

Suffolk



**TOWN OF RIVERHEAD**  
**Office of the Town Attorney**

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596  
(631) 727-3200 Fax (631) 727-6152 e-mail: [rfk@riverheadli.com](mailto:rfk@riverheadli.com)

Robert F. Kozakiewicz, Town Attorney - Ext. 216  
Annemarie Prudenti, Deputy Town Attorney - Ext. 608  
Daniel P. McCormick, Deputy Town Attorney - Ext. 605  
William Duffy, Deputy Town Attorney - Ext. 378  
Laura J. Calamita, Paralegal - Ext. 215

December 8, 2011

Martin J. Mack, Executive Deputy Attorney General  
Division of Regional Offices - Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341

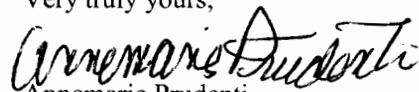
Dear Executive Deputy Attorney General Mack,

The Supervisor of the Town of Riverhead provided me with a copy of your letter dated November, 2011 and requested that I respond to your inquiry seeking information and documentation related to the Town of Riverhead's compliance with Article §18 of the New York State General Municipal Law. I researched the records maintained by the Town Clerk and report that the Town of Riverhead adopted its first Code of Ethics in September of 1969. I enclose for your interest and review a copy of the New York State Department of Audit and Control's correspondence directed to Towns, Schools and Fire Districts dated June 11, 1969 alerting local government agencies of the requirement to file local Codes of Ethics; a copy of State of New York Department of Audit and Control acknowledgement of receipt of the Town of Riverhead's compliance and adoption of a Code of Ethics (Ordinance #39); and finally, a copy of the 1969 Code of Ethics for the Town of Riverhead.

From 1969 to the present, the Town of Riverhead has had a Code of Ethics. In 2004, the Town of Riverhead codified and modified, by Local Law #52, the "Code of Ethics" and filed same with the State of New York Department of State on or about November 26, 2004. A copy of the Department of State's acknowledgement of receipt and filing dated December 2, 2004 is attached for your review. Since 2004, the Code of Ethics has been revised to increase the departments, committees and individuals required to file financial disclosure statements (referred to as "Annual Financial Disclosure and Conflict Statement" in Chapter 18 §18-10), amend filing dates and provide clarification to some of the code provisions. A copy of Chapter 18 "Ethics Code" of the Riverhead Town Code is annexed hereto. As set forth in Chapter 18, the Town of Riverhead created an Ethics Board and I report that the Ethics Board meets regularly to address and respond to requests for opinions, review of annual disclosure statements, and all such other matters within their duties, responsibilities and powers as fully set forth in Chapter 18.

If you require any additional information, please do not hesitate to contact me at (631) 727-3200 (ext. 608).

Very truly yours,

  
Annemarie Prudenti  
Deputy Town Attorney

cc: Supervisor Sean M. Walter,  
Town of Riverhead



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

GEORGE E. PATAKI  
GOVERNOR

December 2, 2004

RANDY A. DANIELS  
SECRETARY OF STATE

Town of Riverhead  
Office of the Town Clerk  
200 Howell Avenue  
Riverhead, NY 11901

**RE: Town of Riverhead, Local Law 51 & 52, 2004, filed on 11/26/2004**

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records & Law Bureau  
(518) 474-2755

LL:cb

2004 DEC -7 P 3:36  
FILED IN OFFICE OF  
BARBARA GRATTA  
TOWN CLERK



STATE OF NEW YORK  
DEPARTMENT OF AUDIT AND CONTROL  
ALBANY

ARTHUR LEVITT  
STATE COMPTROLLER

June 11, 1969

TO: Clerks of Municipalities, School, Fire and Special Districts and  
Other Local Governmental Agencies

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Please be alerted to an amendment to the "Conflicts of Interest Law" (Article 18 of the General Municipal Law) by Chapter 646 of the Laws of 1969, effective September 1, 1969.

The new provisions require clerks of local governmental units to file the following information with my office:

- (a) a copy of any local code of ethics adopted on or before September 1, 1969 (filing to be accomplished on or before October 1, 1969)
- (b) a copy of any local code of ethics or any amendments thereto adopted after September 1, 1969 (filing to be made within thirty days after adoption)
- (c) a statement as to whether a local board of ethics has been established and the composition of such board (filing to be made by October 1, 1969 in respect to any board of ethics in existence on September 1, 1969, and within thirty days after the establishment of any such new board)

This legislative enactment stems from a recommendation of the Governor's Special Commission on Ethical Standards in Public Service of which I am a member. The information which you file will be evaluated and used by the Commission in making appropriate recommendations for changes in State laws relating to ethical conduct of public officers and employees as may be necessary or desirable.

Sincerely,

*Arthur Levitt*  
Comptroller

**FILED**

JUN 12 1969

HELENE M. BLOCK  
TOWN CLERK  
RIVERHEAD, - N. Y.



STATE OF NEW YORK  
DEPARTMENT OF AUDIT AND CONTROL  
ALBANY

ARTHUR LEVITT  
STATE COMPTROLLER

July 28, 1970

IN REPLYING REFER TO

Hélene M. Block  
Town Clerk  
220 Roanoke Avenue  
Riverhead, N.Y. 11901

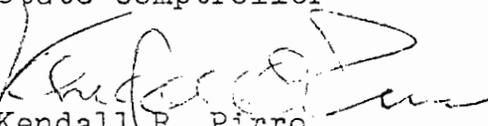
Dear Madam:

This is to acknowledge the receipt, on September 18,  
1969, of (~~xxxxxx~~) (an ordinance)  
(~~xxxxxx~~) establishing a code of ethics for your  
municipality.

Very truly yours,

ARTHUR LEVITT  
State Comptroller

By

  
Kendall R. Pirro  
Senior Attorney

KRP/klm

RIVERHEAD,  
NEW YORK

70 Jul 27 AM 11 1

FILED

OFFICE OF TOWN CLERK  
TOWN OF RIVERHEAD  
TOWN HALL, 220 ROANOKE AVENUE  
RIVERHEAD, NEW YORK, 11901

PHONE: PARK 7-3201

MISS HELENE M. BLOOM  
TOWN CLERK

MRS. ELIZABETH EDWARDS  
DEPUTY TOWN CLERK

September 17, 1969

Arthur Levitt, State Comptroller  
State of N. Y. Dept. of Audit and Control  
Albany, New York

Dear Mr. Levitt:

Pursuant to amendment to the "Conflicts of Interest Law" (Article 18 of the General Municipal Law) by Chapter 646 of the Laws of 1969, effective September 1, 1969, I am submitting herewith for filing in your good office, the following:

1. Certified copy of "Code of Ethics" for the Town of Riverhead.
2. Certified copy of resolution listing composition of such Board.

Please acknowledge receipt of aforementioned copies, I am

Sincerely,

Town Clerk

HMB.  
Encs.

STATE OF NEW YORK  
COUNTY OF SUFFOLK

*Pauline Case*

OF RIVERHEAD,  
IN SAID COUNTY, BEING DULY SWORN, SAYS,  
SHE IS THE PRINCIPAL CLERK OF THE NEWS-  
REVIEW PUBLISHING CORPORATION, PUBLISHER  
OF THE NEWS-REVIEW, A WEEKLY NEWSPAPER  
PRINTED AND PUBLISHED AT RIVERHEAD,  
SUFFOLK COUNTY, STATE OF NEW YORK, AND  
THAT THE NOTICE, OF WHICH THE ANNEXED IS  
A PRINTED COPY, HAS BEEN REGULARLY PUB-  
LISHED IN SAID NEWSPAPER, ONCE IN EACH  
WEEK FOR *one* WEEKS SUCCESSIVELY,  
COMMENCING ON THE *6th* DAY OF

*March* 1969.

SWORN TO BEFORE ME }  
THIS *6* DAY OF } *Pauline Case*

*MAR 1969.*

*[Signature]*  
NOTARY PUBLIC, SUFFOLK COUNTY,  
STATE OF NEW YORK

JACK B. HEDGES  
NOTARY PUBLIC, State of New York  
Residing in Suffolk Co. No. 52-682875  
Commission Expires March 30, 1970

**PUBLIC NOTICE**

In the Matter of the adoption of Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead, Suffolk County, New York.

**RESOLUTION**

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the adoption of Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead, Suffolk County, New York.

NOW, THEREFORE, BE IT RESOLVED and this Town Board hereby ordains and enacts the following Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead:

**CODE OF ETHICS**

**Section 1. Definitions:**

The definitions of words and phrases set forth in Section 800 of the General Municipal Law, as the same may have been and hereafter may be amended, shall apply to this Code.

**Section 2. Application:**

The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

**Section 3. Board of Ethics:**

a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation, and at the pleasure of the Town Board. The fifth member shall be the Town Attorney, *ex officio*.

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer of employee involved or by the head of his department.

**Section 4. Special Rules pertaining to executive sessions of the Town Board:**

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter covered by his office, employment or contract nor shall they apply to the appearance before the Town Board in executive session of the officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of

any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

**Section 5. Title: Severability: Effective date:**

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

Dated: March 4, 1969

BY ORDER OF  
THE TOWN BOARD  
TOWN OF RIVERHEAD,  
NEW YORK  
HELENE M. BLOCK,  
TOWN CLERK

STATE OF NEW YORK)  
COUNTY OF SUFFOLK) ss:  
TOWN OF RIVERHEAD)

HELENE M. BLOCK, being duly sworn deposes and says:

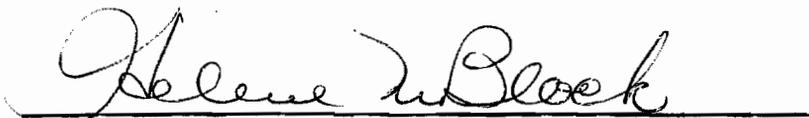
THAT she is and at all the times hereinafter mentioned was the  
duly elected, qualified and acting Town Clerk of the Town of Riverhead,  
in the County of Suffolk, State of New York.

THAT on the 6th day of March, 1969, she caused  
to be conspicuously posted and fastened up on the Bulletin Board maintained  
in her Office, pursuant to Law, the following: PUBLIC NOTICE re adoption  
of Code of Ethics Ordinance No. 39

THAT a copy of the above said PUBLIC NOTICE

was published in the "News-Review", the official Newspaper for the Town of  
Riverhead, on the 6th day of March, 1969.

(Applies to Ordinance only) THAT on the 6th day of March, 1969,  
she entered into the Ordinance Book the copy of the Ordinance as stated above.

  
Town Clerk

Sworn to before me this

6th day of March, 1969.

  
Notary Public, State of New York.

HELEN M. GUYER  
NOTARY PUBLIC, State of New York  
No. 52-1610350  
Residing in Suffolk County  
Commission Expires March 30, 1969

PUBLIC NOTICE

-----X

In the Matter of the  
adoption of Ordinance No. 39, entitled  
"Code of Ethics", of the Town of River- :                   RESOLUTION  
head, Suffolk County, New York.

-----X

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County,  
New York, has caused all matters and things to be done which are required by  
the Town Law and other statutes made and provided in connection with the adoption  
of Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead, Suffolk  
County, New York,

NOW, THEREFORE, BE IT RESOLVED and this Town Board hereby ordains  
and enacts the following Ordinance No. 39, entitled "Code of Ethics" of the Town of  
Riverhead:

CODE OF ETHICS

Section 1. Definitions:

The definitions of words and phrases set forth in Section 800 of the General  
Municipal Law, as the same may have been and hereafter may be ~~am~~<sup>m</sup>ended, shall  
apply to this Code.

Section 2. Application:

The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

Section 3. Board of Ethics:

a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation, and at the pleasure of the Town Board.

The fifth member shall be the Town Attorney, ex officio. ~~The other four members shall serve for terms of four years each, except that of the members first appointed the Board shall designate one to serve for one year, one for two years, one for three years and one for four years. Terms shall expire December 31 of each year.~~

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer or employee involved or by the head of his department.

Section 4. Special Rules pertaining to executive sessions of the Town Board:

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter covered by his office, employment or contract, nor shall they apply to the appearance before the Town Board in executive session of the

officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

Section 5. Title: Severability: Effective date:

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

Dated: March 4, 1969

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD, NEW YORK

HELENE M. BLOCK, TOWN CLERK

"CODE OF ETHICS" -TOWN OF RIVERHEAD, N. Y.  
(Adopted: March 4, 1969)

**PUBLIC NOTICE**

In the Matter of the:  
adoption of Ordinance No. 39, entitled: **RESOLUTION**  
"Code of Ethics," of the:  
the Town of Riverhead, Suffolk County, New York.

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law and other statutes made and provided in connection with the adoption of Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead, Suffolk County, New York,

NOW, THEREFORE, BE IT RESOLVED and this Town Board hereby ordains and enacts the following Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead:

**CODE OF ETHICS**

**Section 1. Definitions:**

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The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

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a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation, and at the pleasure of the Town Board. The fifth member shall be the Town Attorney, ex officio.

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer of employee involved or by the head of his department.

