

A Town Board Meeting of the Town of Owasco was held on August 12, 2010 at 6:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

**Councilperson, Gino Alberici
Councilperson, Tony Gucciardi
Councilperson, Terrence Lattimore
Councilperson, Edward Wagner
Supervisor, John J. Klink**

ABSENT:

OTHERS PRESENT: Laurel Auchampaugh, John Smith, Wanda Zach, Al Drennen and Rick Galbato Town Attorney.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 10-137 approval of Town Board Agenda for August 12, 2010.

Motion by Councilperson Gucciardi Second Councilperson Alberici

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

APPROVAL OF MINUTES:

Resolution 10-138 approval of Town Board Minutes for July 14, 2010.

Motion by Councilperson Alberici Second Councilperson Guciardi

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

PUBLIC PARTICIPATION:

➤ **Sandy Sheridan: Playground Report**

➤ **Robert Perry: Green Lighting**

PUBLIC HEARING: continuation of Local Law No. 3 of 2010 Ban Lawn Fertilizer Containing Phosphorus. At 6:51 P.M.

Resolution 10-139 to close the Public Hearing at 6:53 PM

Motion by Councilperson Wagner Second Councilperson Alberici

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

PUBLIC HEARING: Local Law No. 5 of 2010 Wind Energy Conversion Systems

Start: 6:54 PM

Resolution 10-140 to keep the Public Hearing open till the next Town Board Meeting on September 9, 2010.

Motion by Councilperson Gucciardi Second Councilperson Alberici

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u> </u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

PUBLIC HEARING: Local Law No. 6 of 2010 Code of Ethics

Start: 6:55 PM

Resolution 10-141 to close the Public Hearing at 6:56 PM

Motion by Councilperson Alberici Second Councilperson Gucciardi

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

COMMUNICATIONS:

- Letter from Cayuga County Real Property Services
- E-Mail from Governor Paterson
- FAX from Lois Dilworth Supervisor, Town of Barker, Broome Co.,NY

COMMITTEE REPORTS:

Supervisor’s monthly financial report	Zoning Board Chairman David Kalabanka	Planning Board Chairman Richard Knaul
Highway Superintendent, Public Works Superintendent Michael Wilson	Assessor Kim Gridley	Code Enforcement Officer Patrick Doyle
Town Historian Laurel Auchampaugh	Truck Traffic John Klink	
Cayuga County Water Quality Management Agency and Owasco Lake Standing Committee Ed Wagner	Recycling Center Ed Wagner	Owasco Lake Watershed Inspection Committee John Klink
Councilperson Meeting Reports	Playground Committee	

OLD BUSINESS:

NEW BUSINESS:

Resolution 10-142 Naming of the Town of Owasco owned buildings, rooms, roads and other facilities and material items.

Designation Name of the Town of Owasco Space/Item

Naming Town of Owasco owned buildings, rooms, roads and other facilities and material items is the objective of this policy. The authority for officially naming the Town of Owasco owned buildings, rooms, roads and other facilities and material items (e.g. podium, gavel, bench, garden collection, plaques, etc.) rests with the Town of Owasco Town Board. The gesture of honoring a specific individual at a certain point in time by naming something for him/her is a natural impulse, but as time passes the significance or /reason for such naming becomes forgotten; therefore such naming shall be the exception rather than the rule. Town spaces/items already named are considered “grandfathered.”

Procedure:

1. All requests should be submitted in writing outlining and /or reason the property should be named for a certain individual.
2. Requests for naming designation shall be made to the Supervisor of the Town of Owasco and shall be referred to and reviewed by the Owasco Town Board. The Owasco Town Board will be responsible for making a determination. If the position of Supervisor is vacant, all requests shall be made to the Deputy Town Supervisor.
3. The following guidelines/standards will be used to consider naming requests:
 - a. Only under exceptional circumstances will the Town consider permanently naming a room or other Town space to honor an individual or other entity. The Town of Owasco is not obliged to act favorably on any such request, but only after due deliberation and consideration.
 - b. Building names will be related to the service(s) provided therein, the function(s) the building serves and/or the historical nature of the building insofar as possible.
4. When considering the naming of a facility, space, or material item, the full Town Board will utilize the following criteria:
 - a. The significance of the individual’s contribution to the Town of Owasco;
 - b. The relationship between the individual’s contribution and the nature of the facility/item/space to be named;
 - c. Any naming shall contain a review provision and be reexamined after 10 years at which time the name may be contained or changed.

DONATIONS AND/OR MEMORIALS

The Town of Owasco offers the ability to the public to purchase a bench complete with customized engraved plaques as a donation to the Owasco Playground as a memorial. The price of the bench and /or plaque is no more than the actual costs charged to the Town. Trees may be purchased by the public, however, the Owasco Highway Superintendent with approval of the Town Board, reserves the right to approve or disapprove the species of tree selected by the donor before planting. All costs associated with the benches, trees and plaques shall be absorbed by the purchaser/donor.

