

Chapter 1, CODE OF ETHICS

[HISTORY: Adopted by the Orangetown Town Board as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Standards of Conduct [Adopted 9-14-1970 as L.L. No. 10, 1970; amended in its entirety 6-22-1992 by L.L. No. 10, 1992]

§ 1-1. Title.

This local law shall be known and cited as the "Ethics in Government Law of the Town of Orangetown."

§ 1-2. Legislative intent.

In a democracy, government should be open, accessible, equitable and efficient. Democratic government requires that elected officials be independent, impartial and responsible to the people. In order to foster public confidence in the integrity of its government, public officers must not use or be perceived to be using their office for personal gain. In order to enhance public trust in its government, this code requires disclosure of financial interests that may influence or be perceived to influence the actions of elected officials or town employees. Therefore, it is the intent of this legislation to:

- A. Establish high standards of ethical conduct for elected officials and town employees.
- B. Afford elected officials, covered employees and town employees clear guidance to such standards.
- C. Promote public confidence in the integrity of town government.
- D. Require disclosure of financial interests that may influence or be perceived to influence the actions of elected officials, candidates for elected office and covered employees.
- E. Facilitate consideration of potential problems before they arise, minimize unwarranted suspicion and enhance the accountability of government to the people.

§ 1-3. Scope; applicability.

- A. Nothing contained in this local law shall be deemed to supersede the provisions of §§ 800, 801, 802, 803 and 809 of the General Municipal Law, but rather this local law is deemed supplementary thereto. However, should a higher standard of disclosure of conflict of interest be required by this local law, then the provisions of this local law shall govern.
- B. All other legal requirements pertaining to the conduct of elected officials, covered employees and town employees shall not be deemed to have been superseded by this local law, including but not limited to rules of any state or county agency relating to licensing and discipline and any other applicable disciplinary codes.

§ 1-4. Definitions.

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

AGENCY -- Any town agency, department, division, board, commission or bureau of the Town of Orangetown.

BOARD -- The Board of Ethics of the Town of Orangetown.

BUSINESS/PROFESSIONAL DEALING or BUSINESS TRANSACTION:

A. Having or providing any contract, service or work with the town.

B. Buying, selling, renting, leasing or otherwise acquiring from or dispensing to the town any goods, services or property, or obtaining any approval, grant, loan, license, permit or other privilege from the town, excepting that by operation of law.

CANDIDATE FOR ELECTED OFFICIAL -- A candidate for town-wide office who receives the nomination of a political party, files a designating petition for nomination at a primary election or seeks independent nomination and who has not been designated by a party to receive a nomination. The terms "party," "designation," "primary election," "nomination" and "independent nomination" as used herein shall have the same meanings as those contained in § 1-104 of the Election Law.

COMPENSATION -- Any money, thing of value or financial benefit conferred in return for services rendered or to be rendered.

COVERED EMPLOYEES -- The heads (other than elected officials) of any agency, department, division, council, board, commission or bureau of the town and their deputies and assistants and the officers, employees and consultants on annual retainers of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policymaking positions as determined by the Town Board and set forth in a written instrument annexed hereto as Appendix I, ^{EN} which shall be filed with the Board of Ethics.

ELECTED OFFICIAL -- An elected official of the Town of Orangetown.

INTEREST -- A direct or indirect pecuniary or material benefit accruing to an elected official, covered employee or town employee or his or her spouse, child or dependent, whether as a result of a contract with the town or otherwise.

LICENSING -- Any agency activity respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in a profession, trade or occupation or any business or activity regulated by a regulatory agency which, in the absence of such license, permit or other form of permission, would be prohibited.

MINISTERIAL MATTER -- An administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

RELATIVE -- Such individual's spouse or unemancipated child as defined herein or legal dependent as defined by the Internal Revenue Code.

REPRESENTATIVE CAPACITY -- The presentation of the interests of a client or other person pursuant to an agreement, express or implied, for compensation for services.

SPOUSE -- The husband or wife of the reporting individual, unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to a judicial order, decree or judgment or a legally binding separation agreement.

TOWN EMPLOYEE -- Any employee other than an elected official or covered employee of the Town of Orangetown, whether paid or unpaid.

UNEMANCIPATED CHILD -- Any son, daughter, stepson or stepdaughter who is under the age of 21 and living in the household of the reporting individual.

§ 1-5. Standards of conduct.

