

TOWN OF URBANA  
Reorganizational Meeting  
January 5, 2016

The Urbana Town Board held its regular meeting on Tuesday, January 5, 2016 at 6:30p.m., at the Town Hall, 8014 Pleasant Valley Rd., Bath, New York.

PRESENT:	Alzina Turner	Councilwoman
	Dave Shaw	Councilman
	Edward Stull	Councilman
	John Webster	Supervisor
	Jim Presley	Councilman
	Mary Farmer	Town Clerk

OTHERS PRESENT: Bob Magee

**Property Maintenance Law First Review**

Zoning Officer Bob Magee and the Board reviewed the changes to the Law. There were concerns regarding the unclassified misdemeanors portion of enforcement. Attorney Ryan will review at the January 19<sup>th</sup> Board Meeting.

**Audit Reminder**

Supervisor Webster reminded the Board to review the Town Clerk, Court Clerk and Bookkeeper's 2015 books in the Town Clerk's Office.

**KWIC Resolution**

On a motion by Councilman Presley, seconded by Councilwoman Turner and carried, all voting Aye to endorse the KWIC Clean Lake Initiative.

**Resolutions 2016 -1                      KLA Boat Stewardship Support**

**Whereas** the Town of Urbana has a Public Boat Launch and

**Whereas** the Town of Urbana is aware of the "Clean, Drain and Dry" law that New York State has implemented regarding control of invasive species into lakes and other public waters and

**Whereas** the Town of Urbana would be grateful for the assistance of the Keuka Lake Association in implementing this law and

**Whereas** the Keuka Lake Association has a long and successful history of protecting Keuka Lake and

**Whereas** the Keuka Lake Association successfully operated a Boat Stewart Education and Inspection Program in 2015

**Therefore let it be resolved that**

The Town of Urbana does hereby support the Keuka Lake Association's request for funding for the years 2016, 2017 and 2018 to operate a Boat Steward Education and Inspection Program.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

**J. O'Connell & Associates Contract**

On a motion by made by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve the contract and authorize Supervisor Webster to sign it.

**Approval of 2016 Designations and Appointments**

On a motion made by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve all Designations and Appointments as presented below:

**2016**

**DESIGNATIONS AND APPOINTMENTS**

(New appointees are indicated by \*)

Official Newspaper	The Corning Leader
Official Depositories:	Community Bank Five Star Bank Chemung Canal Trust
Attorney for the Town	John J. Ryan Jr.
Registrar	Mary Farmer
Tax Collector	Mary Farmer
Deputy Town Clerk(s)	Kelly Harris
Town Constable	Ryan Sincerbox
Court Clerks	Kim Cruse Tammy Catherman
Dog Control Officers	Diane Davis
Dog Shelter	Betty Walden
Substitute Dog Control Officer	Betty Walden
Town Historian	Terry Bretherton
Code Enforcement Official	
Building Inspector	Mike Slowinski
Watershed Inspector	Mike Slowinski
Zoning Officer	Bob Magee
Ordinance Enforcement Officer	Bob Magee
Safety Committee	John Webster (chair) Dave Buckley James Presley Doug Robinson
Deputy Superintendent of Highways	Timothy Slayton
Planning Board (five year term) 12/31/2020)	*Pete Swarthout (1/1/2016 –
Planning Board Alternate	_____
Zoning Board of Appeals 12/31/2020)	*Nichole Dresser (1/1/2016 –
Zoning Board Alternate	_____

