

Delete: Chapter 11, entitled Ethics, Code of.

Add: Chapter 11, Code of Ethics (new)

A.

INTRODUCTION

The citizens of the Town of Hyde Park, New York desire and require accountability and candor of its government, and more particularly of those individuals who perform responsible functions on behalf of the town government. Any and all conflicts of interest on the part of town officials and employees is deleterious to the town government and reflect unfavorably on those associated with the government.

Individuals who hold official position as defined in this law constitute a distinct class of people whose public and personal affairs reflect upon, and relate to, the credibility and quality of government.

Therefore, the Town of Hyde Park's Code of Ethics is introduced.

B. **DEFINITIONS** - As used in this Code of Ethics, the following terms shall have the meanings indicated:

APPEAR BEFORE - To communicate in whatever form, whether personally or through another person.

BUSINESS ACTIVITY - Any private interest, activity or transaction.

BOARD and TOWN BOARD - The Town Board of the Town of Hyde Park.

FAMILY MEMBER - Include spouse or domestic partner and other dependent and nondependent members of the household of a town officer or employee.

LOCAL POLITICAL PARTY OFFICIAL - The leader or chairperson of any own committee or a party as the term party is defined in Section 1-104 of the Election Law. The term chairperson or leader is intended to refer to the person who performs the functions and duties of the chief official and or executive of a party in the Town by whatever title designated.

PERSONAL INTEREST - *A pecuniary or material benefit accruing directly or indirectly to one's self or family.*

POLICY MAKER- *Any employee who:*

1. *Is designated as managerial under Civil Service Law Section 201(7); or*
2. *Is in the noncompetitive class and has been designated by the State Department of Civil Service, or local equivalent, as performing functions influencing policy; or*
3. *Exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for the Town of Hyde Park or acts as an advisor to an individual in such a position.*

TOWN AGENCY - *Any office, board, body advisory board, council, commission, agency department, district, administration, division bureau or committee of the town.*

TOWN OFFICER OR EMPLOYEE - *Any elected or appointed official or employee of the town, whether paid or unpaid, including the members of all boards, commissions and agencies of the town.*

1. CONFLICTS OF INTEREST.

- A. General prohibition. No town officer or employee (defined herein) shall participate in any matter that comes before the town that would result in financial or other benefit to him or her or to any family members, outside employers, business associates, clients or campaign contributors who have contributed two hundred fifty one dollars (\$251.00) or more in cash or goods services in the aggregate during the preceding twelve (12) months. In the event that such a matter comes before the town, the officer or employees shall promptly recuse himself or herself in accordance with Section 11-7B of this Code of Ethics. This provision shall not be construed to apply to the setting of salaries of elected officials by the Town Board in accordance with Article 8 of the Town Law.
- B. No town officer or employee in a supervisory position shall hirer or cause to be hired his or her relative or family member (defined herein) as a town employee.
- C. No town officer or employee shall solicit, negotiate for or accept private employment or engage in any business transaction or professional activity or make any

B. Certain officers and employees are hereby listed specifically below, due to the unique nature of their offices and positions which may in turn raise ethical conflicts unique to those positions.

- 1. An Assessor or his or her family members shall not engage in any real estate, construction, building contracting or building materials business or have a financial interest in or accept compensation from any person or other entity engaging in such business within the Town of Hyde Park during his or her term of office.
- 2. Any town officer or employee with a professional license, including the town's Attorney, Engineer and Accountant, shall promptly recuse himself or herself from acting on any matter before the town or any town agency involving any person or other entity that has been a client within the past year.
- 3. Officers and employees authorized to conduct inspections and issue permits. No town officer or employee with the authority to conduct inspections or issue permit approvals, or the family members of any such officer or employee, shall engage in a business or have a financial interest in or accept compensation from any firm engaging in a business regularly subject to such inspections or requiring such permits within the authority of such officer or employee.
- 4. Public safety officers, e.g., police officers, animal control officers, building inspectors and fire inspectors. No public safety officer shall have any financial interest in or receive compensation from any commercial firm that within the Town of Hyde Park engages in private investigations, accident reconstruction, fire prevention or inspection, sales and / or installation of alarm systems or any other activity related to the officer's official duties, except that such officers shall be permitted to participate in volunteer fire or emergency medical organizations. Police officers shall be permitted to engage in off-duty employment as security guards or traffic police on terms and conditions agreed to by the town and any union having a collective bargaining agreement.

