

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of NEW WINDSOR

Local Law No. _____ of the year 20²²

A local law Amending the Ethics Code of the Town of New Windsor.
(Insert Title)

Be it enacted by the TOWN BOARD _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of NEW WINDSOR _____ as follows:

SECTION 1 TITLE.

This Local Law shall be known as "A Local Law Amending the Ethics Code of the Town of New Windsor."

SECTION 2 PURPOSE.

The purpose of this article is to amend Chapter 25 of the Town Code of the Town of New Windsor entitled Code of Ethics, in an effort to bring certain definitions into better alignment with the intent of the Code of Ethics, to further clarify town policy on conflicts of interest and public disclosure regarding holdings, commercial and business interests that could be seen as affecting one's dealings with the Town, and to move forward the date such disclosure is to be provided to the Board of Ethics.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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SECTION 3

AMENDMENT OF CODE.

Chapter 25 OF THE TOWN CODE OF THE TOWN OF NEW WINDSOR SHALL BE AMENDED AS FOLLOWS:

Chapter 25 Ethics, Code of

[HISTORY: Adopted by the Town Board of the Town of New Windsor 5-15-1991 by L.L. No. 1-1991 (Ch. 18A of the 1972 Code). Amendments noted where applicable.]

§ 25-1, Intent, shall be amended to read:

§ 25-1 Intent.

- A. The Code of Ethics which follows deals with procedures to address conflicts of interest on the part of Town elected officials, Town officers, Town employees, Town consultants and certain volunteers. This Code of Ethics seeks to make clear the requirements for disclosure by these individuals of any actual, potential or perceived conflicts of interest. In addition, this Code seeks to safeguard the dissemination of confidential information and establish standards of conduct.
- B. We recognize that the vast majority of public officials and employees are men and women of great integrity. However, we have seen nationwide too many instances where public trust has been violated for personal gain. The New Windsor Code of Ethics is designed to preclude, insofar as possible, taking advantage of one's position or access to information for one's self and/or others and to protect public officials from untoward pressures.
- C. The Code does not seek to restrain or expose individuals so as to discourage participation or employment in government. The major concern is to provide for appropriate disclosure of any information that might result in a potential conflict of interest or be viewed by another to constitute a conflict of interest so that all factors are open and aboveboard and the situations can be subject to the judgment of governing bodies in the light of public awareness.

§ 25-2, Title, shall remain as is:

§ 25-2 Title.

This chapter shall be known as the "Code of Ethics of the Town of New Windsor."

§ 25-3, Definitions, shall be amended as follows:

§ 25-3 Definitions.

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

CONTRACT

Means any claim, account or demand against, or agreement with, the Town of New Windsor, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including, but not limited to, an official newspaper for the publication of any notice, resolution or other proceeding where such publication is required or authorized by law.

[Added 5-5-2004 by L.L. No. 1-2004]

IMMEDIATE FAMILY MEMBER

Includes grandparents, parents, spouse/domestic partner, children, grandchildren, brothers, sisters, dependents or any household members of a Reporting Officer or Employee, Town Elected Official, Town Officer, Town Employee, or Town Consultant.

INTEREST

Means a direct or indirect pecuniary or material benefit accruing to a Reporting Officer or Employee, Town Elected Official, Town Officer, Town Employee, Town Consultant, or to any of the foregoing's spouse, child or dependent, whether as the result of a contract with the town or otherwise. For the purpose of this chapter, any of these parties shall be deemed to have an "interest" in the contract of:

- i. Their spouse, children and dependents, except for contracts of employment with the town;
- ii. A firm, partnership or association of which they are a member or employee;
- iii. A corporation, or any other business entity, of which they are an officer, director or employee; and
- iv. A corporation, or any other business entity, of which they own more than five (5) percent of the outstanding capital stock.

[Added 5-5-2004 by L.L. No. 1-2004]

RELATIVE

Includes all Immediate Family Members, as defined above, as well as step-parents, step-siblings, step-children, uncles, aunts, nephews, nieces, first cousins or household members of all Reporting Officers or Employees, Town Elected Officials, Town Officers, Town Employees, or Town Consultants, and individuals having any of these relationships to the spouse/domestic partner and/or children or step children of same.

