

DRAFT

TOWN OF RHINEBECK DECEMBER 17, 2008 TOWN BOARD MINUTES

At 6:05 Supervisor Traudt called this meeting to order with Councilmen Dod Crane, Dan Staley and Bruce Washburn, and Counsel Pamela Richardson present. Councilwoman Ellen Silverstein was absent.

At 6:07 the Public Hearing Continuation on proposed local law #4 of 2008, extending building moratorium was opened by the Supervisor. The Town's Planning Board has unanimously concurred with the intent of the moratorium law. Dutchess County Planning has stated that it is a "matter of local concern." At 6:10 this hearing was unanimously closed.

At 6:11 the Public Hearing on 2009 Vanderburgh Cove Sewer District budget was opened.

Town Engineer Ray Jurkowski explained the projected budget of \$101,342. There were 11 Cove Road residents in attendance. Ray stated the most significant item is the sludge removal cost of \$55,000. Hopefully the capital project will start in 2009.

Egon Oloffson asked why this system is being pumped every other day. Weren't the catch basins fixed so water would not run off into our sewer system? Seems like we are pumping water not sludge, he thought these catch basins were supposed to be fixed. Stan Weiss asked if this \$100,000 is divided up amongst the 40 homeowners and Ray replied yes.

Roseanne Boyle said that the homeowners have asked the Town Board on several occasions to come look at the water runoff in our development. The Sausto's property at 2 Cove Road is completely saturated. There is too much water running into our system.

Mr. Oloffson said the Town was supposed to fix these. Ray explained that the SPEIDES permit cannot be in violation or the system will be shut down. We must pump the system. A contract was provided for telescoping the collection lines which was done. With the litigation, the Town cannot move forward. Egon said that this runoff problem was discussed before the litigation started and nothing has been done. We must stop the water runoff. The homeowners do not want more studies, we only want work. It seems like no one wants to help us fix the catch basins. I will fix them, I am a mason contractor. We are paying to have water pumped out.

Mrs. Boyle said the litigation started when we were told we had to sue the Town. The bottom line is we cannot afford to live here but we cannot sell our homes with the existing problems of the sewer system.

Counsel Richardson tried explaining to the residents that the purpose of tonight's hearing is the 2009 proposed budget. The Board should only be addressing questions which pertain to that. The discussion is becoming too broad. We need to conduct this hearing with a proper decorum. Questions on the operating and maintenance budget for 2009 need to be the only issues discussed tonight. After several interruptions from the residents, Dod asked the audience to please allow the Town Board and Town Counsel to speak. We have been listening to your concerns without interrupting you. Ms. Richardson then stated that the Town cannot allow the permit to be in violation.

Mr. Sausto said that in 18 years he knows of only 2 manholes being fixed. Mrs. Boyle said that communication is definitely lacking. We should be treated better. We have discussed our problems to several boards and we are now in a holding pattern.

Tracy Krawitt stated her house is assessed at \$550,000 and doesn't feel it is even worth \$300,000. I would like to submit some Smith Laboratory reports on my property. My property is contaminated. (it is noted the report was not submitted) She is sitting on top of a land mine; the system is directly under my property. It is a sad scenario.

Mr. Oloffson feels the Town made a mistake when they took over the system. Susan Sausto questioned why the homeowners paid for 1 engineer many years ago to draw up plans and now we are paying another engineer to study the plans. Ray pointed out that Morris & Associates are not just studying the plans, they are continuing to complete the plans with the D.E.C. and Dutchess County Department of Health. Susan then asked who is overseeing these expenditures. We never get breakdowns. She also asked why we cannot go out to bid. They are pumping out water, who signs these tickets when they pump. Mr. Oloffson asked why the operator contract is not bided out. Pam Richards replied the Procurement Policy is being review and that is one of the issues being looked at.

Mr. Nagel feels that since the fixing of the collection system is so small, isn't there a way to separate that from the lawsuit? We have had our own engineer and he said about \$3,000 per manhole would correct the situation. Ray said it would still be considered a capital project and bonding would be required.

Mr. Oloffson feels if the system is owned by the homeowners it does not have to be prevailing wages. Bidding would be less expensive and save us money. Mr. Sausto pointed out that the Town of Fishkill just bid out a project for the YMCA with non-prevailing wages. Why can't the Town follow these procedures? Ray stated it must be a competitive bid with prevailing wages.

