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Chapter 12. ETHICS

[HISTORY: Adopted by the Town Board of the Town of Haverstraw 5-26-1998 by L.L. No. 8-1998. Amendments noted where applicable.]

GENERAL REFERENCES

- Defense and indemnification — See Ch. [10](#).
- Personnel policies — See Ch. [25](#).
- Procurement policy — See Ch. [33](#).

§ 12-1. Purpose.

The purpose of this chapter is to establish minimum standards of conduct to help ensure that the business of government is free from improper influence which may result in opportunities for private gain. The Town of Haverstraw recognizes that public officials must exercise their official duties solely in the public interest and must therefore avoid even the appearance of conflict of interest. The standards and guidelines set forth in this chapter are intended to minimize unwarranted suspicion and to avoid potential conflicts of interest before they arise. Notwithstanding any specific omission in this chapter, it is the responsibility of public officials to come forward with information regarding personal involvement in matters before the Town and to avoid associations or actions that may interfere with the proper discharge of their public duties.

§ 12-2. Applicability.

- A. Unless otherwise specified, this chapter shall apply to all elected and appointed officials (hereinafter referred to as "officials") and department heads ("employees") of the Town of Haverstraw ("town"), including the Town Board, Planning Board, Zoning Board of Appeals, advisory boards and any committees and subcommittees thereof, the Town Clerk, Receiver of Taxes, Highway Superintendent, Town Engineer, Town Planning Consultant, Building Inspector, Director of Finance, Deputy Town Clerk (s), Deputy Receiver(s) of Taxes, Town Assessor, Board of Assessment Review and Town Attorney

(whether paid as a town employee or retained under separate contract or agreement) and deputies of any such official.

- B.** For purposes of this chapter, "family" shall include an official's or employee's spouse or equivalent member of a household sharing living expenses, and any of the following, if residing with the official or employee: child, step-child, brother, sister, parent, dependent.

§ 12-3. Annual disclosure.

A. Applicability; when required.

(1) With the exception of members of citizens' advisory boards, this section shall apply to all town officials and employees as defined in § 12-2.

(2) Said individuals shall file with the Town Clerk a signed disclosure statement:

(a) Within 120 days of the effective date of this chapter;

(b) By April 20 of each year thereafter; and

(c) Within 30 days of a significant change in the information already on file, specifically including, but not limited to, the acquisition of any real property (as described below).

- B.** Such disclosure statements shall be kept on file by the Town Clerk. Disclosure statements will be disclosed only to the Board of Ethics, upon its request. The Board of Ethics shall disclose the content of such statement only in the course of its official duties. Public notice of the existence of such file shall be made annually by announcement by the Town Supervisor at the second Town Board meeting in May.

C. Matters to be disclosed shall include:

(1) Holdings or associations with any or all of the following within the twelve-month period up to and including the time of filing:

(a) The location of any real property within the Town of Haverstraw and outside the town contiguous to its immediate boundaries in which the official or employee, or his or her family, has whole or part ownership or any other significant financial interest. (For this purpose, a "significant financial interest" shall mean an ownership interest of more than 10% or a security interest in the property, such as a mortgagee, of more than \$100,000).

(b) The name of any partnership, unincorporated association or unincorporated business, located in the State of New York or which does business in the State of New York, of which the official or employee or family member is a member, officer or employee or has a significant proprietary interest, and a description of the nature (position, duties) of their affiliation. For this purpose a "significant proprietary interest" is an ownership interest of more than 10%.

(c) The name of any corporation, whether for-profit or not-for-profit, located in the State of New York, or which does business in the State of New York of which the official or employee or family member is an officer, director or employee or owns or controls, individually or in combination, more than 10% of the outstanding stock, and a description of the nature (position, duties) of their affiliation.

(d) The nature of any self employment from which the official or employee or a family member has derived gross income of more than \$5,000 during the previous 12 months.

(2) If an official or employee practices law, is licensed by the New York State Department of State as a real estate broker or agent, practices a profession licensed by the New York State Department of Education or is involved in a corporation or business described in Subsection C(1) above, the disclosure statement shall include a general description of the principal subject matters undertaken in the stated practice, including the nature of the clients' businesses. This disclosure shall not include the names of individual clients.

(3) Interest if any contract held with the town.

§ 12-4. Gifts.