3. GIFTS, PRIVILEGES AND FAVORS

No town officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of Seventy-five (\$75.00) dollars or more, whether in the form of service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could be 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.

No town officer shall directly or indirectly, solicit or accept or receive any money in any amount under any 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..

4. TOWN BOARD OF ETHICS

A. A local Board of Ethics, to be known as the "Hyde Park Board of Ethics", is hereby established pursuant to Section 808 of the General Municipal Law.

B. The Board of Ethics shall consist of five (5) members appointed by the Town Board of the Town of Hyde Park to serve with out compensation for terms of five (5) years, except that the initial terms upon adoption of this code shall be for one (1) year, two (2) years, three (3) years, four (4), and five (5) years. All members shall reside in the town, and at least one (1) member shall be a town officer or employee. The Board of Ethics shall elect its own Chairperson and act by a majority vote of its total members. The town's attorney shall serve as counsel to the Board of Ethics, except in any matter where a conflict of interest may exist. Any member of the Board of Ethics may be removed by the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of his or her office or violation of this Code of Ethics, after written notice and an opportunity to reply.

C. Advisory opinions. The Board of Ethics shall render advisory opinions to town officers, employees and agencies with respect to this Code of Ethics and the provisions of Article 18 of the General Municipal Law. Such advisory opinions shall be rendered pursuant to written request under such rules and regulations as the Board of Ethics may deem advisable and with the advice of the Town's Attorney. The Board of Ethics shall be bound by any such opinion, until amended or revoked, in any subsequent proceeding concerning the person who requested the opinion, where such person in good faith relied on the opinion, unless material facts were omitted or misstated in the request.

D. If a reporting person has filed a statement which reveals a possible violation of this Code of Ethics or any provision in the Code of the Town of Hyde Park, or any resolution of the Town Board, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting person in writing, describe the possible or alleged violation of such Code of

Ethics or provision of the Code of the Town of Hyde Park or resolution of the Town Board and provide the person with a fifteen (15) day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board of Ethics shall inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanism available to such individual. If the Board of Ethics determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation had been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

- E. Confidentiality. With respect to all complaints and investigations and all related deliberations and findings, the Board of Ethics shall hold all such matters in confidence and meet in closed executive session to the fullest extent allowable by applicable law.
- F. Maintenance and review of disclosure statements. The Board of Ethics shall make available the forms related to the disclosure of interest requirements of this Code of Ethics, which forms are set forth as Appendix B. The Board of Ethics shall act as the repository for completed disclosure forms and shall determine whether such forms have been duly filed by all persons subject to the reporting requirements of this Code of Ethics. In the event that an officer or employee has failed to file, has filed a deficient statement or has filed statement revealing a possible violation of this Code of Ethics, the Board of Ethics shall notify such person in writing, state the failure or detail the deficiency and provide the person with a fifteen-day period cure the deficiency. Upon a failure to cure the deficiency, the Board of Ethics shall notify the Town Board for appropriate disciplinary action.
- G. The Board of Ethics shall adopt, amend and rescind such rules and regulations to govern its procedure as it deems appropriate, subject to the approval of the Town Board.

5. REQUIRED DISCLOSURE OF INTEREST

- A. Annual disclosure of interest will be filed by any individual who holds a title as authorized in Appendix A of this Chapter and any policy maker. Such statement shall be filed within thirty (30) days of the effective date of this Code of Ethics and by the first day of June in each year thereafter. Any newly appointed officer or employee shall file the statement within thirty (30) days of his or her appointment. An officer or employee having a change in the information contained in his or her most recently files annual disclosure statement shall file an

amended statement indicating the change within thirty (30) days after its occurrence.

