

Presentation of Local Law No_____ of 2015-

A Local Law Providing for the Adoption of

a New Chapter 22 of the Town Code

[Code of Ethics]

Resolution of the Town Board

TOWN OF ULSTER

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. ____ of 2015 - A Local Law Providing for the Adoption of a New Chapter 22 of the Town Code [Code of Ethics of the Town of Ulster]

Date: _____, 2015

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, and

WHEREAS, the current Town of Ulster Code of Ethics was adopted in 1970 and said Code needs to be revised and updated, and

WHEREAS, the Town Board of the Town of Ulster scheduled a public hearing to be held by said Governing Body on _____, 2015. at the Town Hall to hear all interested parties on a proposed Local Law entitled Local Law No. ____ of 2015 - A Local Law Providing for the Adoption of a New Chapter 22 of the Town Code; and

WHEREAS, notice of said public hearing was duly advertised in the Daily Freeman, the official newspaper of said Town of Ulster, and

WHEREAS, said public hearing was duly held on _____, 2015 at ____ p.m. at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 622 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of the Town of Ulster that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Ulster after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. ____ of 2015 - A Local Law Providing for the Adoption of a New Chapter 22 of the Town Code a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

TOWN OF ULSTER

Local Law No. _____ of 2015

A Local Law Providing for the Adoption of a New Chapter 22 of the Town Code

Be it enacted by the Town Board of the Town of Ulster as follows:

Section I. Repeal of Current Chapter 22 of the Town Code

The current provisions of Chapter 22 of the Code of the Town of Ulster are hereby repealed.

Section II. A new Chapter 22 is hereby enacted as appears in Schedule "A" attached hereto.

Section III. Severability

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

Section IV. Effective Date

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

SCHEDULE "A"

§ 22-1. Title.

This chapter shall be known and may be cited as the "Town of Ulster Disclosure and Ethics Law."

§ 22-2. Purpose.

The purpose of this chapter is to establish minimum standards of conduct for the Town of Ulster officials, officers and employees and those who seek or obtain a direct or indirect pecuniary or material benefit from the Town of Ulster to help ensure that the business of Town government is free from improper influence that may result from opportunities for private gain. At the same time, it is recognized that public service cannot require a complete divesting of all proprietary interest nor impose intrusive disclosure requirements if the Town government is to attract and retain competent administrators and employees. Although the assurance of ethical conduct will continue to rest primarily upon the personal integrity of the officials, officers and employees themselves and upon the commitment of the elected and appointed members of Town government, the establishment of the standards set forth in this chapter is an additional step toward providing the highest caliber of public administration for the Town of Ulster and increased confidence in Town government. By requiring public disclosure of financial interests that may influence or be perceived to influence the actions of Town government, this chapter is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion and to enhance the accountability of the Town government to the people.

§ 22-3. Definitions.

When used in this chapter and unless otherwise expressly stated, the following terms shall have the meanings indicated:

BUSINESS DEALING

A.

Having or providing any contract, service or benefit to or for the Town.

B.

Buying, selling, renting, leasing or otherwise acquiring from or dispensing to the Town any goods, services or property.

C.

Applying for, petitioning, requesting or obtaining any approval, grant, license, permit or other privilege from the Town government.

CONFIDENTIAL INFORMATION ACQUIRED IN THE COURSE OF HIS OR HER OFFICIAL DUTIES

Knowledge or information imparted or made available to a Town officer or employee while in the conduct of Town duties, which knowledge or information is not generally public.

FAMILY MEMBER

A spouse, child, brother, sister or dependent.

MINISTERIAL ACT

An action performed in a prescribed manner imposed by law without the exercise of judgment or discretion as to the propriety of the action.

OFFICE IN A POLITICAL PARTY ORGANIZATION

The Chairman, Vice Chairman, Secretary or Treasurer or any other elected or appointed office holder of a political party organization, and shall not include committee members of either a political party or a political organization who are not otherwise officers thereof.

PERSON

Includes natural persons, corporations, partnerships, unincorporated associations and all other entities.

RELATED PERSON

A.

A family member.

B.

Any partnership or unincorporated association of which the Town officer or employee is a member or employee or in which he or she has a proprietary interest.

