

**TOWN OF PITTSFORD  
TOWN BOARD  
AUGUST 17, 2021**

Proceedings of a regular meeting of the Pittsford Town Board held on Tuesday, August 17, 2021 at 6:00 P.M. local time in the Lower Level Meeting Room of Town Hall, 11 South Main Street, in person.

**PRESENT:** Supervisor William A. Smith, Jr.; Councilmembers Kevin S. Beckford, Cathy Koshykar, Katherine B. Munzinger and Stephanie M. Townsend.

**ABSENT:** None

**ALSO PRESENT:** Staff Members: Jessie Hollenbeck, Director of Recreation; Paul J. Schenkel, Commissioner of Public Works; Brian Luke, Finance Director; Robert Koegel, Town Attorney; Renee McQuillen, Town Clerk; Shelley O'Brien, Communications Director; and Spencer Bernard, Chief of Staff.

**ATTENDANCE:** There were 3 additional staff members, 5 members of the public and an interpreter in attendance.

Supervisor Smith called the Town Board meeting to order at 6:00 P.M. and invited all to join in the Pledge to Flag.

**SUPERVISOR'S ANNOUNCEMENTS**

1. Covid guidelines – Supervisor Smith reported that masking indoors regardless of vaccination status has not been mandated. The Town requires masks for unvaccinated persons in Town buildings, and for the vaccinated where the Town requires it. Pittsford's vaccination level currently exceeds 91%.
2. Due to concerns regarding the number of electrical outages in Pittsford, Supervisor Smith has been in contact with the RG&E to have a senior level person from RG&E at the Board meeting on 9/21/21 or 10/5/21 to discuss what RG&E is doing, and plans to do, to reduce power outages in Pittsford. RG&E's Manger of Operations will attend.

**PRESENTATION BY BONADIO & CO**

Greg Evans, Partner in the Syracuse office of Bonadio & Co. gave a presentation to Town Board members outlining the usage options for American Recuse Plan Act (ARPA) funds the Town will be receiving. The funds can be used for any of the following 6 purposes: support of public health initiatives, reverse negative economic impacts, broadband infrastructure, water and sewer improvements, public sector revenue loss (i.e.: use of funds to provide government services.)

Based on the calculation for revenue lost, the Town will receive 1.8 million in funds to spend on government activities. These funds cannot be used to pay down existing debt, as match funds on a federal grant, to pay out claims, for pension funding, or to reduce the Town property tax. Board members asked questions of Mr. Evans regarding possible additional uses of the funds. It was confirmed that the funds cannot be put back into reserve accounts, but can be used on:

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- park improvements even though the Town is not within a qualified census track.
- Connecting sewers to areas that currently have septic tanks.
- Broadband services in targeted areas. Benefitting non-targeted areas is permitted as long as a target area also benefits.

Mr. Evans indicated that the final regulations should be forthcoming in the next few weeks.

All board members expressed interest in hosting a public meeting for residents to offer their suggestions for use of funds.

### **MINUTES OF THE AUGUST 3 TOWN BOARD MEETING APPROVED**

Councilmember Koshykar noted an edit to be made deleting the rest of sentence from the comma forward under Other Business on Page 4, Paragraph No. 8, sentence 7 in the August 3<sup>rd</sup> minutes. Thereafter, a Resolution to approve the Minutes of the Town Board Meeting of August 3, 2021 as edited was offered by Supervisor Smith, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Absent: none. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the Minutes of the August 3, 2021 Town Board meeting are approved as edited.

### **LEGAL MATTERS**

#### **PUBLIC COMMENTS**

No comments were made regarding Financial Matters.