Tom Traudt stated the Board is trying to resolve this issue. He has met extensively with agencies and lawyers trying to find a solution. At 6:55 this hearing was unanimously closed on motion from Dan and second by Dod.

BUSINESS

1. Dan motioned with Dod seconded to approve the 2009 Vanderburgh Cove Sewer budget. Dod, Dan, Tom and Bruce were all in favor. Passed 4-0.
2. Dan motioned and Bruce seconded to approve Local Law 4 of 2008 extending the building moratorium until June 2009.

RE: ADOPTION OF LOCAL LAW 4 OF 2008 AMENDING LOCAL LAW 3 OF 2008 AMENDING LOCAL LAW 6 OF 2007, ENTITLED “EXTENSION OF MORATORIUM ON MAJOR SUBDIVISIONS AND ON SPECIFIED DEVELOPMENT TYPES AND USES”

WHEREAS, the Town Board of the Town of Rhinebeck determined in 2002 that a revision of the existing Town of Rhinebeck Comprehensive Plan, which had been adopted on June 5, 1989, was necessary and in the best interest of the Town of Rhinebeck and its citizens; and

WHEREAS, in 2002 the Town Board, by Resolution, created a Comprehensive Plan Committee to act as Special Board pursuant to Section 272-a (4) of the Town Law to act as Special Board for the purposes of preparing a proposed Amended Comprehensive Plan and proposed Amendments to the Town’s Zoning Law and the Town Board appointed Sally Mazzarella as Chairman of said Committee, and appointed 22 members to that Committee; and

WHEREAS, the Comprehensive Plan Committee, to ensure that residents of Rhinebeck had a central role in the development of the Comprehensive Plan, held over 100 public participation meetings, including focus groups and visioning sessions held at the Town Hall and neighborhood centers, as well as the Middle and High Schools for youth participation; and

WHEREAS, the Town of Rhinebeck Comprehensive Plan Committee by Resolution dated April 17, 2006 presented a proposed Comprehensive Plan (known as the “Rhinebeck Plan”) to the Town Board and recommended to the Town Board the adoption of said proposed Comprehensive Plan; and

WHEREAS, on May 9, 2006 the Town Board accepted receipt of the proposed Comprehensive Plan from the Town of Rhinebeck Comprehensive Plan Committee for purposes of initiating the review and adoption procedures as prescribed in Section 272-a of the Town Law on May 9, 2006; and

WHEREAS, the Town Board determined that a Draft Generic Environmental Impact Statement (“DGEIS”) shall be prepared in conjunction with the SEQRA review of the Comprehensive Plan and that said DGEIS be prepared by the Town; and

WHEREAS, the Town Board adopted a Positive SEQRA Declaration and determined that “scoping” for the purpose of focusing the DGEIS on potentially significant adverse impacts, and elimination of consideration of those impacts that are

irrelevant or non-significant shall be required in conjunction with the SEQRA Review of the Comprehensive Plan and adopted a Draft Scope; and

WHEREAS, the Town Board conducted a public meeting on the proposed Scoping document on May 22, 2006, and a public hearing on the proposed Comprehensive Plan on June 19, 2006, in accordance with the requirements of §262-a(6) of the Town Law; and

WHEREAS, the Town Board determined, as a result of input received from the public and the Dutchess County Planning Department, that it would be appropriate for the Town Board to complete the Amendments to the Zoning Law, and to adopt the amendments to the Zoning Law simultaneously with the Comprehensive Plan; and

WHEREAS, the proposed Amendments to the Town's Zoning Law have been completed by the Subcommittee of the Comprehensive Plan Committee (known as the Zoning Review Committee), and have been amended and revised by the Town's consultants, and presented to the Town Board for adoption; and

WHEREAS, the Town Board, through its consultants, has made certain revisions and amendments to the proposed Comprehensive Plan as submitted by the Comprehensive Plan Committee; and

WHEREAS, the revised Comprehensive Plan and Zoning Law and draft Scoping document was the subject of a special meeting on August 14, 2008 and the Town Board has proceeded expeditiously to conclude this process, and a public hearing was held on October 4th and 7th, 2008; and

WHEREAS, the public comment period DGEIS is now complete and the Town will shortly complete the SEQRA process; and