REPORTING OFFICER OR EMPLOYEE

Means any Town Elected Official, Town Officer or Town Employee who is required to complete and file an annual statement of financial disclosure pursuant to Chapter §25-6 of this chapter. Such term shall also include any candidates for town elected office.

TOWN CONSULTANT

Means any individual, group or firm that renders services on behalf of the Town.

TOWN ELECTED OFFICIAL

Means the Town Supervisor, Town Council members, Highway Superintendent, Town Clerk, Receiver of Taxes and Town Justices.

TOWN OFFICER or TOWN EMPLOYEE

Includes anyone hired or appointed by the Town to work for the Town, whether full time or part time, paid or unpaid, including but not limited to members of any administrative board, commission or other agency thereof, such as members of the Planning Board, Zoning Board of Appeals, Board of Assessment Review, Board of Ethics and/or Fire Prevention Bureau. No person shall be deemed to be a town officer or employee solely by reason of being a volunteer fireman, ambulance corpsman or civil defense volunteer.

[Amended 3-14-2018 by L.L. No. 3-2018]

§ 25-4, Multiple Ethics Codes, shall be amended to read as follows:**§ 25-4 Multiple ethics codes.**

Should any Reporting Officer or Employee, Town Officer, Town Employee, Town Elected Official or Town Consultant be subject to another code of ethics or professional conduct (i.e., Town Justice), that individual shall be subject to the conditions of both codes and the more stringent standards will apply.

§ 25-5, Conflict of Interest, shall be amended as follows:

§ 25-5 Conflict of Interest

- A. No Town officer, Town employee, Town elected official or Town consultant shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.
- B. If such a conflict occurs, that Town officer, Town employee, Town elected official or Town consultant shall make known to all concerned parties the nature of such conflict and shall refrain from any participation whatsoever in the matter so as to avoid the conflict. In all cases of potential conflict, the Town Supervisor and all Councilpersons shall be made aware, in writing, of the situation by the person in conflict and any concerned parties, including the Town Board of Ethics.
- C. No Town officer, Town employee, Town elected official or Town consultant shall represent private interests before any agency, department, officer or other entity of the Town of New Windsor Town government to which he/she is a member, by which he/she is employed, or to which he/she renders services.
- D. No Town elected official, Town officer, Town employee, Town consultant, or member of any administrative board, commission or other agency thereof serving the Town of New Windsor shall:
 - (1) Serve as attorney or counsel or representative of another party against the interests of the Town in any matter in which the Town is a party or complainant, without the written consent of the Town Board; or
 - (2) Compel any other Town elected official, officer, employee, consultant or member of a town administrative board, commission or other agency thereof to make, or promise to make, any political contribution, whether by gift of money, service, or thing of value.

[Amended 3-14-2018 by L.L. No. 3-2018¹]

¹ Editor's Note: This ordinance also repealed former Subsections D (3), prohibiting soliciting participation in election campaigns for those who have done business with the Town in the previous 12 months, and (4), prohibiting holding a chair or vice chair position in a political organization, and Subsection E, allowing terms to be carried out until their expiration.

E. No relative of any Town Elected Official or department head shall be hired to work for the Town, with the following recognized exceptions:

- (1) Any individual that was employed by the Town before the effective date of this section can retain their position;
- (2) Any individual that was hired by the Town before the Town Elected Official or department head took office or position of authority can retain their position;
- (3) Any individual that was employed by the Town before becoming a relative of any Town Elected Official or department head can retain their position;
- (4) Any individual can be employed by the Town to fill a seasonal or temporary position, which is a position that shall not exceed six months in any given calendar year, irrespective of their relationship to any Town Elected Official or department head;
- (5) Any individual for which "good cause" exists for their hire, as determined by a vote of the Town Board, with the benefit of guidance to be issued by the Board of Ethics. In general, "good cause" may be found if there is a showing that the Town would either suffer hardship as a result of the general prohibition, there is a lack of otherwise qualified applicants to fill the specific job title, or other similar set of circumstances; and
- (6) Any individual that is eligible for hire based on their performance on a Civil Service Open Competitive Test can be hired, irrespective of their relationship to any Town Elected Official or department head. If any such individual is hired off the New Windsor residency list, they shall be required to remain domiciled in the Town of New Windsor for at least five years from the date of initial hire. If any individual is hired off the town list and, during their initial five years of employment with the Town, they request a waiver from such residency requirement for a documented hardship, such request must be made in writing to the Town Board, which may consider and allow same by majority vote.

