

**Town of New Scotland
Proposed Local Law B of the year 2020**

A Local Law Codifying Town Ethics Law, As Amended.

Be it enacted by the Town Board of the Town of New Scotland as follows:

SECTION I. PURPOSE, BACKGROUND AND FINDINGS

Section 806 of the NY General Municipal Law authorizes the governing body of the Town to adopt a code of ethics setting forth guidance for the standard of conduct reasonably expected of the town officers and employees. In 2010, the Town Board of the Town of New Scotland enacted Local Law No. 4 of 2010, entitled the “New Scotland Ethics Law.” The Ethics Law was amended seven (7) times since it was first enacted. Because the amendments have made it cumbersome to review the law and research ethic’s issues under the law, the Town Board wishes to incorporate all amendments in an updated codification of the law as amended. This law incorporates the following local laws adopted by the Town Board:

- Local Law 4 of 2010 [adopted 6/9/10]
- Local Law 6 of 2010 [adopted 8/13/10]
- Local Law 7 of 2010 [adopted 9/7/10]
- Local Law 1 of 2011 [adopted 1/17/11]
- Local Law 4 of 2011 [adopted 4/20/11]
- Local Law 1 of 2012 [adopted 3/2/12]
- Local Law 1 of 2013 [adopted 1/2/13]
- Local Law 4 of 2013 [adopted 10/10/13]

SECTION II. ADOPTION/CODIFICATION

The Town Board hereby enacts the Town of New Scotland Ethics Law, which is annexed hereto as APPENDIX 1.

SECTION III. TITLE

This law shall be known as the “Ethics Law of the Town of New Scotland.”

SECTION IV. AUTHORITY

This local law is enacted by the Town Board of the Town of New Scotland pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Article 16 of the NY Town Law, Article 18 of the NY General Municipal Law, and Section 10 of the NY Municipal Home Rule Law.

SECTION V. SEVERABILITY

Each separate provision of this local law and the regulations set forth in Appendix 1 shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION VI. REPEAL OF OTHER LAWS

This law incorporates and supersedes the following local laws of the Town of New Scotland:

- Local Law 4 of 2010
- Local Law 6 of 2010
- Local Law 7 of 2010
- Local Law 1 of 2011
- Local Law 4 of 2011
- Local Law 1 of 2012
- Local Law 1 of 2013
- Local Law 4 of 2013

All local laws in conflict with provisions of this Local Law are hereby superseded.

SECTION VII. EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board on _____ 20__, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board _____ on 20 _____, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20 _____, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the Town of New Scotland was duly passed by the New Scotland Town Board _____ on _____ 20__, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____, 20__, Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 ____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the Town of New Scotland was duly passed by the _____ on _____ 20__, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 20 __.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20 ____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 __ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __, above.

New Scotland Town Clerk

(Seal)

Date: _____

(Certification to be executed by Town Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature _____
New Scotland Town Attorney

Date: _____

APPENDIX 1

Town of New Scotland

ETHICS LAW

(Local Law 4 of 2010)

As amended

Adopted	06-09-2010
Amended	08-11-2010
Amended	08-31-2010
Amended	01-12-2011
Amended	04-11-2011
Amended	02-29-2012
Amended	01-02-2013
Amended	10-09-2013

Town of New Scotland
Local Law 4 of the Year 2010
New Scotland Ethics Law

WHEREAS, [article 18 of the General Municipal Law](#) prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS [section 806 of the General Municipal Law](#) requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS [section 806 of the General Municipal Law](#) also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Town Board of the Town of New Scotland hereby adopts a code of ethics to read as follows:

Code of Ethics of the Town of New Scotland

SECTION 1. Purpose.

Officers and employees of the Town of New Scotland 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 powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

ARTICLE I. Substantive Provisions

SECTION 2. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this chapter, the following terms shall have the following meanings:

APPEAR and APPEAR BEFORE – Communicating in any form, including, without imitation personally, through another person, by letter, facsimile, electronic mail, or by telephone.

BOARD -- The governing board of the Town of New Scotland any Town administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more Town officers or employees.

CONFIDENTIAL INFORMATION – Any data acquired through the course of employment of public office which the Town has protected from disclosure by law or that is not protected from disclosure by law but poses or may pose a conflict of interest.

CODE -- This code of ethics.

CONFLICT OF INTEREST – Any action or omission which is in conflict or gives or may reasonably give the appearance of conflict with the performance of official Town business or government.

CORPORATION -- Any artificial person or being, endowed by law with the capacity of perpetual succession, and shall include corporations organized as public, private, charitable, civil, domestic, foreign, close, open, municipal and not-for-profit institutions.

CUSTOMER OR CLIENT

A. Any person to whom a Town officer or employer has supplied goods or services during the previous 24 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 24 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.

ETHICS BOARD – The Ethics Board of the Town established pursuant to Section 30 of this chapter.

GIFT and FINANCIAL BENEFIT – Except as specifically set forth in Section 18, includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, privilege, exemption or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. “Gift” and “financial benefit” do not include campaign contributions authorized by law.