- A. No elected official, covered employee or town employee shall directly or indirectly solicit, receive compensation or agree to receive compensation for services rendered concerning matters before any town agency, nor shall any such person accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his or her official duties.
- B. No elected official, covered employee or town employee shall have any business or professional dealings or be interested, directly or indirectly, in any manner whatsoever, except by operation of law, in any business or professional dealings with the Town of Orangetown or any agency thereof.
- C. No elected official, covered employee or town employee shall be employed, with or without compensation, as an attorney, agent, broker, director, representative or employee for any person, firm or corporation interested, directly or indirectly, in any manner whatsoever, in business or professional dealings with the town or any agency thereof unless full disclosure is made as to such employment to the Town Board in writing and such elected official, covered employee or town employee disqualifies himself or herself from acting in his or her official capacity in matters affecting such person, firm or corporation.
- D. No elected official, covered employee or town employee shall accept any gift or gifts with an aggregate value of \$200 or more within any twelve-month period, whether in the form of a service, loan, personal property, travel, entertainment or promise or any other form of gratuity, from any person other than a relative or from any firm, any organization or any corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever, in business or any case, proceeding or application or professional dealings with the town or any agency thereof.
- E. No former elected official, former covered employee or former town employee shall directly or indirectly appear, render services or have any business transaction before any town agency concerning a matter in which he or she was personally involved for two years after the termination of his or her service or employment.
- F. No firm which has as a member or employee an elected official, covered employee or town employee may appear before a town agency.
- G. No elected official, covered employee or town employee shall disclose confidential information concerning the property, government or affairs of the town except when permitted or required by law, nor shall he or she use such information to advance the financial or other private interests of any person, firm or corporation.
- H. Any applicant or any representative of any applicant before any agency, must disclose, in writing, and on

the record, any previous business dealings and/or business transactions that said applicant or representative has had with any member of said agency within the previous two years.

§ 1-6. Financial disclosure.

Each elected official, covered employee and candidate for elective office must file an annual financial disclosure statement containing the information and in the form to be determined by resolution of the Town Board and in accordance with §§ 811 and 812 of the General Municipal Law.

§ 1-7. Board of Ethics.

A. There shall be a Board of Ethics consisting of five members to be appointed by the Town Board, all of whom shall reside in the Town of Orangetown and who shall serve without compensation. The members of the present Board shall continue in office until December 31, 1992, unless they or any one of them is in violation of any of the provisions of Subsection B hereof, in which case said member or members are deemed to have vacated their office as of the effective date of this local law.

(1) Members appointed for the period commencing January 1, 1993, and thereafter shall be appointed for five-year terms, except that initially the appointments shall be staggered so that one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, one member shall be appointed for four years and one member shall be appointed for five years.

(2) There shall be no more than two members from each political party. The members of the Board shall elect a Chairman and Secretary annually.

B. No member of the Board shall:

(1) Hold any public office, elected or appointed, or be a public officer or employee of the Town of Orangetown.

(2) Hold office in any political party or be employed as a lobbyist.

(3) Be a relative, as that term is defined in § 1-4 of this local law, of a person holding any office or position described in Subsection B(1) or (2) above.

C. Any vacancy occurring on the Board shall be filled within 60 days of its occurrence by the Town Board in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy shall be appointed for the unexpired term of the member he or she succeeds.

D. Three members of the Board shall constitute a quorum, and the Board shall have power to act by a majority vote of the total number of members of the Board without vacancy.

E. Members of the Board may be removed by the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this local law, after written notice and opportunity for a reply.

F. The members of the Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

G. The Board shall be the repository for all financial disclosure statements required pursuant to the provisions of this local law. All documents filed with the Board, except as otherwise provided in this local law, shall be kept confidential and shall not be used for any purpose outside of the jurisdiction of the Board, except pursuant to a lawfully issued subpoena by or on behalf of a law enforcement agency. The Board shall notify the Temporary State Commission on Local Government Ethics, if such Commission is in existence, and, if not, shall file a statement with the Town Clerk, that it is the authorized repository for completed annual statements of financial disclosure and that on account thereof, such completed statements will be filed with it and not with the Commission.

H. The Board shall inspect all financial disclosure statements filed with the Board to ascertain whether any person subject to the reporting requirements of this local law has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of § 811 or 812 of the General Municipal Law or of this local law, as the case may be.

I. The Board shall obtain from the Rockland County Board of Elections lists of all candidates for elected office. The Board shall determine from such lists those candidates who have not, after the required date for filing such statement, filed the statement required by this local law.