B. Transactional disclosure. Whenever any town officer or employee is required to recuse himself or herself under this Code of Ethics, he or she shall promptly:

- (1) Notify his or her supervisor or, if a member of a board, shall make such notification upon the public record of the board.
- (2) File with the Board of Ethics a signed statement disclosing the nature and extent of the prohibited action.

(3) Refrain from any further participation in the matter.

C. Applicant disclosure. Any applicant who appears before the Town Board, Zoning Board of Appeals, or Planning Board shall disclose at the time of the application whether or not said applicant, its agent or business associate or family member has contributed \$251.00 or more in cash or goods for services in the aggregate during the preceding twelve (12) months to the political campaign of any member of said board or there family members.

D. Penalties for failure to file or false statement.

- (1) If any official or employee refuses or fails, either knowingly or intentionally, to file a statement as required by this law, the Ethics Board will notify the Town Board that said individual has not filed a statement. Upon such notification, the Town Board may suspend the official or employee without pay (if compensated). In addition, the official or employee will also be notified by Certified Mail that no statement has been filed.

Once a statement has been filed, the Ethics Board will promptly notify the Town Board that the official or employee has complied with the filing requirement of this law, reinstate the official or employee and release all moneys withheld.

Notwithstanding any other penalties imposed by this section, if any official or employee does not file a statement within forty-five (45) days after being notified by the ethics Board that said official or employee has failed to file, or if the official or employee files a statement which the Ethics Board determines was filed with the intent to deceive, intentionally misrepresent, or otherwise fraudulently answered any question set forth in the statement, or intentionally withheld any information asked for or demanded in the statement, such action will be deemed a misconduct of office and will be ground for suspension or dismissal. The Ethics Board will send a notice of reasonable cause to the Town Board of such instances of misconduct. The Town Board may take whatever action it

deems appropriate to enforce a suspension or dismissal of the offending individual.

(2) If any official or employee files a statement with intent to deceive, intentionally misrepresent, or to otherwise fraudulently answer any question set forth in the statement, or to intentionally withhold any information asked for or demanded in the statement, and if such deception or misrepresentation is found to be both intentional and material, then such official or employee may be assessed a civil penalty of not more than ten thousand dollars (\$10,000) by the Town Board.

Assessment of civil penalty will be final unless suspended or vacated within thirty (30) days of imposition by the Town Board.

(3) Nothing in this section will be construed as precluding the prosecution of officials or employees for violations of any offense, criminal or civil, pursuant to the laws, ordinances or statutes of the State of New York.

(4) Any appointed official or employee who is dismissed from his or her position by virtue of a violation of this law will be prohibited for a period of three (3) years after the date of such dismissal from service as an official or employee as defined in this law.

6. ADJUDICATORY PROCEEDINGS

A. In the event the Board of Ethics convenes a hearing pursuant to applicable provisions of this law, the following procedures shall be followed:

(1) All concerned parties shall be given a notice of such hearing of not less than ten (10) days which notice shall include:

(a) a statement of the time, place and nature of the hearing;

(b) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) a reference to the particular sections of laws, ordinance, statute, rules or resolutions involved wherever possible;

(d) a short and plain statement of matters asserted.

(e) the notice of hearing or proceeding shall contain information concerning circumstances under which an adjournment may be granted and the result of failure to appear for a scheduled hearing or proceeding.

(f) the notice of hearing or proceeding shall inform the parties and their representatives of the right of each party to be represented to testify, to produce witnesses, to present documentary evidence and to examine opposing witnesses

(2) Upon application of any party a more definite and detailed statement shall be furnished whenever the Board of Ethics finds that the statement is not sufficiently definite or not sufficiently detailed. The findings of the Board of Ethics as to the sufficiency or detail of the statement or its failure or refusal to furnish a more definite or detailed statement shall not be subject to judicial review. Any statement furnished shall be deemed in all respects to be a part of the notice of hearing.