HOUSEHOLD – all the persons who occupy a housing unit. The occupants may be a single family or any other group of related or unrelated persons who share living arrangements.

INTEREST – 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 an area of the Town, or a lawful class of such residents or taxpayers. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member,

director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

MINISTERIAL ACT – An action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

MUNICIPALITY – The Town of New Scotland. The word “municipal” refers to the municipality.

MUNICIPAL OFFICER OR EMPLOYEE -- a paid or unpaid officer or employee of the Town of New Scotland, including, but not limited to, the members of any municipal board, but shall not include the Town Court or a Town Court officer or employee.

OUTSIDE EMPLOYER OR BUSINESS

A.

(1) Any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced.

(2) Any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or

(3) Any entity in which the Town officer or employee has an ownership interest, except a corporation of which the Town officer or employee owns less than 5% of the outstanding stock.

B. For purposes of this definition, “compensation” shall not include reimbursement for necessary expenses, including travel expenses, when acting in accordance with the Town officer's or employee's duties.

PERSON – Includes both individuals and entities.

PROFESSIONAL LICENSE – A privilege granted by the State of New York to conduct an occupation or trade.

PUBLIC BENEFIT CORPORATION -- A corporation organized to construct or operate a public improvement that is located partially or totally in New York State and the profits from this corporation benefit New York State or other states or the people of New York State.

RELATIVE – A spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, spouse's sibling, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of the Town officer or employee, or a person claimed as a dependent on the Town officer's or employee's latest individual state income tax return, or the spouse of any such person.

TOWN – The Town of New Scotland, but shall not include the Town Court.

TOWN AGENCY – Any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town other than the Town Court.

TOWN OFFICER OR EMPLOYEE – Any officer or employee of the Town, whether elected or appointed, paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee of the Town. Any attorney who is a partner in a law firm or a principal in a professional corporation whose legal opinion concerning the validity of the issuance of any debt instrument is generally provided in connection with the issuance of any bond or other instrument by the Town or any public benefit corporation whose members are appointed by the Supervisor or the Town Board shall be deemed a Town officer or employee. “Town officer or employee” shall not include:

- A. A judge, justice, officer, or employee of the unified court system; or
- B. An advisory board of the Town if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the Town or to restrict the authority of the Town to act.

SECTION 3. Applicability.

This code of ethics applies to the officers and employees of the Town of New Scotland 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 conflicts 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 of New Scotland.

SECTION 4. Prohibition on use of municipal position for personal or private gain.

A. General prohibition. A Town officer or employee shall not knowingly use his or her municipal position or official powers and duties, 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 personal financial or material benefit (direct or indirect) for any of the following persons:

- (1) The Town officer or employee;
- (2) His or her outside employer or business;
- (3) A member of his or her household;
- (4) A customer or client, regardless of whether they are charged a fee by the Town officer or employee;
- (5) A relative; or
- (6) Any firm, corporation, association, partnership, political committee, political action committee or other private organization in which the town officer or employee, or a relative, serves as an officer or director, whether compensated or not compensated.

B. Specific Town officers and employees.

(1) Responsibilities.

(a) All Town officers or employees are prohibited from knowingly exercising any discretion in any matter of Town interest which shall involve any person, firm or corporation which is a client of his/hers or a client of his/her firm or has been a client within the immediate past 24 months and shall not knowingly represent or provide any work product on behalf of any such person, firm or corporation for use before the Town department in which they work or board on which they serve. For these purposes, the Planning Board, Zoning Board of Appeals, and the Building Department shall be considered one department.

(b) Authorized to conduct inspections and issue permits. All Town officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the Town where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits.

(2) The foregoing Town officers and employees are listed due to the unique nature of their offices and positions which, in turn, raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every Town officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this chapter as well as the actual provisions and strive to act so as not to raise suspicion among the public that he/she is likely to be engaged in activities that are in violation of his/her public trust.

SECTION 5. Disclosure of interest in legislation and other matters.

A. Whenever a matter requiring the exercise of discretion 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 himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall promptly disclose in writing the nature of the interest, or, if a member of a board, shall state that information upon the public record of the board.

B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

C. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In the case of a person serving on a municipal board, a copy of the disclosure shall also be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

SECTION 6. Recusal and abstention.

A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter, acting on the matter, or failing to act on the matter, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, or any of the persons or organizations listed in Section 4 in which he or she is deemed to have an interest.

B. Whenever a Town officer or employee is required to recuse himself or herself pursuant to Section 5 of this chapter, he or she shall:

- (1) Immediately refrain from participating further in the matter and at no time have any communication, formal or informal, concerning the subject with any fellow officer or employee of the Town;
- (2) Promptly inform his or her superior, if any; and the Town Supervisor, and
- (3) Promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of the board.
- (4) Leave the room when the matter is discussed and/or voted on.

C. A Town officer or employee shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk a disclosure statement complying with requirements of Section 22 of this chapter.