**Section 4. Special Rules pertaining to executive sessions of the Town Board:**

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter covered by his office, employment or contract nor shall they apply to the appearance before the Town Board in executive session of the officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of

any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

**Section 5. Title: Severability: Effective date:**

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

Dated: March 4, 1969

BY ORDER OF  
THE TOWN BOARD  
TOWN OF RIVERHEAD,  
NEW YORK  
HELENE M. BLOCK,  
TOWN CLERK

STATE OF NEW YORK)  
COUNTY OF SUFFOLK)SS.:

*Pauline P. Case* OF RIVERHEAD,  
IN SAID COUNTY, BEING DULY SWORN, SAYS,  
SHE IS THE PRINCIPAL CLERK OF THE NEWS-  
REVIEW PUBLISHING CORPORATION, PUBLISHER  
OF THE NEWS-REVIEW, A WEEKLY NEWSPAPER  
PRINTED AND PUBLISHED AT RIVERHEAD,  
SUFFOLK COUNTY, STATE OF NEW YORK, AND  
THAT THE NOTICE, OF WHICH THE ANNEXED IS  
A PRINTED COPY, HAS BEEN REGULARLY PUB-  
LISHED IN SAID NEWSPAPER, ONCE IN EACH  
WEEK FOR *one* WEEKS SUCCESSIVELY,  
COMMENCING ON THE *20th* DAY OF

*February* 19*69*.  
SWORN TO BEFORE ME

THIS *30* DAY OF *February* 19*69*.

*JACK B. HEDGES*  
NOTARY PUBLIC, SUFFOLK COUNTY,  
STATE OF NEW YORK

JACK B. HEDGES  
NOTARY PUBLIC, State of New York  
Residing in Suffolk Co. No. 52-6828775  
Commission Expires March 30, 19*70*

*3/4/69*  
*10:45 A.M.*

**RESOLUTION CALLING SEC-  
OND PUBLIC HEARING ON  
CODE OF ETHICS. - ORDI-  
NANCE NO. 39**

WHEREAS, pursuant to notice  
duly given a public hearing was  
held November 6, 1968 on the pro-  
posed Code of Ethics, Ordinance  
No. 39, of the Town of Riverhead;  
and

WHEREAS, at said hearing a  
number of changes and revisions  
to said Code, as advertised, were  
proposed and considered by the  
Town Board, which, if adopted,  
would substantially affect and  
change the proposed Code as ori-  
ginally advertised, now, there-  
fore,

BE IT RESOLVED, that the  
Town Clerk is authorized and di-  
rected to publish the following no-  
tice of a second public hearing  
on the proposed Code of Ethics,  
Ordinance No. 39, as revised, in  
the News Review on the 20th day  
of February, 1969.

**NOTICE OF PUBLIC HEARING**  
Pursuant to the applicable pro-  
visions of the Town Law, notice  
is hereby given that a public  
hearing will be held by the Riv-  
erhead Town Board at the Town  
Hall, 220 Roanoke Avenue, Riv-  
erhead, New York, at 10:45 A.M.  
o'clock on the 4th day of March,  
1969, in the matter of the adop-  
tion of a proposed Code of Ethics,  
Ordinance No. 39, of the Town of  
Riverhead, as follows:

**CODE OF ETHICS**

**Section 1. Definitions:**  
The definitions of words and  
phrases set forth in Section 800  
of the General Municipal Law, as  
the same may have been and  
hereafter may be amended, shall  
apply to this Code.

**Section 2. Application:**  
The provisions of this Code

for twelve months following final  
action by the Board on the mat-  
ter discussed at such session.  
Such tape recordings shall be pub-  
lic records and any person may  
cause the same to be played, and  
make transcriptions of the same,  
under reasonable rules of the  
Town Clerk.

e. The provisions of this Sec-  
tion shall not apply to the appear-  
ance before the Town Board in  
executive session of any officer  
or employee of the Town, nor to  
the appearance of any person hir-  
ed by or under contract with the  
Town, in respect to any matter  
covered by his office, employ-  
ment or contract, nor shall they  
apply to the appearance before  
the Town Board in executive ses-  
sion of the officer, employee or  
agent of any municipal corpora-  
tion, district or agency, nor to  
the officer, employee or agent of  
the government, agency or sub-  
division of any State or of the  
United States in respect to any  
matter relating to their official  
duties.

d. Any person violating any of  
the provisions of this Section shall  
be subject to a fine of not more  
than \$100.00.

Section 5. Title: Severability: Ef-  
fective date:

This ordinance may be cited as  
the "Code of Ethics of the Town  
of Riverhead". Should any section  
or portion thereof contained here-  
in be declared invalid, such in-  
validity shall not affect the re-  
maining provisions of this Code.  
This Code shall take effect ten  
days after publication and posting  
as required by law.

Persons desiring to be heard  
on the proposed Ordinance as  
aforesaid should appear at the  
time and place above set forth  
for the public hearing thereon.

Dated: February 4, 1969  
BY ORDER OF  
THE TOWN BOARD  
TOWN OF RIVERHEAD,  
NEW YORK  
HELENE M. BLOCK,  
TOWN CLERK.

and apply to the Council of the  
Riverhead, except to the ex-  
tent that such provisions are in-  
consistent with Article 16 of the  
General Municipal Law, in which  
the provisions of Article 13  
shall apply and govern such con-  
sult.

**Section 3. Board of Ethics:**

a. There is hereby created and  
established a Board of Ethics of  
the Town of Riverhead. The  
board shall consist of five mem-  
bers, four of whom shall be ap-  
pointed by the Town Board from  
among residents of the Town who  
are not Town employees or of-  
ficers, and who shall serve with-  
out compensation. The fifth mem-  
ber shall be the Town Attorney,  
in office. The other four mem-  
bers shall serve for terms of four  
years each, except that of the  
members first appointed, the  
board shall designate one to serve  
for one year, one for two years,  
one for three years and one for  
four years. Terms shall expire De-  
cember 31 of each year.

b. The composition of the Board  
shall include not more than two  
persons enrolled in the same po-  
litical party.

c. The Board shall forthwith se-  
lect from among its membership  
a chairman, and shall promulgate  
its own rules and regulations, con-  
sistent with this ordinance and  
provisions of law, pertaining  
to establishing forms and pro-  
cedures for carrying out the pro-  
visions and intent of this ordi-  
nance. The Board shall maintain  
appropriate records of its pro-  
ceedings and opinions.

d. The Board shall render ad-  
visory opinions with respect to  
the Code, and with respect to the  
application of the provisions of  
Article 16 of the General Municipal  
Law to the officers and em-  
ployees of the Town. All requests  
for opinions shall be in writing;  
they shall be rendered only to the per-  
son requesting the same, or in ad-  
vance, to the head of his depart-  
ment, and may be requested only  
of the municipal officer of em-  
ployment involved or by the head of  
the department.

**Section 4. Special Rules pertain-**  
ing to executive sessions of the  
Board.

STATE OF NEW YORK)  
COUNTY OF SUFFOLK) ss:  
TOWN OF RIVERHEAD)

HELENE M. BLOCK, being duly sworn deposes and says:

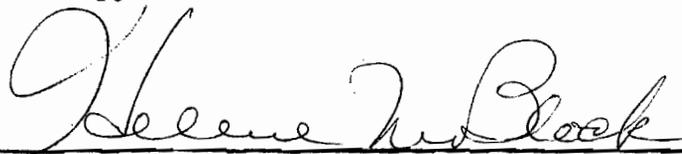
THAT she is and at all the times hereinafter mentioned was the  
duly elected, qualified and acting Town Clerk of the Town of Riverhead,  
in the County of Suffolk, State of New York.

THAT on the 20th day of February, 196<sup>9</sup>, she caused  
to be conspicuously posted and fastened up on the Bulletin Board maintained  
in her Office, pursuant to Law, the following: PUBLIC NOTICE OF SECOND  
PUBLIC HEARING ON CODE OF ETHICS -ORDINANCE No. 39-to be held  
March 4th, 1969 at 10:45 A.M.

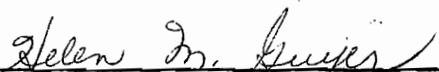
THAT a copy of the above said PUBLIC NOTICE

was published in the "News-Review", the official Newspaper for the Town of  
Riverhead, on the 20th day of February, 196<sup>9</sup>.

(Applies to Ordinance only) THAT on the \_\_\_\_\_ day of \_\_\_\_\_, 196\_\_\_\_,  
she entered into the Ordinance Book the copy of the Ordinance as stated above.

  
\_\_\_\_\_  
Town Clerk

Sworn to before me this  
20th day of February, 196<sup>9</sup>.

  
\_\_\_\_\_  
Notary Public, State of New York.

HELEN M. GUYER  
NOTARY PUBLIC, State of New York  
No. 52-1610350  
Residing in Suffolk County  
Commission Expires March 30, 1969

RESOLUTION CALLING SECOND PUBLIC HEARING ON  
CODE OF ETHICS. - ORDINANCE NO. 39

WHEREAS, pursuant to notice duly given a public hearing was held November 6, 1968 on the proposed Code of Ethics, Ordinance No. 39, of the Town of Riverhead; and

WHEREAS, at said hearing a number of changes and revisions to said Code, as advertised, were proposed and considered by the Town Board, which, if adopted, would substantially affect and change the proposed Code as originally advertised, now, therefore,

BE IT RESOLVED, that the Town Clerk is authorized and directed to publish the following notice of a second public hearing on the proposed Code of Ethics, Ordinance No. 39, as revised, in the News Review on the 20th day of February, 1969.

NOTICE OF PUBLIC HEARING

Pursuant to the applicable provisions of the Town Law, notice is hereby given that a public hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, at 10:45 A. M. o'clock on the 4th day of March, 1969, in the matter of the adoption of a proposed Code of Ethics, Ordinance No. 39, of the Town of Riverhead, as follows:

CODE OF ETHICS

Section 1. Definitions:

The definitions of words and phrases set forth in Section 800 of the General Municipal Law, as the same may have been and hereafter may be

amended, shall apply to this Code.

Section 2. Application:

The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

Section 3. Board of Ethics:

a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation. The fifth member shall be the Town Attorney, ex officio. The other four members shall serve for terms of four years each, except that of the members first appointed, the Board shall designate one to serve for one year, one for two years, one for three years and one for four years. Terms shall expire December 31 of each year.

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer or employee involved or by the head of his department.

Section 4. Special Rules pertaining to executive sessions of the Town Board:

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter covered by his office, employment or contract, nor shall they apply to the appearance before the Town Board in executive session of the

officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

Section 5. Title: Severability: Effective date:

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed Ordinance as aforesaid should appear at the time and place above set forth for the public hearing thereon.

Dated: February 4, 1969

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD, NEW YORK  
HELENE M. BLOCK, TOWN CLERK.

RESOLUTION CALLING SECOND PUBLIC HEARING ON  
CODE OF ETHICS. - ORDINANCE NO. 39

WHEREAS, pursuant to notice duly given a public hearing was held November 6, 1968 on the proposed Code of Ethics, Ordinance No. 39, of the Town of Riverhead; and

WHEREAS, at said hearing a number of changes and revisions to said Code, as advertised, were proposed and considered by the Town Board, which, if adopted, would substantially affect and change the proposed Code as originally advertised, now, therefore,

BE IT RESOLVED, that the Town Clerk is authorized and directed to publish the following notice of a second public hearing on the proposed Code of Ethics, Ordinance No. 39, as revised, in the News Review on the 20th day of February, 1969.

NOTICE OF PUBLIC HEARING

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CODE OF ETHICS

Section 1. Definitions:

The definitions of words and phrases set forth in Section 800 of the General Municipal Law, as the same may have been and hereafter may be

amended, shall apply to this Code.

Section 2. Application:

The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

Section 3. Board of Ethics:

a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation. The fifth member shall be the Town Attorney, ex officio. The other four members shall serve for terms of four years each, except that of the members first appointed, the Board shall designate one to serve for one year, one for two years, one for three years and one for four years. Terms shall expire December 31 of each year.

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer or employee involved or by the head of his department.

Section 4. Special Rules pertaining to executive sessions of the Town Board:

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter covered by his office, employment or contract, nor shall they apply to the appearance before the Town Board in executive session of the

officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

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This ordinance may be cited as the "Code of Ethics of the Town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed Ordinance as aforesaid should appear at the time and place above set forth for the public hearing thereon.

Dated: February 4, 1969

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD, NEW YORK  
HELENE M. BLOCK, TOWN CLERK.

RESOLUTION CALLING SECOND PUBLIC HEARING ON  
CODE OF ETHICS. - ORDINANCE NO. 39

WHEREAS, pursuant to notice duly given a public hearing was held November 6, 1968 on the proposed Code of Ethics, Ordinance No. 39, of the Town of Riverhead; and

WHEREAS, at said hearing a number of changes and revisions to said Code, as advertised, were proposed and considered by the Town Board, which, if adopted, would substantially affect and change the proposed Code as originally advertised, now, therefore,

BE IT RESOLVED, that the Town Clerk is authorized and directed to publish the following notice of a second public hearing on the proposed Code of Ethics, Ordinance No. 39, as revised, in the News Review on the 20th day of February, 1969.

NOTICE OF PUBLIC HEARING

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CODE OF ETHICS

Section 1. Definitions:

The definitions of words and phrases set forth in Section 800 of the General Municipal Law, as the same may have been and hereafter may be

amended, shall apply to this Code.

Section 2. Application:

The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

Section 3. Board of Ethics:

a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation. The fifth member shall be the Town Attorney, ex officio. The other four members shall serve for terms of four years each, except that of the members first appointed, the Board shall designate one to serve for one year, one for two years, one for three years and one for four years. Terms shall expire December 31 of each year.

