

HOPKINTON TOWN COUNCIL MEETING – APRIL 10, 2017

PLEDGE OF ALLEGIANCE

1. CALL REGULAR MEETING TO ORDER

2. PRIVILEGE OF FLOOR

Regarding the impact of wind farms on towns:

- a. Randy Shell, Town Supervisor, Lowville
- b. Steve Bernat, Town Supervisor, Harrisburg

3. APPROVAL OF MINUTES OF MARCH 20, 2017

4. APPROVAL OF FINANCIAL REPORT FOR MARCH 2017

5. AUDIT OF BILLS:

- a. Voucher Nos. 80 to 99 General Account \$ 7,379.24
- b. Voucher Nos. 36 to 47 Highway Account \$ 12,459.22
- c. Voucher Nos. 6 to 8 BHLS Account \$ 499.60

6. REVIEW OF BUDGET REPORT TO DATE

7. CORRESPONDENCE

- a. USDA Rural Development regarding Loan/Grant Program.

8. OLD BUSINESS

- a. Appointment to Wind Board
- b. Quotes for siding on Museum
- c. Quotes for Generator at Highway Garage

9. COMMITTEE REPORTS

- a. Supervisor update
- b. Code Enforcement
- c. Assessor
- d. Library
- e. Museum
- f. Highway & Safety
- g. Town Facilities
- h. Fire & Rescue
- i. BHLS Health Center
- j. Groundskeeper

10. NEW BUSINESS

- a. Revised Proposed Local Law for Code of Ethics – Public Hearing

11. ADJOURNMENT

REGULAR MEETING

MARCH 20, 2017

At the Regular Meeting held on Monday, March 20, 2017 at the Hopkinton Municipal Building at 7:00 p.m.

PRESENT: Supervisor Wood, Councilpersons Lyon, Crump, Parker, Sochia.

OTHERS PRESENT: Stephen Green Highway Supt., Clerk French, Assessor & Code Officer Allen Fukes, Annette Green, Deborah Rust, Lori Witherell, Doug Witherell, Joseph Snell, Robin Gary, Beth Rosenbarker, Jeff Snell, Christina Snell, Luke Daily, Amber Lindsey, Jan Keller, Nancy Horan, Kelly Pullano, Kelly Charleson, Lorena Charleson, Morgan Newtown, John Newtown, Cindy Elliott Niles, Robert Blum, Luke Martin, Dave Bradford, John Niles, John Mahoney, Frank Potenzano, Kathleen Potenzano, Tom Whitesell, Leslie Hickman, Jessica Burnett, Audrey Gilbert, Meghan Hickman, Cheri Whitton, Sandra Maine.

Supv. Wood called the Regular Meeting to order at 7:04 p.m.

Privilege of the Floor:

Jeff Snell, Lori Witherell, Kelly Pullano, Kelly Charleson, Joseph Snell, Nancy Horan, Robert Blum, Luke Daily, Ann Britton, Cheri Whitton, Tom Whitesell, Audrey Maynard all spoke to the Board in regards to wind overlay zones, moratorium, setbacks for the turbines, conflicts of interest, doing more research on the wind company, health issues, environmental issues, wind attorney having a conflict of interest, declining property values, PILOT agreement vs taxation, bat migrations.

Frank Potenzano and Kathleen Potenzano spoke to the board in regards to there being less than 300 of the surveys being returned he feels the reason is because the majority of the citizens trust that the Town Board has their best interest in mind when making decisions. Have to trust the Town Board and the Wind Advisory Board to make the right decisions. He also spoke against the moratorium. He feels it only moves things down the road and where will the Town Board find the experts to do their studies and how will they pay for it.

Mr. Crump made a motion, seconded by Ms. Lyon to accept minutes of Regular Meeting held on February 13, 2017 as presented. Adopted unanimously.

Ms. Lyon made a motion, seconded by Mr. Sochia to accept Supervisors Financial Report for January and February 2017 as presented. Adopted unanimously.

Voucher Nos. 48 to 79 General Fund Abstract 3 in the amount of \$22,154.58 were audited and approved by the Board.

Voucher Nos. 21 to 35 Highway Fund Abstract 3 in the amount of \$14,365.94 were audited and approved by the Board.