Officials, employees, their spouse/equivalents or any person or entity acting on their behalf may not solicit or accept monetary gifts or loans of any amount or promise thereof, or any gift(s) including services, entertainment, thing or promise thereof, having a value of \$100 or more, from any person or agent of a person, corporation, partnership, unincorporated association or other entity who the official or employee knows is considering or has had, within the previous 12 months, any business dealing with the Town of Haverstraw that involves any discretionary act by the official or employee.

§ 12-5. Confidentiality.

Except as required by law, officials and employees may not disclose confidential information acquired during the course of their official duties or use such information to her their personal interests or the personal interests of their families.

§ 12-6. Conflict of interest prohibited.

- A. No official or employee of the Town of Haverstraw, as defined in § 12-2A hereof, shall have a financial or other interest in any business transaction or professional activity which is in substantial conflict ("substantial conflict" being defined as the same as "significant financial interest") with the proper discharge of his/her duties, unless full disclosure is made as to such interest to the Town Board, in writing.
- B. Other than acting solely on behalf of himself/herself, no official or employee may act as a representative before the town for any entity, including boards and commissions on which the official or employee has represented the town, that has a business dealing, including requests for rezoning, variances, legislation, bids on contracts or any other matter before the town during his or her term of office or employment with the town. In cases in which an official or employee represents himself or herself on a matter before the town, he or she will refrain from voting or otherwise taking discretionary action on the matter, as provided in § 12-7 of this chapter.
- C. For a period of two years after termination of his or her term of office or employment with the town, other than acting solely on behalf of himself/herself, no former official or employee may appear before the town, including boards and commissions on which the official or employee has represented the town, in relation to any matter upon which he or she took any discretionary action during his or her term of office or employment with the town, unless requested to provide information by the town.
- D. A town official or employee, as defined in § 12-2A, shall exercise due diligence in avoiding conflict of interest when voting on matters brought before the town by entities with whom the official is employed as a nonofficer. Any action that could reasonably be interpreted as potentially benefitting the official's career advancement, salary or standing within an organization (e.g., a vote on a matter that falls within the official's direct purview as an employee of the entity appearing before the town) shall be deemed a conflict of interest and subject to the provisions of § 12-7 of this chapter.

§ 12-7. Recusal from voting or other discretionary act.

- A. Whenever an official or employee is called upon to vote on, advise on or otherwise take discretionary action on a matter before the town and either the performance or nonperformance of such action would provide a pecuniary or material benefit to him/herself, his/her family, partners or a business, association or other entity of which the official/employee is an owner, partner, officer, director, significant shareholder as described in § 12-3 of this chapter or has a significant financial interest, the officer or employee shall immediately declare the nature of the conflict of interest and shall refrain from taking any action or inaction that would affect the outcome of the matter. Such declaration shall be made a part of the public record concerning the matter.
- B. Interpretation. All instances involving the appropriateness of abstention from discussion and voting by a member of a board by virtue of conflict of interest may be referred to the Ethics Board, which will render an opinion on the existence of conflict of interest within 30 days. Such interpretive opinion may be requested by any member of the board.

- C. Whenever any board member becomes aware of a possible conflict of interest involving such board member or any other board member, he or she may raise the issue at the meeting and request that the matter be referred to the Ethics Board hereafter created.

§ 12-8. Inducement of violations.

Any person who intentionally induces or attempts to induce any official or employee to take any action or refrain from taking any action, which action or inaction violates any provision of this chapter, shall be guilty of a Class A misdemeanor and shall be barred from doing business with the Town of Haverstraw for a period of five years.

§ 12-9. Claims against town.

Nothing herein shall be deemed to bar the timely filing by a present or former official or employee of any claim, demand or suit against the town on behalf of him/herself or his/her family arising out of any personal injury or property damage or for any lawful benefit or from receiving a municipal service or benefit that is generally available to the public.

§ 12-10. Establishment of local Ethics Board.