WHEREAS, the Town Board adopted and amended a moratorium by Local Law Nos. 3, 6 and 8 of 2005, Local Law No. 3 of 2006, Local Law No. 7 of 2007 and Local Law No. 3 of 2008; and

WHEREAS, in order for the benefit and intended purpose of the Comprehensive Plan and amended Zoning Law to have effect, a further extension of the moratorium is necessary; and

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Rhinebeck for a Public Hearing to be held by the Town Board on December 17, 2008, to hear all interested parties on a proposed Local Law entitled, "Extension of Moratorium on Major Subdivisions and on Specified Development Types and Uses"; and

WHEREAS, notice of said Public Hearing was duly posted and published; and

WHEREAS, the Public Hearing was duly held on the 17th day of December, 2008, at the Town Hall, Town of Rhinebeck and all parties in attendance were given an opportunity to speak on behalf of, or in opposition of, said proposal of law or any part thereof; and

WHEREAS, by memo received by the Town of Rhinebeck on December, 2008, Dutchess County Planning and Development has determined this is a matter of local concern; and

WHEREAS, by memo dated December 15, 2008 the Town of Rhinebeck Planning Board has issued a report recommending extending the Moratorium as proposed by the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of

Rhinebeck hereby adopts Local Law 4 of 2008 entitled, "Extension of Moratorium on Major Subdivisions and on Specified Development Types and Uses"; and be it further

RESOLVED, that by adopting Local Law 4 of 2008 the Town Board hereby extends the existing Moratorium on "Major Subdivisions and Specified Development Types and Uses" until June 30, 2009; and be it further

RESOLVED, that Local Law 4 of 2008 shall be effective immediately upon filing in the NYS Department of State.

Motioned by Board Member Dan Staley
Seconded by Board Member Bruce Washburn

Roll Call Vote:

Councilman Crane aye
Councilwoman Silverstein absent
Councilman Staley aye
Councilman Washburn aye
Supervisor Traudt aye

Motioned carried 4-0.

3. Interviews were set up for December 30th starting at 6:15 for 2 Planning Board applicants.

4. On motion from Dan and second from Bruce the 2009 Re-organizational meeting will be January 6, 2009 at 7:00. All were in favor.

5. Dod motioned and Dan seconded to approve Abstract 12B for \$131,834.03 checks 4326-4391, vouchers 1441-1527. Motion carried unanimously.

6. On motion from Dan and second from Dod Abstract for Cap Project 27 Docks

Williams Lumber	\$114.42
Obert Marine	\$307.64
Sarjo Industries	\$430.86
Robert Winne	\$360.00

And Cap Pro 38 Parks /Rec/Pool
Morris & Associates \$881.50

And Cap Pro 62 Rhineson

Gellert & Klein	\$787.50
Planner East	\$308.00

TOTAL \$1,095.50 were unanimously approved.

7. Approve Highway Dept transfers

Dod motioned and Dan seconded to authorize the bookkeeper to make the following budget transfers.

GENERAL FUND

HIGHWAY SUPERINTENDENT

Consultant	00 04 5010 451	-	\$ 100.00
Personal Services	00 04 5010 101	+	\$ 100.00

HIGHWAY GARAGE

Equipment	00 04 5010 200	-	\$ 460.00
Equipment	00 04 5132 200	+	\$ 460.00

HIGHWAY PART-TOWN FUND

Landscaping	03 04 5110 422	-	\$ 50.00
Motor Fluids	03 04 5110 414	+	\$ 50.00
Rental of Equip	03 04 5110 425	-	\$2,000.00
Salt	03 04 5142 416	+	\$2,000.00
Blacktop	03 04 5110 421	-	\$ 5,000.00
Salt	03 04 5142 416	+	\$ 5,000.0

All were in favor.