F. No Town Elected Official, Town Officer or Employee, either individually or as a member of a board, may participate in any decision to appoint, hire, promote, discipline or discharge a relative for any position at, for, or within the Town of New Windsor. In the event such Town Elected Official, Town Officer or Employee is employed in a supervisory role over a relative, that Town Elected Official, Town Officer or Employee's deputy supervisor, the Town Supervisor or the Town Board shall be authorized to promote,

discipline and discharge the subject relative, subject to any relevant provisions in law or a collective bargaining agreement.

- G. No Town Elected Official, Town Officer or Town Employee may supervise a relative in the performance of the relative's official powers or duties, subject to the recognized exceptions discussed above in §25-5 (E).
- H. Subject to any legal requirements for the provision of benefits, no Town Elected Official may propose or vote on any measure, resolution or law that would provide a benefit to that elected Town official when that benefit will not be available to Town residents generally, or to a substantial class of residents to which the public servant belongs.
- I. No Elected Town Official can be the Chairperson/Vice Chairperson of their Political Party Committee.
- J. No Town Elected Official shall hold another paid position of employment with the Town of New Windsor, during his or her term of elected office, unless he or she was elected prior to the effective date of this section. In the case of any elected official elected prior to the effective date of this section, they shall only be permitted to hold both positions until such time as their present elected term in office expires or they resign their other paid position of employment with the Town, whichever occurs first.
- K. Future employment.
 - 1. After termination of service or employment with the town, no former reporting officer or employee, on his or her own behalf or as an employee, agent or representative of another, may appear before the town board or any administrative board of the town in relation to any contract, case, proceeding or application with which he or she personally rendered substantial services during the period of his or her service to or employment with the town for a period of one year following such termination; nor shall any such former reporting officer or employee appear before the town board or any administrative board of the town in connection with any other matter for a period of one year following such termination.
 - 2. No paid reporting officer or employee shall accept present or future employment, within one year following termination of service to the town, with any person, firm or corporation which furnished goods or services to the town during such person's service to the town unless such potential employment is disclosed to the Town Board before being accepted by the officer or employee and is approved prospectively by such board.

3. A reporting officer or employee shall disclose, in writing, to an immediate supervisor, any offer of employment received by such person from any person, firm or corporation which, to the knowledge of such officer or employee, is furnishing or seeking to furnish goods or services to the town, whether or not such offer is verbal or written and whether or not it is accepted.

§ 25-6, Disclosure of Interest, shall be amended as follows:

§ 25-6 Ethics Board Disclosure Forms.

[Previously titled "Disclosure of Interest" and amended on 3-2-1994 by L.L. No. 1-1994]

- A. All Reporting Officers and Employees, as listed in this section below, shall disclose, in writing, to the Board of Ethics, by way of an Ethics Board Disclosure Form to be provided or made available to all such reporting officers and employees, which shall require the disclosure of information, including, but not limited to the following:
 1. Any financial interest, direct or indirect, in any contract with the Town;
 2. Any financial interest in the sale of any land, materials, supplies or services to the Town;
 3. Any financial interest in any contractor or vendor supplying materials, supplies or services to the Town;
 4. All personal land or property holdings;
 5. All commercial or business interests located in or serving the Town, whether held personally or jointly with a spouse or domestic partner, or by a spouse or domestic partner, a spouse or domestic partner's employer, their children or step children, or by other immediate family members (to the best of one's knowledge), jointly in partnership with others or as a corporation or trust;
 6. The name of any partnerships, corporations, entities or trusts of which they or their spouse or domestic partner is an officer, director or employee, or of which they or their spouse or domestic partner legally or beneficially owns or controls more than 5% of the outstanding stock or interest; and