C.

Any corporation of which the Town officer or employee is an officer, director or employee or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock.

D.

Any person from whom the Town officer or employee or his or her spouse has received within the previous twelve-month period a pecuniary or material benefit having an aggregate value greater than \$2,000 or to whom a Town officer or his or her spouse is indebted to in an amount of \$2,000 or greater.

SOLICIT

To make a specific request of a person not otherwise disposed to be a recipient of such request.

TOWN

The Town of Ulster governmental and administrative operations, including officials, officers and employees of the Town of Ulster who act under the auspices of the Town of Ulster or on its behalf.

TOWN CLERK

The Clerk of the Town of Ulster pursuant to § 30 of the New York State Town Law.

TOWN OFFICER OR EMPLOYEE

Any officer or employee of the Town including Town officials, whether paid or unpaid. No person shall be deemed to be a "Town officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer.

TOWN OFFICIAL

A.

The Town Supervisor, Deputy Town Supervisor, Town Superintendent of Highways, Deputy Superintendent of Highways, Town Clerk, Deputy Town Clerk, and Town Assessor.

B.

Any person designated by New York State Town Law or the Town Code of the Town of Ulster or by Town resolution as the head of a department or bureau of the Town.

C.

Any person who has the authority to approve, authorize or audit any grant, permit, license, application or other privilege or any purchase, sale, rental or lease of goods, services or property on behalf of the Town.

D.

Any elected or appointed member of the Town Board, Planning Board, Zoning Board of Appeals, and any other Town board, commission or committee hereinafter created, the authority of which includes approval, authorization or audit of any grant, application or other privilege or of any purchase, sale, rental or lease of goods, services or property on behalf of the Town, but "Town official" does not include a Judge, Justice, officer or employee of the unified court system, or any member of an ad hoc or temporary board, committee or body not set forth otherwise hereinabove and which is designated by the Town Board to provide advisory services to the Town.

VENDOR

Any person or entity that sells or provides to the Town any property, goods or services, whether on a regular basis or pursuant to periodic agreement, and does not include a Town Officer or other employee.

§ 22-4. Prohibited activities.

A.

No Town official, officer or employee shall:

(1)

Directly or indirectly, solicit any gift or accept or receive money or any gift or gifts having a cumulative value of \$75 or more over the course of one year, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, in the performance of his official duties, including the offering or accepting of any financial transaction on terms not available to the general public, except professional fees or salaries for services rendered from any persons, other than a spouse, who, to the recipient's knowledge, is considering, has pending or within the previous 12 months has had any business dealings with the Town that requires any negotiation, approval, recommendation, authorization, audit or other action, other than a ministerial action, by the Town officer or employee, either individually or as a member of any board, commission, committee or department. For purposes of this Subsection A(1), a campaign contribution shall not be deemed a gift. Town officers and employees shall

register with the Clerk's office each free meal or similar function provided to them under the circumstances described above.

(2)

Act as attorney, agent, broker, employee, consultant or representative for any person in connection with any business dealing that person has with the Town.

(3)

Appear as attorney, agent, broker, employee, consultant or representative against the interest of the Town in any matter in which the Town is a party.

(4)

Take or refrain from taking any action or agree to take or refrain from taking any action or induce or attempt to induce any other Town officer or employee to take or refrain from taking any action on any matter before the Town in order to obtain a pecuniary or material benefit for himself or herself or a related person.

(5)

Appear before the Town, except on behalf of the Town or on his or her own behalf. This Subsection A(5) shall not prohibit any Town officer or employee from appearing without compensation before any Town agency, board, committee, commission or department solely on behalf of his or her constituents or in connection with his or her official duties.

(6)

Solicit participation of any nonelected officer or employee of the Town in an election campaign or solicit payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization, or election campaign.

(7)

Solicit participation in an election campaign or solicit payment or promise of payment of any assessment, subscription or contribution to a political party, political party organization or election campaign from any person who, to the knowledge of the Town officer or employee, has or within the previous 12 months has had any business dealing with the Town.