- J. The Board shall meet at least annually in the month of June for purposes of organization and to review the status of all confidential memoranda required to be on file with it and to transact any other business as may properly come before it and shall report publicly to the Town Board not later than the 15th day of September annually on its current state of organization and on the timeliness of all reports required to be on file and for which notices of delinquency have been issued and on any other matters which it may appear to be a just and proper exercise of its responsibility. The Board shall submit a reasonable budget to the Town Board and may make reasonable expenditures from funds budgeted to effectuate the purposes of this local law.
- K. The Board shall adopt, amend and rescind rules and regulations to govern procedures of the Board, which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Board may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship. Such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time will be granted.
- L. The Board shall receive only sworn complaints alleging a violation of any of the provisions of this local law. The source of the complaint shall be verified prior to the commencement of any investigation thereof.
- M. The Board shall permit any person required to file a statement of financial disclosure to request an exemption from any requirement to report one or more items of information which pertains to such person's spouse or unemancipated children, which item or items may be exempted by the Board upon a finding by a majority of the total number of members of the Board without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties.
- N. Upon written request from any person who is subject to the jurisdiction of the Board, the Board shall render advisory opinions on the requirements of the provisions of this local law. An opinion rendered by the Board, until and unless amended or revoked, shall be binding on the Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such request and any such opinions shall be confidential.
- O. If a person required to file a financial disclosure statement with the Board has failed to file a disclosure statement or has filed a deficient statement, the Board shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall send a notice of delinquency to the reporting person and, in the case of a covered employee, to the appointing authority for such person. Such notice shall be available for public inspection.
- P. Notification of alleged violation.
- (1) If a reporting person has filed a statement which reveals a possible violation of the Code of Ethics of this local law or the Board received a sworn complaint alleging such a violation or if the Board determines on its own initiative to investigate a possible or alleged violation, the Board shall notify the reporting person in writing, describe the possible or alleged violation of such Code of Ethics and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting person of its rules regarding the conduct of adjudicatory proceedings and the due process procedural mechanisms available to such individual. If the Board determines, at any state of the proceeding,

that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any.

(2) All the foregoing proceedings shall be confidential. If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send notice of reasonable cause to the reporting person, to the complainant, if any, and, in the case of a covered employee, to the appointing authority for such person. Such notice shall be available for public inspection.

Q. The Board shall adopt rules governing the conduct of adjudicatory proceedings relating to the assessment of civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article 3 of the State Administrative Procedure Act, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within 30 days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body pursuant to Article 78 of the Civil Practice Law and Rules.

R. The Board shall conduct any investigation necessary to carry out the provisions of this local law. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

S. All decisions of the Board not otherwise required to be kept confidential shall be printed and made public within 30 days after its decision and shall be filed with the Town Clerk and shall be available for public inspection during regular business hours.

§ 1-8. Violations and penalties; enforcement.

A. Any person who shall violate any of the provisions of § 1-5 of this local law shall be subject to a civil fine in an amount not to exceed \$3,500 for each violation. Assessment of a civil penalty hereunder shall be made by the Board.

B. An elected official, covered employee or candidate for elected official who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to § 1-6 of this local law shall be assessed a civil penalty in an amount not to exceed \$10,000. A civil penalty for false filing may not be imposed hereunder in the event that a category of value or amount reported hereunder is incorrect, unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file or for a false filing of such statement, except that the Board may impose disciplinary action as otherwise provided by law.

C. In the event that a civil penalty assessed by the Board shall become final and shall not be reviewed pursuant to Article 78 of the Civil Practice Law and Rules, or, if so reviewed, such civil penalty shall be sustained or modified and, as so modified, sustained in part, the Board is hereby directed to review the facts and, if appropriate, to file appropriate disciplinary charges and to impose disciplinary action as provided by law.

§ 1-8.1. Duties of Town Clerk.

The Town Clerk shall file with the Temporary State Commission on Local Government Ethics established by § 813 of the General Municipal Law and in all events shall maintain as a record subject to public inspection:

- A. A copy of this local law or any amendments hereto adopted within 30 days after the adoption thereof.
- B. A statement that the Town of Orangetown has established a Board of Ethics in accordance with this local law and the composition of such Board, within 30 days after the establishment of such Board.
- C. A copy of the form of annual statement of financial disclosure and a statement of the date such annual statement form was promulgated by this local law.