Parks & Recreation Committee	*Dave Shaw (chair)
Parks & Rec Administrator	Mary Farmer
KWIC/KLOC Representative	John Webster
Alternate	*Dave Shaw
Bookkeeper	Marietta Nye
Budget Officer	Marietta Nye
Board of Ethics	Alzina Turner (chair) Dennis LaMarche Nancy Clark
Sexual Harassment Committee	Alzina Turner (chair) Rodney Pedersen Connie Cook
Parks Advisory Committee	Jim Presley (chair) Mary Farmer (Town resident) Ed Wightman (Town businessman) John Jensen (Chamber) Dave Oliver (Friends) Tom Chadwick (alternate)
Highway Committee	Dave Buckley (chair) *Ed Stull James Presley
To act on behalf of the absent supervisor by initialing a signature facsimile for the purpose of signing checks	*Ed Stull
To act on behalf of the absent supervisor by conducting meetings and all other Town Business	James Presley
Delegate to Association of Towns Conference	John Webster
Alternate to Association of Towns Conference	Jim Presley
Health Officer	Dr. Curt Cranmer
Board of Assessment and Review	*----- (1/1/2016 – 12/31/2020) *----- (1/1/2016 – 12/31/2019) *----- (1/1/2016 – 12/31/2018)
Board of Assessment Review Secretary	Marietta Nye
Zoning Board of Appeals Secretary	Marietta Nye
Planning Board Secretary	Marietta Nye

**Town Of Urbana Board  
Meeting Rules of Procedure**

1. Three or more Board members are needed to conduct official business.
2. With few exceptions three votes are necessary to pass a motion or resolution.
3. The presiding officer is the Supervisor or the Board approved appointee.
4. Robert's Rules of Order will be used as the basis for conducting an orderly meeting. These rules will be interpreted and applied informally by the Supervisor.
5. The vote on every question will be taken by ayes and nays, and the names of the members present and their votes will be entered into the minutes.
6. No member of the public shall be permitted to address the Board without first being recognized by the Supervisor and remarks made must be directed to the Supervisor who may either respond or refer the matter to a Board member.
7. Individuals who address the Board should state their name and their address as a matter of courtesy to those who might not otherwise know them.
8. The Supervisor is authorized to adjourn or recess the meeting.

**Members of the Public Meeting Policies**

Any observing public member may upon recognition by the supervisor address any item on the agenda relative to this section. Please keep comments non-personal, as factual as possible and in a time frame of five minutes or less.

Any Board member or public member upon recognition by the Supervisor may bring forth at this time any item of their concern with the understanding that the item will not be discussed nor acted upon at this meeting but will be noted and acted upon at a later date in accordance with the nature of the item.

If you wish to put an item on the agenda, please notify the Supervisor's office and fill out a form which will require your name, the group you represent, the date you wish to present the item and the nature of the item. This must be done no later than the Tuesday before a regular monthly meeting. Agendas will normally be available one calendar day prior to the scheduled meeting.

**Town of Urbana Board  
2016 Meeting Dates  
Meetings start @ 6:30 P.M. (unless otherwise noted)**

January 5 Reorganization

January 19  
**1/20/16)**

**Final 2015 Audit (complete by**

February 9

March 15

April 19

May 17

June 21

July 19

August 16

September 20

October 4

October 11

October 18

November 15

December 20

December 28 Pay the balance of the abstracts from 2016

January 10, 2016 Reorganization

January 17, 2016

## Holiday Schedule 2016

New Year's Day	Friday, January 1, 2016
Martin Luther King Day	Monday, January 18, 2016
President's Day	Monday, February 15, 2016
Good Friday	Friday, March 25, 2016
Memorial Day	Monday, May 30, 2016
Independence Day	Monday, July 4, 2016
Labor Day	Monday, September 5, 2016
Columbus Day	Monday, October 10, 2016
Veteran's Day	Friday, November 11, 2016
Thanksgiving Day	Thurs/Fri, November 24 & 25, 2016
Christmas Day	Monday, December 26, 2016

Some dates may not coincide with the actual holiday. Holidays which fall on Saturday are observed on Friday and those that fall on a Sunday are observed on Monday.