### **BOARD DISCUSSION - PROPOSED REVISION OF CODE OF ETHICS**

Town Board members reviewed the Code of Ethics in full and agreed to the following changes to the draft document:

- Section 2. Definitions. (b) The definition of “relative” to include step-parent, step-sibling, step-child.
- Section 2. Definitions. (c) The definition of “interest” to include in sentence No.1 the words “or material”. In sentence No.2 deletion of the word “private” in front of organization and the addition of the word “director”.
- Section 5. Disclosure of interest in legislation and other matters. In sentence No.2 the addition of “or to the Director of Human Resources” after the word supervisor.
- Section 7. Investments in conflict with official duties. In sentence No.2 item b. addition of the word “outstanding” in front of stock, deletion of “publically traded corporation” and replaced with “or other ownership interest of a business entity;” In sentence No.2 item d. the deletion of “of any kind” and the addition of “in which the municipal officer or employee participates but which such person does not direct.”
- Section 11. Town resources. In sentence No.1 the addition of “solely” after the word used and the addition of “or for partisan political matters.” to the end of the sentence.
- Section 14. Political solicitation and activities. In paragraph c the addition of a comma after application with the words “bid or contract” following. Paragraph e was edited to read “No municipal officer or employee may engage in partisan political activities while

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on duty.” The balance of paragraph e was made into paragraph f with the addition of “No municipal officer or employee may” to the start of it.

- Section 15. Confidential information. To the end of the paragraph the period was deleted and replaced with a comma and the following verbiage was added; “and any other information not lawfully available to the public whether by Freedom of Information Law request or otherwise.”
- Section 16. Gifts. In sentence No.1 after the second instance of the word gift the addition of the following language “or multiple gifts from the same donor having an annual aggregate”.
- Section 17. Exceptions. In paragraph e the word “corporation” was replaced with “business entity”, the words “stock interest in” were deleted and replaced with “ownership of the” and “or other ownership interest; and” was added to the end of the paragraph. Paragraph f was edited to read as follows “a contract for payment of no greater than a reasonably documented market rent for rooms owned or leased by a municipal officer or employee for use as an office or chamber for the performance of official duties.” Paragraph g was deleted in full. After discussion among board members it was determined that the matter was covered by the language in paragraph f.
- Section 19. Enforcement. In sentence No.6 the words “into the record of the meeting” and the following sentence was added to the end of the paragraph “No municipal officer or employee shall retaliate against an individual who makes a good faith claim of violation of this Ethics Code.”
- The document will be rendered in gender neutral language.

*A 5 minute recess was taken at 7:33 pm. Following the recess, the Board reconvened and agreed to take financial and personnel matters out of order, before any other business.*

### **FINANCIAL MATTERS**

#### **PUBLIC COMMENTS**

There was no public comment regarding Financial Matters.

#### **SURPLUS INVENTORY APPROVED**

A Resolution to approve the proposed inventory for the Town Board to declare surplus and to be removed from the Town’s inventory was offered by Councilmember Townsend, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the following equipment items be declared surplus/junk and be removed from the Town’s inventory.

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Asset #	Year	Description	Department	Cost	Disposition
16233	2003	Picnic Table	Kings Bend Park	150.00	Junked
16230	2003	Picnic Table	Kings Bend Park	150.00	Junked
16234	2003	Picnic Table	Kings Bend Park	150.00	Junked
16237	2003	Picnic Table	Kings Bend Park	150.00	Junked
16236	2003	Picnic Table	Kings Bend Park	150.00	Junked
16228	2003	Picnic Table	Kings Bend Park	150.00	Junked
16238	2003	Picnic Table	Kings Bend Park	150.00	Junked
16235	2003	Picnic Table	Kings Bend Park	150.00	Junked
16231	2003	Picnic Table	Kings Bend Park	150.00	Junked
16227	2003	Picnic Table	Kings Bend Park	150.00	Junked
16229	2003	Picnic Table	Kings Bend Park	150.00	Junked
16232	2003	Picnic Table	Kings Bend Park	150.00	Junked
16245	2003	Picnic Table	Kings Bend Park	150.00	Junked
16244	2003	Picnic Table	Kings Bend Park	150.00	Junked
16242	2003	Picnic Table	Kings Bend Park	150.00	Junked
16243	2003	Picnic Table	Kings Bend Park	150.00	Junked
16241	2003	Picnic Table	Kings Bend Park	150.00	Junked
16240	2003	Picnic Table	Kings Bend Park	150.00	Junked
16239	2003	Picnic Table	Kings Bend Park	150.00	Junked

**AUGUST VOUCHERS APPROVED**

A Resolution to approve the vouchers for August was offered by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the August 2021 vouchers No. 151254 through 152646, in the amount of \$1,109,567.47 are approved for payment.