§ 1-8.2. Compliance with statutory provisions.

Notwithstanding anything to the contrary contained in this local law, the Town of Orangetown hereby elects to remove itself from the ambit of all of the provisions of § 812, other than Subdivision 3 of such section, of the General Municipal Law in accordance with the provisions of Subdivision 3 of such section.

§ 1-8.3. 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.

§ 1-8.4. When effective.

This local law shall take effect upon publishing and posting and upon filing a copy with the Secretary of State as required by law.

ARTICLE II, ^{EN} Conflicts of Interest [Added 8-16-1976 by L.L. No. 8, 1976]

§ 1-9. Declaration of policy and purpose.

A. As town government becomes increasingly complex and as our democratic processes draw citizens from every walk of life, there is increasing need for known standards of ethical conduct as a guide for public officers and employees. These standards must be based both on personal integrity and on community vigilance. In support of these basic standards, it is the purpose of this local law to define areas of conflict of interest in

municipal transactions.

- B. Proper administration of the government of the Town of Orangetown requires that town officials be independent and impartial. Proper administration of government requires that public office shall not be used for personal gain and that the public have confidence in its town government.
- C. Proper administration of the government of the Town of Orangetown and a due consideration of the need to bring into municipal government the most qualified and outstanding of our citizens also requires that such citizens shall not be unduly harassed or the privacy of their lives not be unduly invaded.
- D. The State of New York has enacted into law Chapter 1019 of the Laws of 1970, amending the General Municipal Law, to require the adoption of a Code of Ethics which shall contain standards for the guidance of town officials and employees with respect to disclosure of interest before the Town Board, the holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and other standards deemed advisable. this local law, therefore, id adopted to implement the requirements of said state statute.

§ 1-10. Disclosure of interest in building concerns.

- A. Every member of the Town Board, Board of Zoning Appeals, Planning Board and any other public official, whether elected or appointed, shall publicly disclose on the official record the nature and extent of any direct or indirect interest in a construction business or concern involved with the improvement, alteration or development of real property located within the Town of Orangetown and/or any interest he or his spouse may have in real property located in the Town of Orangetown, whether or not the ownership of same is in an individual, assumed or corporate name (except for single-family residences where no change of zone or variance has been involved); and said disclosure shall be made annually every year on May 1 and shall cover the period from January 1 to December 31 of the prior year, except that in 1977 the period shall begin on August 16, 1976, and the date of the disclosure in 1977 shall be July 1. [Amended 5-14-1977 by L.L. No. No. 6, 1977]
- B. The disclosure statement shall contain the following information:
- (1) Date of transaction.
 - (2) Description of property.
 - (3) Amount received as a fee, commission or gratuity and whether in the form of money, stock or any other remuneration.
 - (4) Who participated or shared in said fee or commission.
 - (5) Name of purchaser and seller.
 - (6) Whether or not the official or his spouse at that time was or at the present is a duly licensed real estate broker of the State of New York.
 - (7) Whether or not the official or his spouse owned an interest in said property, either legal or equitable. (If answered in the negative, the facts which form the basis for sharing in said commission or fee shall be set forth.) The official shall set forth whether or not said real property had been affected by by any change in the Zoning Map and Zoning Code of the Town of Orangetown and/or whether the said real property has been the subject of any request for a variance of any kind since the effective date of this local law.

§ 1-11. Change of zone.

A. Every member of the Town Board, Board of Zoning Appeals, Planning Board and any other public official, whether elected or appointed, shall publicly disclose on the official record whether or not he or his spouse has shared in, received or participated directly or indirectly in any way by virtue of fee, commission, gratuity or otherwise any change of zone or any real estate transaction in the Town of Orangetown; and said disclosure shall be made annually every year on May 1 and shall cover the period from January 1 to December 31 of the prior year, except that in 1977 the period shall begin on August 16, 1976, and the date of disclosure in 1977 shall be July 1 [Amended 5-14-1977 by L.L. No. 6, 1977]

B. If the answer is in the affirmative, the official is to set forth the following:

- (1) The description of the property.
- (2) The amount received as fee, commission or gratuity.
- (3) Who received or participated in said fee or commission.
- (4) The date of the change in the zoning.
- (5) The owner of said property at the time of said change.
- (6) What the zoning was prior to and subsequent to the granting of the change of zone.
- (7) The market value prior to and market value subsequent to said change of zone.
- (8) The name of the applicant and the representative who presented the applicaiton.