Voucher Nos. 4 to 5 BHLS Health Center Fund Abstract 3 in the amount of \$448.99 were audited and approved by the Board.

Voucher Nos. 3 to 4 Building Account Abstract 3 in the amount of \$14,000.00 were audited and approved by the Board.

Mr. Parker made a motion, seconded by Mr. Crump to pay the bills. Adopted unanimously.

Correspondence:

BHLS Minutes: were presented.

Resignation of Code Officer & Assessor: Mr. Fukes reported to the Board that he will be retiring from the appointed position of Assessor and Code Enforcement Officer effective March 30, 2017.

NYS Dept. of Taxation and Finance: regarding Tentative Special Franchise Full Value.

Court Mandatory Surcharges: Clerk French presented the Board with an article on where the Mandatory Surcharges go.

Environmental Design and Research: regarding North Ridge Wind Project and the identification of sensitive resources. Supv. Wood asked the Board to review this and she will also forward it to the Historian and the

REGULAR MEETING CONTINUED

MARCH 20, 2017

Richard Powers, Chairman of the Wind Advisory Board. If there are any additions they have to be submitted by April 3, 2017.

SLC Treasurer: regarding Workers' Compensation Claims, Liability, as of December 31, 2016.

Old Business:

Shared Service Agreement with Hopkinton Fire District:

Mr. Sochia made a motion, seconded by Ms. Lyon to approve the following agreement:

This agreement, dated March 20, 2017 between the Town of Hopkinton and the Hopkinton Fire District. Pursuant to Section 99-r of the General Municipal Law, the District and the Town wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of such and provide a cost savings by maximizing the effective utilization of both parties' resources. The Town and District agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared for any undeclared Emergency events.
2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.
3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.
4. The terms of this agreement shall be for one (1) year. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the agreement. Either party may revoke this agreement, with or without cause, by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

VOTE: Supv Wood Aye, Councilman Lyon Aye, Sochia Aye, Crump Abstained, Parker Abstained.

Appointment to Wind Advisory Board: Supv Wood stated that an appointment was still needed on the Wind Advisory Board to fill the position vacated by Frank Barney.

Supervisor Wood stated that John Niles is currently an alternate.

Supervisor Wood made a motion, seconded by Councilman Lyon to appoint John Niles to fulfill the term left vacant by Frank Barney on the Wind Advisory Board.

VOTE: Supv. Wood Aye, Councilman Lyon Aye, Parker Nay, Crump Abstained, Sochia Abstained.

Committee Reports:

Supervisors Report: Supv. Wood reported that our Code of Ethics Law is too restrictive. In 2011, Attorney General changed so only immediate family had to be included.

She is seeking an attorney that is not affiliated with either towns or school in regards to wind project.

Wind Overlay Zone still needs to be completed.

We need to investigate further noise issues in Chateaugay in regards to the new wind turbines that are the same height as the ones being proposed for here.

She feels we also need more time to investigate property values.

Also would like the Board to consider a comprehensive land use policy for future growth of the town.

Supv. Wood made a motion, seconded by Councilman Lyon to move ahead with the revision of the Code of Ethics Law. Adopted unanimously.

She reported that Richard Powers, Chairman Wind Advisory Board, has a family illness and may have to vacate his position. She asked the Board to be looking for someone who could fill his position if needed.

She also asked the Board for their feelings on passing a moratorium on moving forward with any decisions on the proposed Wind Farm. She stated that it would give us more time to prepare our local law, develop a wind

REGULAR MEETING CONTINUED

MARCH 20, 2017

overlay zone and to do some further studies.

Mr. Parker commented that we have had a wind law on the books for five years. He feels that all we are doing is moving things down the road for no reason. He also stated that the Article 10 process has already been started and that if we delay we may not be eligible for any of the funds that are set aside for attorney expenses.

Supv. Wood made a motion, seconded by Councilman Lyon to move ahead with a moratorium on the proposed North Ridge Wind Project for a period in not excess of one year.

VOTE: Supv. Wood Aye, Councilman Lyon Aye, Parker Nay, Crump Abstained, Sochia Abstained.