(8)

Hold any office in a political party or political party organization. In addition, no person who holds any office in a political party or political party organization shall be permitted to serve as an appointed Town official. If an office in a political party or political party organization was held by a person during the past 24 months, then that person shall not be permitted to serve as an appointed Town official. The foregoing prohibition shall not affect any present Town officer, employee or official from continuing in his or her present capacity as a Town officer, employee or official, provided that said Town officer, employee or official does not hold any office in a political party or political party organization as of the effective date of this subsection.

(9)

Except as compelled by law, disclose any confidential information acquired in the course of his or her official duties or use any confidential information acquired in the course of his or her official duties to advance the financial or other private interest of himself or herself or any other person.

(10)

During his or her term of office or employment with the Town, solicit, negotiate for or accept any employment from which he or she would be disqualified under Subsection A(13) of this section.

(11)

Knowingly violate the Town's policies and procedures for procurement.

(12)

Personal use of equipment; surplus items.

(a)

Utilize Town equipment for personal use contrary to Town or department policy.

(b)

Bid on, purchase or seek to purchase any items of surplus that are put out to bid by the Town or any of its departments.

(13)

Further, no Town Board member shall:

(a)

Communicate with the Town or any board of the Town on behalf of another person or entity, for compensation of any type, for the twenty-four-month period after termination of his or her term of office or employment.

(b)

For the sixty-month period after termination of his or her term of office or employment with the Town, appear on behalf of another person or entity before the Town, or any department or board of the Town, in relation to any matter upon which he or she personally and substantially took any such action, other than a ministerial action, during his or her term of office or employment with the Town or receive compensation for any services rendered on behalf of any person other than the Town in relation to any matter upon which he or she personally and substantially took any such action, other than a ministerial action, during his or her term of office or employment with the Town. Nothing in this chapter is intended to prevent former board members from volunteering time or expertise to the Town, on behalf of the Town.

(c)

Nepotism: The Immediate family members of Town Board members shall not be employed by the Town in full-time, year-round positions. For purposes of the section, "immediate family members" shall include spouses, children, parents, brothers and sisters.

(14)

No Town Attorney shall appear before any board of the Town, as an attorney or consultant for another person or entity besides himself or herself, for a period of 24 months after the termination of his or her term of office or employment or represent any party or entity besides himself or herself in an adversary proceeding against the Town or any Town official or board of the Town for a period of 24 months after the termination of his term of office or employment with the Town.

B.

No partnership or unincorporated association or corporation of which a Town official is a member, employee or agent or in which he or she has a proprietary interest nor any corporation of which he or she is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock shall appear before the Town on behalf of any person other than the Town or itself.

C.

Nothing in this section shall be construed to prohibit a Town officer or employee or any other person from receiving a Town service or benefit or using a Town facility which is generally available to residents or a class of residents in the Town.

D.

Nothing in this chapter shall be construed to prohibit any public officer listed in § 11 of the Domestic Relations Law from accepting any gift or benefit having a value of \$100 or less for the solemnization of a marriage by that public officer at a place other than the Town officer's normal place of business or at a time other than the officer's normal hours of business.

E.

Nothing in this section shall be construed to prohibit a Town officer or employee from performing any ministerial act.

F.

Any contract entered into by or with the Town, which contract results in or from a violation of any provision of this chapter, shall be null and void and unenforceable, unless the Town has obtained a waiver of that provision from the State of New York.

G.

A person who knowingly violates any provision of this section shall be guilty of a violation.

§ 22-5. Transactional disclosure.

A.

Whenever a Town officer or employee is requested or required to take any action on a matter before the Town and, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit either to the Town officer or employee or to any related person, the Town officer or employee shall not participate in any manner whatsoever in that matter. The Town officer or employee shall file promptly with his or her immediate superior, if any, and with the Town Clerk a statement disclosing the nature and extent of that interest and attesting to the accuracy of the statement.

B.

Nothing in this section shall be construed to prohibit a Town officer or employee from performing any ministerial act or to require a Town officer or employee to

file a disclosure statement pursuant to Subsection A prior to performing any ministerial act.

C.

Nothing in this section shall be construed to prohibit a Town officer or employee from taking any action that would otherwise be prohibited by Subsection A if this action has general application to all residents or class of residents of the Town.