(3) All parties shall be afforded an opportunity to present a written argument on issue of law and an opportunity to present evidence in such argument of issues of fact provided however nothing contained herein shall be construed to prohibit an agency from allowing parties to present oral arguments within a reasonable time. In fixing the time and place for hearings and oral arguments the convenience of the parties and witnesses, the subject matter of the hearings and the public welfare sought to be protected shall be considered.

B. Unless precluded by statute, local law or ordinance. Disposition may be made of any adjudicatory proceeding by stipulation, agreed settlement, consent order, default or other informal method.

7. RECORD

A. The record in the adjudicatory proceedings shall be a verbatim transcript and include:

- (1) all notices, pleadings, motions, intermediate rulings;
- (2) evidence presented;
- (3) a statement of matters officially noticed except matters so obvious that a statement of them would serve no useful purpose;
- (4) questions and offers of proof, objections thereto and rulings thereon;
- (5) proposed findings and exceptions, if any;

(6) any findings of fact, conclusions of law or other recommendations made by the Board of Ethics; and

(7) any decision, determination, opinion, order or report rendered.

B. The Board of Ethics shall make a complete record of all adjudicatory proceedings conducted before it. For this purpose, unless otherwise required by statute, the Board of Ethics may use whatever means it deems appropriate including but not limited to the use of stenographic transcriptions or electronic recording devices. Upon request made by any party upon the Board of Ethics within a reasonable time, but prior to the time for commencement of judicial review giving notice of decision, determination, opinion or order the Board of Ethics shall prepare the record together with any transcript of proceedings within a reasonable time and furnish a copy of the record and transcript or any part thereof to any party as he or may request. Except when prohibited by law, the Board of Ethics is authorized to charge not more than its actual cost for the preparation and furnishing of such record or transcript or any part thereof, or the rate specified in the contract between the Board of Ethics and a contractor if prepared by a private contractor.

C. Findings of fact shall be based exclusively on the evidence and on matters officially noticed, as set forth in the record.

8. EVIDENCE

A. Irrelevant or unduly repetitious evidence or cross examination may be excluded. Except as otherwise provided by statute, the burden of proof shall be on the party who initiates the proceeding. No decision, determination, or order shall be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the proceeding and support by and in accordance with substantial evidence. Unless otherwise provided by statute, the Board of Ethics need not observe the rules of evidence observed by courts, but shall effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noticed in the record. Subject to these requirements the Board of Ethics for the purpose of expediting hearing and when the interest of the parties shall not be substantially prejudice thereby may adopt procedures for the submission of all or part of the evidence in written form.

B. All evidence including records and documents in the possession of the Board of Ethics of which it desires to avail itself shall be offered and made a part of the record and all such documentary evidence may be received in the form of copies or excerpts or by incorporation by reference. In case of incorporation by

reference, the material so incorporated shall be available for examination by the parties before being received in evidence.

- C. A party shall have the right of cross examination.
- D. Official notice may be taken of all facts of which judicial notice could be taken and of all other facts within the specialized knowledge of the Town of Hyde Park or the Board of Ethics. When official notice is taken of a material fact not appearing in the evidence in the record and of which judicial notice could not be taken, every party shall be given notice thereof and shall on timely request be afforded an opportunity prior to decision to dispute the fact or its materiality.

9. OATHS

- A. All oaths required may be taken before any person authorized to administer oaths within the State of New York.
- B. Oaths shall be administered to all witnesses who testify or appear in any hearing or proceeding conducted pursuant to this chapter.

10. CONDUCT OF HEARING

The Board of Ethics exercising discretion may elect to conduct any hearing or proceeding under this chapter ex parte after a showing that the party who is subject of the hearing and its representative of record have been notified by certified mail of the pending hearing or proceeding or otherwise served with notice of hearing. The party who is subject of the hearing shall at no time be deprived of the opportunity to appear. However, if a party has been served with two (2) written notices of a hearing and fails to appear after each notice, the Board of Ethics, upon proof of service, shall have the authority to proceed with the scheduled hearings. Proof of service shall consist of a signed certified mail receipt or affidavit.

