

AT A REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF MACHIAS HELD AT THE TOWN HALL
IN THE TOWN OF MACHIAS, COUNTY OF CATARAUGUS,
AND STATE OF NEW YORK, ON THE 20th
DAY OF DECEMBER, 1970, at 7 P.M.

PRESENT:

Edward T. Morgan SUPERVISOR

B. Vincent Farrell TOWN JUSTICE

Frank L. Leland TOWN JUSTICE

Eugene Weyer COUNCILMAN

Charlton Steffenhagen COUNCILMAN

Upon the motion of Steffenhagen and seconded by

Weyer, it is hereby resolved and determined by the
Town Board of the Town of Machias, New York, as follows:

SECTION 1. Pursuant to the provisions of §806 of the General Municipal Law of the State of New York, the Town Board of the Town of Machias 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 attained and if public confidence is to be maintained in our unit of local government. It is the purpose of this ordinance to promulgate these rules of ethical conduct for the officers and employees of the Town of Machias. These rules shall serve as a guide for official conduct of the officials and employees of the said Town. The rules of ethical conduct of this ordinance, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law of the State of New York or any other General or special law relating to

ethical conduct and interest in contracts of municipal officers and employees.

SECTION 2. Definition:

A. "Municipal officer or employee" means an officer or employee of the Town of Machias, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

B. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

SECTION 3. Standards of Conduct: Every officer or employee of the Town of Machias shall be subject to and abide by the following standards of conduct:

A. Gifts. He shall not directly or indirectly solicit any gift; or accept or receive any gift having a value of \$25.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

B. Confidential Information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

C. Representation Before One's Own Agency.

He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation Before Any Agency for a Contingent Fee. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this Town, whereby his compensation is to be dependant or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing of fees based upon the reasonable value of the services rendered.

E. Disclosure of Interest in Legislation.

To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Machias, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before said Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in Conflict with Official

Duties. He shall not invest or hold any investment directly

or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.

G. Private Employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

H. Future Employment. He shall not, after the termination of service of employment with said Town, appear before any Board or agency of the Town of Machias, in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his act of consideration.

SECTION 4. Nothing herein contained shall be deemed to bar or prevent the timely filing by a present or former Town officer or employee of any claim, account, demand or suit against the Town of Machias or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

SECTION 5. Distribution of Code of Ethics. The Supervisor of the Town of Machias shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the said Town within thirty (30) days after the effective date of this Ordinance. Each officer and employee elected and appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

SECTION 6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

SECTION 7. Effective Date. This ordinance shall take effect ten (10) days after the same is published in the official newspaper of the Town of Machias and a printed copy thereof posted conspicuously on the official sign board of said Town as provided in §133 of the Town Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a Roll Call vote with the following results.

<u>Supervisor Mangano</u>	voting	<u>aye</u>
<u>Councilman Lee</u>	voting	<u>aye</u>
<u>Justice Ferraro</u>	voting	<u>aye</u>
<u>" Ferraro</u>	voting	<u>aye</u>

Dated: December 30th 1970.