**2016  
Salaries & Hourly Wages**

**Salaries:**

Town Council Members: \$2,398.50 each  
\$13.57/hour

Town Justices: William Hewson \$14,006.00  
\$13.04/hour William Yahn \$5,673.00

Supervisor: John Webster \$11,439.00

Assessor: David Oliver \$29,804.00  
\$14.87/hour

Bookkeeper: Marietta Nye \$19,588.00  
\$15.32/hour

Budget Officer: Marietta Nye \$2,424.00  
\$17.17/hour

Tax Collector: Mary Farmer \$5,047.00

Town Clerk: Mary Farmer \$22,332.00  
\$18.71/hour

Registrar: Mary Farmer \$8,271.00

Park & Rec. Mary Farmer \$4,500.00  
\$24.45/hour

\$1.30/hour

Dog Control: Diane Davis \$4,100.00  
\$25.75

Highway Superintendent: per mtg.  
David Buckley \$49,282.00  
\$10.76/hr

Building Inspector: Mike Slowinski \$20,500.00  
\$150.00

Watershed Inspector: Mike Slowinski \$20,500.00  
\$12.50/hr

Deputy Clerk: Kelly Harris \$10.76/hr

Zoning Officer: Robert Magee \$19,623.00

Officer: Robert Magee \$25.00/callout

Officer: \$25.00/callout

**Hourly Wages:**

Court Clerks:  
Kimberly Cruse

Tammy Catherman

Highway Crew:  
MEO Step# 2:  
Marc Mulholland

MEO Step # 3:  
Shawn Parker

MEO Step # 6  
Corey Rice

MEO Step #11:  
Douglas Robinson

MEO/Mechanic Step #28:  
Tim Slayton

Deputy Superintendent

Planning/Zoning Board \$25

Planning/ZBA Secretary

Planning/Zoning Chair \$35  
per mtg.

Board of Assess Rev Sec

Board of Assess. & Rev.

Ordinance Enforcement

Substitute Dog Control

Betty Walden

**2016 Town of Urbana Health Insurance and Payroll Information**

Family Plan for BC/BS SimplyBlue Plus Platinum: (monthly Premiums)

Medical	\$1904.81
Dental	112.24
Vision	16.62
Total	\$ 2033.67

Employee Contribution will be \$505.55 per month or \$233.33 each Biweekly Payroll.

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Subscriber & Spouse Plan for BC/BS SimplyBlue Plus Platinum: (monthly Premiums)

Medical	\$ 1,336.71
Dental	72.39
Vision	12.38
Total	\$ 1,421.48

Employee Contribution will be \$322.67 per month or \$148.92 each Biweekly Payroll.

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Subscriber & Child Plan for BC/BS SimplyBlue Plus Platinum: (monthly Premiums)

Medical	\$ 1,075.75
Dental	72.39
Vision	12.38
Total	\$ 1,160.52

Employee Contribution will be \$311.67 per month or \$143.84 each Biweekly Payroll.

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Single Plan for BC/BS SimplyBlue Plus Platinum: (monthly Premiums)

Medical	\$ 668.34
Dental	38.49
Vision	5.17
Total	\$ 712.00

Employee Contribution will be \$164.60 per month or \$75.96 each Biweekly Payroll.

PLEASE NOTE! All Insurance Premiums  
are paid a month ahead, and Insurance Payments are deducted from each Payroll for all  
employees

## 2016 Payroll Dates

### Biweekly Payrolls:

January 12  
  
January 26  
February 19  
February 23  
March 08  
March 22  
  
April 05  
April 19  
May 03  
May 17  
May 31  
June 14  
June 28  
July 12  
July 26  
August 09  
August 23  
Sept. 06  
Sept. 20  
October 04  
October 18  
Nov. 01  
Nov. 15  
Nov. 29  
Dec. 13  
Dec. 27

### Monthly Payrolls:

January 12  
  
February 09  
March 08  
April 05  
May 03  
June 14  
  
July 12  
August 09  
September 06  
October 04  
November 01  
December 13

Submitted by Marietta Nye  
Town of Urbana  
Bookkeeper  
Revised 01/03/2016

**Policies**

On a motion made by Councilwoman Turner, seconded by Councilman Stull and carried, all voting Aye to approve the Investment, Procurement, Ethics and Conference Attendance Policies.