**BUDGET TRANSFERS APPROVED**

Following the approval of the Network Administrator position under Personnel matters a Resolution to approve the proposed Budget Transfer was offered by Supervisor Smith, seconded by Deputy Supervisor Munzinger, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the proposed Budget transfers are approved:

That \$15,000 be transferred from 1.1990.4000.1.1 (WT – Contingency) to 1.1680.1000.1.2 (WT – IT Salaries) to cover Network Administrator position.

**PERSONNEL MATTERS  
PUBLIC COMMENTS**

No member of the public came forward regarding Personnel Matters.

**NETWORK ADMINISTRATOR POSITION FOR I.T. DEPARTMENT**

Supervisor Smith commented that all board members received a memorandum from I.T. Director Joy Brown outlining the need for an additional staff member as part of department. The person hired for this role will have the title of Network Administrator and anticipated duties would include the configuration and maintenance of network hardware and software, servers, phone system, backups, email. Remote access, wireless, surveillance cameras, and network security.

Councilmembers Beckford, Munzinger and Townsend all offered their support for the creation of this position. Councilmember Koshykar thanked I.T. director Joy Brown for supplying the board with such a comprehensive memo explaining the need for the additional position.

Thereafter, Deputy Supervisor Munzinger moved to authorize the addition of Network Administrator position for the I.T department to begin in the last quarter of 2021, which was seconded by all board members and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

**ELECTED OFFICIALS STANDARD WORK DAY AND REPORTING RESOLUTION  
APPROVED**

A Resolution to approve the Standard Work Day and Reporting Resolution for Elected and Appointed Officials was offered by Deputy Supervisor Munzinger, seconded by Councilmember Beckford, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The following Resolution was declared carried as follows:

**RESOLVED**, that based on the logs kept by elected officials required to do so for three months, their New York State Retirement will be credited for service time worked as follows:

<b>Name</b>	<b>Title</b>	<b>Term</b>	<b>Days/Month</b>
Michael Ansaldi	Town Justice	January 1, 2021 – December 31, 2024	3.82
Kevin Beckford	Councilperson	January 1, 2018 – December 31, 2021	5.71
Stephanie Townsend	Councilperson	January 1, 2018 – December 31, 2021	5.71

Form 2417- A and 2417-B are hereby approved and shall be posted for 30 days on the Town's Official Signboard and the Town of Pittsford website as required.

*See next page for full New York State Local Retirement System Resolution to be filed with the NYSLRS, after being posted for 30 days, as required.*

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Office of the New York State Comptroller  
**NYS LRS**  
 New York State and Local Retirement System  
 110 State Street, Albany, New York 12244-0001  
 Please type or print clearly  
 in blue or black ink

Received Date

## Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Employer Location Code  
 3 0 0 4 9

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A  
 (Rev. 12/19)

BE IT RESOLVED, that the Town of Pittsford / 30048 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYS LRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
Michael Ansaldo		R12975866	Town Justice	01/10/2021-12/31/2024	6	3.82	<input type="checkbox"/>	bi-wkly	<input type="checkbox"/>
Cathleen Koshykar		R12978407	Councilperson	01/10/2018-12-31-2020	6		<input checked="" type="checkbox"/>	bi-wkly	<input type="checkbox"/>
Kevin Beckford		R12790981	Councilperson	01/01/2019-12/31/2021	6	5.71	<input type="checkbox"/>	bi-wkly	<input type="checkbox"/>
<b>Appointed Officials:</b>									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Renee McQuillen, secretary/clerk of the governing board of the Town of Pittsford, of the State of New York, (Name of Secretary or Clerk) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Pittsford on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (Name of Employer)