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer or employee involved or by the head of his department.

Section 4. Special Rules pertaining to executive sessions of the Town Board:

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter covered by his office, employment or contract, nor shall they apply to the appearance before the Town Board in executive session of a

officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

Section 5. Title: Severability: Effective date:

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed Ordinance as aforesaid should appear at the time and place above set forth for the public hearing thereon.

Dated: February 4, 1969

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD, NEW YORK  
HELENE M. BLOCK, TOWN CLERK.

OFFICE OF TOWN ATTORNEY

TOWN OF RIVERHEAD  
TOWN HALL, 220 ROANOKE AVENUE  
RIVERHEAD, NEW YORK 11901

PHONE: 929-8140

WILLIAM C. HAUGAARD  
TOWN ATTORNEY  
POST OFFICE BOX 181  
WADING RIVER, N. Y. 11792

October 4, 1968

Town Board of the Town of Riverhead  
220 Roanoke Avenue  
Riverhead, New York

Re: Code of Ethics

Gentlemen:

Enclosed is a draft of the proposed code of ethics for the town of Riverhead.

This draft is taken verbatim, with minor changes, from the report of the Committee on a Code of Ethics dated May 28, 1968, with the following exceptions:

1. The definitions of General Municipal Law section 800 are adopted, and no attempt is made to devise our own definitions.
2. In order to conform with state law, the composition of the board of ethics is changed to consist of four members having staggered terms of four years, plus the town attorney ex officio. Membership by the town attorney, ex officio, is required by section 808 of the G.M.L. The total number of members is up to the town board to establish.
3. Drastic revision has been made of the provisions regarding executive sessions, as proposed by the committee. Under the draft submitted, persons who wish to appear before an executive session of the board must first give the town clerk their name and purpose. Requests and appearances are noted in the minutes of the board meeting following the session. If the purpose concerns zoning, the session is recorded and the tapes are available to the public for six months after final action by the board on the zoning matter. The section does not apply to municipal employees and consultants. Violators will be fined up to \$100.

Town Board  
Re: Code of Ethics  
Page two

In the enclosed draft, I have attempted to effect my understanding of the wishes of a consensus of the board. However, I feel I should advise the board against passage of this ordinance in its present form, for the following reasons.

A careful reading of Article 18 of the General Municipal Law, which sets out standards for the conduct of municipal employees, reveals that the draft of the proposed code of ethics, especially as concerns sections 3, 4, 5 & 6, parallels the provisions of Article 18, but in language re-arranges, modifies, adopts, adapts and generally re-writes the provisions of state law, in such a manner as the intended effect of the changes and modifications are obscure at best. Add to this the fact that the town code cannot make lawful what state law has declared unlawful, the passage of this proposed code, as written, will create confusion.

The general plan of Article 18 is to set standards for municipal employees, and further to permit town to set up their own additional rules, together with a board of ethics to apply the state and local rules to the town employees.

The rules proposed concerning executive sessions are in the category of additional local rules, and are properly a part of the code. Those provisions proposed which merely attempt to restate, in different language, state law, should not be in the local code. The creation of a local board is, of course, quite proper and at the heart of the matter.

I would suggest that the board consider the adoption of a local code merely establishing the board of ethics, together with such rules concerning executive sessions as it deems appropriate.

Very truly yours,



RESOLUTION CALLING PUBLIC HEARING ON CODE OF ETHICS

BE IT RESOLVED, that the Town Clerk is authorized and directed to publish the following notice in the News Review on October , 1968.

NOTICE OF PUBLIC HEARING

Pursuant to the Town Law, a Public Hearing will be held by the Riverhead Town Board at the Town Hall, 220 Resnoke Avenue, Riverhead, New York on the day of November, 1968, at o'clock A. M., in the matter of the adoption of a Code of Ethics for the Town of Riverhead; as follows:

Proposed Code of Ethics

Section 1. The definitions of words and phrases set forth in section 800 of the General Municipal Law, as the same have been and may be amended, shall apply to this Code.

Section 2. The provisions of this code shall apply to the conduct of the officers and employees of the town of Riverhead, except to the extent that such provisions are inconsistent with the provisions of Article 18 of the General Municipal Law of the State of New York, in which case the provisions of the General Municipal Law shall apply.

Section 3. No officer or employee of the town of Riverhead, whether paid or unpaid, shall

a. Be or become interested directly or indirectly in any manner whatsoever, except by operation of law, in any business or professional dealings with the town of Riverhead or any agency thereof.

b. Act as attorney, agent, broker, representative or

employee in business or professional dealings with the town of Riverhead or any agency thereof for any person or corporation in which he has a direct or indirect interest.

c. Accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his official duties.

#### Section 4.

a. Any provision of this code notwithstanding, any person serving the town or agency thereof without compensation shall not be deemed in violation of this article unless such interest is in conflict with the proper discharge of his official duties.

b. The provisions of this section shall not apply to the designation of a bank or trust company as a depository, paying agency, registration agent, or other investment in funds of the town in which the officer or employee has an interest by reason of stock ownership when less than five percentum of the outstanding stock of the corporation is owned or controlled indirectly or directly by such officer or employee.

c. The provisions of this section shall not apply to the designation of a newspaper including but not limited to an official newspaper for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

Section 5. Gifts and favors: No officer or employee of the town of Riverhead, whether paid or unpaid, shall accept any gift or gratuity, whether in the form of services, loan, or any other promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the town or any agency thereof. The receipt of a gift of

and inconsequential nature shall not be deemed a violation of this section.

#### Section 6. Disclosure of Interest

a. Any officer or employee of the town of Riverhead, whether paid or unpaid, who has, will have, or intends to acquire an interest, direct or indirect, in any matter being considered by the town board, or by any other official board, agency, officer or employee of the town, and who participates in discussion before, or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

b. Any officer or employee of the town of Riverhead, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the town, in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

#### Section 7. Disclosure of confidential information.

No officer or employee of the town of Riverhead, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the town or any other confidential information of an official character except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

#### Section 8. Penalties.

a. Any contract wilfully entered into by or with the town of Riverhead or any agency thereof in which there is an interest prohibited by this code shall be null, void and wholly unenforceable.

b. Any violations of any of the provisions of this code shall constitute cause for forfeiture of pay, suspension, removal from office, discharge from employment in the form and manner as provided by law. .

#### Section 9. Board of Ethics

There is hereby created and established a Board of Ethics consisting of five members, four of whom are to be appointed by the town board from among residents of the town, and who shall serve without compensation. The town attorney shall be the fifth member of the board, ex officio. Of the other four members first appointed to the board, one shall hold office for a term of one year; one for a term of two years; one for a term of three years; and one for a term of four years years from and after his appointment. The composition of the board shall include not more than two persons enrolled in the same political party, and shall include at least one person not a municipal employee or officer.

Successors shall be appointed for terms of four years. The members of the board shall elect a chairman.

The board shall render advisory opinions with respect to this code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the town, upon the request of the municipal officer or employee involved, or to the head of his department. No advisory opinions shall be rendered upon the request of any other person. All requests for opinions must be submitted in writing, and shall be rendered only to the person requesting the same.

The board shall promulgate its own rules and regulations as to forms and procedures and shall maintain appropriate records of its opinions and proceedings.

Section 10. Special rules regarding executive sessions of the town board.

a. No person shall appear before the town board in executive session unless he shall previously advised the town clerk of his intention and purpose to do so. The name, purpose and fact of such appearance shall be entered in the minutes of the next town board meeting following such executive session.

b. If the purpose stated to the town clerk by the person requesting an appearance before the town board in executive session concerns the zoning ordinance or laws of the town, the town clerk shall cause the entire discussion by such person and the town board to be recorded by tape recorder or similar device, and shall retain tapes of such proceedings for at least six months following the final action of the town board on the matter discussed at such session. Such recording shall be a public record, and any person may cause the same to be played, and may make transcriptions of the same, under reasonable rules of the town clerk.

c. The provisions of this section shall not apply to the appearance before the town board, in executive session, of any officer or employee of the town, nor to the appearance of any person hired by or under contract with the town, in respect to any matter covered by his office, employment or contract, nor shall it apply to the appearance before the town board, in executive session, or the officer, employee or agent of any municipal corporation, district or agency, nor to the officer or employee or representative of the government or subdivision of any state or of the federal government, in respect to any matter relating to their official ~~duties~~ duties.

d. Any person violating this section shall be subject to a fine of not more than \$100.

Section 11.

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead." Should any section of this code be declared invalid, such invalidity shall not affect the validity of the remaining provisions of the code. This ordinance shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed ordinance as aforesaid should appear at the time and place specified for public hearing.

Dated: October 8, 1968

By order of the town board

/s/ Helene M. Block

Town Clerk

REPORT OF THE COMMITTEE ON A CODE OF  
ETHICS

The Committee on a Code of Ethics submits its report here-  
with. The report is in two parts:

Part One: A Code of Ethics

Part Two: Recommendations for rules of conduct  
in regard to executive sessions and  
handling of reports of outside agencies.

The Committee respectfully recommends the adoption of the  
report.

Signed

Patricia S. Tamey  
Secretary

May 28, 1968

CODE OF ETHICS

(providing standards of conduct for officers, agents and employees of the Town of Riverhead.)

2. No officer or employee, ~~as such terms are defined in Art. 18 sec. 800 of the General Municipal Law~~, whether paid or unpaid, shall

- a. Be or become interested directly or indirectly in any manner whatsoever except by operation of law, in any business or professional dealing's with the Town of Riverhead or any agency thereof.
- b. Act as attorney, agent, broker, representative or employee in business or professional dealings with the Town or any agency thereof for any person or corporation in which he has a direct or indirect interest.
- c. Accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his official duties.

*1. Defunct Copy 9800* { For the purpose of this Code of Ethics "interest" shall be deemed to include the affairs of: The officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee and a corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

3. a. Any provision of this article notwithstanding any person serving the Town or agency thereof without compensation shall not be deemed to be in violation of this article unless such interest is in conflict with the proper discharge of his official duties.

b. The provisions of this section shall not apply to the designation of a bank or trust company as a depository, paying agency, registration agent, or other investment in funds of the Town in which the officer or employee has an interest by reason of stock holdings when less than five percentum of the outstanding stock of the corporation is owned or controlled indirectly or directly by such officer or employee ~~except~~ when the chief fiscal officer, the tax receiver or their deputies or employees has an interest in such bank or trust company.

c. The provisions of this section shall not apply to the designation of a newspaper including but not limited to an official newspaper for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

*advised state definition. In all terms above -*

4. Gifts and favors.

No officer or employee of the Town of Riverhead, whether paid or unpaid, shall accept any gift or gratuity, whether in the form of services, loan, or any other promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the Town or any agency thereof. The receipt of a gift on an inconsequential nature shall not be deemed a violation of this section.

5. Disclosure of interest.

- a. Any officer or employee of the Town of Riverhead, whether paid or unpaid who has, will have, or intends to acquire an interest, direct or indirect in any matter being considered by the Town Board, or by any other official board, agency, officer or employee of the Town, and who participates in discussion before, or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.
- b. Any officer or employee of the Town of Riverhead, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the Town, in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

6. Disclosure of confidential information.

No officer or employee of the Town of Riverhead, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

7. Penalties.

- a. Any contract willfully entered into by or with the Town of Riverhead or any agency thereof in which there is an interest prohibited by this code shall be null, void and wholly unenforceable.
- b. Any violations of any of the provisions of this code shall constitute cause for forfeiture of pay, suspension, removal from office, discharge from employment in the form and manner as provided by law.

8.

Board of Ethics.

There is hereby created and established a Board of Ethics consisting of five (5) members to be appointed by the Town Board, all of whom shall reside in the Town of Riverhead and who shall serve without compensation. Of the members first appointed to the Board, one shall hold office for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, ~~one for a term of four (4) years~~ and one for a term of ~~five~~ (4) years from and after his appointment.

The composition of this Board shall include not more than two (2) persons duly enrolled in the same political party, *and shall include at least one member not a municipal officer or employee. The town attorney shall be a member ex officio.* Their successors shall be appointed for a term of ~~five (5)~~ *four (4)* years from and after the expiration of the terms of their predecessors in office. The aforesaid shall not prevent members of the Board from being reappointed. The members of the Board shall elect a chairman. *The*

The Board shall render advisory opinion with respect to this Code, such opinions to be rendered only to the officer or employee or to the head of his department, agency or commission. All requests for opinions must be submitted to the Board in writing. Opinions shall be rendered only to the person duly requesting it.

Such Board upon its information shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

9.

Validity.

Should any section of the Code be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole or any other part thereof. This ordinance shall be become effective on \_\_\_\_\_.

Rules of Conduct.

