

- A. Statement of legislative intent. The Town Board of the Town of East Greenbush recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public

servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this local law to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided for herein.

- B. The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflict of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this local law.

§ 15-2 Code of Ethics.

- A. Definitions. As used in this local law, the following terms shall have the meanings indicated:

TOWN – Any board, commission, district, council or other agency, department or unit of the government of the Town of East Greenbush.

TOWN EMPLOYEE -- Any officer or employee of the Town of East Greenbush whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

- B. Rule with respect to conflicts of interest. No town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

- C. Standards.

- (1) No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- (2) No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- (3) No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- (4) No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial

interest that might reasonably tend to conflict with the proper discharge of his official duties.

- (5) A town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
- (6) Each town employee 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.
- (7) Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- (8) No town employee employed on a full-time basis, nor any firm or association of which such employee is a member, nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

D. Violations. In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined, suspended or removed from office or employment in the manner provided by law.

§ 15-3 Board of Ethics.

- A. There is hereby established a Board of Ethics consisting of at least three (3) members to be appointed by the Town Board, all of whom reside in the Town of East Greenbush and who shall serve without compensation and at the pleasure of the Town Board of the Town of East Greenbush and who shall serve without compensation and at the pleasure of the Town Board of the Town of East Greenbush. A majority of such members shall be persons other than town employees but shall include at least one (1) member who is an elected or appointed town employee of the Town of East Greenbush.
- B. The Board of Ethics established hereunder shall render advisory opinions to town employees upon written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this local law. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall

the identity of the town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or if none of the Town Attorney.

- C. Upon its formation such Board of Ethics shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

§ 15-4 Administration

- A. Upon the adoption of this local law, the Town Supervisor shall cause a copy thereof to be distributed to every town employee of this town. Failure to distribute any such copy or failure of any town employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof.
- B. Within thirty (30) days of the adoption of this local law, the Town Clerk shall file a copy thereof in the office of the State Comptroller.
- C. The Town Board may appropriate moneys from the general town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

§ 15-5 Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 15-6 When effective.

This local law shall take effect immediately.