11. HEARING OFFICER

The Board of Ethics reserves the right to appoint a hearing officer. The Board of Ethics may appoint a third party as hearing officer, who shall make a report and recommendation to the board. All hearings and proceedings under this chapter shall be conducted by the Board of Ethics

sitting en masse or at the discretion of the Chairman of the Board of Ethics, may be conducted by the Chairman of the Board of Ethics herein referred to as hearing officer who shall have the power and authority of presiding officers or hearing officers as defined by the State Administrative Procedure Act (SAPA) any other pertinent statute, local law, ordinance or resolution and regulations promulgated therefrom.

12. POWER AND DUTIES OF HEARING OFFICER

A hearing officer is authorized to do the following in any hearing or proceeding to which he or she is assigned.

- A. Administer oaths and affirmations.
- B. At the request of any party, sign and issue subpoenas in the name of the Board of Ethics requiring the attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence. Subpoenas shall be regulated by Civil Practice Law and Rules. Nothing herein contained shall effect the authority of an attorney for a party involved to issue such subpoenas under the provisions of the Civil Practice Law and Rules.
- C. Provide for the taking of testimony by deposition.
- D. Regulate the course of the hearing, set the time and place for continued hearings and the time for filing of briefs and other documents.
- E. Direct the parties to appear and confer, to consider the simplification or settlement of the issues by consent of the parties.
- F. Prepare findings of fact recommendations.

13. DECISIONS, DETERMINATIONS, ORDERS: FINES AND PENALTIES

- A. At the close of the hearing or proceeding, the hearing officer, if said hearing officer is not the Board of Ethics sitting en masse, shall make findings of fact and a recommendation as to the appropriate penalty or fine to be assessed or any other action to be taken. The proposed findings of fact and recommendation shall be transmitted to the Board of Ethics en masse for approval and simultaneously mailed or delivered to the parties to the proceeding. The parties shall have an opportunity to respond in writing in the form of a brief to the findings of fact and the recommendation of the hearing officer and such written response shall be directed to the Board of Ethics for its consideration with fifteen (15) days after

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submission of the hearing officer's recommendations to the Board of Ethics. In their brief submitted in response to the findings of fact and recommendation of the hearing officer, the parties may not submit or discuss evidence which is not a part of the official record of the hearing or proceeding. The Board of Ethics shall act on the findings of fact and recommendation as expeditiously as possible. The Board of Ethics may affirm or reverse the findings of fact and recommendation of the hearing officer in whole or in part, or it may remand and/or dismiss the proceeding based upon the record produced at the hearing.

- B. In the event that the Board of Ethics sits or presides at any hearing or proceeding en masse, then the provisions of Section A shall not be applicable. The Board of Ethics shall not make any recommendations of findings of fact and a recommendation, but shall act and make findings of fact and a decision based upon the record.
- C. The assessment of civil penalties under the applicable law and procedures shall not preclude the referral of an appropriate violation to a prosecutor for a prosecution of criminal charges except where the violation is imposed under the General Municipal Law Section 821 (6) for failure to file or a false filing of an annual statement.
- D. If the alleged violation has been established and the Board determines in light of all the circumstances that the violation is not serious enough to warrant assessment of a civil penalty, or if the imposition of civil penalties is not otherwise authorized by law, the Board of Ethic, in its discretion, may take such other action as appropriate including but not limited to a recommendation that disciplinary action be taken or a referral to a prosecutor for prosecution of criminal charges. The Board of Ethics shall forward a copy of such admonition or recommendation for disciplinary action to the Town Board.
- E. A final decision, determination or order adverse to a party in an adjudicatory proceeding of the Board of Ethics shall be in writing or stated in the record and shall include finding of fact and conclusion of law or reasons for the decision, determination or order. Findings of fact if set forth in statutory language shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If in accordance with the Board of Ethic's rules a party submitted proposed findings of fact, the decision, determination or order shall include a ruling upon each proposed finding. A copy of the decision, determination or order shall be delivered or mailed forthwith, to each party, the attorney of record and the Town Board.
- F. The Board of Ethics shall maintain an index by name and subject matter of all written final decisions, determinations and orders rendered by the Board of Ethics in adjudicatory proceedings. Such index and the text of any written final decision, determination or order shall be available for public inspection. The Board of Ethics may delete from any such index decision or determination or on any