7. An account of exactly what their position is in the aforementioned partnership, corporation, entity or trust, and what their spouse or domestic partner's position is with same:

B. All of the following positions are reporting officers and employees:

- (a) Town Supervisor.
- (b) Highway Superintendent.
- (c) Code Enforcement Officer.
- (d) Chief of Police.
- (e) Town Council members.
- (f) Town Planning Board member.
- (g) Zoning Board of Appeals member.
- (h) Town Engineer.
- (i) Town Attorney.
- (j) Consulting engineer to the Planning Board and the Zoning Board of Appeals.
- (k) Consulting attorney to the Planning Board and the Zoning Board of Appeals.
- (l) Sole Assessor.
- (m) Board of Ethics members.
- (n) Assessment Board of Review members.
- (o) Town Clerk.
- (p) Receiver of Taxes.
- (q) Town Comptroller.
- (r) Town department heads

- C. The aforementioned disclosure shall be made to the Board of Ethics by each of the above listed individuals no later than April 1st of each year, except any newly elected town official shall provide such disclosure no later than 30 days after taking office and any other reporting officer or employee listed above, who is hired or assumes their position after April 1 of any year, shall file such disclosure no later than 30 days after they start employment.
- D. Each Reporting Official listed above shall be responsible for updating their disclosure whenever there is a change in the status of their land or property interests and or financial interests, as discussed above, or if there are any changes to the information provided in their previously submitted Ethics Board Disclosure Form. Notice of any such changes must be provided to the Board of Ethics within 30 days knowledge of same.

§ 25-7, Confidential Information, shall be amended as follows:

§ 25-7 Confidential information.

- A. No Town Elected Official, Town Officer, Town Employee or Town Consultant, whether paid or unpaid, shall disclose any town related confidential information they acquire or learn of, including, but not limited to that revealed by way of the aforementioned Ethics Board Disclosure Forms, nor use such information in an attempt to advance their financial or other private interests, or those of any other persons.
- B. All Ethics Board Disclosure Forms filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five years in an appropriate manner by the Board of Ethics.
- C. Such disclosure statements shall be available for public inspection in accordance with the New York State Freedom of Information Law.
- D. Such disclosure statements shall be destroyed upon the expiration of this five-year period.

§ 25-8, Prohibited Acts, shall be amended as follows:

§ 25-8 Prohibited acts.

- A. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, shall accept other employment which may unduly influence or otherwise bias his/her independence of judgment in the exercise of his/her official Town duties.

- B. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, shall accept employment or engage in business or professional activity which may require him/her to disclose confidential information gained by reason of official position or authority.
- C. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- D. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, acting as a representative of the Town of New Windsor or any subdivision thereof, shall engage in any transaction with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties. Should any immediate family member hold any financial interest in any firm involved in such transaction, that information shall be disclosed, in writing, to the Board of Ethics, the Town Supervisor, the Town Board and the Town Attorney, before such transaction is initiated, provided that it is known.
- E. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant shall, by his/her conduct, give reasonable basis for the impression that another can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is affected by kinship, rank, position or influence of any party or person.
- F. Personal investments made by an immediate family member which, if made by a Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, would create a conflict of interest, shall be made known to the Board of Ethics.
- G. No Reporting Officer or Employee, Town Officer, Town Employee, Town Consultant, or immediate family member of any such individuals, shall accept any gift or gratuity in any way relating to his/her official duties. The recipient of such gift or gratuity shall immediately return the same to the giver and notify the Town of New Windsor Board of Ethics regarding same.
- H. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, 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 that

Reporting Officer or Employee or Town Consultant, either individually or as a member of a board, while the matter is pending or within 30 days following final disposition of the matter.

[Added 3-14-2018 by L.L. No. 3-2018]

- I. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, for a one-year period after serving the Town, 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 served the Town.

[Added 3-14-2018 by L.L. No. 3-2018]

- J. No Reporting Officer or Employee, Town Officer, Town Employee, or Town Consultant, 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 the Town.