D.

Any person who knowingly violates this section shall be guilty of a violation.

§ 22-6. Annual financial disclosure.

A.

All Town officials and each member of the Town Ethics Board shall file with the Town Clerk a financial disclosure statement within 30 days after taking office and no later than April 30 of each year thereafter.

B.

Matters to be disclosed by all Town officials on the disclosure forms shall include:

(1)

The official's home address and the location of any real property within the Town in which the Town official or spouse has an ownership or other financial interest.

(2)

The name of any partnership, unincorporated association or other unincorporated business of which the Town official or spouse is an officer, employee or partner or in which the Town official or spouse has a proprietary interest, and the spouse's position, if any, with the partnership, association or business, if any such entity has engaged within the past 12 months or which is anticipated to have any business dealings with the Town.

(3)

The name of any corporation of which the Town official or spouse is an officer, director or employee or of which he or she or his or her spouse or of which the Town official or spouse legally or beneficially owns or controls more than 5% of the outstanding stock, and any such entity that he or she has engaged within the past 12 months or which he or she is anticipated

to have any business dealings with the Town, and the Town official's and spouse's position, if any, with the corporation.

(4)

The name of any persons from whom the Town official or his or her spouse has derived during the previous calendar year and any income whereby such income was derived from business dealings with the Town.

C.

A person who knowingly violates any provision of this section shall be guilty of a violation.

§ 22-7. Maintenance of disclosure statements.

Transactional disclosure statements filed pursuant to § 22-5 and financial disclosure statements filed pursuant to § 22-6 shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Clerk. The Town Clerk shall promptly transmit a copy of all statements to the Town's Ethics Board. The Town Clerk shall retain disclosure statements in his or her files for not less than seven years from the date of filing.

§ 22-8. List of officials; verification of filing.

A.

On or before March 10 of each year, the Town Supervisor shall cause to be filed with the Town Clerk and with the Town Ethics Board a list of the names and offices or positions of all Town officials and notify all Town officials of the financial disclosure requirements of § 22-6.

B.

On or before May 15 of each year, the Town Supervisor shall verify that every Town official has filed his or her financial disclosure statement.

C.

Failure of the Town Supervisor to comply with this section shall not relieve any Town official of his or her duty to file an annual disclosure statement pursuant to § 22-6.

§ 22-9. Disclosure by applicants.

A.

Information to be included.

(1)

Any person who submits to the Town a written application, petition or other request or a written bid or submission or at the time of retaining shall include therein at said time the following:

(a)

The name of any Town officer or employee to whom the applicant has contributed at least \$100 or more during the previous 60 months; and

(b)

The name of any Town officer or employee who, to the applicant's knowledge, has an interest in the submission and is required, either individually or as a member of any board, committee or department, to negotiate, approve, recommend, authorize, audit or take any other action, other than a ministerial act, on the submission.

(2)

The applicant also shall identify in the submission the nature of the interest. This section shall apply only to those applications which require approval by the Planning Board, Town Board and/or Zoning Board of Appeals.

B.

For the purpose of this section, a Town officer or employee shall be deemed to have an interest in the submission or in the applicant when the Town officer or employee or his or her spouse:

(1) Is the applicant.

(2) Is a family member of the applicant.

(3) Is an officer, director, partner, member or employee of the applicant.

(4) Legally or beneficially owns or controls more than 5% of the outstanding stock of the applicant.

(5) Will receive, pursuant to an agreement between the applicant and any person, a pecuniary or material benefit if the Town's disposition of the submission is favorable to the applicant.

§ 22-10. Inducement of offenses.

It shall be a violation of this chapter for any Town official, employee or appointee covered by this chapter to intentionally or knowingly:

A. Solicit, request, command, importune, aid, induce or cause another covered employee or appointee covered by this chapter to engage in conduct that violates any provision of this Chapter 22.

B. Agree with one or more persons to engage in conduct that violates any provision of this Chapter 22.

§ 22-11. Penalties for offenses.

A.

Debarment.

(1)

Any person convicted of a violation under this chapter shall be prohibited, for a period of three years after the date of the conviction, from entering into any contract with the Town.