8. Introduce Ethics Code

RE: **LOCAL LAW 1 OF 2009, ENTITLED A LOCAL LAW OF THE TOWN OF RHINEBECK, DUTCHESS COUNTY, NEW YORK, AMENDING CHAPTER 17 OF THE CODE OF THE TOWN OF RHINEBECK ENTITLED, CODE OF ETHICS.**

WHEREAS, the Town Board of the Town of Rhinebeck is considering amendments to Chapter 17 of the Code of the Town of Rhinebeck entitled, ACode of Ethics@ being adopted December 9, 1970, as amended; and

WHEREAS, pursuant to Article 18, of the General Municipal Law of the State of New York, the Town Board, Town of Rhinebeck is authorized to adopt or amend a law establishing a Code of Ethics; and

WHEREAS, by this Resolution the Town Board has introduced a proposed Local Law known as Local Law 1 of 2009 entitled, AA Local Law of the Town of Rhinebeck, Dutchess County, New York, Amending Chapter 17 of the Code of the Town of Rhinebeck Entitled, Code of Ethics.@; and

WHEREAS, pursuant to the aforementioned proposed Local Law amendments to the current Chapter 17, are being proposed; now, therefore, be it

RESOLVED, that a Public Hearing on proposed Local Law No.1 of 2009, entitled, AA Local Law of the Town of Rhinebeck, Dutchess County, New York, Amending Chapter 9 of the Code of the Town of Rhinebeck Entitled, Code of Ethics.@ will be held on the 30th day of December, 2008 at 7:00 p.m. at Town Hall, located at 80 East Main Street, Rhinebeck, New York, Notice of Public Hearing posted and published accordingly.

Dated: December 17, 2008

MOTIONED BY Dod Crane

SECONDED BY Dan Staley

Councilman Dod Crane aye

Councilwoman Silverstein absent

Councilman Staley aye

Councilman Washburn aye

Supervisor Traudt aye

Motion carried 4-0

TOWN OF RHINEBECK

LOCAL LAW 1 OF 2009

LOCAL LAW 1 OF 2009, ENTITLED A LOCAL LAW OF THE TOWN OF RHINEBECK, DUTCHESS COUNTY, NEW YORK, AMENDING CHAPTER 17 OF THE CODE OF THE TOWN OF RHINEBECK ENTITLED, CODE OF ETHICS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RHINEBECK AS FOLLOWS:

Chapter 17: ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Rhinebeck by Local Law 1 of 2009.]

§ 17-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the State of New York 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 obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Rhinebeck (hereafter, the "Town"). These rules shall serve as a guide for official conduct of the officers and employees of the Town. The rules of ethical conduct of this chapter, as adopted, 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 the ethical conduct and interest in contracts of municipal officers and employees.

§ 17-2. Supersession and repeal of existing laws.

To the extent this chapter is inconsistent with the provisions of section 808 of the General Municipal Law; this chapter shall supersede those provisions. This chapter shall replace and repeal the existing Code of Ethics for Town of Rhinebeck Officers and Employees in its entirety.

§ 17-3 Code of Ethics for Town of Rhinebeck Officers and Employees.

1. General prohibition.

A Officer or Employee shall not use his official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- (a) the Officer or Employee;
- (b) his outside employer or business;
- (c) a member of his household;
- (d) a customer or client;
- (e) a relative; or
- (f) a person from whom the officer or employee has received election campaign contributions of more than \$1000 in the aggregate during the past twelve months.

2. Recusal.

A Officer or Employee shall promptly recuse himself from formally or informally acting on any matter before the Town if the Officer or Employee's involvement is prohibited pursuant to Section 1 hereof.

3. Gifts.

A Officer or Employee shall not solicit anything of value from any person who has received or sought a benefit from the Town, nor accept anything of value from any person who the Officer or Employee knows or has reason to know has received or sought a benefit from the Town within the previous twenty-four months.

4. Representation.

An Officer or Employee shall not represent any other person in any matter that person has before the Town nor represent any other person in any matter against the interests of the Town.

5. Appearances.

An Officer or Employee shall not appear before any agency of the Town except on behalf of himself, an Immediate Family Member, or on behalf of the Town.

6. Confidential information.

Officers and Employees and former Officers and Employees shall not disclose any confidential information acquired in the course of his official duties, or use it

to further a personal interest. No Officer or Employee or former Officers and Employees may accept employment or engage in business or professional activity that the officer or employee might reasonably expect would require or induce him by reason of his official position to disclose confidential information acquired by reason of his official position.

7. Political solicitation.

A Officer or Employee shall not knowingly request or knowingly authorize anyone else to request any subordinate of the officer or employee to participate in an election campaign or contribute to a political committee.

8. Revolving door.

A Officer or Employee shall not appear or practice before the Town, except on his own behalf, or receive compensation for working on any matter before the Town, for a period of one year after the termination of his Town service or employment; however, the bar shall be permanent as to particular matters on which the Officer or Employee personally worked while in the Town service.