In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

SECTION 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

The provisions of Sections 5 and 6 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 State of New York or of the United States;
- B. This code's prohibition on use of a municipal position (Section 4), disclosure requirements (Section 5), and requirements relating to recusal and abstention (Section 6), shall not apply with respect to the following matters:
 - (1) adoption of the municipality's annual budget;
 - (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (a) all municipal officers or employees;
 - (b) all residents or taxpayers of the municipality or an area of the municipality; or
 - (c) the general public; or
 - (3) any ministerial act or other action that does not require the exercise of discretion. (

C. Recusal and abstention shall not be required with respect to any matter:

- (1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by Section 6 of this code;
- (2) which comes before a municipal officer when the officer would be prohibited from acting by Section 6 of this code and the matter cannot be lawfully delegated to another person.

SECTION 8. Conflict with other codes of conduct.

A. Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the Town hereby requires that each Town officer or employee who is affected by a professional Code of Ethics be bound, in addition to this local law, by his/her respective Codes of Ethics. Any conflict between the provisions of this chapter and a given professional code of conduct of a Town officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must at all times give the greatest latitude to said individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.

B. Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

SECTION 9. Avoidance of Conflicts.

Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

SECTION 10. Investments in conflict with official duties.

A. No municipal officer or employee may acquire the following investments:

- (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
- (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

- (1) real property located within the municipality and used as his or her personal residence;
- (2) less than five percent of the stock of a publicly traded corporation; or
- (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

SECTION 11. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

No former town officers or employees may disclose or use any confidential information or use it to further anyone's personal interests.

SECTION 12. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (1) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (2) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (3) violates section [805-a\(1\)\(c\) or \(d\) of the General Municipal Law](#); or
- (4) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

SECTION 13. Future employment.

A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

B. No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person, corporation, or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves. As amended by Local Law 6 of 2010, the two-year hiatus provisions of this sub-section shall not apply to a Town of New Scotland officer or employee who leaves Town service on or before December 31, 2010.

C. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

D. Notwithstanding any provision of the New Scotland Ethics Law, or any other provision of law, any former employee of the Town of New Scotland may accept employment with any company doing business with the Town upon resolution of the Town Board approving such employment as being in the best interest of the Town.

SECTION 14. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

- (1) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (2) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

SECTION 15. Use of municipal resources.

A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's land, money, vehicles, equipment, materials, supplies or any other property.

B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes or profit, but this provision shall not be construed as prohibiting:

- (1) any use of municipal resources authorized by law or written municipal policy or when such use is available to Town citizens generally;
- (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
- (3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

SECTION 16. Interests in Contracts.

A. No municipal officer or employee may have an interest in a contract with the Town or an interest in a bank or trust company that is prohibited by [§801 of the General Municipal Law](#) of the State of New York.

B. Every municipal officer and employee shall disclose interests in contracts with the Town at the time and in the manner required by §803 of the General Municipal Law of the State of New York.

C. 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 of the General Municipal Law](#) of the State of New York.

D. Any Town officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Town shall disclose in writing the nature and extent of that interest in accordance with [§803 of the General Municipal Law](#) of the State of New York and promptly

file such written disclosure with the Town Clerk. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

E. Any Town officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by [§805 of the General Municipal Law](#) of the State of New York.

SECTION 17. Nepotism.

Except as otherwise required by law:

A. 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 or household member for any position at, for or within the municipality or a municipal board.

B. No relative or household members of municipal officers shall be appointed or hired by the Town in any full time or year-round position at, for, or within the municipality.

C. No municipal officer or employee may directly supervise a family or household member in the performance of their official powers or duties.

D. The provisions of this section shall not apply to any person employed by the Town as of the effective date of this law.

SECTION 18. Political Solicitations.

A. No municipal officer or employee shall directly or indirectly act to 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 or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

SECTION 19 Gifts.

A. The purpose of this provision is to avoid circumstances where it could reasonably be inferred that the gift was intended to influence such Town officer or employee, or could reasonably be expected to influence such Town officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by any such Town officer or employee.

Except as set for in Subsection F of this section:

B. No Town officer or employee shall solicit, accept or receive a gift in violation of section [805-a\(1\)\(a\) of the General Municipal Law](#) of the State of New York as interpreted in this section.

C. No municipal officer or employee may directly or indirectly solicit any gift for himself or herself or for any person or organization from any person who has received or sought a financial benefit from the Town, nor accept anything of value from any person the Town officer or employee knows or has reason to know has received or sought a financial benefit from the Town within the previous 24 months or anticipates doing so within the ensuing 24 months.

D. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of one-hundred dollars or more when:

- (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
- (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
- (3) the gift is intended as a reward for any official action on the part of the officer or employee.

E. For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

- (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
- (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twenty four months.

F. This section does not prohibit any other gift, including:

- (1) Gifts made to the municipality;
- (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

SECTION 20. Appearance by Town officers and employees and outside employers and businesses of Town officers and employees.

