

ETHICS, CODE OF

Chapter 35

ETHICS, CODE OF

ARTICLE I

General Provisions

- § 35-1. **Legislative intent.**
- § 35-2. **Applicability of other laws.**

ARTICLE II

Code of Ethics

- § 35-3. **Definitions.**
- § 35-4. **Conflicts of interest.**
- § 35-5. **Standards of conduct.**
- § 35-6. **Penalties for offenses.**

ARTICLE III

Board of Ethics

- § 35-7. **Board established; membership.**
- § 35-8. **Board actions.**
- § 35-9. **Duties and authority.**
- § 35-10. **Procedures and records.**

ARTICLE IV

Administration

- § 35-11. **Copies to be distributed.**
- § 35-12. **Copy to be filed in office of State Comptroller.**

§ 35-13. Appropriations of moneys.

[HISTORY: Adopted by the Town Board of the Town of Cortlandt 7-14-1970 as L.L. No. 3-1970. Section 35-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

**ARTICLE I
General Provisions****§ 35-1. Legislative intent.**

The Town Board of the Town of Cortlandt recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort to be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for the punishment of violations of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided for herein.

§ 35-2. Applicability of other laws.

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

ARTICLE II
Code of Ethics

§ 35-3. Definitions.

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

TOWN — Any board, commission, district, council or other agency, department or unit of the government of the Town of Cortlandt.

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

§ 35-4. Conflicts of interest.

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

§ 35-5. Standards of conduct.

- A. No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- C. No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- D. No town employee shall engage in any transaction as representative or agent of the town with any business

entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

- E. A town employee shall not, by his conduct, give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- F. Each town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- H. No town employee employed on a full-time basis, or any firm or association of which such employee is a member, or corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.
- I. No town officer or employee or any member of the Town Board, Planning Board or Zoning Board of Appeals, whether paid or unpaid, shall be a political committee man or committee woman, or a Chairman, Vice Chairman or other officer of a political party. **[Added 10-18-1988 by L.L. No. 4-1988]**
- J. No employee or officer of the town will, for a period of one year from his/her leaving office or employment, represent any corporation or individual before the

one member who is an elected or appointed town employee of the Town of Cortlandt.

§ 35-8. Board actions. [Added 8-13-1985 by Res. No. 189-85; amended 8-17-1993 by L.L. No. 2-1993]

The Board of Ethics shall only convene and act upon the request of the Town Board of the Town of Cortlandt upon majority vote thereof.

§ 35-9. Duties and authority.

The Board of Ethics established hereunder shall render advisory opinions to town employees on written request and upon request of the Town Board to make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

§ 35-10. Procedures and records.

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

**ARTICLE IV
Administration**

§ 35-11. Copies to be distributed.

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every town employee of

this town. Failure to distribute any such copy or failure of any town employee to receive such copy shall have no effect on the duty of compliance with this code or the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this chapter shall have no effect on the duty of compliance herewith or the enforcement provisions hereof.

§ 35-12. Copy to be filed in office of State Comptroller.

Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 35-13. Appropriations of moneys.

The Town Board may appropriate moneys from the general town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of town moneys except within the appropriations provided herein.

*Bd. of Ethics
Crescent Hill*

RESOLUTION

NUMBER 148-85

(RE: APPOINT BARBARA MILLER TO BOARD OF ETHICS)

RESOLVED, upon recommendation of the Supervisor, that MRS. BARBARA MILLER of Montrose, N.Y. be, and she hereby is, appointed as a member of the CORTLANDT BOARD OF ETHICS to serve in place of Mrs. Jennie Schutrick who resigned as a town employee; said above appointee to serve along with the following previously appointed members:

Chairman.... Mr. Richard Smith, Crescent Ct., Peekskill
Mr. Ernest Fiore, Watch Hill Road, Peekskill
Mr. Carey Hill, Devonshire Ct., Peekskill
Mr. Donald M. Gelfer, 212 Cleveland Dr., Croton-on-Hudson
Mr. Alan Senzer, Amberlands Apartments, Croton-on-Hudson
(Appointed above ...Mrs. Barbara Miller, Town of Cortlandt Engineering Dept.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
HARRIET L. BOYLE
Town Clerk

Dated: May 21, 1985
Croton-on-Hudson, New York