Affidavit of Posting: I, \_\_\_\_\_ being duly sworn, deposes and says that the posting of the Resolution began on \_\_\_\_\_ (Name of Secretary or Clerk) and continued for at least 30 days. That the Resolution was available to the public on the: (Date)

- Employer's website at: www.townofpittsford.org
- Official sign board at: Town Hall, 11 S. Main Street, Pittsford, NY 14534
- Main entrance Secretary or Clerk's office at: 11 S. Main Street, Pittsford, NY 14534

Page 1 of 2 (For additional pages, attach a RS 2417-R form.)

(seal)

Office of the New York State Comptroller  
**NYS LRS**  
 New York State and Local Retirement System  
 110 State Street, Albany, New York 12244-0001  
 Please type or print clearly  
 in blue or black ink

Received Date

## Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Employer Location Code  
 3 0 0 4 9

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A  
 (Rev. 12/19)

BE IT RESOLVED, that the Town of Pittsford / 30048 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYS LRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<b>Elected Officials:</b>									
Stephanie Townsend		R12791203	Councilperson	01/01/2016-12/31/2021	6	5.71	<input type="checkbox"/>	bi-wkly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
<b>Appointed Officials:</b>									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Renee McQuillen, secretary/clerk of the governing board of the Town of Pittsford, of the State of New York, (Name of Secretary or Clerk) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Pittsford on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (Name of Employer)

Affidavit of Posting: I, \_\_\_\_\_ being duly sworn, deposes and says that the posting of the Resolution began on \_\_\_\_\_ (Name of Secretary or Clerk) and continued for at least 30 days. That the Resolution was available to the public on the: (Date)

- Employer's website at: www.townofpittsford.org
- Official sign board at: Town Hall, 11 S. Main Street, Pittsford, NY 14534

**HIRING/PERSONNEL ADJUSTMENTS APPROVED**

A Resolution to approve the recommendations for new hires and status and/or salary changes was offered for approval by Deputy Supervisor Munzinger, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

**RESOLVED**, that the following employees are approved as new hires based on the recommendation of the Functional Coordinators for these areas:

<b>Name</b>	<b>Dept</b>	<b>Position</b>	<b>Rate</b>	<b>Date of Hire</b>
Michael O’Leary	DPW	Sewer Construction Inspctr – RFT	\$29.83	8/18/2021
Spencer Drake	Parks	Laborer – Seasonal	\$13.00	8/23/2021

And, be it further

**RESOLVED**, that the following personnel be approved for the status and/or salary change as indicated below:

<b>Name</b>	<b>Position</b>	<b>Reason for Change</b>	<b>Rate</b>	<b>Effective Date</b>
Makenzie Pearce	Rec – Asst 1	Additional Rate	\$13.20/hr	08/18/2021

**SETTING PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2021: ADDING CHAPTER 7 TO THE TOWN OF PITTSFORD MUNICIPAL CODE TO BE ENTITLED “CODE OF ETHICS”**

For the avoidance of any misunderstanding or confusion, the Board reviewed, point by point, the precise language of each change to the draft Code discussed and agreed upon earlier in the meeting. Following additional discussion, Deputy Supervisor Munzinger proposed a motion to set a Public Hearing for Local Law No. 2 of 2021, seconded by Councilmember Townsend, and voted on by members as follows: Ayes: Beckford, Koshykar, Munzinger, Townsend and Smith. Nays: none.