With the intention of continuing with the idea of full disclosure pertaining to Boards and legislative bodies as well as to individuals we recommend the adoption of the following rules of conduct in regard to executive sessions and reports of Federal and State Agencies and Departments:

- a. It is recommended, whenever a resolution is passed in regard to a matter in which executive sessions have previously been held, that such executive sessions be revealed and the fact of their existence be placed upon the record prior to the resolution and that the matters ~~be~~ discussed at such executive sessions be set forth in as great detail as possible.
- b. *No* It is recommended, whenever a report of a Federal or State Agency or Department is rendered to the Supervisor or the Town Board, that such report be included in the minutes of the next Town Board meeting and the fact, that such a report has been received and is on file with the Town Clerk, be published in the official newspaper of the Town. ~~XXXXXXXXXX~~

*No executive sessions shall be held.*

*However, provide an opportunity for persons to address Board in confidence.*

*φ - No person shall ~~be permitted to~~ appear before the Town Board in Executive Session unless he shall have first previously advised the Town Clerk of his intention ~~to~~ to do so ~~together~~ and with a brief statement of his purpose.*

*Known as C/E T/R  
Eff. date*

RESOLUTION CALLING SECOND PUBLIC HEARING ON CODE  
OF ETHICS. -ORDINANCE NO. 39

WHEREAS, pursuant to notice duly given a public hearing was held November 6, 1968 on the proposed Code of Ethics/<sup>Ordinance No. 39</sup>for the town of Riverhead; and

WHEREAS, at said hearing a number of changes and revisions to said Code, as advertised, were proposed and considered by the town board, which, if adopted, would substantially affect and change the proposed Code as originally advertised, now, therefore,

BE IT RESOLVED, that the town clerk is authorized and directed to publish the following notice of a second public hearing on the proposed code of ethics,<sup>Ordinance No. 39</sup> as revised, in the News Review on the 21<sup>st</sup> day of November , 1968:

NOTICE OF PUBLIC HEARING

Pursuant to the applicable provisions of the town law, notice is hereby given that a public hearing will be held by the Riverhead Town Board at the town hall, 220 Roanoke Avenue, Riverhead, New York, at 10:45 A.M. o'clock on the 3<sup>rd</sup> day of December , 1968, in the matter of the adoption of a proposed code of ethics/<sup>Ordinance No. 39</sup>for the town of Riverhead, as follows:

## Code of Ethics

### Section 1. Definitions:

The definitions of words and phrases set forth in section 800 of the General Municipal Law, as the same may have been and hereafter may be amended, shall apply to this Code.

### Section 2. Application:

The provisions of this Code shall apply to the conduct of officers and employees of the town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conduct.

### Section 3. Board of Ethics

a. There is hereby created and established a Board of Ethics of the town of Riverhead. The board shall consist of five members, four of whom shall be appointed by the town board from among residents of the town who are not town employees or officers, and who shall serve without compensation. The fifth member shall be the town attorney, ex officio. The other four members shall serve for terms of four years each, except that of the members first appointed, the board shall designatedone to serve for one

year, one for two years, one for three years and one for four years. Terms shall expire December 31 of each year.

b. The composition of the board shall include not more than two persons enrolled in the same political party.

c. The board shall ~~forwards~~<sup>forthwith</sup> select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The board shall maintain appropriate records of its proceedings and opinions.

d. The board shall render advisory opinions with respect to this code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer of employee involved or by the head of his department.

Section 4. Special Rules pertaining to executive sessions of the town board;

a. No person shall appear before the town board in executive session unless he shall previously have advised the town clerk of his intention and purpose to do so. The

name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the town board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the town, or change thereof, or a special right, permit or exception thereunder, the town clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the town clerk.

c. The provisions of this section shall not apply to the appearance before the town board in executive session of any officer or employee of the town, nor to the appearance of any person hired by or under contract with the town, in respect to any matter covered by his office, employment or contract, nor shall they apply to the appearance before the town board in executive session of the officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of any state or of the United States in respect to any matter relating to

their official duties.

d. Any person violating any of the provisions of this section shall be subject to a fine of not more than \$100.00.

Section 5. Title; Severability; Effective date:

This ordinance may be cited as the "Code of Ethics of the town of Riverhead". Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this code. This code shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed ordinance as aforesaid should appear at the time and place above set forth for the public hearing thereon.

Dated November 19, 1968

By order of the town board

/s/ Helene M. Block

Town Clerk

STATE OF NEW YORK )  
COUNTY OF SUFFOLK ) ss.:

*Pauline Case*  
OF RIVERHEAD,  
IN SAID COUNTY, BEING DULY SWORN, SAYS,  
SHE IS THE PRINCIPAL CLERK OF THE NEWS-  
REVIEW PUBLISHING CORPORATION, PUBLISHER  
OF THE NEWS-REVIEW, A WEEKLY NEWSPAPER  
PRINTED AND PUBLISHED AT RIVERHEAD,  
SUFFOLK COUNTY, STATE OF NEW YORK, AND  
THAT THE NOTICE, OF WHICH THE ANNEXED IS  
A PRINTED COPY, HAS BEEN REGULARLY PUB-  
LISHED IN SAID NEWSPAPER, ONCE IN EACH  
WEEK FOR 1 WEEKS SUCCESSIVELY,  
COMMENCING ON THE 1 DAY OF

SWORN TO BEFORE ME

THIS 24 DAY OF

*Oct. 1968. 24th*  
*Pauline Case*

*JACK B. HEDGES*  
NOTARY PUBLIC, SUFFOLK COUNTY,  
STATE OF NEW YORK

JACK B. HEDGES  
NOTARY PUBLIC, State of New York  
Residing in Suffolk Co. No. 52-6828775  
Commission Expires March 30, 1970

c. The provisions of this section shall not apply to the appearance before the town board in executive session of any officer or employee of the town nor to the appearance of any person hired by or under contract with the town, in respect to any matter covered by his office, employment or contract, nor shall it apply to the appearance before the town board, in executive session, or the officer, employee or agent of any municipal corporation, district or agency, nor to the officer or employee or representative of the government or subdivision of any state or of the federal government, in respect to any matter relating to their official duties.

d. Any person violating this section shall be subject to a fine of not more than \$100.

Section 5.

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead." Should any section of this code be declared invalid, such invalidity shall not affect the validity of the remaining provisions of the code. This ordinance shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed ordinance as aforesaid shall appear at the time and place specified for public hearing.

Dated: October 8, 1968  
By order of the town board  
Town of Riverhead,  
New York  
/s/ Helene M. Block  
Town Clerk

CERTIFICATION  
STATE OF NEW YORK  
COUNTY OF SUFFOLK) ss:  
TOWN OF RIVERHEAD)

I, HELENE M. BLOCK, Town Clerk of the Town of Riverhead, Suffolk County, New York, do hereby certify that I have compared the preceding resolution with the original thereof filed in my office at 220 Roanoke Avenue, Riverhead, Suffolk County, New York, on the 8th day of October, 1968, and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 8th day of October, 1968.  
(Seal)

HELENE M. BLOCK,  
Town Clerk

PUBLIC NOTICE  
RESOLUTION CALLING PUBLIC HEARING ON CODE OF ETHICS ORDINANCE NO. 39

RESOLVED, that the town clerk is authorized and directed to publish the following notice in the News-Review on October 24, 1968.

NOTICE OF PUBLIC HEARING

Pursuant to the Town Law, a Public Hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York on the 6th day of November, 1968 at 11:00 o'clock A.M. in the matter of the adoption of a Proposed Code of Ethics Ordinance No. 39 for the Town of Riverhead; as follows:

Proposed Code of Ethics  
Ordinance No. 39

Section 1. The definitions of words and phrases set forth in section 800 of the General Municipal Law, as the same have been and may be amended, shall apply to this Code.

Section 2. The provisions of this

the Town of Riverhead, except to the extent that such provisions are inconsistent with the provisions of Article 18 of the General Municipal Law of the State of New York, in which case the provisions of the General Municipal Law shall apply.

Section 3. Board of Ethics  
There is hereby created and established a Board of Ethics consisting of five members, four of whom are to be appointed by the town board from among residents of the town and who shall serve without compensation. The town attorney shall be the fifth member of the board, ex officio. Of the other four members first appointed to the board, one shall hold office for a term of one year; one for a term of two years; one for a term of three years; and one for a term of four years from and after his appointment. The composition of the board shall include not more than two persons enrolled in the same political party, and shall include at least one person not a municipal employee or officer.

Successors shall be appointed for terms of four years. The members of the board shall elect a chairman.

The board shall render advisory opinions with respect to this code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the town upon the request of the municipal officer or employee involved, or to the head of his department. No advisory opinions shall be rendered upon the request of any other person. All requests for opinions must be submitted in writing, and shall be rendered only to the person requesting the same.

The board shall promulgate its own rules and regulations as to forms and procedures and shall maintain appropriate records of its opinions and proceedings.

Section 4. Special rules regarding executive sessions of the town board.

a. No person shall appear before the town board in executive session unless he shall previously advise the town clerk of his intention and purpose to do so. The name, purpose and fact of such appearance shall be entered in the minutes of the next town board meeting following such executive session.

b. If the purpose stated to the town clerk by the person requesting an appearance before the town board in executive session concerns the zoning ordinance or laws of the town, the town clerk shall cause the entire discussion by such person and the town board to be recorded by tape recorder or similar device, and shall retain tapes of such proceedings for at least 12 months following the final action of the town board on the matter discussed at such session. Such re-

STATE OF NEW YORK)  
COUNTY OF SUFFOLK) ss:  
TOWN OF RIVERHEAD)

HELENE M. BLOCK, being duly sworn deposes and says:

THAT she is and at all the times hereinafter mentioned was the  
duly elected, qualified and acting Town Clerk of the Town of Riverhead, in  
the County of Suffolk, State of New York.

THAT on the 24 day of October, 1968, she caused to be  
conspicuously posted and fastened up on the Bulletin Board maintained in her  
Office, pursuant to Law, the following: PUBLIC NOTICE CALLING PUBLIC  
HEARING (November 6th, 1968 at 11:00 A.M. ) Re : Code of Ethics for Town of  
Riverhead. - Ordinance No. 39 -

THAT a copy of the above said PUBLIC NOTICE

was published in the "News-Review", the official newspaper for the Town of  
Riverhead, on the 24th day of October, 1968.

  
Town Clerk

Sworn to before me this

24th day of October, 1968.

  
Notary Public, State of New York  
HELEN M. GUYER  
Notary Public, State of New York  
No. 52-1610350  
Residing in Suffolk County

PUBLIC NOTICE

RESOLUTION CALLING PUBLIC HEARING ON CODE OF ETHICS ORDINANCE NO. 39

BE IT RESOLVED, that the Town Clerk is authorized and directed to publish the following notice in the News Review on October 24, 1968.

NOTICE OF PUBLIC HEARING

Pursuant to the Town Law, a Public Hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York on the 6th day of November, 1968 at 11:00 o'clock A. M., in the matter of the adoption of a Proposed Code of Ethics Ordinance No. 39 for the Town of Riverhead; as follows:

Proposed Code of Ethics Ordinance No. 39

Section 1. The definitions of words and phrases set forth in section 800 of the General Municipal Law, as the same have been and may be amended, shall apply to this Code.

Section 2. The provisions of this code shall apply to the conduct of the officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with the provisions of Article 18 of the General Municipal Law of the State of New York, in which case the provisions of the General Municipal Law shall apply.

Section <sup>3.</sup> Board of Ethics

There is hereby created and established a Board of Ethics consisting of five members, four of whom are to be appointed by the town board from among residents of the town, and who shall serve without compensation. The town attorney shall be the fifth member of the board, ex officio. Of the other four members first appointed to the board, one shall hold office for a term of one year; one for a term of two years; one for a term of three years; and one for a term of four years years from and after his appointment. The composition of the board shall include not more than two persons enrolled in the same political party, and shall include at least one person not a municipal employee or officer.

Successors shall be appointed for terms of four years. The members of the board shall elect a chairman.

The board shall render advisory opinions with respect to this code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the town, upon the request of the municipal officer or employee involved, or to the head of his department. No advisory opinions shall be rendered upon the request of any other person. All requests for opinions must be submitted in writing, and shall be rendered only to the person requesting the same.

The board shall promulgate its own rules and regulations as to forms and procedures and shall maintain appropriate records of its opinions and proceedings.

4

Section ~~4~~. Special rules regarding executive sessions of the town board.

a. No person shall appear before the town board in executive session unless he shall previously advised the town clerk of his intention and purpose to do so. The name, purpose and fact of such appearance shall be entered in the minutes of the next town board meeting following such executive session.

b. If the purpose stated to the town clerk by the person requesting an appearance before the town board in executive session concerns the zoning ordinance or laws of the town, the town clerk shall cause the entire discussion by such person and the town board to be recorded by tape recorder or similar device, and shall retain tapes of such proceedings for at least <sup>12</sup>~~six~~ months following the final action of the town board on the matter discussed at such session. Such recording shall be a public record, and any person may cause the same to be played, and may make transcriptions of the same, under reasonable rules of the town clerk.

c. The provisions of this section shall not apply to the appearance before the town board, in executive session, of any officer or employee of the town, nor to the appearance of any person hired by or under contract with the town, in respect to any matter covered by his office, employment or contract, nor

shall it apply to the appearance before the town board, in executive session, or the officer, employee or agent of any municipal corporation, district or agency, nor to the officer or employee or representative of the government or subdivision of any state or of the federal government, in respect to any matter relating to their official ~~business~~ duties.

d. Any person violating this section shall be subject to a fine of not more than \$100.

Section ~~4~~ 5.

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead." Should any section of this code be declared invalid, such invalidity shall not affect the validity of the remaining provisions of the code. This ordinance shall take effect ten days after publication and posting as required by law.

Persons desiring to be heard on the proposed ordinance as aforesaid should appear at the time and place specified for public hearing.