A. Except as provided in Subsection C of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before the particular agency in which the Town officer or employee serves or by which he or she is employed.

B. Except as provided in Subsection C of this section, a Town officer or employee or the outside employer or business of a Town officer or employee shall not appear before any other 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, or if there exists any likelihood that such Town officer or employee may derive, directly or indirectly, a financial benefit as a result thereof.

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
- (2) Seeking or obtaining a ministerial act; or
- (3) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

SECTION 21. Inducement of others.

A Town officer or employee shall not induce or aid another officer or employee of the Town in violating any of the provisions of this Code of Ethics.

SECTION 22. Annual disclosure.

A. Town officers and employees required to file. Town officers and employees holding the job titles or positions set forth in Exhibit A annexed hereto, or as amended from time to time by the Town Board, shall be required to file a signed annual disclosure statement. Also, the Town Board will decide at the time of establishment or at the annual organizational meeting, whether advisory boards members are required to file a disclosure statement, regardless of whether they are considered to be “Town Officers or Employees,” as defined herein. Upon creation of any advisory boards, the Town Board shall determine whether such disclosure shall be required. Within 60 days from the effective date of this local law, the Town Board shall determine whether the members of any existing advisory boards shall be required to file a disclosure statement.

B. Time and place for filing. Annual disclosure statements shall be filed with the Ethics Board:

- (1) Within 120 days after the effective date of this section;
- (2) Within 30 days after becoming subject to the requirements of Subsection A of this section; and
- (3) No later than February 15 of each year thereafter.

C. Contents of annual disclosure statement.

- (1) Disclosure shall be set forth on the form as prescribed in Exhibit B annexed hereto, or as amended from time to time by the Ethics Board.
- (2) Any Town officer or employee required to file an annual disclosure statement may request one or more items of information be redacted from his/her disclosure statement when said statement is made available to the public. In order for the Ethics Board to grant a request for redaction, the information sought to be redacted must have no material bearing on the discharge of the official duties of the Town officer or employee and, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of [Subdivision 2 of §89 of the New York State Freedom of Information Law](#) or would otherwise likely endanger the life or safety of any person. A request for redaction shall be in the form as set forth in Exhibit C hereto, or as amended from time to time by the Ethics Board.

D. Extension of time for filing annual disclosure statement.

(1) The Ethics Board shall be empowered to grant an extension of time for filing the annual disclosure statement. In order for the Ethics Board to grant a request for an extension of time to file the annual disclosure statement beyond the February 15 deadline, the Ethics Board shall find that there is justifiable cause for filing after the deadline or that application of the deadline will impose an undue hardship.

(2) A request for an extension of time shall be filed with the Ethics Board on or before February 1 in the year for which the extension is sought, or in the case of a new Town officer or employee, no more than 15 days after such person commences his or her duties with the Town. A request for an extension to file shall be in the form as set forth in Exhibit D hereto, or as amended from time to time by the Ethics Board.

SECTION 23. Applicant disclosure generally.

A. When 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 financial benefit both to such person and to either any officer or employee of the Town, or to one of the other persons listed in Section A of this chapter, such person shall disclose the names of any such persons, including Town officers or employees, that may financially benefit from such action or inaction by the Town or a Town officer or employee, to the extent known to such person 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 of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.

C. A person shall not be required to file a disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed a disclosure statement complying with requirements of Section 22 of this chapter.

SECTION 24. Applicant disclosure for land use applications.

A. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, 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 nature and extent of the interest of any Town officer or employee in the person or entity making such application, petition or request, to the extent known to such applicant and as otherwise required by [§809 of the General Municipal Law](#) of the State of New York.

B. Violations. Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by §809 of the General Municipal Law.

SECTION 25. Void contracts.

Any contract or agreement entered into, by or with the Town which results in or from a violation of any provision of Subsections 4, 5, 9, 12, 13, 16, 19, or 20 of this chapter shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

SECTION 26. Penalties for offenses.

A. Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the 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.

B. Civil fine. Any Town officer or employee who violates any provision of this chapter may be subject to a civil fine of up to \$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.

C. Damages. Any person, whether or not a Town officer or employer, who violates any provisions 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.

D. This sub-section removed per Local Law 1 of 2011.

SECTION 27. Injunctive relief.

A. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate in the court of appropriate 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 Subsection A of this section, unless:

(1) The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee;

(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 20 months after the alleged violation occurred.

ARTICLE II Administrative Provisions

SECTION 28. Designation of Town officers and employees required to file annual disclosure statements.

A. Within 30 days after the effective date of this chapter, and by March 15 each year thereafter, the Supervisor of the Town shall cause to be filed with the Ethics Board a list of the offices or positions of all Town officers and employees required to file an annual disclosure statement pursuant to Section 22 of this chapter and file a copy of such list with the Town Clerk.

B. Within 30 days after the effective date of this chapter, and by January 15 each year thereafter, the Town Clerk shall notify all such Town officers and employees of their obligation to file an annual disclosure statement.

SECTION 29. Maintenance of disclosure statements.

A. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to Sections 6, 16, 22, 23, and 24 of this chapter.

B. The Ethics Board shall index and maintain on file for at least seven years all disclosure statements file with the Ethics Board pursuant to Sections 6, 16, 22, 23, and 24 of this chapter.

SECTION 30. Board of Ethics: establishment, appointment of members, qualifications of members, term of office.

A. There is hereby established a board of ethics for the municipality consisting of five members.

B. Within 30 days after the effective date of this local law, and no later than December 31 each year thereafter, the Town Board shall appoint the members of the Ethics Board.

C. The members of the Ethics Board shall be residents of the Town of New Scotland.

D. One member of the Ethics Board shall be a municipal officer or employee, but not an elected officer of the municipality.

E. Of the total membership of the Ethics Board, the maximum number of members registered in the same political party shall be two.

F. No Ethics Board member shall concurrently hold office in a political party or be employed or act as a lobbyist or hold elective office in any local, state, or federal government.

G. An ethics board member may make campaign contributions and may participate in an election campaign.

H. The members of such board of ethics shall be appointed by the Town Board of New Scotland, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

I. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that of the members first appointed two members shall serve until December 31 of the year in which the Ethics Board is established, two shall serve until the second December 31, and one shall serve until the third December 31.

J. An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on the Ethics Board shall not exceed three consecutive three-year terms.

K. The members of the Ethics Board shall not receive compensation but are authorized to incur any and all expenses necessary to effectuate the purposes of the Ethics Board within amounts which are to be appropriated by the Town Board annually.

SECTION 31. Ethics Board: vacancies.

When a vacancy occurs in the membership of the Ethics Board, the Town Board shall, within 60 days, appoint a new member for the unexpired portion of the term. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in Section 30 of this chapter.

SECTION 32. Ethics Board: removal of members.

An Ethics Board member may be removed from office by the Town Board, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in Section 30 of this chapter, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this chapter or any other Town law.

SECTION 33. Ethics Board: meetings.

The Town Board shall select a Chairman, and at its first meeting each year, the Ethics Board shall elect a Vice-Chairman and Secretary from among its members. A majority shall be required for the Ethics Board to take any action. The Chairman or a majority of its members may call a meeting of the Ethics Board. The Ethics Board shall hold at least one meeting annually regardless of whether there are any matters pending before the Ethics Board.

SECTION 34. Ethics Board: jurisdiction, powers, and duties.

- A. The Ethics Board may only act with respect to Town officers and employees of the Town.
- B. The termination of the term of office or employment of a Town officer or employee 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.
- C. 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 as so authorized by the Town Board. All such rules and regulations shall be available to the public.
- (2) To review, index, and maintain on file lists of Town officers and employees and disclosure statements filed with the Ethics Board, pursuant to Sections 6, 16, 22, 23, 24, 28, 29 and 35 of this chapter;
- (3) To recommend the names of any other Town officers or employees that the Ethics Board determines should appear on the list pursuant to Section 22;
- (4) To review, revise or amend the form and content of the annual disclosure statement annexed as Exhibit B as authorized by the Town Board;
- (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications;
- (6) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to Section 37;
- (7) To render, index, and maintain on file advisory opinions pursuant to Section 38;
- (8) To provide training and education to Town officers and employees pursuant to Section 40;
- (9) To prepare reports and recommend changes to this chapter pursuant to Section 41;
- (10) To provide for public inspection of certain records pursuant to Section 42;
- (11) To select provisions of this chapter for reproduction and distribution pursuant to Section 44;
- (12) To review and decide, within 60 days, pursuant to the procedures and requirements outlined in Subsections C and D of Section 22 of this chapter, all requests for redaction of disclosure and extension of time to file; and,
- (13) To otherwise enforce and administer all of the provisions of this chapter.

SECTION 35. Review of lists and disclosure statements.

A. The Ethics Board shall review:

- (1) The lists of Town officers and employees, prepared pursuant to Section 28 of this chapter, to determine whether the lists are complete and accurate.

(2) All annual disclosure statements 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; and

(3) All transactional disclosure statements.

B. If a person required to file an annual or transactional disclosure statement with the Ethics Board has failed to file such a statement, has filed a deficient statement, or, having filed such a statement, reveals a possible or potential violation of this chapter, the Ethics Board shall notify the reporting person in writing of such deficiency or possible or potential violation and of the penalties for failure to comply with this chapter and provide the person with a fifteen-day period to cure the deficiency.

SECTION 36. Investigations.

A. If the Ethics Board preliminarily finds, on its own review of an annual disclosure statement or transactional disclosure statement; or pursuant to its review of a request for an advisory opinion; or pursuant to receipt of a complaint alleging a violation of this chapter upon the written request of any individual; or pursuant to an investigation initiated by the Ethics Board in carrying out the provisions of this chapter, that a possible violation of this chapter exists, the Ethics Board may, but shall not be required to, provide the person(s) affected with a reasonable opportunity to cure such violation. Such a preliminary finding shall be confidential and not subject to public disclosure. If under any other circumstances, such as through the filing and investigation of a complaint, the Ethics Board determines that there is reasonable cause to believe that a violation of this chapter has occurred, or after any grace period granted by the Ethics Board has expired and such violation remains uncured, it shall send a notice of reasonable cause to:

- (1) The reporting/applicable person;
- (2) The complainant, if any; and
- (3) The Supervisor and the Town Board.