The Resolution was declared carried as follows:

WHEREAS, true and correct copies of proposed Local Law No. 2 of 2021: Adding Chapter 7 to the Town of Pittsford Municipal Code to be entitled “Code of Ethics,” were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 2 of 2021, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 8th day of September 2021, at 6:00 p.m. at the Town Hall, 11 South Main Street, Pittsford, New York, to consider the adoption of said proposed Local Law No. 2 of 2021;

NOW, on motion duly made and seconded, it was

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**RESOLVED**, that a public hearing be held on the 8th day of September, 2021, at 6:00 P.M., Local Time, at the Town Hall, 11 South Main Street, Pittsford, New York, on the question of the adoption of said proposed Local Law No. 2 of 2021; and be it further

**RESOLVED**, that a Notice of Hearing and a copy of said proposed Local Law 2 of 2021, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

**RESOLVED**, that the Town Clerk shall post certified copies of both this resolution and said proposed Local Law No. 2 of 2020, or a summary thereof, on the Town website [www.townofpittsford.org](http://www.townofpittsford.org), and on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

**BE IT ENACTED BY THE TOWN BOARD OF THE**

**TOWN OF PITTSFORD, NEW YORK, AS FOLLOWS:**

**LOCAL LAW NO. 2 OF 2021:  
THE ADOPTION OF PROPOSED LOCAL LAW NO. 2 OF 2021:  
ADDING CHAPTER 7 TO THE TOWN OF PITTSFORD  
MUNICIPAL CODE TO BE ENTITLED  
“CODE OF ETHICS”**

**Section 1. Purpose.**

Pursuant to the provisions of section 806 of the New York State General Municipal Law, the Town Board of the Town of Pittsford recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. Officers and employees of the Town of Pittsford hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official duties. It is the purpose of this local law to establish clear and reasonable standards of ethical conduct for the officers and employees of the Town of Pittsford. This code of ethics establishes those standards.

**Section 2. Definitions.**

- (a) “Municipal Officer or Employee” means an individual officer or employee of the Town of Pittsford, whether paid or unpaid, including members of any administrative or advisory board or committee thereof.
- (b) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, child, step-child or member of a household of a municipal officer or employee.
- (c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or part of the Town. A municipal officer or employee is deemed to have an interest in any



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organization when the individual, the individual's spouse, or a member of the individual's household, is an owner, partner, member, officer, director or employee of the organization, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

### **Section 3. Applicability.**

This code of ethics applies to every municipal officer and employee and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable state and local laws relating to conflict of interest and ethics, including but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies, and procedures of the Town.

### **Section 4. Prohibition on personal gain.**

Municipal officers and employees shall not use a municipal position or official powers and duties to secure a financial or material benefit for themselves, a relative, or any private organization in which they are deemed to have an interest. Earned compensation or experience from job performance shall not be considered a financial or material benefit.

### **Section 5. Disclosure of interest in legislation and other matters.**

Whenever a matter requiring the exercise of discretion, as opposed to ministerial action, comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to the municipal officer or employee, a relative, or any private organization in which the individual is deemed to have an interest, the municipal officer or employee shall disclose the nature of the interest. In the case of a non-elected municipal officer or employee, written disclosure shall be made to the individual's supervisor or to the Director of Human Resources when the matter requiring disclosure first comes before the municipal officer or employee, or when such person first acquires knowledge of the interest requiring disclosure, whichever is earlier. In the case of an elected municipal officer or employee, disclosure shall be made publicly at a meeting of the Town Board and shall be included in the minutes of the meeting.

### **Section 6. Recusal.**

A municipal officer or employee shall not participate in any decision or take any official action on any matter requiring the exercise of discretion, where the individual knows, or has reason to know, that the decision or action could confer a direct or indirect financial or material benefit on that person, a relative, or any private organization in which the person is deemed to have an interest. Where a board member recuses, board power or duty shall be exercised by the other board members, subject to law. Where an individual municipal officer recuses, municipal power or duty shall be performed by the

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recusing officer's deputy or a substitute to whom the function is lawfully delegated. Where an individual municipal employee recuses, the recusing person must report the matter to such person's immediate supervisor, who shall designate another officer or employee to perform the power or duty.