§ 1-12. Litigation.

A. Every member of the Town Board, Board of Zoning Appeals, Planning Board and any other public official, whether elected or appointed, shall publicly disclose on the official record whether or not he or his spouse has received, shared in or participated directly or indirectly by gratuity or otherwise in any fee or settlement in which the town was a litigant; and said disclosure shall be made annually every year on May 1 and shall cover the period from January 1 to December 31 of the prior year, except that in 1977 the period shall begin on August 16, 1976, and the date of the disclosure in 1977 shall be July 1. [Amended 5-14-1977 by L.L. No. 6, 1977]

B. If the answer is in the affirmative, the following shall be disclosed:

- (1) If litigation has been instituted, the date, caption, court calendar and index number, when possible.
- (2) If the matter has not gone to litigation, whether or not the lawsuit has been settled in claim or prior to trial, the name of the parties and the date of settlement.
- (3) In the event that the town was not a plaintiff, the name and address of the plaintiff's attorney shall be stated, the amount he received as a fee and the amount received as a fee or commission by gratuity or otherwise.

- (4) Who received or participated in said fee or commission; if related, how related.
- (5) If the official of his spouse is licensed as an attorney and counselor at law pursuant to the laws of the State of New York.

§ 1-13. Variances and special exceptions.

A. Every member of the Town Board, Board of Zoning Appeals, Planning Board and any other public official, whether elected or appointed, shall publicly disclose on the official record whether or not he or his spouse has shared in, received or participated directly or indirectly in any way by virtue of fee, commission, gratuity or otherwise any variance of any real property in the Town of Orangetown; and said disclosure shall be made annually every year on May 1 and shall cover the period from January 1 to December 31 of the prior year, except that in 1977 the period shall begin on August 16, 1976, and the date of the disclosure in 1977 shall be July 1. [Amended 5-14-1977 by L.L. No. 6, 1977]

B. If the answer is in the affirmative, the official is to set forth the following:

- (1) The description of the property (street description).
- (2) The amount received as a fee, commission or gratuity.
- (3) Who received or participated in said fee or commission.
- (4) The date of the variance.
- (5) The owner of said property at the time of said variance.
- (6) What the status was prior to and subsequent to the granting of the variance.
- (7) The market value prior to and market value subsequent to said variance.
- (8) The name of the applicant and the representative who presented the application.

§ 1-14. Disclosure of financial interest.

A. [Amended 5-14-1977 by L.L. No. 6, 1977; 10-15-1991 by L.L. No. 22, 1991] The Supervisor, his personal clerk, the Director of Finance, all members of the Town Board, all members and the Clerk of the Planning Board, all members and the Clerk of the Zoning Board of Appeals, all members and the Clerk of the Architecture and Community Appearance Board of Review, all members and the Clerk of the Historic Areas Board of Review, all members and the Clerk of the Board of Assessment Review, the Director of the Office of Building, Zoning and Planning Administration and Enforcement, the Superintendent of Highways, the Director of Sewers, the Director of Parks and Recreation, the Chief of Police, Captain and Lieutenants of the Police Department, the Assessor, the Town Clerk, Deputy Town Clerk, Receiver of Taxes, Town Attorney and Deputy Town Attorneys shall file annually every year on May 1, for the period January 1 to December 31 of the prior year, a written report fully disclosing:

- (1) The amount of each financial interest, direct or indirect, including investment in and income from any business, company, firm, corporation or other organization doing business with the town, of himself, his spouse and his unemancipated and minor children.
 - (2) Every office and directorship held by him in any such company, firm, corporation or organization.
 - (3) Any other interest or relationship which he determines in his discretion might reasonably be expected to be particularly affected by legislative or administrative action or in the public interest should be disclosed.
- B. When the said interest of any such official or employee changes during the course of any year, it shall be mandatory that a new report be filed within 30 days of said change.

§ 1-15. Required statements; form; confidentiality; falsification.

- A. Such written reports are to be filed on forms which meet with the approval of the Board of Ethics of the Town of Orangetown.
- B. Said written reports are not to be a public record and they shall be in the sole custody of the board of Ethics but kept in a sealed file in the office of the Town Clerk.
- C. Any person who knowingly and intentionally makes a false statement in the report may be fined, suspended or removed from office or employment in the manner provided by law.

§ 1-16. When effective.

This local law shall take effect immediately.