B. Before any such “reasonable cause” finding may be made, the Ethics Board shall:

- (1) Notify in writing the reporting/affected person as to the possible or alleged violation of this chapter;
- (2) Afford the reporting/affected person an opportunity to submit in writing a written response setting forth such information as said reporting/affected person deems relevant to the activities cited by the Ethics Board as a possible or alleged violation of this chapter; and
- (3) Upon written request, afford the affected person a hearing wherein the affected person may provide either a written or oral response setting forth such information as the

affected person deems necessary or appropriate in response to the actions by the Ethics Board.

C. Upon receipt of a sworn complaint by any person alleging a violation of this chapter, or upon determining its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter.

D. The Ethics Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts 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 Ethics Board.

E. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

F. 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 laws, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint. The Ethics Board may request the Albany County Ethics Commission to conduct an investigation of the Ethics Board or of any of its members or staff.

SECTION 37. Hearings; assessment of penalties; injunctive relief.

A. Disciplinary action. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to Subsection A of Section 26 of this chapter. The recommendation of the Ethics Board shall be made to Supervisor and the Town Board or such other person or body authorized by law to impose such disciplinary action. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the Town Board or such other person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board, person, body, or prosecutor, as the case may be.

B. Civil fine. In its discretion and after a hearing providing for due process procedural mechanisms, the Ethics Board, pursuant to Subsection B of Section 26 of this chapter, may assess a civil fine, not to exceed \$1,500 for each violation, upon any Town officer or employee found by the Ethics Board to have violated this chapter. The Ethics Board shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the Town of New Scotland.

C. Damages. The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in Subsection C of Section 26 of this chapter.

D. Injunctive relief. The Town Board, or the Ethics Board on behalf of the Town, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this chapter or to compel compliance with this chapter, as provided in Section 27 of this chapter.

E. Prosecutions. The Ethics Board may refer to the appropriate prosecutor possible criminal violations of this chapter. 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.

SECTION 38. Advisory opinions.

A. Upon the written request of any 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. Any other person may similarly request an advisory opinion, but only with respect to whether his or her own action might violate a provision of this chapter or Article 18, or such request may be made through a Town officer or employee.

B. In rendering advisory opinions, the Ethics Board may request the advice and counsel of the attorney employed by the Ethics Board or, if none, the Town Attorney.

C. An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the Ethics Board may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.

D. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.

E. Any person aggrieved by an advisory opinion of the Ethics Board may seek judicial review and relief pursuant to [Article 78 of the Civil Practice Law](#) and Rules of the State of New York.

F. 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](#) of the State of New York determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subsection 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.

SECTION 39. Judicial review.

Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to [Article 78 of the Civil Practice Law](#) and Rules of the State of New York.

SECTION 40. Public inspection of Code of Ethics.

The Ethics Board shall make information concerning this chapter and [Article 18 of the General Municipal Law](#) available to the Town officers and employees, to the public, and to persons interested in doing business with the Town.

SECTION 41. Annual reports; review of Code of Ethics.

A. The Ethics Board shall prepare and submit an annual report to the Supervisor and the Town Board, summarizing the activities of the Ethics Board by April 15 for the previous year.

B. The Ethics Board shall, at least annually, review this local law and the Ethics 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. At any time, the Ethics Board may recommend changes to the text or administration of this chapter to the Town Board.

SECTION 42. Public inspection of records; public access to meetings.

A. Notwithstanding the provisions of [Article 6 of the Public Officers Law](#) of the State of New York, the only records of the Ethics Board which shall be available for public inspection are:

(1) The information set forth in an annual disclosure statement or transactional disclosure statement filed pursuant to this chapter, except any item of information redacted pursuant to Subsection C of 22 of this chapter;

(2) Notices of reasonable cause set under Subsections A and B of Section 36 of this chapter;

(3) Redacted advisory opinion prepared as provided in Section 38 of this chapter; and

(4) Assessments of civil penalties, sanction, discipline or other action taken or imposed as provided in Sections 26 and 37 of this chapter.

(5) Disclosure statements filed pursuant to Sections 6, 16, 22, 23 and 24 hereof.

B. Notwithstanding the provisions of [Article 7 of the Public Officers Law](#) of the State of New York or by other applicable state or federal law or regulation, no meeting or proceeding of the Ethics Board, including any such proceeding contemplated under Section 36 of this chapter, shall be open to the public, except upon the request of the Town officer or employee under investigation, or as expressly provided otherwise by the Town Board.

SECTION 43. Miscellaneous provisions.

A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.

B. Nothings 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.

Section 44. Posting and distribution.