9. Avoidance of conflicts.

Officers and Employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this Code of Ethics.

10. Inducement of others.

An Officer or Employee shall not induce or aid another Officer or Employee to violate any of the provisions of this Code of Ethics.

§ 17-4 Transactional Disclosure.

1. Whenever a Officer or Employee is required to recuse himself under the Code of Ethics set forth in section 17.3 of this chapter, he

(i) shall immediately refrain from participating further in the matter,

(ii) shall promptly inform his superior, if any,

and

(iii) shall promptly file with the Town of Rhinebeck clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of any board, shall state that information upon the public record of such board.

2. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

§ 17-5 Exclusions from the Code of Ethics and from Transactional Disclosure.

The provisions of sections 17-3 and 17-4 of this chapter shall not prohibit, or require recusal or transactional disclosure as a result of:

1. An action specifically authorized by statute, rule, or regulation of the state of New York or of the United States.
2. A ministerial act.
3. Gifts:
 - (a) received by the Officer or Employee from an Immediate Family Member; or
 - (b) having an aggregate value of \$75 or less during any twelve-month period; or
 - (c) accepted on behalf of the Town of Rhinebeck and transferred to the Town of Rhinebeck.
4. Awards from charitable organizations.
5. Receipt of Town of Rhinebeck services or benefits, or use of Town of Rhinebeck facilities that are generally available on the same terms and conditions to residents or a class of residents in the Town of Rhinebeck.
6. Representation of constituents by elected officials without compensation in the proper discharge of official duties.
7. Officers or Employees appearing or practicing before the Town or receiving compensation for working on a matter before the Town after termination of their Town service or employment where they performed only ministerial acts while working for the Town.

§ 17-6 Inducement of Violations of the Code of Ethics.

No Town Officer or Employee, shall induce or attempt to induce any other Town Officer or Employee to violate any of the provisions of sections 17-3 or 17-4 of this Chapter.

§17-7 Interest in Contracts with the Town of Rhinebeck.

1. Prohibited Interests.

No Officer or Employee or spouse of same Officer or Employee, shall have an interest in any contract with the Town, or an interest in a bank or trust company, that is prohibited by Section 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by section 804 of that law.

2. Discloseable Interests. Any Officer or Employee or their spouse, who has, or has reasonable expectation that he will have an interest in, any actual or proposed contract with the Town, shall publicly disclose the nature and extent of that interest in accordance with section 803 of the General Municipal Law. The Town Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.

3. Violations.

Any Officer or Employee who willfully and knowingly violates the provisions of this section shall be guilty of a Class A misdemeanor punishable by imprisonment of greater than 15 days or \$1,0000, to the extent provided by section 805 of the General Municipal Law.

4. Exceptions. An Officer or Employee may avail themselves of exceptions to this section afforded by Section 802 of the General Municipal Law.

§ 17-8 Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this chapter:

1. "Appear" means communicating in any form, whether personally or through another person.
2. "Customer or client" means (a) any person to whom an Officer or Employee has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000 or (b) any person to whom an Officer's or Employee's Outside Business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000.00, but only if the Officer or Employee knows or has reason to know the Outside Business supplied the goods or services.
3. "Ethics Board" means the Ethics Board of the Town of Rhinebeck established pursuant to section 17.16 of this chapter.
4. "Gift" and "Financial Benefit" mean any pecuniary or material benefit derived by oneself or immediate family member, including without limitation, any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value in excess of \$75. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public.
5. "Ministerial act" means an action performed in a prescribed manner without exercise of judgment or discretion as to the propriety of the act.
6. "Town of Rhinebeck" and "Town" shall not include the Town Court.
7. "Officer or Employee" means any officer or employee of the Town of Rhinebeck, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the Town. "Officer or Employee" shall not include:
 - (a) A judge, justice, officer or employee of the unified court system;
 - (b) A volunteer fire fighter of civil defense volunteer; or

- (c) A member of an advisory board of the Town of Rhinebeck, but only if the advisory board has no authority to act on behalf of its recommendations; or
- (d) An outside paid consultant, providing professional services to the Town on an annual or contract basis, such as an engineer, attorney, planner, or accountant.