Dated: October 8, 1968

By order of the town board  
Town of Riverhead New York

/s/ Helene M. Block

Town Clerk

REPORT OF THE COMMITTEE ON A CODE OF  
ETHICS

The Committee on a Code of Ethics submits its report here-  
with. The report is in two parts:

Part One: A Code of Ethics

Part Two: Recommendations for rules of conduct  
in regard to executive sessions and  
handling of reports of outside agencies.

The Committee respectfully recommends the adoption of the  
report.

Signed Patricia S. Tomay  
Secretary

May 28, 1968

## CODE OF ETHICS

(providing standards of conduct for officers, agents and employees of the Town of Riverhead.)

1. No officer or employee, as such terms are defined in Art. 18 sec. 800 of the General Municipal Law, whether paid or unpaid, shall
  - a. Be or become interested directly or indirectly in any manner whatsoever except by operation of law, in any business or professional dealing's with the Town of Riverhead or any agency thereof.
  - b. Act as attorney, agent, broker, representative or employee in business or professional dealings with the Town or any agency thereof for any person or corporation in which he has a direct or indirect interest.
  - c. Accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his official duties.
  
2. For the purpose of this Code of Ethics "interest" shall be deemed to include the affairs of: The officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee and a corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.
  - a. Any provision of this article notwithstanding any person serving the Town or agency thereof without compensation shall not be deemed to be in violation of this article unless such interest is in conflict with the proper discharge of his official duties.
  - b. The provisions of this section shall not apply to the designation of a bank or trust company as a depository, paying agency, registration agent, or other investment in funds of the Town in which the officer or employee has an interest by reason of stock holdings when less than five percentum of the outstanding stock of the corporation is owned or controlled indirectly or directly by such officer or employee except when the chief fiscal officer, the tax receiver or their deputies or employees has an interest in such bank or trust company.
  - c. The provisions of this section shall not apply to the designation of a newspaper including but not limited to an official newspaper for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

3. Gifts and favors.

No officer or employee of the Town of Riverhead, whether paid or unpaid, shall accept any gift or gratuity, whether in the form of services, loan, or any other promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the Town or any agency thereof. The receipt of a gift on an inconsequential nature shall not be deemed a violation of this section.

4. Disclosure of interest.

a. Any officer or employee of the Town of Riverhead, whether paid or unpaid who has, will have, or intends to acquire an interest, direct or indirect in any matter being considered by the Town Board, or by any other official board, agency, officer or employee of the Town, and who participates in discussion before, or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

b. Any officer or employee of the Town of Riverhead, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer or employee of the Town, in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

5. Disclosure of confidential information.

No officer or employee of the Town of Riverhead, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

6. Penalties.

a. Any contract willfully entered into by or with the Town of Riverhead or any agency thereof in which there is an interest prohibited by this code shall be null, void and wholly unenforceable.

b. Any violations of any of the provisions of this code shall constitute cause for forfeiture of pay, suspension, removal from office, discharge from employment in the form and manner as provided by law.

7. Board of Ethics.

There is hereby created and established a Board of Ethics consisting of five (5) members to be appointed by the Town Board, all of whom shall reside in the Town of Riverhead and who shall serve without compensation. Of the members first appointed to the Board, one shall hold office for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a term of five (5) years from and after his appointment. The composition of this Board shall include not more than two (2) persons duly enrolled in the same political party.

Their successors shall be appointed for a term of five (5) years from and after the expiration of the terms of their predecessors in office. The aforesaid shall not prevent members of the Board from being reappointed. The members of the Board shall elect a chairman.

The Board shall render advisory opinion with respect to this Code, such opinions to be rendered only to the officer or employee or to the head of his department, agency or commission. All requests for opinions must be submitted to the Board in writing. Opinions shall be rendered only to the person duly requesting it.

Such Board upon its information shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

8. Validity.

Should any section of the Code be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole or any other part thereof. This ordinance shall be become effective on

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Rules of Conduct.

With the intention of continuing with the idea of full disclosure pertaining to Boards and legislative bodies as well as to individuals we recommend the adoption of the following rules of conduct in regard to executive sessions and reports of Federal and State Agencies and Departments:

- a. It is recommended, whenever a resolution is passed in regard to a matter in which executive sessions have previously been held, that such executive sessions be revealed and the fact of their existence be placed upon the record prior to the resolution and that the matters discussed at such executive sessions be set forth in as great detail as possible.
- b. It is recommended, whenever a report of a Federal or State Agency or Department is rendered to the Supervisor or the Town Board, that such report be included in the minutes of the next Town Board meeting and the fact, that such a report has been received and is on file with the Town Clerk, be published in the official newspaper of the Town.

A meeting of the Code of Ethics Committee of the Town of Riverhead was held at 8:00 P. M., on Tuesday, March 20, 1968 in the Town Hall with Chairman Vincent B. Grodski presiding. All members except Henry O'Brien and Edward Kelley were present.

A generous discussion of the provisions that should be included in a Code of Ethics was held and a rough draft of an ordinance was prepared. a copy of the draft is attached hereto.

The meeting was adjourned at 9:30 P. M., to meet again on Tuesday, April 23, 1968.

## CODE OF ETHICS

( providing standards of conduct for officers, agents and employees of the Town of Riverhead. )

1. No officer or employee, as such terms are defined in Art. 18 sec. 800 of the General Municipal Law, whether paid or unpaid, shall
  - a. Be or become interested directly or indirectly in any manner whatsoever except by operation of law, in any business or professional dealing's with the Town of Riverhead or any agency thereof.
  - b. Act as attorney, agent, broker, representative or employee in business or professional dealings with the Town or any agency thereof for any person or corporation in which he has a direct or indirect interest.
  - c. Accept other employment or engage in any business transactions or make any investments directly or indirectly which create a conflict with his official duties.
2. For the purpose of this Code of Ethics "interest" shall be deemed to include the affairs of: The officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer , director or employee and a corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.
  - a. Notwithstanding any provisions to the contrary in this article, any person serving the Town or any agency thereof without compensation shall not be deemed to be in violation of this article unless such interest is in conflict with the proper discharge of his official duties.
  - b. The provisions of this section shall not apply to the designation of a bank or trust company as a depository, paying agency, registration agent, or other investment in funds of the Town in which the officer or employee has an interest by reason of stock holdings when less than five percentum of the outstanding stock of the corporation is owned or controlled indirectly or directly by such officer or employee except when the chief fiscal officer, the Tax Receiver or their deputies or employees has an interest in such bank or trust company.
  - c. The provisions of this section shall not apply to the designation of a newspaper including but not limited to an official newspaper for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.

d. No conflict shall be deemed to arise under this ordinance by virtue of stock ownership where such ownership constitutes less than 5 percent of the outstanding stock of the corporation involved.

3. Gifts and favors.

No officer or employee of the Town of Riverhead, whether paid or unpaid, shall accept any gift or gratuity, whether in the form of services, loan, or any promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the Town or any agency thereof. The receipt of a gift of an inconsequential nature shall not be deemed a violation of this section.

4. Disclosure of interest.

- a. Any officer or employee of the Town of Riverhead, whether paid or unpaid who has, will have, or intends to acquire an interest, direct or indirect in any matter being considered by the Town Board, or by any other official board, agency, officer or employee of the Town, and who participates in discussion before, or gives opinions or advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.
- b. Any officer or employee of the Town of Riverhead, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency officer or employee of the Town, in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer or employee and the nature and extent thereof.

5. Disclosure of confidential information.

No officer or employee of the Town of Riverhead, whether paid or unpaid, shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character except when required by law, nor shall he use such information to advance the financial or other private interests of himself or others.

6. Penalties.

- a. Any contract willfully entered into by or with the Town of Riverhead or any agency thereof in which there is an interest prohibited by this code shall be null, void and wholly unenforceable.
- b. Any violations of any of the provisions of this code shall constitute cause for forfeiture of pay, suspension, removal from

office, discharge from employment in the form and manner as provided by law.

7. Board of Ethics.

There is hereby created and established a Board of Ethics consisting of five (5) members to be appointed by the Town Board, all of whom shall reside in the Town of Riverhead and who shall serve without compensation. Of the members first appointed to the Board, one shall hold office for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a term of five (5) years from and after his appointment. The composition of this Board shall include not more than two (2) persons duly enrolled in the same political party.

Their successors shall be appointed for a term of five (5) years from and after the expiration of the terms of their predecessors in office. The aforesaid shall not prevent members of the Board from being reappointed. The members of the Board shall elect a chairman.

The Board shall render advisory opinion with respect to this Code, such opinions to be rendered only to the officer or employee or to the head of his department, agency or commission. All requests for opinions must be submitted to the Board in writing. Opinions shall be rendered only to the person duly requesting it.

Such Board upon its formation shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

8. Validity.

Should any section of the Code be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the local law as a whole or any other part thereof. This Ordinance shall become effective on

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Town of Riverhead, NY  
Thursday, December 8, 2011

## Chapter 18. ETHICS, CODE OF

**[HISTORY: Adopted by the Town Board of the Town of Riverhead 11-16-2004 by L.L. No. 52-2004. Editor's Note: This chapter also superseded former Ch. 18, Ethics, Code of, adopted 3-4-1969 by Ord. No. 39. Amendments noted where applicable.]**

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### GENERAL REFERENCES

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Defense and indemnification — See Ch. 15.

#### § 18-1. Findings; purposes; construction with other provisions.

- A. The proper administration of government requires Town officers and employees, whether elected or appointed, paid or unpaid and/or serving as a member of any administrative board, commission or other agency, to act fairly, impartially and without taint of conflict of interest in fulfilling their public responsibilities. It is the purpose of this chapter to provide standards of conduct, in addition to those set forth in Article 18 of the General Municipal Law, to assist Town officers and employees in discharging their duties in a proper and ethical manner and to provide for annual disclosure and/or transactional disclosure by elected officials and applicants in order to ensure impartiality and fairness in the administration of local government.
- B. Purposes. Specifically, the purposes of this chapter are:
- (1) To enable and require the officers and employees of the Town to act fairly, impartially, without taint of conflict of interest and without any appearance of conflict of interest in fulfilling their public responsibilities;
  - (2) To set high standards for ethical conduct by officers and employees of the Town;
  - (3) To afford officers and employees of the Town clear guidance concerning such standards, including specific guidance in the form of advisory opinions;
  - (4) To promote public confidence in the integrity of the government and administration of the Town and its agencies and administrative offices;
  - (5) To facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people;
  - (6) To provide fair and speedy resolution of questions and complaints concerning the conduct of officers and employees of the Town;
  - (7) To protect the public from unethical conduct and to protect the officers and employees of the Town from frivolous claims;

(8) To educate the public, officers and employees of the Town regarding this Code of Ethics.

C. Construction with other provisions. Any requirements or standards set forth in this chapter are in addition to other requirements, prohibitions or rules governing ethical conduct set forth in Article 18 of the General Municipal Law or any other general or special law relative to ethical conduct and interests in municipal contracts.

### **§ 18-2. Definitions.**

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

#### **ADMINISTRATIVE OFFICER**

An employee with administrative responsibilities that may include rendering ministerial acts or ministerial decisions.

#### **AGENCY**

Any Town authority, agency, board, bureau, commission, committee or council created by law or appointed by the Town Board or Town Supervisor, except for an advisory committee.

#### **APPEAR AND APPEAR BEFORE**

Communicating in any form, including without limitation, personally, through another person, by letter, by telephone or by electronic communication, with or without compensation.

#### **BENEFIT**

Any gain or advantage to the beneficiary, and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary, and any promise thereof. The term "benefit" does not include campaign contributions authorized by law.

#### **CONSULTANT**

Any individual, association, partnership or corporation or any employee or agent thereof who has been retained to assist any board or agency in the discharge of its duties. Consultant shall also include any business partner, employer or members of consultant's firm or company.

#### **CONTRACT**

As defined in Article 18 of the General Municipal Law, any claim, account or demand against or agreement with the Town, express or implied.

#### **CLIENT OR CUSTOMER**

A. Any person to whom a Town officer or employee has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000; or

B. Any person to whom a Town officer's or employee's outside employer or business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000 but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

#### **FORMER TOWN OFFICER OR EMPLOYEE**

Any person who held at any time in the past any position described in the definition of a "Town officer or employee."

**ETHICS BOARD**

The Ethics Board of the Town of Riverhead established pursuant to § 18-19 of this chapter.

**INTEREST**

As defined in Article 18 of the General Municipal Law, a direct or indirect pecuniary or material benefit accruing to a Town officer or employee as the result of a contract with the Town which such officer or employee serves. For purposes of this chapter, a Town officer or employee shall be deemed to have an interest in the contract of:

A. His or her spouse or relative as defined herein, except a contract of employment with the Town which such Town officer or employee serves.

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

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

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

**MINISTERIAL ACT OR MINISTERIAL DECISION OR MINISTERIAL MATTER**

An administrative action performed in a prescribed manner not allowing for substantial personal discretion.