**CASH MANAGEMENT & INVESTMENT POLICY  
TOWN OF URBANA**

The objectives of the Investment Policy of the Town of Urbana are to minimize risk; to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. In accordance with policy, the Town of Urbana designates the following banks as official depositories:

1. Community Bank, N.A.
2. JP Chase
3. Chemung Canal Trust
4. Five Star Bank

In which, the Supervisor/Chief Fiscal Officer is hereby authorized to invest all funds, including proceeds of obligations and reserve funds in:

Certificates of Deposit issued by a commercial bank or trust company authorized to do business in New York State;

Time Deposit Accounts in a commercial bank or trust company authorized to do business in New York State;

Obligations of New York State;

Obligations of the United State Government;

All funds except Reserve Funds may be invested in:

Obligations of agencies of the federal government if principal and interest are guaranteed by the United States.

With the approval of the State Comptroller, in Revenue Anticipation Notes or Tax Anticipation Notes of other local governments.

Only Reserve Funds may be invested in:

Obligations of Local Governments.

All other Town of Urbana officials receiving money in their official capacity must deposit such funds in Negotiable order of withdrawal accounts if such accounts can maintain minimum balances to avoid unnecessary service charges and thus operate efficiently, otherwise to be deposited in the least costly checking accounts.

All investments made pursuant to this investment policy shall comply with the following conditions;

## 1. Collateral

A. Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the Town of Urbana or a Custodial Bank with which the Town of Urbana has entered into a Custodial Agreement. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Collateral is subject to change, and shall be monitored no less frequently than weekly. Market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service.

B. Collateral shall not be required with respect to the direct purchase of obligations of New York State, or obligations of the United States or obligations of Federal Agencies, the principal and interest of which are guaranteed by the United States Government.

## 2. Delivery of Securities

A. Payment shall be made by or on behalf of the Town of Urbana for obligations of New York State, for obligations of which the principal and interest are guaranteed by the United State, for United States obligations, for certificates of deposit, and for other purchased securities, upon the delivery thereof, to the custodial bank, or in securities, upon the delivery thereof, to the custodial bank, or in the case of a book-entry transaction, when the purchased securities are credited to the Custodial Bank's Federal Reserve System Account. All transactions shall be confirmed in writing to the Town of Urbana.

## 3. Written Contracts

Written contracts are required for certificates of deposit and for custodial undertakings. With respect to the purchase of obligations of the United State of America, New York State, or other governmental entities, etc., in which monies can be invested, the interests of the Town of Urbana shall be adequately protected by conditioning payment on the physical delivery of purchased securities to the Town of Urbana, or to the Custodian, or in the case of book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System Account. All purchases shall be confirmed in writing to the Town of Urbana.

It is, therefore, the policy of the Town of Urbana to require written contracts as follows:

A. Written contracts shall be required for the purchase of all certificates of depos

B. A written contract shall be required with the Custodial Bank.

4. **Designation of Custodial Bank**

A. A commercial bank or trust company, as specified in a resolution upon the minutes of the Town Board of the Town of Urbana, which is chartered by the State of New York, shall be designated to act as Custodial Bank of the Town's investment.

5. **Financial Strength of Institutions**

All trading partners must be credit-worthy. Their financial statements must be reviewed at least annually by the Chief Fiscal Officer to determine satisfactory financial strength and/or the Chief Fiscal Officer may use credit rating agencies to determine credit-worthiness of trading partners. Concentration of investments in financial institutions should be avoided. The general rule is not to place more than a definite maximum amount, as specified by the Town Board, in overnight investments with anyone institution. If no definite maximum has been established, then no more than that which is covered by collateral or FDIC insurance may be .... ?

Investments in time deposits and certificates of deposit are to be made with banks or trust companies. Their annual reports must be reviewed by the Chief Fiscal Officer to determine if their financial strength is satisfactory.

When purchasing eligible securities, the seller shall be required to deliver the securities to the Custodial Bank designated by the Town of Urbana.