8. "Outside Business" means:

- (a) any activity, other than service to the Town of Rhinebeck, from which the Officer or Employee receives compensation for services rendered or goods sold or produced;
- (b) any entity, other than the Town of Rhinebeck, of which the Officer or Employee is a member, officer, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or
- (c) any entity in which the Officer or Employee has an ownership interest, except a corporation of which the Officer or Employee owns less than five percent (5%) of the outstanding stock.

9. "Immediate Family Member" means: parent, spouse, minor child, or sibling.

§ 17-9 Appearances by Outside Employers and Businesses of Town of Rhinebeck Officers and Employees.

1. Except as provided in subdivision 3 of this section, the outside employer or business of a \Officer or Employee shall not appear before the particular agency in which the Officer or Employee serves or by which he is employed.

2. Except as provided in subdivision 3 of this section, the Outside Business of an Officer or Employee shall not appear before any Town agency or board if the Officer or Employee has the authority to appoint any officer, employee, or member of the agency or to review, approve, audit or authorize any budget, bill, payment, or claim of such agency or board.

3. Nothing in this section shall be construed to prohibit the Outside Business of a Officer or Employee from:

- (a) Appearing on its own behalf, or on behalf of the Town of Rhinebeck, before a Town of Rhinebeck agency or board;
- (b) Seeking or obtaining a ministerial act; or
- (c) Receiving a Town service or benefit, or using a Town facility, which is generally available to the public.

§17-10 Applicant Disclosure: Generally.

1. Where an Officer or Employee requests that the Town or any other Officer or Employee take, or refrain from taking, any action (other than a ministerial act) that may result in a Financial Benefit both to the requestor and to such official or one of the persons listed in subdivision 1 of section 17-3 of this chapter, the requestor shall disclose the names of any such persons, to the extent known to the requestor at the time of the request.

2. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record of the body. If the request is oral and not made at a meeting of a public body, the disclosure shall be set forth in a writing filed with the Town Clerk.

§17-11 Applicant Disclosure: Land Use Applications.

1. Disclosure.

Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town shall state the information required, to the extent required, by section 809 of the General Municipal Law of the State of New York.

2. Violations

Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by section 809 of the General Municipal Law.

§17-12 Disclosure of Interest in Legislation:

To the extent known, any Officer or Employee who participates in a discussion, or gives an official opinion to the Town Board on any legislation before it shall publicly disclose on the official record, the nature and extent of any direct or indirect financial or other private interest he or she may have in such legislation.

§17-13 Void Contracts

Any contract or agreement entered into by or with the Town which results in or from a violation of any provisions of sections 17-3, 17-4 or 17-9 of this chapter shall be void unless ratified by the Town Board. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this chapter or any other provision of law.

§17-14 Investments in conflict with official duties

No Officer or Employee shall 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.

§17-15 Penalties

1. Disciplinary action.

Any Officer or Employee who engages in any action that violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

2. Civil fine.

Any Officer or Employee who violates any provision of this chapter may be subject to a civil fine of up to \$1,500.00 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to subdivision 4 of this section. A civil fine may not be imposed for a violation of section 17-7 of this chapter.

3. Damages.

Any Officer or Employee, who violates any provision of this chapter, shall be liable in damages to the Town for any losses, increased costs, or costs of administration of this chapter, incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than civil forfeiture pursuant to subdivision 4 of this section.

4. Civil Forfeiture.

Any Officer or Employee, who intentionally or knowingly violates any provision of this chapter, may 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 any other provision of law or in this chapter, other than a civil fine pursuant to subdivision 2 or damages pursuant to subdivision 3 of this section. Civil forfeiture shall not be available for a violation of section 17-7 of this chapter.

§17-16 Debarment.

1. Any Officer or Employee, who intentionally or knowingly violates any provision of this chapter, shall be prohibited from entering into any contract with the Town for a period not to exceed three years, as provided in subdivision 5 of section 17-23 of this chapter. Debarment may not be imposed for a violation of section 17-7 of this chapter. The terms of this section 17-14 shall also apply to any Outside Business of any Officer or Employee.

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

3. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless (a) the employee acted in the execution of a company policy or custom or at the direction of a principal, officer or director of said company, or (b) the employee holds a controlling interest in such corporation, partnership, or other entity. A store, region, division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

§17-17 Maintenance of Disclosure Statement.