A. The Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

B. The Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of New Scotland.

C. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the New Scotland Town Clerk who must maintain such acknowledgments as a public record.

D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

SECTION 45. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

SECTION 46. Distribution and posting.

A. Within 30 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor and Town Clerk, in a form suitable for posting, copies of those provisions for this chapter which the Town Board deems necessary for posting in the Town. Within 10 days after receipt of those copies, the Town Clerk shall cause the copies to be posted conspicuously in a place designated for the posting of public notices and in any other places directed by the Town Board.

B. Within 30 days after the effective date of this section, and thereafter as appropriate, the Ethics Board shall transmit to the Supervisor, or other Town officer or employee as designated by the Supervisor, in a form suitable for distribution, copies of those provisions of this chapter which the Town Board deems necessary for distribution to the Town officers and employees. Within 10 days after the receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every Town officer and employee, and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions within 10 days after entering upon the duties of his or her position.

C. 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.

SECTION 47. Prior Ethics Law Rescinded.

Local Law 4 of the Year 2001 of the Town of New Scotland is hereby rescinded.

SECTION 48. Effective Date.

Sections 30, 31, 32, 33, 34, 38, and 41 of this law shall be effective as of August 1, 2010. All other provisions of this law shall be effective as of January 1, 2011.

EXHIBIT “A”**TOWN OFFICERS AND EMPLOYEES REQUIRED TO FILE
ANNUAL STATEMENT OF DISCLOSURE**

1. Supervisor
2. Town Board
3. Zoning Board of Appeals Members
4. Chairman, Zoning Board of Appeals
5. Planning Board Members
6. Chairman, Planning Board
7. Ethics Board Members
8. Chairman, Ethics Board
9. Board of Assessment Review
10. Chairman, Board of Assessment Review Members
11. Town Historian
12. Chief Building Inspector & Zoning Administrator
13. Zoning/Code Enforcement Officer
14. Deputy Building Inspector
15. Town Attorney
16. Planning and Zoning Board Attorney
17. Town Clerk/Receiver of Taxes
18. Assessor
19. Court Clerks
20. Director, Senior Services
21. Superintendent of Highways
22. Town Engineer
23. Deputy Town Clerk
24. Deputy Highway Superintendent
25. Commissioner of Public Works

RETURN TO: New Scotland Ethics Board
2029 New Scotland Road
Slingerlands, New York 12159

EXHIBIT "B"

ANNUAL STATEMENT OF DISCLOSURE TO THE TOWN OF NEW SCOTLAND
ETHICS BOARD FOR CALENDAR YEAR 200____

Last Name	First Name	Initial

Home Address

If the answer to any of the following questions is "none" or "not applicable", please so indicate.

The Town of New Scotland is hereinafter referred to as the "Town". "Applicant" or "you" shall refer to the person executing and filing this Disclosure Statement.

1. List all the positions you hold as a Town officer or employee, or as a member of or counsel to a Town office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, list the name of your immediate supervisor and their job title:

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday:
_____.

4. What is your current marital status?
- Married _____
 - Single, Divorced or Widowed _____
 - Legally Separated _____

5. List any address of each piece of property in the Town of New Scotland in which you, your spouse, or other relative own or have financial interest. "Relative" means your spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, or a person you claimed as a dependent on your latest state income tax return, or the spouse of any such person. (Attach additional sheets if necessary).

Name of Family Member	Relationship to Applicant	Address of Real Estate	Type of Interest Control of Ownership
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. List the name of any outside employer, business, organization or association with business interests in or before the Town of New Scotland from which you, your spouse, or other relative receive compensation for services rendered or goods sold or produced or of which you, your spouse, or other relative are an officer, director or employee. Also include any entity with

business interests in of before the Town of New Scotland in which you, your spouse, or other relative have an ownership interest, except a corporation of which you, your spouse, or other relative own less than five percent (5%) of the outstanding stock. Identify the type of business, such as a partnership, private, public (other than with the Town) or not-for-profit corporation, self employment, sole proprietorship, partnership, incorporated association or other unincorporated business, and list such person’s relationship to the employer or business (i.e. you are, or are a relative of, an owner, partner, officer, director, member, employee, or shareholder). “Relative” means your spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, or a person you claimed as a dependent on your latest state income tax return, or the spouse of any such person. (Attach additional sheets if necessary)

Name of Employer or Business	Nature of Business	Type of Business Your (i.e., corp., not-for-profit, self employment, etc.)	Relationship
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. If an entity identified in 6 is currently or has within the last two (2) years been licensed and/or regulated by any Town department, agency or public benefit corporation, please list the name of the entity, the name of such Town department, agency or public benefit corporation and the type of license or permit received from Town. (Attach additional sheets if necessary).