Code Enforcement: Mr. Fukes presented a written report. He has had a complaint of junk on the Sylvan Falls Rd he will inspect the parcel and notify the owner.

Assessor: Mr. Fukes presented a written report. The town will maintain its 100% until the 2019 rates come out next February. He has received the NYS Forestation values for 2018, the assessments did not decrease.

Library: Jan Keller reported Story Time continues to be a success. They received some grant money and she purchased some Chrome book tablets. She is going to offer a class on the use of computers.

Museum: Mr. Crump reported that the basement repairs are nearing an end. The hot water heater has been installed. Mr. Crump reported to the Board that he had Mr. Black give him a price quote on siding, it will take squares, fascia, and drip edge. The Board looked over the quote and asked Mr. Crump to get two more written quotes from different vendors.

Supv. Wood will talk with the Historical Group in regards to using some of their funds to replace some of the windows.

Highway & Safety: Mr. Green presented a written report. He has repaired the damage to the bridge on the Lake Ozonia Road. He is looking at the purchase of an on demand propane generator for the garage. He received a quote of \$7,230.00 installed. The board asked him to get two more written quotes.

Fire and Rescue: Mr. Parker reported on the calls. They had 182 MH training, 58MH Station Work detail. Tri-Town Rescue had 62 calls for the month three were in Hopkinton.

Town Facilities: Susan Lyon reported that the weekends have been busy at the Town Hall.

BHLS: Copies of the monthly minutes were presented. Scott Arqueitt has signed his maintenance contract.

New Business:

Appointment of Historian: Mr. Crump made a motion, seconded by Mr. Sochia to appoint Mary Converse as Town Historian. Adopted unanimously.

Appointment of Code Officer: Supv. Wood reported that she interviewed Joe McGill from Town of Parishville, and David Burl from Town of Lawrence. Both are currently Code Officers and have all of the required training and certifications. The Board discussed this and Supv. Wood made a motion, seconded by Mr. Crump to appoint Joe McGill as Code Officer for the Town of Hopkinton effective April 1, 2017. Adopted unanimously.

Appointment of Assessor: Mr. Parker made a motion, seconded by Mr. Crump to appoint Allen Fukes as Assessor for the Town of Hopkinton until the end of the current term of September 30, 2019 effective April 3, 2017. Adopted unanimously.

Second Notice Fee: Mr. Crump made a motion, seconded by Mr. Sochia to set the Second Notice Fee at \$2.00 for 2017. Adopted unanimously.

Use & Maintenance Agreement-Meacham Rd with Seaway Timber: it is to access its sand mine located off Lake Ozonia Road. They will have to maintain the Meacham Road. In addition, they will be required Seaway Timber to improve any disrepair to Lake Ozonia Road caused by their trucks. The Board reviewed the agreement.

Mr. Parker made a motion, seconded by Ms Lyon to approve the Agreement between the Town of Hopkinton,

REGULAR MEETING CONTINUED

MARCH 20, 2017

New York, and Seaway Timber Harvesting Inc., relative to use and maintenance of Meacham Road and Lake Ozonia Road, Town roads in the Town of Hopkinton. A copy of the full text of the agreement will remain on file with the Town Clerk.

VOTE: Supv. Wood Aye, Councilman Lyon Aye, Parker Aye, Sochia Aye, Crump Abstained.

Shared Service Agreement with the NYSDOT: Mr. Crump made a motion, seconded by Mr. Sochia to approve a Shared Services Agreement between the NYSDOT and the Town of Hopkinton.

Adopted unanimously.

Tri-Town Rescue Contract: Mr. Parker made a motion, seconded by Ms Lyon to approve the contract with Tri-Town Rescue for 2017 in the amount of \$12,460.00.

VOTE: Supv. Wood Aye, Councilman Lyon Aye, Parker Aye, Sochia Aye, Crump Abstained.

Establishment of an Audit Committee: Supv. Wood told the Board that we need to have two board members each month come early before the meeting starts and go through the bills and review them. We would rotate each month.

Mr. Crump made a motion, seconded by Ms Lyon to approve the establishment of an Audit Committee.

Adopted unanimously.