6. **Operations, Audit and Reporting**

The Chief Fiscal Officer shall authorize the purchase and sale of all securities and execute contracts for certificates of deposit on behalf of the Town of Urbana.

The Chief Fiscal Officer shall contact at least two commercial banks or trust companies, authorized to do business in New York State, within the immediate area of the Town of Urbana, for the purpose of obtaining the best possible rate of return (interest) prior to making an investment.

At any time when independent auditors conduct an annual audit of the accounts and financial affairs of the Town of Urbana, they shall audit the investments of the Town of Urbana for compliance with the provisions of these investment guidelines.

If so ordered by the Town Board, then within thirty (30) days after the end of each of the first three quarters of the fiscal year, the Chief Fiscal Officer shall prepare

and submit to the Town Board, a quarterly investment report which indicates new investments, the inventory of existing investments and such other matters as the Chief Fiscal Officer deems appropriate.

The Town of Urbana shall review and approve the annual investment report at its Annual Reorganizational Meeting.

The provisions of these investment guidelines and any amendments hereto shall take effect prospectively and shall not invalidate the prior selections of any custodial Bank or prior investment.

## **PROCUREMENT POLICY**

WHEREAS, Section 104-b of the General Municipal Law (GM) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law, and

WHEREAS, comments have been solicited from these officers of the town involved with procurement;

NOW, THEREFORE, at the regularly scheduled meeting of the TOWN BOARD of the TOWN OF URBANA it was:

RESOLVED that the Town of Urbana does hereby adopt the following procurement policies and procedures:

GUIDELINE 1 Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of the other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity, and filed with the Town Bookkeeper.

GUIDELINE 2 All purchases (Purchase Contracts) by authorized purchasing authorities of (a) supplies or equipment equal to or greater than \$20,000.00 in a rolling twelve month period or (b) public works contracts of amounts equal to or greater than \$35,000.00 shall be formally bid pursuant to GML, Section 103.

### GUIDELINE 3

#### a. Supplies or Equipment less than \$20,000.00

(1) \$0 to \$1000 inclusive, may be purchased at the purchaser's discretion.

(2) \$1000.01 to \$10,000 inclusive two (2) written signed quotes with the bill. If the lowest quote is not to be used it must be accompanied by a written justification and be approved by the Town Board before purchase.

(3) \$10,000.01 to \$20,000 inclusive three (3) written signed quotes with the bill. If the lowest quote is not to be used it must be accompanied by a written justification and be approved by the Town Board before purchase.

Purchaser must verify, with the bookkeeper that money is available to cover the purchase before purchasing the item(s). All purchases are subject to Board audit.

#### b. Public Works of less than \$35,000.00

The number of quotes needed for purchase under Public Works shall be determined by the Town Board on an individual projects basis. All Public Works Projects in this range should be approved by the Town Board before the quotes are sought.

c. Any written or electronic RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/electronic/oral quotes have been received noting the amount of each quote together with the name of the vendor.

d. All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 4 The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement. The Town has enacted the necessary legislation to allow for “piggybacking” and to purchase using “best value”. Purchases made using either of these methods should be reviewed and approved by the Town’s Attorney.

GUIDELINE 5 A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, then the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 6 Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased at auction;
- h. Goods and services purchased under State, County and “Piggybacking” bids.

GUIDELINES 8 This policy shall be reviewed annually by the Town Board at its organizational meeting or soon as thereafter as is reasonably practical.

### **Town of Urbana Code of Ethics**

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.

NOW, THEREFORE, be it resolved that the Town Board of the Town of Urbana hereby adopts a code of ethics to read as follows:

### **Code of Ethics of the Town of Urbana**

#### **Section 1. Purpose.**

Officers and employees of the Town of Urbana hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

#### **Section 2. Definitions.**

(a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) “Code” means this code of ethics.

(c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

(d) “Municipality” means Town of Urbana, New York. The word “municipal” refers to the municipality.