information that if disclosed would constitute an unwarranted invasion of personal privacy under provisions of Subdivision 2 of Section 89 of the Public Officers Law and may also delete at the request of the Town Board all references to secrets, privileged or confidential matter that if disclosed would cause substantial injury to the Town of Hyde Park. Information which would reveal confidential material protected by Federal, State or local law, rule, ordinance or regulation shall be deleted from any such index, decision, determination or order.

14. DISCLOSURE OF INFORMATION

A. Notwithstanding the provisions of Article 6 of the Public Officers Law, the only records of the Board of Ethics which shall be available for public inspection are:

- (1) the information set forth in an annual statement of financial disclosure filed pursuant to this chapter except the categories of value or amount which shall remain confidential and any other item of information deleted pursuant to the provisions of this chapter as the case may be;
- (2) notices of delinquency;
- (3) notices of reasonable cause; and
- (4) notices of civil assessment imposed.

B. Notwithstanding the provision of Article 7 of the Public Officers Law, no meeting or proceeding to the Board of Ethics shall be opened to the public, except at the discretion of the Board of Ethics.

C. Information which would reveal confidential material protected by Federal, State or local law, ordinance, resolution, or regulation shall be deleted from any filed decision, order, determination or declaration issued by the Board of Ethics.

15. PUBLIC INSPECTION OF ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE: LIST OF STATEMENTS

The Board of Ethics shall maintain and make available for public inspection a current list of those annual statements of financial disclosure which are available for public inspection. The list shall be sufficiently detailed to permit the requester to identify the annual statement sought. The list shall be updated periodically as required to add any additional annual statements that have been filed.

16. REQUEST FOR PUBLIC INSPECTION

- A. No member of the public shall be permitted to inspect an annual statement of financial disclosure unless he or she has first submitted a request for public inspection of annual statements. A request for public inspection of annual statements shall be in writing on a form provided by the Board of Ethics for such purposes and shall be identified as a request for public inspection under this chapter. These forms will be available from the Town Clerk. □ □
- B. The request shall be filed with the Town Clerk for Board of Ethics or the Board's duly authorized agent as the Board of Ethics shall designate from time to time.
- C. The Board of Ethics may permit individuals to act as agent or authorized representative of the person seeking to inspect an annual statement.
- D. (1) The Board of Ethics shall respond to a request for public inspection as soon as possible but no later than five (5) business days after the day of the receipt of the request.

 (2) If more than five (5) business days are required to act upon a request for public inspection, the Board of Ethics shall issue an acknowledgment of a receipt of the request within five (5) business days after the request is received. The acknowledgment shall include an estimate of the date that the annual statement shall be available for public inspection.

17. INSPECTION OF ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE

- A. Annual statements may be inspected by the public in accordance with this chapter at the office of the Town Clerk every day that the office is open for business. At the discretion of the Board of Ethics the records may also be inspected at other times and places.
- B. The Board of Ethics shall delete from public inspection the categories of value or amount contained in the annual statements or any other item of information deleted from the statement pursuant to this chapter or other applicable law.
- C. The annual statements are not available for photocopying, photographing or mechanical duplication in any manner. Handwritten notes may be taken.

D. No annual statement of financial disclosure shall be removed from the custody of the Town Clerk. □

18. NOTICE OF SUBJECTS OF REQUESTS FOR PUBLIC INSPECTION

Any person who wishes to know if he or she has been the subject of a request for public inspection may request from the Board of Ethics notification of whether such request has been filed. That notification shall not indicate by whom the request was made.