(2)

Nothing in this section shall be construed to prohibit any person from receiving a service or benefit or using a facility which is generally available to the public.

(3)

A person who knowingly violates any provision of this subsection shall be guilty of a violation.

B.

Additional penalties.

(1)

Any Town official, officer or employee who knowingly engages in any action that violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment by the appointing person or body authorized by the Town Board. A warning, reprimand, suspension or removal may be imposed in addition to any other penalty contained in this chapter or in any other provision of law. Any warning or reprimand shall be in writing and shall become a permanent part of the violator's personnel file.

(2)

Any Town official, officer or employee who knowingly violates any provision 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 this chapter [other than a civil forfeiture pursuant to Subsection B(3)] or in any other provision of law.

(3)

Any Town official, officer or employee who has knowingly or intentionally violated any provision of this chapter shall be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in this chapter [other than a civil fine pursuant to

Subsection B(2) or damages pursuant to Subsection B(2) hereof] or in any other provision of law.

(4)

Any Town official, officer or employee found to have willfully committed a material violation under this chapter or to have committed a substantial violation after having been previously disciplined for previous violation(s) shall forfeit his or her Town office or employment in the manner provided by law.

§ 22-12. Biannual training.

All Town Board members, department heads, bureau directors, Town employees and all agents authorized to approve procurement under the Town's procurement policy and procedures, as well as the members of the Planning Board and the Zoning Board of Appeals, shall complete a training seminar that shall be provided at the direction of the Town Board, in conjunction with the Town Ethics Board, and shall be designed to review the standards contained in this Chapter 22, the standards and requirements contained in General Municipal Law § 801 et seq., as well as the Town's procurement guidelines. Training seminars to be provided by qualified professionals proficient in municipal ethics and shall be designed to keep training recipients knowledgeable of current standards and issues in municipal ethics. Such training shall be made available each year and shall be provided so as to be reasonably available as required. The requirement may be fulfilled on a biannual basis by covered individuals. Scheduling and records documenting compliance with this section shall be performed and maintained by the Secretary to the Town Ethics Board. The Town Board may expand or adjust the categories of employees subject to the training requirements of this § 22-12 by resolution, based on feedback from the program and from the Town Ethics Board.

§ 22-13. Ethics Board.

A. The Town Board herein establishes an Ethics Board and shall on a year-to-year basis appropriate adequate funds for said Board's operation.

B. There shall be five members of the Ethics Board initially serving three three-year terms and two two-year terms. Subsequently, each member shall be appointed for a three-year term.

C. The Ethics Board shall select its own Chairman for a one-year term.

D. Not more than three members of the Board shall be members of the same political party.

E. The Ethics Board members shall be appointed by unanimous consent of the Town Board.

F. Upon the establishment of the Town Ethics Board or, thereafter, within 90 days after the expiration of a term or the occurrence of a vacancy, the Town Board shall make the appointment or fill the vacancy, as the case may be.

G. In the event the Town Board is unable to fill vacancies as set forth hereinabove, then, in such case, the County Board of Ethics shall select the individuals to fill any vacancies.

H. The Town 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 not inconsistent with this chapter.

(2)

To elect a Chairman and appoint such staff as is necessary to carry out its duties under this chapter and to delegate authority to the Chairman, if any, to act in the name of the Board between meetings of the Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, impose any civil fine, refer any matter to a prosecutor or render any advisory opinion. The members of the Town Ethics Board shall meet the following qualification: No officer or employee of the Town shall be eligible to serve as a member. The members shall not hold office in any political party. The members may contribute money to, but not otherwise participate in, any election campaign.

(3)

To review lists of Town officials and disclosure statements pursuant to § 22-8.

(4)

To conduct investigations pursuant to § 22-15.

(5)

To conduct hearings, recommend disciplinary action, assess penalties and initiate appropriate actions and proceedings pursuant to § 22-16.

(6)

To issue advisory opinions pursuant to § 22-22.

(7)

To provide training and education to Town officers and employees on the provisions of the Town Ethics Law.

(8)

To prepare an annual report and recommend changes to the Town Ethics Law.