The Owasco Highway Superintendent with the Town Board's approval reserves the right to choose the location where the bench, plaque or tree will be placed. Installation of the bench will be completed by the Owasco Highway Department at no additional cost. No cost for replacement installations will accrue to the Town from any donation or memorial. This is not a profit making offer.

This policy will be reviewed every ten years.

Motion by Councilperson Alberici Second Councilperson Wagner

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10-143 to allow the Town Supervisor to sign a MEMORANDUM OF AGREEMENT establishing the OWASCO LAKE SUPERVISORS ASSOCIATION.

Motion by Councilperson Gucciardi Second Councilperson Alberici

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10-144 to approve SEQR determination for Local Law No. 3 of 2010

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 3 of 2010 To Ban Lawn Fertilizer Containing Phosphorus In The Owasco Lake Watershed In the Town of Owasco.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 3 of 2010 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 3 of 2010 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by Councilperson Wagner Second Councilperson Gucciardi

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10-145 A Resolution of the Town Board for the adoption and enactment of Local Law No. 3 of 2010 To Ban Lawn Fertilizer Containing Phosphorus In The Owasco Lake Watershed In the Town of Owasco.

WHEREAS, a Resolution was adopted by the Town Board on June 10, 2010 introducing proposed Local Law No. 3 of 2010 and said Resolution established a public hearing relating thereto; and

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on July 1, 2010, and proof of such publication has been filed with the Town Clerk, and

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall, and

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on July 8, 2010, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law and said Public Hearing was left open and continued on this date August 12, 2010; and

WHEREAS, by email dated July 7, 2010 from Riccardo T. Galbato to Geoff Milz of the Cayuga County Department of Planning and Economic Development, pursuant to General Municipal Law Section 239 l and m, the Town forwarded the proposed Local Law No. 3 of 2010 for comment; and

WHEREAS, by email dated July 7, 2010 from Geoff Milz of the Cayuga County Department of Planning and Economic Development, Mr. Milz stated that the local law does not require County Review; and

WHEREAS, by email from Town Clerk Robert Shaw dated July 20, 2010 the Town pursuant to Town Law Section 264 sent the proposed Local Law to the Clerks of the Towns of Fleming, Skaneateles, Niles, Sennett, Scipio, County of Cayuga and City of Auburn;

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 3 of 2010.

WHEREAS, the Town Board has carefully considered the proposed Local Law; and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law;

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 3 of 2010 To Ban Lawn Fertilizer Containing Phosphorus In The Owasco Lake Watershed In the Town of Owasco set forth below:

LOCAL LAW NO. 3 OF THE YEAR 2010

A LOCAL LAW TO BAN LAWN FERTILIZER CONTAINING PHOSPHORUS IN THE OWASCO LAKE WATERSHED IN THE TOWN OF OWASCO

SECTION 1. BAN FERTILIZER CONTAINING PHOSPHORUS

The Town Code of the Town of Owasco is hereby amended by adding a new Chapter 75 entitled Lawn Fertilizers as follows:

“Chapter

LAWN FERTILIZERS

§ 75-1. Purpose and Intent

The Owasco Town Board has concluded that phosphorus contained in storm water runoff contributes to the eutrophication (enrichment) of Owasco Lake and consequently represents a threat to the lake’s ecological health, recreational quality, and aesthetic value. Owasco Lake is a natural asset which enhances the environmental, recreational, cultural and economic resources of the area and contributes to the general health and welfare of the public. The Board further finds that regulating the amount of phosphorus contained in fertilizer will help reduce overall phosphorus loading to the lake, which is the best long term strategy for the restoration and protection of Owasco Lake.

§ 75-2. Applicability

This Chapter applies to all areas of the Owasco Lake Watershed, as shown on the map attached as Schedule B of the Town of Owasco Code.

§75-3. Definition

For purposes of this Chapter, the following terms shall have the following meanings:

- A. AGRICULTURE USES: Beekeeping, dairying, egg production, floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, berries, sod farming and vegetable raising.
- B. LAWN FERTILIZER: Any fertilizer, whether applied by property owner, renter or commercial entity, intended for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden or indoor use.

§75-4. Regulation of the Use and Application of Lawn Fertilizer

- A. Effective January 1, 2011, no person shall apply any lawn fertilizer within the Town of Owasco Lake Watershed that is labeled as containing more than 0% phosphorus, except as provided in Section 75-5 of this Chapter.
- B. No lawn fertilizer shall be applied when the ground is frozen.
- C. No person shall apply lawn fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately removed from those surfaces and either legally applied to turf or placed in an appropriate container.