19. PENALTIES FOR OFFENSES

Any person willfully violating this Code of Ethics shall be guilty of a misdemeanor and shall also be subject to the civil penalties provided herein for a negligent violation of this chapter.

A. Any elected official guilty of a negligent violation of this chapter shall be subject to penalties as provided and shall be subject to the civil penalty of loss of pay not to exceed one (1) month's salary. In addition to the sanctions for aiding, abetting, seeking or requesting a violation of this chapter, any person or organization that willfully attempts to secure preferential treatment in its dealings with the Town by offering any valuable gifts, whether in the form of service, loan, thing or promise, in any form to any Town official or employee shall have its current contracts with the Town canceled and shall not be able to bid on any other Town contract for a period of two (2) years.

B. An employee of the Town found guilty of a negligent violation of this chapter shall be subject to civil penalties up to and including termination from the employment and/or loss of pay not to exceed one (1) month's salary.

C. Members of boards and commissions found guilty of a negligent violation of this chapter shall also be subject to immediate removal from such appointment.

APPENDIX A

The individuals holding the following position are required to annually file a financial disclosure statement as required by the provisions of this chapter unless otherwise exempted. The Town Board reserves the right to add new classes of officials or employees as deemed appropriate but may not delete any officials or employees.

- Town Supervisor
- Deputy Supervisor
- Members of the Board
- Administrative Assistant to the Supervisor and / or Town Board
- Superintendents of Highways
- Town Clerk
- Deputy Town Clerk
- Tax Receiver
- Deputy Town Tax Receiver
- Member of the Zoning Board of Appeals
- Members of the Planning Board
- Members of the Board of Assessment Review
- Members of the Commissions
- Chairs or Heads of Committee's recognized by the Town Board
- Assessor
- Zoning Administer
- Building Inspector
- Recreation Director
- Town Engineer
- Town Attorney
- Deputy Town Attorney
- Police Chief
- Lieutenant Police Department
- Personnel Officer
- Bookkeeper
- Members of the Board of Ethics

APPENDIX B

ETHICS CODE
Annual Disclosure of Interest Statement
Town of Hyde Park
For 200 ____

Last Name	First Name	Initial
Title		Department or Agency
Work Address		Telephone Number

If the answer to any of the following questions is "none," please so indicate.

1. Real estate ownership. List the address of each parcel of real property that you or any family member(s) own or have a financial interest in within the Town of Hyde Park. "Family member(s)" include(s) your spouse or domestic partner and other dependent and non dependent members of your household.

Address of Real Estate	Owner	Family Member (if not owned by you)

2. Your outside employer or business. List the name of any outside employer or business in which you hold any interest,

ETHICS CODE

except a corporation of which you own less than five percent (5%) of the outstanding stock. State your position and/or interest in each listed company (e.g., owner, partner, officer, director, member, shareholder, or employee).

Name of Employer or Business	Nature of position	Position and/or Interest
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3. Your spouse's or domestic partner's employer or business. List information requested in question 2 for your spouse or living partner.

Name of Employer or Business	Nature of Business	Position and/or Interest
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Date: _____
Signed: _____

STATE OF NEW YORK
DUTCHESS COUNTY
OFFICE OF THE CLERK OF ss:
TOWN OF HYDE PARK

This is to certify that, I, Donna McGrogan, Clerk of the Town of Hyde Park in the said County of Dutchess have compared the foregoing copy of Chapter 11, entitled Code of Ethics for the Town of Hyde Park, with the original now on file in this office, and that the same is a true and correct transcript of Chapter 11, entitled Code of Ethics for the Town of Hyde Park, and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 21st day of November, 2011

A handwritten signature in black ink, appearing to read "Donna McGrogan", is written over a horizontal line. The signature is stylized and cursive.

Clerk of the Town of Hyde Park
Dutchess County, New York