1. The Town Clerk shall transmit promptly to the Ethics Board each transactional and applicant disclosure statement filed pursuant to sections 17-4, 17-7, 17-10 and 17-11 of this chapter.

2. The Ethics Board shall index and maintain on file for at least seven years all disclosure statements filed with the Ethics Board pursuant to sections 17-4, 17-7, 17-10 and 17-11.

§17-18 Ethics Board: Establishment; Qualifications of Members; Appointment of Members; Term of Office.

1. Pursuant to the provisions of §808 of the General Municipal Law of the State of New York, there is hereby established an Ethics Board consisting of five members, appointed by the Town Board.

2. One member of the Ethics Board must be an appointed or elected officer or employee of the Town of Rhinebeck. Of the total membership of the Board, no more than two shall be registered in the same political party.

3. All Ethics Board members shall reside within the Town.

4. No Ethics Board member shall be an officer in a political party. No Ethics Board member shall be employed or act as a lobbyist in the Town of Rhinebeck. An Ethics Board member may make campaign contributions but may not participate in any election campaign.

5. Within 60 days after the effective date of this local law, and no later than December 31 each year thereafter, the Town Board shall appoint the members of the Ethics Board.

6. The term of office of Ethics Board members shall be three years and shall run from January 1 through December 31, except that of the members first appointed, one member shall serve until December 31 of the year in which the Board is established, two shall serve until the second December 31, and two shall serve until the third December 31.

7. Consecutive service on the Board shall not exceed two full terms.

8. The members of the Ethics Board shall not receive compensation.

9. The Attorney to the Town shall serve as counsel to the Ethics Board, except in any matter where the Attorney determines he is not able to serve the Ethics Board due to a conflict of interest. In such event, the Ethics Board may retain separate counsel of its choosing, or if a conflict attorney has been appointed by the Town Board, the Ethics Board shall retain such conflict attorney if the advice of counsel is sought.

10. The Town Board may appropriate monies for the maintenance and personal services connected with the Ethics Board.

§17-19 Ethics Board: Vacancies.

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in section 17-16 of this chapter.

§17-20 Ethics Board: Removal of members.

Pursuant to General Municipal Law Section 808, members of the Ethics Board shall serve at the pleasure of the Town Board. An Ethics Board member may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in section 17-16 of this chapter, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this chapter.

§17-21 Ethics Board: Meetings.

At its first meeting each year, the Ethics Board shall elect a chair, and may elect a deputy chair, from among its members. A majority of the Board shall be required for the Board to take any action. The chair or a majority of the Board may call a meeting of the Board.

§17-22 Ethics Board: Jurisdiction, Powers and Duties.

1. The Ethics Board may only act with respect to Officers and Employees of the Town.
2. The termination of an Officer's or Employee's term of office or employment with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him by this chapter.
3. The Ethics Board shall have the following powers and duties:
 - (a) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in the manner consistent with this chapter;
 - (b) To review, index, and maintain on file list of officers and employees, and disclosure statements filed with the Ethics Board pursuant to sections 17-4, 17-7, 17-10, 17-11, and 17-15 of this chapter;
 - (c) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to sections 17-21 and 17-22;
 - (d) To conduct hearings, recommend disciplinary action, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to section 17-23.;
 - (e) To render, index, and maintain on file, advisory opinions pursuant to section 17-24;
 - (f) To provide training and education to Town of Rhinebeck officers and employees pursuant to section 17-25;
 - (g) To provide for public inspection of certain records pursuant to section 17-26; and

(h) The Ethics Board shall prepare and submit an annual report to the Town Board, summarizing the activities of the Board. The report may also recommend changes to the text or administration of this chapter.

§17-23 Review of Lists and Disclosure Statements.

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

§17-24 Investigations.

1. Upon receipt of a sworn complaint by any person alleging a violation of this chapter, or upon 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 Ethics Board may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.

2. The Ethics Board shall state in writing the disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Board.

3. Any person filing a sworn complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

4. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Board or any of its members or staff has violated any provision of this chapter, or any other law, the Board shall promptly transmit a copy of such complaint to the Town Clerk and Town Board.

§17-25 Hearings; Assessment of penalties; Injunctive Relief.