- A. The Town of Haverstraw does hereby establish a local Ethics Board of three persons to review the annual disclosures and conflict of interest disclosures; to review annually this Code of Ethics and recommend to the Town Board any changes which it deems appropriate; and to render advisory opinions on any matter of ethical conduct of town officials and employees at the written request of any Town Board member, official, employee or private citizen. The Ethics Board shall have the power to conduct investigations and refer cases to the Town Board for consideration of whether to commence criminal prosecution or to commence suit in the Supreme Court of the State of New York on behalf of the Town Board for injunctive relief to enjoin a violation or compel compliance with this chapter. The Ethics Board may establish rules for its own operations, but, whether included or not, the following procedures shall pertain to its activities:

- (1) The Ethics Board shall state, in writing, the disposition of every request for opinion and every investigation it conducts and the reasons for the disposition. All such statements and written requests shall be kept on file as public record.
- (2) Any changes in this chapter that are recommended by the Ethics Board shall, to the extent reasonably possible, consistent with the other responsibilities of the Town Board, be discussed and acted upon by the Town Board in open session at a regular meeting within two months of the issuance of the recommendations. Any amendments to this chapter must be filed within 30 days with the Temporary State Commission on Local Government Ethics.
- (3) The Town Board may make available to the Ethics Board such meeting space, clerical support and expense reimbursements as the Town Board, in its discretion and consistent with budgetary constraints, deems advisable.
- (4) The Town Board may not conduct investigations of itself or any of its members. Complaints against any member of the Ethics Board shall be made to the Temporary State Commission on Local Government Ethics.

B. Appointment and removal.

- (1) Members of the Ethics Board shall be appointed by the Town Board of the Town of Haverstraw and may be nominated by any member of the public.
- (2) Ethics Board members may be removed by the Town Board for reasons of gross misconduct, substantial neglect of duty or inability to perform duties of office, or upon recommendation by the Temporary State Commission on Local Government Ethics.

- C. Establishment and terms of office. The Board of Ethics shall consist of three public members to be appointed by the Town Board who shall serve without compensation. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years and one for the term of three years from and after his or her appointment. Their successors shall be appointed for the term of three years from and after the expiration of the terms of their predecessors in office. If a vacancy shall

occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.

D. Qualifications.

- (1) Members of the Ethics Board shall be chosen from among Haverstraw residents.
- (2) No Ethics Board member shall hold office in any political party.
- (3) Members of the Ethics Board shall be subject to the provisions of this chapter.

§ 12-11. Distribution of Code of Ethics.

- A. Within 10 days of this chapter's enactment, the Town Clerk shall post a copy of this chapter conspicuously and permanently in the Town Hall in a manner allowing the public perusal of its provisions. Copies of this chapter shall be made available by the Town Clerk to members of the public upon request under provisions of the Freedom of Information Law.
- B. Within 30 days of this chapter's enactment, the Town Clerk shall distribute a copy of this chapter to all officials and employees identified in §§ 12-2 and 12-3. Each official and employee elected or appointed thereafter shall be given a copy of this chapter before entering upon the duties of his or her office.
- C. The Town Clerk shall distribute copies of this chapter to the members of the Ethics Board upon their taking office.

§ 12-12. Penalties for offenses.

Violations of this chapter will be a Class A misdemeanor, subject to the penalties provided in § 813 of the General Municipal Law, including forfeiture of office or employment and liability for all damages and fines. A person subject to this chapter found for the first time to be in violation of its terms by reason of failing to file or make a required disclosure statement shall be subject to a maximum civil penalty of \$500 or a maximum criminal fine of \$500 to be imposed by either the Ethics Board or a court of competent jurisdiction. Any such person found for the second time to be in violation of the terms of this chapter by reason of failing to file or make a required disclosure statement shall be subject to a maximum civil penalty of \$10,000 or a maximum criminal fine of not more than \$10,000.

§ 12-13. Severability.

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.

§ 12-14. When effective.

This chapter shall take effect immediately after it has been filed with the New York State Temporary Commission on Local Government Ethics and with the Secretary of State.

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ETHICS BOARD

**MICHELLE J. NATALE
112 HUDSON AVENUE
HAVERSTRAW, NY 10927**

**3 YEAR TERM 1/01/09 TO
12/31/11**

**STEPHEN COBB
65 HUDSON AVE.
HAVERSTRAW, NY**

**1 YEAR TERM 1/01/11 TO
12/31/11**

**FATHER THOMAS MADDEN
ST. PETER'S CHURCH
BROADWAY
HAVERSTRAW, NY 10927
845-429-2196**

**1 YEAR TERM 1/01/11 TO
12/31/11**