### **Section 7. Investments in conflict with official duties.**

During service or employment with the Town, no municipal officer or employee may acquire any investments which can be reasonably expected to require more than sporadic recusal under this code or which would otherwise impair such person's independence of judgment when exercising or performing official powers and duties. Any other investments may be acquired, including (a) real property located within the Town and used for personal residence; (b) less than five percent of the outstanding stock or other ownership interest of a business entity; (c) bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued; or (d) pooled funds in which the municipal officer or employee participates but which such person does not direct.

### **Section 8. Private employment in conflict with official duties.**

No municipal officer or employee, during the individual's tenure with the Town, may engage in any private employment which (a) can be reasonably expected to require more than sporadic recusal under this code or disclosure or use of confidential information gained by the individual's service for the Town; (b) violates section 805-a(1)(c) or (d) of the General Municipal Law regarding an agreement for the compensation of services related to any matter before the Town or any of its boards; or (c) requires representation of a person or organization other than the Town in a matter in which the Town is a party.

### **Section 9. Future employment.**

After a municipal officer's or employee's service or employment with the Town has terminated, no such individual may represent or render services to a private person or organization before any Town board or officer in connection with any particular transaction in which the individual personally and substantially participated while serving as a municipal officer or employee.

### **Section 10. Personal representations and claims permitted.**

This code shall not be construed as prohibiting present or former municipal officers or employees from (a) representing themselves, or their relatives, before the Town; or (b) asserting any claim, account, demand, or suit against the Town or any board or officer thereof, on behalf of themselves or their relatives, arising out of any personal injury or property damage claims, or for any lawful benefit authorized or permitted by law.

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### **Section 11. Town resources.**

Town resources, including but not limited to, Town personnel, money, vehicles, equipment, and materials, shall be used solely for lawful municipal purposes, and not for personal or private purposes or for partisan political matters. This provision shall not be construed as prohibiting (a) the use of Town resources authorized by law, Town policy, or board resolution; (b) the use of Town resources for personal or private purposes when provided to a municipal officer or employee as part of the officer's or employee's compensation; or (c) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters.

### **Section 12. Interest in contracts.**

No municipal officer or employee may have an interest in a contract with the Town prohibited by section 801 of the General Municipal Law. Any such interest shall be disclosed as required by section 803 of the General Municipal Law.

### **Section 13. Nepotism.**

No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a relative for any position with the Town or any of its boards, nor may a municipal officer or employee supervise a relative in the performance of the relative's official powers and duties. For purposes of this section only, the term "relative" shall extend beyond its definition to include any person with whom a municipal officer or employee has a romantic relationship.

### **Section 14. Political solicitations and activities.**

(a) No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make or promise to make any political contribution, whether by gift of money, service, or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring, promoting, discharging, disciplining, or in any manner changing the official rank, status, or compensation of any other municipal officer or employee, or applicant thereof, on the basis of the giving or withholding of any political contribution.

(c) No municipal officer or employee shall knowingly solicit or receive a political contribution from any person with a pending application, bid or contract subject to a vote by that municipal officer or employee as a member of a board.

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(d) No municipal officer or employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

(e) No municipal officer or employee may engage in partisan political activities while on duty.

(f) No municipal officer or employee may at any time use Town media or communications to further any partisan political activities. The use of Town media or communications to inform Town residents of Town activities affecting them shall not be considered "partisan political activities." Social media or other communications platforms created by a municipal officer or employee for such person's own use as a municipal officer or employee shall not be considered "Town media or communications." The Town shall not share postings from a social media platform of an elected municipal officer or employee on the Town's own media or communications platforms, except for emergencies affecting public safety.

### **Section 15. Confidential information.**

No present or former municipal officer or employee shall disclose confidential information acquired in the course of the officer's or employee's official duties or use it to further anyone's personal interest, unless such disclosure or use is required by law. Confidential information includes, but is not limited to, matters and documents discussed in an executive session of a Town board, and any other information not lawfully available to the public whether by Freedom of Information Law request or otherwise.