1. Conduct of Hearings.

Except in the case of a conflict of interest, the chairman of the Ethics Board shall preside over any hearing as hearing officer. If the chairman has a conflict of interest that may impair his ability to fairly conduct the hearing, the chairman shall recuse himself and the deputy chairman, if there be one, shall preside for that matter. In the event a deputy chairman has not been appointed, an alternate member of the Ethics Board shall be chosen by majority vote of the remaining

members of the Ethics Board, to preside for that matter. The hearing officer shall have the power and authority of presiding officers or hearing officers as defined by the State Administrative Procedure Act (SAPA), any other pertinent statute, local law, ordinance or resolution and regulations promulgated therefrom.

2. Findings of Fact.

Within thirty (30) days following the close of a hearing, the Ethics Board shall issue findings of fact and a determination based on same, recommending an appropriate penalty or civil fine to be assessed or any other action the Ethics Board deems appropriate pursuant to this chapter.

3. Disciplinary action.

In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend that the Town Board take appropriate disciplinary action pursuant to subdivision 1 of section 17-13 of this chapter. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Town Board or to the appropriate prosecutor if it determines that criminal charges may be appropriate. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Town Board or prosecutor.

4. Civil fine.

In its discretion and after a hearing providing for due process procedural mechanisms, the Ethics Board may assess a civil fine, not to exceed \$1,500.00 for each violation, upon any Officer or Employee found by the Ethics Board to have violated this chapter. The Ethics Board shall conduct and complete the hearing with reasonable promptness. The civil fine shall be payable to the Town of Rhinebeck.

5. Damages.

The Town Board may initiate an action in the court of appropriate jurisdiction to obtain damages, as provided in subdivision 3 of section 17-13 of this chapter.

6. Civil Forfeiture.

Upon the recommendation of the Ethics Board, the Town Board may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction, to obtain civil forfeiture, as provided in subdivision 4 of section 17-13 of this chapter.

7. Debarment.

Upon the recommendation of the Ethics Board, the Town Board may initiate an action or special proceeding, as appropriate, in a court of appropriate jurisdiction for an order of debarment, as provided in section 17-14 of this chapter.

8. Prosecutions.

The Ethics Board may refer possible criminal violations under this chapter to the appropriate prosecutor. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.

9. Judicial Review.

Any person aggrieved by any action of the Ethics Board or Town Board under this chapter may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§17-26 Advisory Opinions.

1. The Ethics Board may render written advisory opinions with respect to the interpretation or application of this chapter or of Article 18 of the General Municipal Law of the State of New York upon the written request of any member of the Town Board or of the Town Supervisor. Any other person may similarly request an advisory opinion but only with respect to whether his own action might violate a provision of this chapter or Article 18.
2. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.
3. The Ethics Board shall diligently resolve any request that is appropriately filed pursuant to this section.

§17-27 Education.

The Ethics Board shall make information concerning this chapter and Article 18 of the General Municipal Law available to the Officers and Employees of the Town, to the public, and to persons interested in doing business with the Town.

§17-28 Public Inspection of Records; Public Access to Meetings.

1. The only record of the Ethics Board which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other law or regulation.
2. No meeting or proceeding of the Ethics Board concerning misconduct, non-feasance, or neglect in office by a Officer or Employee shall be open to the public, except upon the request of the accused Officer or Employee

or as required by the provisions of Article 7 of the Public Officer Law or by some other State or Federal law or regulation.

§17-29 Miscellaneous.

1. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.
2. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of its remaining provisions.
3. This local law shall take effect immediately upon filing in the office of the Secretary of State and in compliance with all applicable provisions of law.
4. All references gender herein are for convenience only and shall in every instance be read as including individuals of both genders.
5. All references to the singular or plural contained herein shall be read to include the other.

17-30 Severability

If any part of this chapter is declared to be invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of said chapter as a whole, or any other part of said chapter. The Town Board hereby declares that it would have adopted this chapter and each part thereof irrespective of the fact that any one or more of the parts may be declared invalid.

§ 108-31 Repealer.

This chapter is intended to supercede, repeal and annul the provisions of Chapter 17 of the Town of Rhinebeck Code adopted 12-9-1970, and amended thereafter.

SECTION 2: If any section of this local law shall be held unconstitutional, invalid, or

ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 3: This local law shall take effect immediately upon filing with NYS Secretary of State.

ADJOURNMENT

At 7:08 on motion from Dan and second from Dod this meeting was unanimously adjourned

Respectfully submitted

Barbara Cunningham
Town Clerk