**OUTSIDE EMPLOYER OR BUSINESS OF A TOWN OFFICER OR EMPLOYEE**

A. Any activity, other than service to the Town, from which the Town officer or employee receives compensation, or anticipates or has reason to anticipate receiving compensation, for services rendered or goods sold or produced; or

B. Any person from whom or from which the Town officer or employee receives compensation, or anticipates or has reason to anticipate receiving compensation, for services rendered or goods sold or produced; or

C. Any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee, or with which the Town officer or employee anticipates or has reason to anticipate becoming a member, officer, director, or employee within the next 24 months; or

D. Any entity in which the Town officer or employee has an ownership interest, unless the Town officer or employee owns less than 5% of such entity, and such interest is worth less than \$10,000; or

E. Any entity in which the Town officer or employee anticipates or has reason to anticipate obtaining or receiving an ownership interest, unless the ownership interest in question constitutes less than five percent of such entity, and such interest is worth less than \$10,000; or

F. Any activity, person or entity described in Subsections A through E above with which the Town officer or employee ceased to have any involvement or participation, or ceased to hold any position, or from which the Town officer or employee ceased to receive any compensation within a period of less than 24 months from the date when the Town officer or employee disclosed the termination of the outside employer or business relationship to the Board of Ethics pursuant to § 18-9.

**PARTICULAR MATTER**

Any case, proceeding, application, request for a ruling or benefit, determination, contract limited to the duration of the contract as specified therein, investigation, charge, accusation, arrest or other similar action which involves a specific party or parties, including actions leading up to a particular matter, provided that a particular matter shall not be construed to include the proposal, consideration or enactment of local laws or resolutions by the Town Board, or any action on the budget.

**PERSON**

A human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

**POLITICAL PARTY COMMITTEE**

Any corporation or committee which operates to aid or promote the success or defeat of a political party and/or the election or defeat of any candidate, within the Town of Riverhead.

**RELATIVE**

A spouse, former spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse, as well as any person claimed as a dependent on the reporting individual's most recently filed state personal income tax return.

**SPOUSE OF A TOWN OFFICER OR EMPLOYEE**

As defined in Article 18 of the General Municipal Law, the husband or wife of the Town officer or employee unless living separate and apart 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.

**SUBORDINATE OF A TOWN OFFICER OR EMPLOYEE**

Any other Town officer or employee over whose activities he or she has direction or control, either directly or indirectly.

**SUPERVISOR OF A TOWN OFFICER OR EMPLOYEE**

Any other Town officer or employee who has direction or control, either directly or indirectly, over the activities of that Town officer or employee.

**TOWN**

The Town of Riverhead, but shall not be construed to include a Town Judge, Town Justice or officer of the Unified Court System.

**TOWN OFFICER OR EMPLOYEE**

An officer or employee of the Town of Riverhead, whether paid or unpaid, elected or appointed, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a Town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer. A Town officer or employee shall not include a Judge, justice or officer of the Unified Court System.

**UNEMANICATED CHILD OF A TOWN OFFICER OR EMPLOYEE**

As defined in Article 18 of General Municipal Law, any son, daughter, stepson or stepdaughter who is under age eighteen years, unmarried and living in the household of the Town officer or employee.

**§ 18-3. Copies of all documentation.**

Whenever this chapter requires any person to file documents or information with the Town Clerk, such filing shall be made in duplicate. The Town Clerk shall stamp both copies with the date received, retain one copy, and forward the second copy immediately to the Board of Ethics.

**§ 18-4. Standards of conduct.**

A. Ethical conduct. In fulfilling their public responsibilities, Town officers and employees shall act fairly, impartially, without taint of conflict of interest and without any appearance of conflict of interest.

B. General prohibitions.

- (1) Except as provided for in Subsection B(3) below, a Town officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a benefit to any of the following persons:
  - (a) The Town officer or employee who shall have taken or failed to take said action; or
  - (b) The outside employer or business of the Town officer or employee; or
  - (c) Any person who shares the residence of the Town officer or employee; or
  - (d) A customer or client of the Town officer or employee; or
  - (e) A relative of the Town officer or employee; or
  - (f) A person from whom the Town officer or employee has received election campaign contributions to his or her individual campaign committee aggregating more than \$1,000 during either the officer's most recent or current campaign for public office.
- (2) A Town officer or employee shall not use his or her official position or office, or induce any of the persons listed above, to impose financial detriment or harm upon any person without reasonable justification.
- (3) Recusal. A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may benefit any of the persons listed in Subsection B above. Recusal is not required by an elected Town Official so long as any relationship described in Subsection B above is disclosed as part of the public record, in accordance with the provisions of this chapter.

C. Gifts.

- (1) In accordance with § 805-a of Article 18 of the General Municipal Law, a Town officer or employee shall not directly or indirectly solicit any gift, nor accept any gift having a value of \$75 or more from any person, 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 or her or could reasonably be expected to influence him or her in the performance of official duties or was intended as a reward for any official action on his or her part.

- (2) In particular, it is a conflict of interest for a Town officer or employee to accept anything worth more than \$75 from any of the following:
  - (a) A person who is currently seeking a benefit from the Town; or
  - (b) A person who the Town officer or employee knows, or has reason to know, will seek a benefit from the Town within the 12 months following the solicitation or acceptance; or
  - (c) A person who the Town officer or employee knows or has reason to know has received or sought a benefit from the Town within the 12 months preceding the solicitation or acceptance.

D. Confidential information.

- (1) In accordance with § 805-a of Article 18 of the General Municipal Law, a Town officer or employee, and a former Town officer or employee, shall not disclose any confidential or privileged information that he or she has acquired in the course of his or her official duties, except as provided for in Subsection D(3) of this subsection;
- (2) A Town officer or employee, and a former Town officer or employee, shall not use any confidential or privileged information that he or she has acquired in the course of his or her official duties to further or to harm the interests of any person or further his or her personal interests.
- (3) A Town officer or employee may disclose confidential or privileged information in the following situations:
  - (a) If the Town officer or employee is acting in furtherance of his or her official duties; or
  - (b) Pursuant to the order of a court of competent jurisdiction; or
  - (c) When authorized to do so pursuant to an advisory opinion of the Board of Ethics.

E. Representation; appearances. To supplement the provisions of § 805-a of Article 18 of the General Municipal Law, which prohibits representation before a Town agency over which the Town officer or employee has jurisdiction and also prohibits representation before any Town agency on any matter for a contingent fee, a Town officer or employee shall not:

- (1) Represent any other person in any matter before any Town agency in which the Town officer or employee is, or may be, called upon to render any decision on behalf of the Town; or
- (2) Represent any other person in any matter against the interest of the Town; or

- (3) Appear before any agency of the Town, except on behalf of the Town, or on his or her own behalf.
- F. Investment in conflict with official duties. Whenever a Town officer or employee holds an investment directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties, he or she shall provide public disclosure in accordance with § 18-5D and shall refrain from involvement in the matter which creates such conflict with his or her official duties.
- G. Private employment. A Town officer or employee 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 or her official duties. This shall not be construed to apply to private employment outside of the jurisdictional limits of the Town, or whenever a Town officer or employee has provided public disclosure in accordance with § 18-5B and has acted in accordance with § 18-5D.
- H. Political solicitation. No Town officer or employee shall, with undue influence, individually request, or knowingly authorize anyone else to individually request, any other Town officer or employee to participate in an election campaign or contribute to a political party committee. This shall not be construed to prevent requests which are mailed and are in form and substance the same as those mailed to nonemployees.
- I. Revolving Door.
- (1) For a period of six months following service on a Town agency, a former Town officer or employee shall not appear or practice before his or her former Town Agency, except on his or her own behalf; provided, however, that nothing contained herein shall be deemed to prohibit a former Town officer or employee from making communications with the agency served by the Town officer or employee which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body or a court, unless the proceeding was pending in the agency served during the period of the Town officer or employee's service with that agency.
- (2) No former Town officer or employee shall, at any time, appear before any Town agency, or perform any work, whether paid or unpaid, for any person, in connection with any particular matter on which the Town officer or employee personally participated in and substantially worked on during the period of his or her employment with the Town or which was under his or her active consideration.
- (3) No former Town officer or employee shall, after leaving Town service, disclose or use for private advantage any confidential information gained from public service which is not otherwise made available to the public; provided, however, that this shall not prohibit any former Town officer or employee from disclosing any information concerning conduct which he or she knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.
- (4) The prohibitions on appearances and practice after leaving Town employment, as described in Subsection I(1) and (2) above, shall not apply to positions with or representation on behalf of any local, county, state or federal agency.

- (5) Nothing contained in this subsection shall prohibit a former Town officer or employee from being associated with or having a position in a firm which appears before a Town agency on any matter or from acting in a ministerial manner on any matter regarding business dealings with the Town.

#### J. Consultants.

- (1) Except as provided in Subsection J(2), (3) and (4) below, to avoid potential conflicts of interest, a Town consultant shall not appear on behalf of any other client before the Town or any agency thereof during the period of service to the Town by the consultant. The Town shall specify the restriction in any written contracts entered into between the Town and consultants. However, failure of the contract to state the restriction shall not affect the enforcement of this section of the Town's Ethics Code.
- (2) The restrictions contained in this chapter shall not apply to consultants which:
  - (a) Operate a business located within the Town and have been retained by the Town to perform a contract valued at \$25,000 or less; or
  - (b) Have a written contract with the Town in which the Town Board has expressly authorized an exemption for the consultant from the provisions of the Town's Ethics Code; or
  - (c) Have received a special waiver from the Town's Ethics Board pursuant to Subsection J of this section.
- (3) Nothing in this subsection shall be construed to prohibit a consultant from:
  - (a) Appearing on his own behalf, or on behalf of the Town, before a Town agency.
  - (b) Seeking or obtaining a ministerial act from an administrative officer; or
  - (c) Receiving a Town service or benefit, or using a Town facility, on the same terms on which such service, benefit or facility is available to the public.
- (4) Special waiver. A consultant may make appearances before Town agencies otherwise prohibited by this section, upon written approval of the Ethics Board and the consent of the involved Town agencies. The Ethics Board shall consider such approval on a case-by-case basis taking into account for such findings the following criteria:
  - (a) The general expertise of the consultant.
  - (b) The expertise of the consultant relative to the particular matter.
  - (c) The extent of the consultant's involvement both for the Town and for the private client(s).
  - (d) The extent of the fees, past or future, to be paid to the consultant by the Town.
  - (e) The impact such appearances may have on the public trust.

- (f) The statement of necessity from the involved Town agency.
- (g) The standard for this waiver is intended to be less stringent than that contained in § 18-25 of this Code. Such findings shall be detailed in writing by the Ethics Board and filed with the Office of the Town Clerk.

K. Avoidance of conflicts.

- (1) A Town officer or employee shall not knowingly acquire, solicit, negotiate for, or accept any benefit, interest, employment, or other thing of value that would put him or her in violation of this Code of Ethics.
- (2) No person who, by appointment or election, shall serve as an executive board member of a Town, county, state or national committee of a political party committee or any subdivision thereof shall hold appointive office on the Planning Board, Zoning Board of Appeals, Architectural Review Board, Board of Assessment Review or Conservation Advisory Council.
  - (a) Any person who is a member of the executive board of one of the aforementioned political party committees shall deliver to the Town Clerk, within five days of his or her appointment to one of the Town Boards listed above, evidence of his or her resignation from the executive board of said political party committee.
  - (b) Any person who is currently a member of any aforementioned appointive Board and currently is a member of an aforementioned executive board of political a party committee shall deliver to the Town Clerk such documentation establishing compliance with this Subsection K(2) within 20 days of the date of enactment of this chapter.

**§ 18-5. Disclosure of interest in contract, transaction, or legislation.**

- A. Prohibited interests in contracts. No Town officer or employee shall have an interest in a contract with the Town, or an interest in a bank or trust company, as prohibited by § 801 of Article 18 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by § 805-a(2) of Article 18 of the General Municipal Law.
- B. Disclosable interests in contracts or legislation.
  - (1) In accordance with § 803 of the General Municipal Law, whenever a Town officer or employee has, will have, or later acquires an interest in any actual or proposed contract with the Town, he or she shall publicly disclose the nature and extent of such interest in writing to the relevant Town agency as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
  - (2) To the extent that the Town officer or employee knows thereof, that a relative of the Town officer or employee has an interest in any actual or proposed contract with the Town, the Town officer or employee shall publicly disclose the nature and extent of such interest in writing to the relevant Town agency as soon as he or she has knowledge of such actual or prospective interest. Such written

disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.

- (3) To the extent that the Town officer or employee knows thereof, that any relative of the Town officer or employee has an interest gained by the sale of a service or property to the Town, the Town officer or employee shall publicly disclose the nature and extent of such interest in writing to the relevant Town agency as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
  - (4) To the extent that the Town officer or employee knows thereof, the Town officer or employee, whether paid or unpaid, shall publicly disclose the nature and extent of any direct or indirect financial or other private interest in any matter, application, petition, or pending legislation in writing to the relevant Town agency. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
  - (5) To the extent that the Town officer or employee knows thereof that any relative of the Town officer or employee has any direct or indirect financial or other private interest in any matter, application, petition, or pending legislation before any Town agency, the Town officer or employee shall publicly disclose the nature and extent of any direct or indirect financial or other private interest in any matter, application, petition, or pending legislation in writing to the relevant Town agency. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
  - (6) The Town Clerk shall cause a copy of that written disclosure to be filed promptly with the Ethics Board.
- C. Violations. Any Town officer or employee who willfully and knowingly violates any provision of § 18-5A (Prohibited interests in contracts.) shall be guilty of a misdemeanor pursuant to Section 805 of Article 18 of the General Municipal Law.