I. The Ethics Board of the Town may act only with respect to officers and employees of the Town and persons having business dealings with the Town. The termination of a Town officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Town Ethics Board with respect to the requirements imposed by this chapter on the former Town officer or employee to the extent permitted by law.

J. The Town Ethics Board may refer any matter within its jurisdiction to the County Ethics Board, or County District Attorney, in its discretion.

§ 22-14. Review of lists and disclosure statements.

A. The Town Ethics Board shall review the lists of Town officials prepared pursuant to § 22-8, hereinabove, to determine whether the lists are complete and accurate. The Board shall add to the list the name of any other Town officer or employee whom the Board determines to be a Town official pursuant to this chapter.

B. The Town Ethics Board shall review all annual financial 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 violation of this chapter.

C. The Town Ethics Board shall promptly review every transactional disclosure statement. If the Board determines that the statement is deficient or reveals a possible violation of this chapter, it shall notify the person, in writing, of the deficiency or possible violation and of the penalties for failure to comply with this chapter.

§ 22-15. Investigations of alleged violations.

A. Upon receipt of a form duly sworn to by the person requesting an investigation of an alleged violation of this chapter or upon the Board determining on 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. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may deem relevant and material. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the office of the Town Clerk.

B. Nothing in this section shall be construed to permit the Town Ethics Board to conduct an investigation of any of its members.

C. The Town Ethics Board shall state, in writing, its disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the

reasons for the disposition. Any findings of violations of this chapter or other applicable law shall be public records and shall be indexed and maintained on file by the Town Clerk.

D.

The Town Ethics Board shall refer to the Ulster County District Attorney's office sworn statements or complaints made to it or any sworn testimony presented before it that, upon investigation, is determined by the Town Ethics Board to be intentionally false. The person offering the false statement shall be liable for civil penalty to any persons harmed by the false statements.

§ 22-16. Recommendation of disciplinary action; assessment of penalties; injunctions; damages.

A. In its discretion and after a hearing held in accordance with Article 3 of the State Administrative Procedure Act and subject to § 75 of the Civil Service Law and any collective bargaining agreement, to the extent applicable, the Town Ethics Board may recommend appropriate disciplinary action which may include a written warning, or reprimand, forfeiture of accrued leave with pay, required attendance at ethics training seminars conducted pursuant to § 22-12, suspension or termination of employment, pursuant to § 22-11B of this chapter, to the appointing authority or person or body authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, and shall not act without notice and opportunity to be heard, and shall observe appropriate due process.

B. In its discretion and after a hearing in accordance with Article 3 of the State Administrative Procedure Act, the Ethics Board, pursuant to § 22-11B of this chapter, may assess a civil fine, not to exceed \$500, upon the Town officer or employee found by the Board to have violated this chapter. The civil fine shall be payable to the Town.

C. The Ethics Board, on behalf of the Town, may sue in the Supreme Court of the State of New York for injunctive relief to enjoin a violation or to compel compliance with the provisions of this chapter.

D. The Ethics Board, on behalf of the Town, may initiate a proceeding in the Supreme Court of the State of New York to obtain a civil forfeiture pursuant to § 22-11B of this chapter. The civil forfeiture shall be payable to the Town.

§ 22-22. Advisory opinions.

Upon the filing of a written request for an advisory opinion of any board, commission, department or individual Town officer or employee, the Town Ethics Board may render written advisory opinions with respect to the interpretation or application of this chapter. To prevent misuse of requests for advisory opinions, each written request for an advisory opinion shall be signed and shall not involve hypothetical situations, but shall detail specific conduct with respect to specific employees and officers. The Ethics

Board reserves the right to reject a request for an advisory opinion for failure to comply with this section or to request supplemental information. The form to be utilized in requesting an advisory opinion from the Ethics Board shall be the form available in the office of the Town Clerk.

§ 22-18. Applicability; other remedies.

A. The provisions of this chapter shall apply, notwithstanding any inconsistent provision of any general, special or local law.

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

C. Nothing in this chapter 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 on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 22-19. Amendments.

Any amendment to this chapter shall be effective only upon a minimum of four votes by the Town Board.