### **Section 16. Gifts.**

No municipal officer or employee shall directly or indirectly solicit any gift, or accept any gift or multiple gifts from the same donor having an annual aggregate value of seventy-five dollars or more, whether in the form of money or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the individual in performing official duties or was intended as a reward for any official action on the individual's part. For purposes of this section, the word "gift" shall exclude any gift from family members motivated by the familial relationship, a gift given on special occasions which is modest and customary, unsolicited promotional material of little intrinsic value, awards having a value of seventy-five dollars or less which are publicly presented in recognition of public service, meals and refreshments provided at a job-related conference, or attendance at local social events or activities that fulfill a public purpose or are open to the general public, nor shall a contribution to a campaign finance committee of a municipal officer or employee be considered a "gift."

### **Section 17. Exceptions.**

A municipal officer or employee may contract with, invest in, or otherwise participate in the following activities:

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- (a) a contract with a person, firm, corporation, or association that transacts business with the Town if the activity would be prohibited solely because the municipal officer or employee is employed by the person, firm, corporation, or association, if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement, preparation or performance of any part of the contract;
- (b) the purchase by the Town of real property, or an interest in real property, owned by a municipal officer or employee, provided that the purchase and consideration for the purchase is approved by order of the Supreme Court upon petition of the Town Board, in accordance with section 802(1)(d) of the General Municipal Law;
- (c) the acquisition of real property, or an interest in real property, through condemnation proceedings in accordance with law;
- (d) a contract in which the municipal officer or employee has an interest if the contract was entered into prior to the time the municipal officer or employee was elected or hired, but the contract should not be renewed unless the contract meets the requirements for exception (a) above;
- (e) a contract with a business entity in which a municipal officer or employee has less than five per cent ownership of the outstanding stock or other ownership interest; and
- (f) a contract for payment of no greater than a reasonably documented market rent for rooms owned or leased by a municipal officer or employee for use as an office or chamber for the performance of official duties.

### **Section 18. Distribution of this code.**

The Town Supervisor shall cause a copy of this code of ethics to be distributed to every municipal officer and employee and made available to the public by posting it on the Town's official website within 30 days of the effective date of this local law. Each municipal officer or employee who is elected, hired, or appointed thereafter shall be furnished a copy of this code before entering upon official duties, and shall acknowledge receipt of same in writing. The failure of a municipal officer or employee to receive a copy of this code or acknowledge receipt thereof in writing shall not affect either the applicability or enforceability of this code or any amendment thereto.

### **Section 19. Enforcement.**

Any non-elected municipal officer or employee who knowingly and intentionally violates this code may be disciplined, suspended, removed, or terminated pursuant to policies and procedures set forth in the Town Employee Handbook and Personnel Rules. The Town Board may consider a resolution to

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reprimand any Town Board member for knowingly and intentionally violating this code. Any such resolution shall be introduced, considered and discussed only in executive session. If the Town Board chooses not to proceed to a vote, it shall announce only that a reprimand under the ethics code was considered and rejected. Any vote shall be public, on the resolution “that the reprimand discussed in executive session be approved.” If approved, the resolution will be entered into the record of the meeting as naming the person reprimanded and the section of the ethics code violated. All municipal officers and employees shall keep strictly confidential all aspects of any claim of violation of this ethics code. No municipal officer or employee shall bring, or assist or participate in bringing, a frivolous or unsubstantiated claim of violation of this code. No municipal officer or employee shall retaliate against an individual who makes a good faith claim of violation of this Ethics Code.

### **Section 20. Effective date.**

This ethics code shall take effect immediately upon filing of this local law with the Secretary of State.

### **PUBLIC COMMENT**

Stacey Philbrick Yadav commented.

### **OTHER BUSINESS**

With no further business, the meeting adjourned at 9:41 p.m.

Respectfully submitted,

Renee McQuillen  
Town Clerk