§75-5. Exemptions

The restrictions upon the use of lawn fertilizer under Section 75-4 of this Chapter shall not apply to:

- A. Newly established turf or lawn areas during their first growing season.

- B. Turf or lawn areas that soil tests, performed within the past three years by a state certified soil testing laboratory or other qualified or recognized authority in the area of soil analysis, confirm are below phosphorus levels established by the Cornell Cooperative Extension. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.
- C. Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.
- D. Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

§75-6. Sale of Fertilizer Containing Phosphorus

Effective January 1, 2011, all vendors of lawn fertilizer within the Town of Owasco will display a map of the Owasco Lake Watershed and a sign containing the regulations set forth in this Chapter and the effects of phosphorus on Owasco Lake. All vendors will offer fertilizer that is labeled as containing 0% phosphorus.

§75-7. Enforcement

This Chapter will be enforced by the Codes Enforcement Officer of the Town of Owasco.

§75-8. Civil Infraction Penalties; Injunctive Relief

- A. Any person who violates Section 75-4 of this Chapter in the application of lawn fertilizer at his or her residence shall be subject to a civil infraction penalty of one hundred (\$100.00) dollars per violation.
- B. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, and any person who violates Section 75-4 shall be subject to a civil infraction penalty of two hundred (\$200.00) dollars for the first violation within a twelve (12) month period, three hundred five (\$305) dollars for the second violation within a twelve (12) month period, and five hundred (\$500) dollars for the third and each subsequent violation within a twelve (12) month period.

§75-9. Severability

If any section, provision or portion of this Chapter is ruled invalid by a Court, the remainder of this Chapter shall not for that reason be rendered invalid.

SECTION 2. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.

Motion by Councilperson Wagner Second Councilperson Alberici

**Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes**

Resolution 10-146 to approve SEQR determination for Local Law No. 6 of 2010

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 6 of 2010 Code of Ethics.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 6 of 2010 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 6 of 2010 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by Councilperson Wagner Second Councilperson Alberici

Councilperson Gucciardi had to leave the meeting.

**Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Absent
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes**

Resolution 10-147 a Resolution of the Town Board for the adoption and enactment of Local Law No. 6 of 2010 Code of Ethics.

WHEREAS, a Resolution was adopted by the Town Board on July 8, 2010 introducing proposed Local Law No. 6 of 2010 and said Resolution established a public hearing relating thereto; and

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on August 5, 2010, and proof of such publication has been filed with the Town Clerk; and

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall; and

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on this date, August 12, 2010, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law; and

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 6 of 2010.

WHEREAS, the Town Board has carefully considered the proposed Local Law; and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law;

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 6 of 2010 Code of Ethics set forth below:

Local Law No. 6 of 2010 Code of Ethics

Chapter 11 Ethics, Code of the Town of Owasco Town Code is hereby repealed in its entirety and amended to read as follows:

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 district¹ 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 of Owasco hereby adopts a code of ethics to read as follows:

Code of Ethics of the Town of Owasco

Section 1. Purpose.

Officers and employees of the Town of Owasco 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 of the Town of Owasco 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 Owasco. The word "municipal" refers to the municipality.

(e) "Municipal officer or employee" means a paid or unpaid officer or employee of the Town of Owasco, 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 Owasco, 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 Owasco.

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 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 of ethics shall be appointed by the Town Board of the Town of Owasco, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the officers and employees of the Town of Owasco 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 of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the [insert name of municipal governing body].

Section 19. Posting and distribution.

(a) The Town Supervisor of the Town of Owasco 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 of the Town of Owasco 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 Owasco.

(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 of the Town of Owasco 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 upon the filing with the Secretary of State.

Motion by Councilperson Alberici Second Councilperson Wagner

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Absent</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

OTHER:

AUDIT AND PAYMENT OF CLAIMS:

Resolution 10-148 authorizing the audit and payment of the following claims:
General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 10-016 adopted January 14, 2010, all in accordance with the attached abstract of claims.

ABSTRACT # 8 2010 Vouchers 449 – 535 in the amount of \$541,369.66

Motion by Councilperson Wagner Second Councilperson Alberici

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Absent
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10-149 to adjourn to executive session at 7:26 PM to discuss personnel issues. Contract negotiations and possible litigation.

Motion by Councilperson Wagner Second Councilperson Alberici

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Absent
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10-150 to return from executive session at 8:15 PM.

Motion by Councilperson Lattimore Second Councilperson Wagner

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Absent
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

ADJOURNMENT:

Resolution 10-151 to adjourn the meeting:

Motion by Councilperson Lattimore Second Councilperson Wagner

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Absent
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Meeting adjourned at 8:16 P.M.

Robert A. Shaw Town Clerk