[Added 3-14-2018 by L.L. No. 3-2018]

§ 25-9, Board of Ethics Established, shall be amended as follows:

§ 25-9 Board of Ethics Established.

- A. The Town Board shall establish the Town Board of Ethics, consisting of five members. No member shall be an appointed or elected officer or employee of the Town. No more than two members shall be registered in the same political party. No member shall hold office in a political party or be employed by or act as a lobbyist for any business entity, group or organization. No elected official may serve as a member.
- B. There shall be appropriated adequate funds for the Board's maintenance and operation, including a paid secretary who should not be a board member.

[Amended 3-14-2018 by L.L. No. 3-2018]

- B. All members of the Board of Ethics shall reside within the Town. Of the initial appointed members, two shall be appointed for a term of three years, two shall be appointed for a term of four years, and one shall be

appointed for a term of five years. Subsequently, members shall be appointed to five-year terms.

[Amended 3-14-2018 by L.L. No. 3-2018]

- C. The Town Attorney shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties. If the Town Attorney has a potential conflict of interest, the Town will make additional funds available for the Board of Ethics to obtain the services of outside counsel.

§ 25-10, Compensation, shall remain as is:

§ 25-10 Compensation.

[Amended 3-14-2018 by L.L. No. 3-2018]

- A. Members of the Board of Ethics shall not receive compensation for the performance of their official duties, but shall be reimbursed for reasonable and necessary expenses, provided that said expenses receive prior written approval from the Town Board.

§ 25-11, Removal of Board Members, shall remain as is:

§ 25-11 Removal of Board Members.

A Board of Ethics member may be removed by unanimous vote of the Town Board for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this code, after written notice and opportunity for reply to the Town Board following the recommendation of the majority vote of the Board of Ethics.

§ 25-12, Board Meetings; Chairman; Quorum, shall remain as is:

§ 25-12 Board Meetings; Chairman; Quorum.

[Amended 3-14-2018 by L.L. No. 3-2018]

At its first meeting each year, the Board of Ethics shall elect a Chairman from among its membership. Three members of the Board shall constitute a quorum. A vote of at least three members shall be required for the Board to take any action. The Board shall hold at least one meeting a year, to be held before May 30, to review the annual disclosure statements and any other business. The

Chairman, or any three members, may call a meeting of the Town Board of Ethics at any time when needed. All meetings shall be noticed and conducted in accordance with New York State Public Officer's Law, Article 7, a/k/a the "Open Meetings Law."

§ 25-13, Powers and Duties of Board, shall be amended as follows:

§ 25-13 Powers and Duties of Board.

- A. The Board of Ethics shall have the following powers and duties:
- (1) Prescription and promulgation of rules and regulations governing its own organization and procedures, in a manner consistent with this Code;
 - (2) Cause to be filed with the State Ethics Commission a copy of the form for any disclosure statements required to be filed pursuant to **§ 25-6** of this Code;
 - (3) Review of disclosure statements filed pursuant to **§ 25-6** of this Code;
 - (4) Conduct of investigations pursuant to **§ 25-15** of this Code;
 - (5) Conduct hearings, make recommendations of disciplinary action or penalties, and/or initiate appropriate actions and proceedings pursuant to **§§ 25-15 and 25-16** of this Code;
 - (6) Issue advisory opinions pursuant to **§ 25-17** of this Code;
 - (7) Refer matters, as deemed necessary and pursuant to **§ 25-15** below, to the County Board of Ethics, the State Board of Ethics, or any other appropriate board, association, or society that provides ethical oversight of its members;
 - (8) Provide training and education to all Reporting officers or employees, and all Town consultants on the provisions of this Code of Ethics; and
 - (9) Prepare an annual report for the Town Board, which summarizes the activities of the Board of Ethics and provides any recommendations for changes to the Code of Ethics.

§ 25-14, Waivers; Complaints, shall be amended as follows:

§ 25-14 Waivers; Complaints.