D. Actions upon disclosure or recusal.

- (1) Whenever a Town officer or employee makes a public disclosure pursuant to § 18-5B or is otherwise required to recuse himself or herself pursuant to § 18-4B(3) of this chapter, he or she shall immediately:
  - (a) Refrain from any further involvement in the matter; and
  - (b) Inform his or her immediate supervisor, if any; and
  - (c) Shall immediately disclose in writing to the Town Clerk and orally on the record the reason for said recusal.
- (2) A Town officer or employee shall not be required to file a public disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk an Annual Disclosure Statement complying with requirements of Section 18-10 of this chapter.

**§ 18-6. Void contracts.**

When any Town officer or employee, or any contracting party, has been found to have violated § 18-4, 18-5 or 18-10 of this chapter in connection with any contract or agreement entered into by or with the Town, such contract shall be void unless ratified by the Town Board after full disclosure of the facts and circumstances of all violations. No vote to ratify any contract pursuant to this section shall be taken without a report and recommendation of the Ethics Board pursuant to § 18-24D. However, any contract that violates § 801 of Article 18 of General Municipal Law cannot be ratified and is void.

**§ 18-7. Exclusions from the Standards of Conduct and Transactional Disclosure.**

The provisions of §§ 18-4 and 18-5 of this chapter shall not prohibit, or require recusal or transactional disclosure as a result of:

- A. An action specifically authorized by statute, rule, or regulation of the United States or by the State of New York; or
- B. A ministerial act; or
- C. Gifts to the Town officer or employee which are:
  - (1) Received from his or her parent, spouse, or child; or
  - (2) Valued at less than \$75 in aggregate from any person during any twelve-month period; or
  - (3) Accepted on behalf of the Town and transferred to the Town; or
  - (4) Benefits having a value of \$75 or less that are received by a Town officer or employee listed in § 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by the Town officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
- D. Receipt of Town services or benefits, or use of Town facilities, on the same terms and conditions as such services or benefits are available to residents or a class of residents in the Town; or
- E. Representation of constituents by elected Town officials without compensation in matters of public advocacy.

**§ 18-8. Inducement of violations.**

- A. No person, whether or not a Town officer or employee, shall solicit, importune, direct, induce, attempt to induce, aid or abet a Town officer or employee to violate any provisions of this chapter.
- B. This section applies to all persons, whether or not a Town officer or employee. Pursuant to this chapter, any person found to have violated this section shall be subject to the imposition by the Town Board of civil fines pursuant to § 18-13B of this chapter and subject to debarment pursuant to § 18-14 of this chapter. Any person found to have violated this section may be further subject to additional sanctions,

penalties, forfeitures and damages as provided by this chapter and any other applicable law.

**§ 18-9. Appearance by outside employers and businesses of Town officers and employees.**

- A. Except as provided in Subsection C below, the outside employer or business of a Town officer or employee shall not appear before the Town agency in which the Town officer or employee serves or by which the Town officer or employee is employed.
- B. Except as provided in Subsection C below, the outside employer or business of a Town officer or employee shall not appear before any Town agency if the Town officer or employee has the authority to appoint any officer, employee or member of the agency or to review, approve, audit or authorize any budget, bill, payment or claim of the agency.
- C. Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer or employee from:
  - (1) Appearing on its own behalf, or on behalf of the Town, before a Town agency; or
  - (2) Seeking or obtaining a ministerial act; or
  - (3) Receiving a Town service or benefit, or using a Town facility, on the same terms on which such service, benefit or facility is available to the public.

**§ 18-10. Annual financial disclosure and conflict statement.**

**[Amended 7-3-2007 by L.L. No. 21-2007]**

- A. Town officers and employees required to file an annual financial and conflict disclosure statement. All elected officials, all Town department heads, Planning Board members, Zoning Board of Appeals members, Architectural Review Board members, Conservation Advisory Council members, Deputy Town Supervisor, Town Attorney, Deputy Town Attorneys, persons who are certified as Code Enforcement Officials as provided by Title 19 of the New York Code of Rules and Regulations Part 434, Building Inspectors, the Ethics Board, the Industrial Development Agency, the Farmland Preservation Committee, the Open Space/Park Preserve Committee, Accessory Apartment Review Board, and certain Town officers and employees and members of appointed boards and committees, as determined by the Town Board by resolution, are required to file a signed annual financial disclosure and conflict statement, which must be signed by the individual Town officer or employee.

**[Amended 4-15-2008 by L.L. No. 14-2008; 8-5-2008 by L.L. No. 29-2008; 6-16-2009 by L.L. No. 36-2009]**

- B. Time and place for filing.
  - (1) Annual financial disclosure and conflict statements shall be filed with the Town Clerk on or before March 15 of each year;

**[Amended 11-18-2008 by L.L. No. 46-2008]**

- (2) Newly elected officials shall file their first annual financial disclosure and conflict statement with the Town Clerk within 30 days after appointment and on or before each subsequent March 15 thereafter.

**[Amended 11-18-2008 by L.L. No. 46-2008]**

- (3) Additional time to file. Town officials and employees who are required to file an annual financial disclosure and conflict statement may request from the Ethics Board an extension of time to file upon a showing of justifiable cause or hardship; provided, however, that such extension may not exceed 60 days.
  - (4) Public inspection. Annual financial disclosure and conflict statements required to be filed pursuant to this chapter shall be available for public inspection in the office of the Town Clerk.
- C. Contents of the annual financial disclosure and conflict statement. The annual financial disclosure and conflict statement shall be upon the form established by the Riverhead Town Board as attached hereto that requires a sworn statement by the Town officers and employees required to file said statement as provided herein.
- D. Amendments, corrections and update.
- (1) A Town officer or employee who becomes aware of any changes necessary, misstatement or a deficiency in his or her annual financial disclosure and conflict statement shall file an amendment or correction thereof within 30 days of the date when he or she learns of the misstatement or deficiency. Timely filing of an amendment or correction pursuant to this subsection shall include disclosure of a possible misstatement or deficiency in connection with a request for an advisory opinion pursuant to § 18-26 and shall be deemed a complete defense to any allegation of unethical conduct in connection with the initial misstatement or deficiency.
  - (2) Within 30 days of any change in information disclosed pursuant to Subsection C of this section, the Town officer or employee shall file an updated annual financial disclosure and conflict statement. This subsection may be satisfied by a letter specifying the specific change or changes, filed with the Town Clerk pursuant to § 18-3.
- E. Failure to disclose.
- (1) If a person required to file an annual financial disclosure and conflict statement has failed to file a disclosure statement or has filed a deficient statement, the Ethics 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 make such filing or cure such 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 Ethics Board shall send a notice of delinquency to the reporting person and to the Town Board. Any officer or employee who is required to file annual financial disclosure and conflict statements and fails to do so following the notification and cure period set forth in this section may be fined an amount not to exceed \$1,000.

- (2) A finding and the imposition of a fine may only be made by the Town Board upon a referral to and recommendation from the Ethics Board.

**§ 18-11. General applicant disclosure.**

This section applies to applicants seeking approvals from Town agencies or ministerial acts.

- A. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a benefit to the applicant and to any officer or employee of the Town or any other person listed in § 18-4B, the applicant shall disclose the names of any such persons, to the extent known to the applicant at the time of the request.
- B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record. If the request is not made at a meeting of a public body, the Town officer or employee to whom it is directed shall take no action upon the request until it has been submitted in writing, together with the necessary disclosure and filed with the Town Clerk.

**§ 18-12. Land use applications, applicant disclosure.**

This section applies to applicants seeking approvals from Town agencies or ministerial acts.

- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a subdivision map, site plan, special exception use, request for exemption from a subdivision map or official map, license or permit or grant requiring approval from the Town Board or a Town agency, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town shall state the name, residence and the nature and extent of the interest of any state officer, any officer or employee of the Town or of a municipality of which the Town is a part, or any executive board member of any political party committee in the person, partnership or association making such application, petition or request (hereinafter called the "applicant") to the extent known to such applicant as is required by § 809 of the General Municipal Law of the State of New York.
- B. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of them:
- (1) Is the applicant; or
  - (2) Is an officer, director, partner or employee of the applicant; or
  - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
  - (4) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

- C. Ownership of less than 5% of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor as provided in § 809 of the General Municipal Law.
- E. The affidavit form to be submitted pursuant to Subsection A above shall be as follows:

**STATE OF NEW YORK)**

) ss.:

**COUNTY OF SUFFOLK)**

\_\_\_\_\_ being duly sworn deposes and says that he (or) she is \_\_\_\_\_ (Owner or Agent for Owner) for the property above described. That all statements made in this application are true to the best of his (or) her knowledge and belief, except as to any matter therein stated to be alleged on information and belief; as to such matters he (or) she believes the same to be true, and that any accompanying or attached map is subsequently correct.

The undersigned further states that no state officer, executive board member of any political party committee, or employee of the Town of Riverhead (nor any such officer's, board member's or employee's spouse, brother, sister, parent, child, grandchild or the spouse of any of them), has an interest, direct or indirect, in the person, partnership or association making the application. (If such an interest exists, the nature and extent of the interest must be stated. "Interest" is further defined in § 18-2 of the Riverhead Town Code.)

\_\_\_\_\_ Signature

\_\_\_\_\_ Print Name

Sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ Notary Public, Suffolk County

**§ 18-13. Penalties; hearings; initiation of actions or proceedings.**

**A. Disciplinary action.**

- (1) Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned, reprimanded, suspended, removed from office or employment, and may be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

- (2) In its discretion, after a hearing providing for the due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend disciplinary action pursuant to this section. The recommendation of the Ethics Board shall be made to the Town Board, which is authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board waives its opportunity to make a recommendation and instead refers the matter in writing to the Town Board. If such a referral is made, the Ethics Board shall close the matter.

#### B. Civil fine.

- (1) Any person who violates any provision of this chapter may be subject to a civil fine not to exceed \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to § 18-13D. A fine may only be imposed by the Town Board or appropriate court of law. A civil fine may not be imposed for a violation of § 18-5A.
- (2) In its discretion, after a hearing providing for the due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend a civil fine not to exceed \$1,500 for each violation upon any person found by the Ethics Board to have violated this chapter. The recommendation of the Ethics Board shall be made to the Town Board and shall be public. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board, without recommendation, refers the matter to the appropriate appointing authority, person or body for such action as the Town Board deems appropriate. If such a referral is made, the Ethics Board shall close the matter. The Town Board, in its discretion, is authorized to impose such fine subject to a hearing and any applicable provisions of law and collective bargaining agreements.

#### C. Damages.

- (1) Any person who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to § 18-13D.
- (2) A finding of damages may only be made by the Town Board or an appropriate court of law.

#### D. Civil forfeiture.

- (1) Any person who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to § 18-13B or damages pursuant to § 18-13C. Civil

forfeiture shall not be available for a violation of § 18-5A. Treble damages and/or civil forfeiture may only be imposed by a court of competent jurisdiction.

(2) The Town Board may initiate an action or special proceeding, as appropriate, in a court of competent jurisdiction to obtain civil forfeiture, pursuant to this section.

- E. Misdemeanor. Any person, whether or not a Town officer or employer, who intentionally violates any provision of this chapter shall be guilty of a Class A misdemeanor and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment, subject to any applicable provisions of law and collective bargaining agreements. This subsection shall not apply to a violation of § 18-5A.
- F. Prosecutions. The Ethics Board may refer any information that it receives concerning a possible criminal violation to the appropriate prosecutor or other law enforcement agency. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.
- G. Limit on Ethics Board. Nothing in this section shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by the Ethics Board or by any member or staff member thereof.
- H. Town Board response to the Ethics Board. The Town Board shall, within 45 days of receipt of a written referral pursuant to this section from the Ethics Board, respond in writing and state in sum and substance the Town Board's intention with respect to the referral.

#### **§ 18-14. Debarment.**

- A. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be prohibited from entering into any contract with the Town for a minimum period of six months but not to exceed three years.
- B. No person, whether or not a Town officer or employee, shall enter into a contract in violation of a bar imposed pursuant to § 18-14A.
- C. Nothing in Subsections A or B above shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, that is generally available to the public.
- D. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be prohibited for a minimum period of six months but not to exceed three years from applying to the Town for any benefit except for benefits granted by ministerial act of Town officers or employees upon proof of residence.
- E. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

- F. In its discretion and after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law, the Ethics Board may recommend that the Town Board issue an order of debarment, pursuant to this section.

**§ 18-15. Injunctive relief.**

- A. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate, in the court of competent jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this chapter or to compel an officer or employee of the Town to comply with the provisions of this chapter. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.
- B. No action or special proceeding shall be prosecuted or maintained pursuant to § 18-15A unless:
- (1) The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the Town officer or employee; and
  - (2) It shall appear by and as an allegation in the complaint or petition filed with the court that at least six months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to file a determination in the matter; and
  - (3) The action or special proceeding shall be commenced within 10 months after the alleged violation occurred.

**§ 18-16. Designation of Town officers and employees required to file annual financial disclosure and conflict statements.**

[Amended 7-3-2007 by L.L. No. 21-2007;11-18-2008 by L.L. No. 46-2008] Within 90 days after the effective date of this chapter, and during the month of January each year thereafter, the Town Supervisor shall:

- A. Cause to be filed with the Ethics Board a list of the names and offices or positions of all Town officers and employees required to file annual financial disclosure and conflict statements pursuant to § 18-10 of this chapter; and
- B. Notify all such officers and employees of their obligation to file an annual financial disclosure and conflict statement on the current year's form.
- C. Notify all new officers and employees, subject to § 18-10, within 10 days of appointment of their obligation to file an annual financial disclosure and conflict statement on the current year's form within 30 days and on or before March 15 of each year thereafter.

