

**Code
of the
Town of Malone**

COUNTY OF FRANKLIN
STATE OF NEW YORK

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1989

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CERTIFICATION

TOWN OF MALONE

Office of the Town Clerk

I, **ANDREA M. STEWART**, Town Clerk of the Town of Malone, hereby certify that the chapters contained in this volume are based upon the original local laws, ordinances and resolutions of the Town Board of the Town of Malone, and that said local laws, ordinances and resolutions, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Town of Malone, County of Franklin, State of New York, as adopted by local law of the Town Board on October 16, 1989.

Given under my hand and the Seal of the Town of Malone, County of Franklin, State of New York, this 26th day of October 1989, at Malone, New York.

s/ANDREA M. STEWART

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Town Clerk

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§ 25-1 ETHICS, CODE OF § 25-1

Chapter 25

ETHICS, CODE OF

ARTICLE I

Purpose and Rules of Conduct

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Board of Ethics

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- § 25-8. Board created.
- § 25-9. Authority of Board.

[HISTORY: Adopted by the Town Board of the Town of Malone 11-16-70 by resolution. Amendments noted where applicable.]

ARTICLE I

Purpose and Rules of Conduct

- § 25-1. Purpose; need for rules.
 - A. Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Malone 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 maintained in our unit of local government.

- B. The purpose of this Article is to promulgate these rules of ethical conduct for officers and employees of the Town of Malone to serve as a guide for their official conduct. The rules of ethical conduct as set forth in this Article shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees. To that end the Malone Town Board adopts the following provisions to serve as a guide for the official conduct of officers and employees of the Town of Malone.

← Article 18 of NYS General Municipal Law includes the Code of Ethics which is attached hereto.

§ 25-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Town of Malone, 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.

§ 25-3. Standards of conduct.

Every officer or employee of the Town of Malone shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not, directly or indirectly, solicit any gifts or accept or receive any gift having a value of twenty-five dollars (\$25.) 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 before 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 municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time 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 Malone, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town 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.

These two sections (C & D) have been copied verbatim from the NYS General Municipal Code, "Code of Ethics" (attached). It's interesting that these two sections are missing from the Bellmont Code of Ethics and from the Code of Ethics currently (3-22-08) being proposed for the Town of Burke.

- 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 or employment with such municipality, appear before any board or agency of the Town of Malone in relation to any case, proceedings or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 25-4. Permissible claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claims, account, demand or suit against the Town of Malone 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.

§ 25-5. Distribution of copies.

The Town Supervisor of the Town of Malone shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Malone within thirty (30) days after the adoption of this Article by the Town Board. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 25-6. Penalties for offenses.

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 Article may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ARTICLE II
Board of Ethics

§ 25-7. Statutory authority; need.

Pursuant to the provisions of § 808 of the General Municipal Law, the Town Board of the Town of Malone has the authority to establish a Board of Ethics for the Town of Malone, and this Board finds it desirable to create and establish such a local Board of Ethics.

§ 25-8. Board created.

There is hereby established a Board of Ethics consisting of three (3) members to be appointed by the Town Board and who shall serve without compensation and at the pleasure of said Town Board. A majority of such members shall be persons other than officers or employees of the Town of Malone, but said Board shall include at least one (1) member who is an elected or appointed officer or employee of the Town of Malone.

§ 25-9. Authority of Board.

Said Board of Ethics shall have the power and duties as prescribed by Article 18 of the General Municipal Law and shall render advisory opinions on the written request of officers and employees of the Town of Malone with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant to such Article, under such rules and regulations as the Board may prescribe. A copy of said advisory opinion shall be filed with the Clerk of the Town of Malone; however, said opinion shall not be open to public inspection. The Board of Ethics may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics to the Town Board.

New York State

GENERAL MUNICIPAL LAW

(<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>)

§ 801. CONFLICTS OF INTEREST PROHIBITED.

Except as provided in section eight hundred two of this chapter, (1) no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

§ 804. CONTRACTS VOID.

Any contract willfully entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ 805. VIOLATIONS.

Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor

§ 805-a. CERTAIN ACTION PROHIBITED.

1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, 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 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) disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests; (c) 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; or (d) 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 his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

2. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section may be fined, suspended or removed from office or employment in the manner provided by law.