- A. Issuance of waivers. The Board of Ethics shall grant a waiver in those situations in which the Board of Ethics believes the exception would serve the public interest, upon a unanimous vote of the Board of Ethics. Waivers shall be in writing and state the grounds on which they are granted.
- B. Filing of a complaint. Any person may file a complaint alleging a violation of this code by writing to the Town Board of Ethics, care of the Town Hall. Any complaint must have an identifiable sworn complainant in order for the Board of Ethics to initiate an investigation and any such complaint shall be kept confidential until the Board of Ethics completes an investigation and renders a final written disposition, as discussed below in §25-15.

[Amended 3-14-2018 by L.L. No. 3-2018]

§ 25-15, Investigation of Violations, shall be amended as follows:

§ 25-15 Investigation of Violations.

- A. Upon receipt of a sworn complaint by any identifiable person, alleging any violation of this chapter or of any local ethics law, or upon determining on its own initiative that a violation of this chapter or of any local ethics law may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. The Board of Ethics may administer oaths or affirmations, subpoena witnesses or otherwise seek to compel the attendance of witnesses, and require the production of any books or records which it may deem relevant and material to the investigation being conducted.
- B. The accused shall be notified, in writing, regarding the existence and nature of the complaint and shall have the right to appear before the Board of Ethics to explain or defend his/her position regarding the complaint.
- C. The Board of Ethics is not permitted to investigate of any of its members. Should the Board of Ethics receive notification alleging that the Board or any of its members has violated any provision of this Code, or that of any County or State Board of Ethics, the complaint shall be forwarded to the County or State Board of Ethics.

- D. The Board of Ethics 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. Upon the final disposition of a complaint, the Board's written disposition and all sworn complaints shall become public record and shall be indexed and maintained on file by the Board of Ethics. Prior to final disposition, all complaints, statements or other evidence shall remain confidential.
- E. Upon receipt of a complaint alleging a violation of this chapter by an individual that is a member of an association or society that maintains a grievance committee and has a grievance procedure in effect, the Board of Ethics shall forward said complaint to said grievance committee for an advisory opinion of any violation of the association or society code of ethics. Upon receipt of the advisory opinion, the Board of Ethics shall either adopt, reject, or adopt in part the advisory opinion of the association or society and thereafter render its own written disposition.
- F. All dispositions of the Board of Ethics shall be reviewable by the filing of a petition pursuant to Article 78 of the New York State Civil Practice Laws and Rules in the Supreme Court of the State of New York.

§ 25-16, Disciplinary Action, shall remain as is:

§ 25-16 Disciplinary Action.

In its discretion and after a hearing, the Board of Ethics may recommend appropriate disciplinary action to an authority or person or body authorized by law to impose such sanctions. The Board of Ethics shall conduct and complete the hearing with reasonable promptness unless, in its discretion, the Board of Ethics refers the matter to the authority or person or body authorized by law to impose disciplinary actions or to the appropriate prosecutor. If such a referral is made, the Board of Ethics may adjourn its hearing pending determination by such authority, person, body or prosecutor.

§ 25-17, Advisory Opinions, shall be amended as follows:

§ 25-17 Advisory opinions.

- A. Upon written request of any board, department or individual Town officer, Town employee or any applicant, the Town Board of Ethics may render written advisory opinions with respect to the interpretation or application of any provision of this Code.

- B. Opinions and requests for opinions shall be public records and shall be indexed and maintained on file in an appropriate manner by the Town Board of Ethics, along with all other Town Board of Ethics records, in the office of the Town Clerk.

§ 25-18, Distribution of Code, shall be amended as follows:

§ 25-18 Distribution of code.

[Added 5-5-2004 by L.L. No. 1-2004]

The Town Supervisor shall cause a copy of this Code of Ethics to be distributed, whether by hard copy or electronic copy, to every Reporting Officer and Employee, every Town Elected Official, every Town Officer and Employee, and every Town Consultant that may be governed by this Code. Failure to distribute same shall, however, have no effect on one's duty to comply, nor on the enforcement of provisions provided herein.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State in Albany.

SECTION 7. AUTHORITY.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supercede the provisions of Town Law or Real Property Tax Law, as applicable, to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the (County)(City)(Town)(Village) of NEW WINDSOR was duly passed by the TOWN BOARD on _____ 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

~~Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body~~

(Seal)

Date: _____