**§ 18-17. Maintenance of disclosure statements; records.**

The Ethics Board shall index and maintain on file for at least seven years all disclosure statements and records filed with the Ethics Board pursuant to this chapter. The records must be stored in a Town owned and operated facility within the Town of Riverhead.

**§ 18-18. Ethics Board; establishment; qualifications of members; appointment of members; term of office.**

- A. There is hereby established an Ethics Board consisting of five (5) members. The Town Board shall appoint the members of the Ethics Board.
- B. Of the total membership of the Ethics Board, no more than two shall be registered to vote in the same New York State recognized political party, nor shall more than two be nonaffiliated voters or unregistered voters. An Ethics Board member may make campaign contributions and attend benefits, but may not participate in activities such as passing out literature, petitions, or wearing pins for an election. An individual who has served as a campaign manager or treasurer for a political party committee or individual election campaign committee shall be ineligible to serve on the Ethics Board for the two-year period immediately following the completion of his other service for the campaign or political committee. Ethics Board members who opt to enter campaign races for public office shall promptly resign from the Town's Ethics Board.
- C. No person may be appointed as a member of the Ethics Board who is:
- (1) An officer or committee person of any local, county or state political party, association, club or independent political committee subject to the various regulations and reporting requirements of the State Election Law; or
  - (2) A campaign manager or treasurer for a political party committee or individual election campaign committee; or
  - (3) Currently serving as an elected Town officer; or
  - (4) Currently a relative of an elected Town officer; or
  - (5) Currently having business dealings with the Town or any Town agency, directly or indirectly, personally or through some firm, association or corporation in which he or she acts in an official capacity.
- D. One, but not more than one, member of the Ethics Board shall be an appointed Town officer or employee or former Town officer or employee.
- E. The terms of office of the Ethics Board members shall be two (2) years. Terms shall run from January 1 through December 31. The members first appointed following the effective date of this chapter shall be appointed as follows: three to serve two-year terms, two to serve one-year terms. Subsequent terms shall be staggered two-year terms.
- F. When the term of an Ethics Board member has expired, he or she shall serve as a holdover until his or her successor has been appointed.
- G. The members of the Ethics Board shall not receive compensation but may be reimbursed for reasonable expenses incurred in the performance of their official duties, pending Town Board approval by resolution.
- H. Members of the Ethics Board shall be provided with legal defense and indemnification in accordance with the requirements of Chapter 15, Defense and Indemnification, of the Town Code of the Town of Riverhead.

**§ 18-19. Vacancies on Ethics Board.**

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within 45 days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in § 18-18 of this chapter.

**§ 18-20. Removal of Ethics Board members.**

- A. An Ethics Board member may be removed from office upon any of the following grounds:
- (1) Failure to meet the qualifications set forth in Section 18-18 of this chapter; or
  - (2) Substantial neglect of duty; or
  - (3) Gross misconduct in office; or
  - (4) Inability to discharge the powers or duties of office; or
  - (5) A violation of this chapter.
- B. A member whose removal is under consideration by the Town Board shall be given written notice of the allegations against him or her, and provided a reasonable opportunity to reply. A member whose removal is under consideration by the Town Board shall, at the member's option, continue to serve as a member of the Ethics Board unless and until the Town Board has voted to remove him or her. A member whose removal is under consideration by the Town Board shall, at the member's option, be afforded a public hearing before the Town Board, at which such member may be represented by counsel, call witnesses in his or her own behalf, and cross-examine witnesses who testify against the member.

**§ 18-21. Chair of Ethics Board; meetings.**

At its first meeting each year, the Ethics Board shall elect a Chair from among its members. Any action of the Ethics Board must be approved by a majority thereof. The Chair or a majority of the Ethics Board may call a meeting of the Ethics Board.

**§ 18-22. Powers and duties of Ethics Board.**

- A. The termination of a Town officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him or her by this chapter.
- B. The Ethics Board shall have the following powers and duties:
- (1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this chapter.
  - (2) As necessary to carry out its duties under this chapter, the Ethics Board may request the Town Board to designate certain Town staff to provide such clerical services. The Ethics Board may retain outside counsel, subject to approval by the Town Board for rates of compensation and total annual budget allocation.

- (3) To review, index, and maintain on file lists of Town officers and employees, and disclosure statements filed with the Ethics Board, pursuant to the applicable provisions of this chapter;
- (4) To review, index, maintain on file, and dispose of sworn complaints alleging violations of this chapter and to make notifications and conduct investigations pursuant to § 18-24.
- (5) To conduct hearings, make recommendations for disciplinary actions and penalties, make referrals, and initiate appropriate actions and proceedings pursuant to § 18-13.
- (6) To grant waivers pursuant to § 18-25.
- (7) To render, index and maintain on file advisory opinions pursuant to § 18-26.
- (8) To provide training and education to Town officers and employees and to make information concerning this chapter and Article 18 of the General Municipal Law available, to the public and to persons interested in doing business with the Town.
- (9) To develop educational materials and an education program for Town officers and employees concerning the provisions of this chapter and Article 18 of the General Municipal Law.
- (10) To prepare an annual report to the Town Supervisor and Town Board, summarizing the activities of the Ethics Board. The report may also recommend changes to the text or administration of this chapter. The Ethics Board shall periodically review this chapter and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct.
- (11) To publish:
  - (a) Its advisory opinions in a form that removes personal identifying information concerning all persons who are the subjects of such advisory opinions and decisions, provided that each such person approves the form in which the advisory opinion is published; and
  - (b) Its final decisions and referrals and recommendations for disciplinary actions and penalties. Any report and recommendation presented to the Town Board pursuant to this chapter; and
  - (c) Its decisions disposing of complaints in which it reached a determination that no violation of this chapter occurred, provided that the published version of any such decision shall be in a form that removes personal identifying information concerning all persons who are the subjects of the complaint and that each such person approves the form in which the advisory opinion is published.
- (12) To provide for public inspection of certain records pursuant to § 18-28.

**§ 18-23. Review of lists and disclosure statements.**

## A. The Ethics Board shall review:

- (1) The lists of Town officers and employees, prepared pursuant to § 18-16 of this chapter, to determine whether the lists are complete and accurate. The Ethics Board shall recommend to the Town Board the name of any other officer or employee who the Ethics Board determines should appear on the list pursuant to § 18-10.
- (2) All annual financial disclosure and conflict statements to ensure compliance with the standards as set forth in this chapter and to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter.

**[Amended 7-3-2007 by L.L. No. 21-2007]**

- (3) All transactional disclosure statements.

## B. If the Ethics Board determines that an annual financial disclosure and conflict statement or a transactional disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall notify the person in writing of the deficiency or possible or potential violation and of the penalties for failure to comply with this chapter.

**[Amended 7-3-2007 by L.L. No. 21-2007]**

**§ 18-24. Investigations.**

- A. Upon receipt of a written complaint by any person alleging a violation of this chapter or upon determining on its own initiative that a violation of the chapter may exist, the Ethics Board shall have the power and duty to conduct with reasonable promptness any investigation necessary to carry out the provisions of this chapter. Written complaints must be signed by the individual complainant, notarized and must include his/her address. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, compel attendance of witnesses, and require the production of any books or records that it may deem relevant and material. The Ethics Board shall make a reasonable effort to obtain voluntary cooperation prior to exercising or enforcing its right to compel testimony. Further, the Ethics Board shall take steps to ensure that every individual's right to due process is protected.
- B. The Ethics Board shall state in writing the disposition of every sworn written complaint it receives and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Board.
- C. Any person filing a sworn complaint with the Ethics Board, and every person who is named in such a complaint, shall be notified in writing of the disposition of the complaint.
- D. Upon the written request of the Town Board, of a Town officer or employee, or of any contracting party, the Ethics Board shall investigate and provide to the Town Board a written report and recommendation concerning any Town contract or

agreement that may be void pursuant to § 18-6. Additionally, the Ethics Board may, in its discretion, undertake such an investigation upon its own initiative, in which case it may present a report and recommendation to the Town Board.

- E. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint.

#### **§ 18-25. Waivers.**

- A. Upon written application and upon a showing of compelling need by the applicant, the Ethics Board may in exceptional circumstances grant the applicant a waiver of any of the provisions of § 18-4, 18-5, 18-9, 18-10, or 18-11 of this chapter, provided, however, that no such waiver shall permit conduct otherwise prohibited by Article 18 of the General Municipal Law of the State of New York.
- B. Waivers shall be in writing and shall state the grounds upon which they are granted. Within 10 days after granting a waiver, the Ethics Board shall file with the Town Clerk a statement setting forth the name of the person requesting the waiver and a general description of the nature of the waiver. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Ethics Board.

#### **§ 18-26. Advisory opinions.**

- A. Upon the written request of any Town officer or employee or former Town officer or employee, the Ethics Board shall render a written advisory opinion with respect to the interpretation or application of this chapter or of Article 18 of the General Municipal Law of the State of New York, under such rules and regulations as the Ethics Board may deem advisable, and said advisory opinion shall be reviewed by either the Town Attorney, or by legal counsel retained by the Ethics Board. Any other person may similarly request an advisory opinion from the Ethics Board but only with respect to whether his or her own action might violate a provision of this chapter or Article 18 of the General Municipal Law.
- B. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board in a place of its choosing; however, the records must be stored in a Town-owned and operated facility within the Town of Riverhead.
- C. Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with § 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this section unless:
  - (1) It shall appear by and as an allegation in the petition or complaint that at least six months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and

- (2) The action or special proceeding shall be commenced within 10 months after the submission of the request for the advisory opinion.

D. No Town officer or employee shall be subject to discipline by the Town or the Town agency that employs him or her for acting, or declining to act concerning a matter, assignment, decision or task of his or her Town office or employment, if he or she acts, or declines to take action:

- (1) In full compliance with an advisory opinion issued pursuant to this chapter concerning a specific action to be taken or refused; or
- (2) Pending issuance by the Ethics Board of an advisory opinion concerning the specific action to be taken or refused; or
- (3) After placing his or her immediate supervisor on written notice, with two copies thereof filed with the Town Clerk, that his action or refusal to act is based on good faith reliance upon a specific part of this chapter.

#### **§ 18-27. Judicial review.**

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

#### **§ 18-28. Public inspection of records; public access to meetings; confidentiality of records and witness statements.**

- A. The only records of the Ethics Board that shall be available for public inspection are those whose disclosure is required by Article 6 or Article 7 of the Public Officers Law of the State of New York or by some other state or federal law or regulation.
- B. No meeting or proceeding of the Ethics Board concerning misconduct, malfeasance, or neglect in office by a Town officer or employee shall be open to the public, except upon the request of the 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.
- C. Except as otherwise provided by Article 6 and Article 7 of the New York State Public Officers Law, all requests for advisory opinions, all sworn written complaints, all advisory opinions, all decisions disposing of complaints, all investigative records and files, and all witness statements taken by the Ethics Board or by any person acting on its behalf shall be held in confidence by the Ethics Board, and shall not be disclosed by any member of the Ethics Board to any person, except as follows:
  - (1) Any information deemed by the Ethics Board to concern a possible criminal violation shall not be confidential for the purpose of disclosing it to the appropriate prosecutor or other law enforcement agency; or
  - (2) A sworn written complaint shall not be confidential for the purpose of disclosing it to any person named therein and for the purpose of notifying all such persons of the disposition thereof; or
  - (3) A decision disposing of a complaint shall not be deemed confidential for the purpose of disclosing it to the person who made the complaint; or

- (4) A publication made by the Ethics Board pursuant to this chapter; or
- (5) Upon a recommendation to the Town Board for further investigation or upon recommendations of disciplinary action or a civil fine pursuant to § 18-13A or B, the Ethics Board shall turn over all related information, including testimony, to the Town Board. The Town Board shall then be constrained by the same confidentiality standards as those set forth above for the Ethics Board.

**§ 18-29. Completion of present term by Town officer or employee.**

Any Town officer or employee who is in compliance with the 1969 Ethics Code but is in violation of this chapter at the time of its enactment shall have 60 days to resolve the conflict.

**§ 18-30. Miscellaneous provisions.**

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.
- B. Nothing in this chapter 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 or herself or any member of his or 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 chapter 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 chapter.

**§ 18-31. Distribution and posting.**

- A. Within 30 days after the effective date of this chapter, and thereafter as appropriate, the Town Supervisor shall cause a copy of this chapter to be distributed to each Town officer and employee. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of this chapter within ten days after entering upon the duties of his or her position.
- 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 chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.
- C. Posting. In accordance with § 807 of the General Municipal Law, the Town Supervisor shall cause a copy of Article 18 of said law to be kept posted in each public building under the jurisdiction of the Town in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with said law nor with the enforcement of the provisions thereof.

**§ 18-32. Severability.**

If any clause, sentence, paragraph, section or part of this chapter, now or through supplementation, 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.

**§ 18-33. When effective.**

This chapter shall take effect upon filing with the Secretary of State and Office of the State Comptroller pursuant to the Municipal Home Rule Law. The specific provisions of § 18-41 (Revolving door) shall apply only to those Town officers or employees employed by the Town on or after January 1, 2005.