(e) “Municipal officer or employee” means a paid or unpaid officer or employee of the Town of Urbana, including, but not limited to, the members of any municipal board.

(f) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

#### **Section 3. Applicability.**

This code of ethics applies to the officers and employees of the Town of Urbana, New York, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Urbana.

#### **Section 4. Prohibition on use of municipal position for personal or private gain.**

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

#### **Section 5. Disclosure of interest in legislation and other matters.**

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

#### **Section 6. Recusal and abstention.**

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

#### **Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.**

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

#### **Section 8. Investments in conflict with official duties.**

(a) No municipal officer or employee may acquire the following investments:

- (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
  - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
- (1) real property located within the municipality and used as his or her personal residence;
  - (2) less than five percent of the stock of a publicly traded corporation; or
  - (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

**Section 9. Private employment in conflict with official duties.**

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

**Section 10. Future employment.**

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- (c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

**Section 11. Personal representations and claims permitted.**

This code shall not be construed as prohibiting a municipal officer or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

**Section 12. Use of municipal resources**

- (a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

### **Section 13. Interests in Contracts.**

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

### **Section 14. Nepotism.**

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

### **Section 15. Political Solicitations.**

(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

### **Section 16. Confidential Information.**

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

### **Section 17. Gifts.**

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including: (1)

gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

### **Section 18. Board of Ethics.**

(a) There is hereby established a board of ethics (Board) for the municipality. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such Board shall be appointed by the Town Board and receive no salary or compensation for their services as members of the Board, but shall be entitled to reimbursement of reasonable expenses and for mileage in accordance with rules established by the Town Board. The members of this Board shall be appointed annually at the organizational meeting. Members of the Board may be removed for cause by the Town Board. Prior to removal, the Board member shall be given written notice of the grounds for removal and an opportunity to reply.

(b) The Board shall render advisory opinions to the officers and employees of the Town of Urbana with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board may prescribe. The Board shall have the advice of legal counsel employed by the Board, or if none, the municipality’s legal counsel. In addition, the Board may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town Board.

## **Section 19. Posting and distribution.**

(a) The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

(b) The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Urbana.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

## **Section 20. Enforcement.**

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

## **Section 21. Effective date.**

This code takes effect on March 20, 2015

### **Conference Attendance Policy**

The Town Board recognizes the need for continuing education. In fact, many of you have either State or Town requirements that you must meet on a yearly basis. We would encourage you to make plans to meet these requirements.

The Board asks you to follow these conference attendance guide lines:

1. Verify that there is still money in your contractual budget for conference attendance. Then submit a request, in writing, to attend a conference to the Town Board for approval at least a month before the conference date. The request should include the name of the conference, the date(s) of the conference, and approximate cost of the conference including lodging, food, conference registration, and mileage. Once approved Marietta will issue the needed checks for pre- conference expenses.
2. After you have attended the conference you will need to fill out a voucher for reimbursement of your remaining expenses. All requests for reimbursement must be accompanied with appropriate receipts, except for mileage. Don't forget to take the tax exempt forms for lodging. We will not reimburse you for any taxes incurred on lodging.
3. Food expense reimbursements are subject to the following limitations:
  - a. \$10 for breakfast, \$15 for lunch and \$25 for supper or \$50 for the day (assuming all 3 meals).
  - b. We will not reimburse you for any adult beverage expenses.
4. Turn in copies of all certificates of continuing education to Mary so that she can keep an up to date record of your compliance with the State and Town training requirements.

**Update Code of Ethics Policy**

On motion by Councilwoman Turner, seconded by Councilman Stull and carried, all voting Aye to Approve the updates to the Code of Ethics.

**Other**

Supervisor Webster said the Curtiss Museum does not want the lifeguard shed. Mr. Webster asked the Board to review the Association of Towns Resolutions and Amendments for the next meeting.

With no further business, on motion by Councilwoman Turner, seconded by Councilman Stull, the meeting was adjourned at 8:04pm. Carried unanimously by all present.

Respectfully submitted,

Mary M. Farmer  
Town Clerk