ARTICLE III, Attendance Requirements Applicable to Appointed Boards [Adopted 3-2-2005 by L.L. No. 6-2005]

§ 1-17. Legislative findings and intent.

The Town Board is of the belief that the long-term planning, zoning and other interests of the Town are best served when appeals, applications and other matters that come before the Town's appointed boards, and over which those boards have jurisdiction, are determined by members thereof who faithfully attend the scheduled workshop and regular meetings, so that there is a measure of continuity and consistency in the decision-making process. Therefore, in accordance with the provisions of N.Y.S. Town Law § 267(9) applicable to zoning boards of appeal, and § N.Y.S. Town Law § 271(9) applicable to planning boards, and the inherent authority of the Town Board to establish minimum requirements relating to meeting attendance and training of the boards that it appoints, the Town of Orangetown hereby adopts this article to fix minimum attendance requirements for members of all of the Town's land use and other boards. including the Town Planning Board, Town Zoning Board of Appeals, Town Architecture and Community Appearance Board, and Town Historic Areas Board of Review, as well as for all of the other appointed boards of the Town.

§ 1-18. Minimum attendance requirements.

Members of the Town's land use and other boards, including the Town Platuang Board, Town Zoning Board of Appeals, Town Architecture and Community Appearance loan, and Town Historic Areas Board of Review, as well as members all of the Town's other appointed boards, shall be required to attend 75% of all regularly scheduled meetings and special meetings conducted in each calendar year.

§ 1-19. Removal for nonattendance.

In the event a board member does not attend at least 75% of all of the regularly scheduled and special meetings as required under § 1-18 hereof the Town Board shall have the discretion and authority, following a public hearing, to remove such individual from the board of which he or she is a member. The Town Board, in reaching such a determination, shall consider whatever factors it determines to be relevant, including, but not limited to, the reasons, if any, assigned for such absences, and the attendance records of the member in prior years; provided, however, that the Town Board shall not be required to accept any particular excuse for the member's absence.

ARTICLE IV, Residency Requirements for Town Attorney and Deputy Town Attorney [Adopted 1-9-2006 by L.L. No. 1-2006]**§ 1-20. Legislative authority.**

This local law is adopted pursuant to the provisions of §10(1)(ii)(a)(1) of the Municipal Home Rule Law of the State of New York, which grants to local governments the authority to enact local laws regarding the qualifications of local officers which are not inconsistent with general state statutes. Furthermore, this local law recognizes that the State Legislature amended § 3 of the Public Officers Law of the State of New York by adding a new subdivision numbered "24" exempting any appointed public officer in the Town of Greenburgh, New York, from the required residency requirements, and allowing any such appointed public officers to reside anywhere in the State of New York. This amendment by the State Legislature, therefore, has rendered § 3 of the Public Officers Law, in its coverage of appointive Town officers, a special rather than a general law, since in establishing residency requirements for appointive Town officers it did not, in terms and in effect, apply alike to all towns of the state.

§ 1-21. Supersession.

This local law shall supersede § 3 of the Public Officers Law of the State of New York and § 23, Subdivision 1, of the Town Law of the State of New York, in their application to the Town of Orangetown for the position of Deputy Town Attorney.

§ 1-22. Residency requirements established.

The person or persons holding the office of Deputy Town Attorney need not be a resident nor an elector of the Town of Orangetown; provided, however, that such persons shall reside and be an elector in the County of Rockland, State of New York. However, the person holding the office of Town Attorney shall be a resident and an elector of the Town of Orangetown.

§ 1-23. Severability.

If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof

to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

2011 Board of Ethics

Rev. Louis E. Sanders, Pastor

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Sparkill, NY 10976
359-8721 (H), 359-3509 (B)
Term Expires 12/31/2011

John Lukens

76 Independence Avenue
Tappan, NY 10983
365-970
Term Expires 12/31/2011

Dr. Margaret Mary Fitzpatrick

St. Thomas Aquinas College
125 Route 340
Sparkill, NY 10976
398-4012 (B) 718-352-7046 (C)
Term Expires 12/31/2011

Supervisor Paul Whalen – Liaison

Michael Mandel

94 Grove Street
Pearl River, NY 10965
735-4750
Chairman
Term Expires 1/26/2012

Thomas Hyland

303 Ehrhardt Road
Pearl River, NY 10965
735-4851 (H), 825-3812 (B)
Term Expires 12/31/2011