Name	Town Licensing or Permitting Department, Agency or Public Benefit Corporation	Type of License or Permit
_____	_____	_____

Notary Public

RETURN TO: New Scotland Ethics Board
2029 New Scotland Road
Slingerlands, New York 12159

EXHIBIT “C”

APPLICATION TO THE TOWN OF NEW SCOTLAND ETHICS BOARD TO REDACT,
FROM PUBLIC REVIEW, INFORMATION CONTAINED IN APPLICANT’S ANNUAL
DISCLOSURE STATEMENT FOR CALENDAR YEAR 20__

Last Name

First Name

Initial

Home Address

If the answer to any of the following questions is “none” or “not applicable”. please so indicate. The Town of New Scotland is hereinafter referred to as the “Town”. “Applicant” or “you” shall refer to the person executing and filing this Disclosure Statement.

1. List all the positions you hold as a Town officer or employee, or as a member of or counsel to a Town office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, list the name of your immediate supervisor and their job title:

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday:

4. Briefly set forth the specific nature of your job duties and also attach a copy of your formal job description to this application, if applicable (Attach additional sheets if necessary):

5. Briefly set forth why information should be redacted from public disclosure (Attach additional sheets if necessary):

6. Briefly set forth the reasons in support of your application why redaction of information from public inspection will have no material bearing on the discharge of your official duties. (Attach additional sheets if necessary).

7. Briefly set forth the reasons in support of your application why the information you wish to have reacted, if disclosed, would constitute an unwarranted invasion of personal privacy or would otherwise likely endanger the life or safety of any person. (Attach additional sheets if necessary).

8. Attach a copy of your completed financial disclosure statement with the information requested to be redacted highlighted or underlined.

Applicant's Signature

Sworn to before me this ____
day of _____, 20__.

Notary Public

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday:

_____.

4. Set forth the date your Annual Disclosure Statement is due

_____.

5. List the item numbers contained in the Annual Disclosure Statement you require additional time to address: Item #'s _____.

6. Briefly state the reasons why you believe you are entitled to an extension of time for filing your financial disclosure form. (Attach additional sheets if necessary):

Applicant's Signature

Sworn to before me this _____
day of _____, 20__.

Notary Public

RETURN TO: New Scotland Ethics Board
2029 New Scotland Road
Slingerlands, New York 12159

EXHIBIT “E”

APPLICATION TO THE TOWN OF NEW SCOTLAND ETHICS BOARD TO EXEMPT
INFORMATION PERTAINING TO APPLICANT’S SPOUSE FROM BEING REPORTED ON
APPLICANT’S ANNUAL DISCLOSURE STATEMENT FOR CALENDAR YEAR 20__

Last. Name

First Name

Initial

Home Address

If the answer to any of the following questions is “none” or “not applicable”, please so indicate. The Town of New Scotland is hereinafter referred to as the “Town”. “Applicant” or “you” shall refer to the person executing and filing this Disclosure Statement.

1. List all the positions you hold as a Town officer or employee, or as a member of or counsel to a Town office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, list the name of your immediate supervisor and their job title:

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:00 p.m. from Monday through Friday:

4. Briefly set forth the specific nature of your job duties and also attach a copy of your formal job description (Attach additional sheets if necessary):

5. Briefly set forth why information regarding your spouse should be exempt from public disclosure (Attach additional sheets if necessary):

6. Briefly set forth the reasons of your application why an exemption from reporting information pertaining to your spouse will have no material bearing on the discharge of your official duties. (Attach additional sheets if necessary).

7. Briefly set forth the reasons of your application why an exemption from reporting information pertaining to your spouse, if disclosed, would constitute an unwarranted invasion of personal privacy or would otherwise likely endanger the life or safety of any person. (Attach additional sheets if necessary).

8. Attach a copy of your completed annual disclosure statement and a copy of the information on your spouse which you wish to be exempt from reporting.

Applicant's Signature

Sworn to before me this _____
day of _____, 20____.

Notary Public

Amendments to Local Law 4 of 2010, New Scotland Ethics Law

August 11, 2010 - Local Law 6 of 2010 limiting the applicability of Section 13(B) giving officers and employees the option of leaving Town service without the provisions of Section 13(B) applying to them.

August 31, 2010 - Local Law 7 of 2010 staying the application of all provisions of the law until January 1, 2011 excepting sections 30, 31, 32, 33, 34, 38, and 41 which remain effective August 1, 2010.

January 12, 2011 - Local Law 1 of 2011 deleting Subdivision D of Section 26 thereby eliminating the provision therein making any violation of the law a Class A misdemeanor.

April 11, 2011 - Local Law 4 of 2011 repealing Section 4(B)(1)(a) modifying the restriction on professionally licensed employees to allow them to perform work to be used before departments of the Town in which they do not work. It also treats employees who do not have professional licenses the same as those who do.

February 29, 2012 – Local Law 1 of 2012 adding Deputy Highway Superintendent to Exhibit A, “Town Officers and employees required to file an annual statement of disclosure”.

January 2, 2013 – Local Law 1 of 2013 adding Subdivision D of Section 13, allowing a former employee of the Town to accept employment with any company doing business with the Town upon resolution of the Town Board.

October 9, 2013 – Local Law 4 of 2013 adding Commissioner of Public Works to Exhibit A.