Susan Lyon and Gilbert Sochia will audit the bills in April.

Scholarship: Clerk French reported to the Board that she had applied for a scholarship to attend the annual NYS Town Clerk Conference. She was chosen as an alternate, so if anyone cannot meet the obligations of a particular scholarship that was awarded to them, she would then be considered.

Change of Meeting Date for April: Supv. Wood asked the Board to change the date of the Board Meeting in April from April 17 to April 10. She will be out of town.

Mr. Parker made a motion, seconded by Ms Lyon to change the meeting date in April to April 10, 2017 at 7:00 p.m. at the Municipal Building. Adopted unanimously.

Mr. Parker made a motion, seconded by Mr. Crump to adjourn the meeting.

Meeting was adjourned at 8:28 p.m.

Respectfully Submitted:

Vickie French

RMC

TOWN OF HOPKINTON
Abstract of Unaudited Vouchers
GENERAL FUND - TOWNWIDE

Total Claims: \$7,379.24

04/10/2017

Number 004

Voucher #	Claimant	Account #	Amount	Check	Date
80	JAMES LYON APRIL ACCT FEES	A1320.1	949.67	8641	04/05/2017
81	J & F TRASH SERVICE 16539/TRASH REMOVAL FOR APRIL	A8160.4	75.00		
82	NICHOLVILLE TELEPHONE CO. GARAGE PHONE & INTERNET	A5132.4	108.85		
82	NICHOLVILLE TELEPHONE CO. LIBRARY	A7410.4	35.49		
83	NATIONAL GRID STREET LIGHTS	A5182.4	720.42		
84	CAPPELLO & LINDEN 38192/WIND	A1420.4	2,611.25		
84	CAPPELLO & LINDEN 38193/PHONE CALL TALK WITH CLERK	A1420.4	40.00		
85	Adirondack Propane 839732/MUNI BLDG	A1620.4	181.17		
85	Adirondack Propane 839731/TOWN HALL	A1620.4	35.57		
85	Adirondack Propane 839730/GARAGE	A5132.4	414.47		
86	KEY BANK ANTI GLARE ASSR COMPUTER	A1355.4	13.99		
86	KEY BANK CORRECTION VOUCHER A71 TIME CI	A5132.4	0.99		
87	SIGNS INC 32393/SCHOOL BUS STOP	A3310.4	90.17		
87	SIGNS INC 32402/DOOR DECAL TRUCK	A3310.4	38.00		
88	BENEFACOR FUNDING CORP 1703349/WATER TEST TOWN HALL	A1620.4	30.00		
89	MX FUELS 984927/HEAT MUSEUM	A7450.4	272.15		
90	JAN KELLER BOOKS	A7410.4	30.01		
91	JOHNSON NEWSPAPER CORP 778219/APR BD MTG NOTICE	A1410.4	5.39		
92	TEAMSTERS HEALTH & HOSPITAL HEALTH INS MAY HWY SUPT	A9060.8	829.67		

TOWN OF HOPKINTON
Abstract of Unaudited Vouchers
GENERAL FUND - TOWNWIDE

Total Claims: \$7,379.24

04/10/2017

Number 004

Voucher #	Claimant	Account #	Amount	Check	Date
93	VICKIE FRENCH MILEAGE TAX COLL	A1330.4	60.00		
93	VICKIE FRENCH MILEAGE TOWN CLERK	A1410.4	9.90		
94	KEY BANK DINNER SLC CLERK MTG	A1410.4	40.00		
95	USHERWOOD OFFICE TECHNOLOGY 620269/MAINTENANCE CONTRACT	A1345.4	51.75		
96	EVANS & WHITE ACE HARDWARE 622481/ROLLER	A5132.4	8.49		
96	EVANS & WHITE ACE HARDWARE 622521/PAINT FOR TRUCKS	A5132.4	48.47		
97	DAVID BEEKMAN MILEAGE 1-4 TO 4-3-2017	A1110.4	300.00		
98	JOHNSTONS SAWMILL & MATERIALS B8916/METAL FOR ROOF OF RESCUE BLDG	A5132.4	337.44		
99	TRACTOR SUPPLY CO 200398689/ID LABELS FUEL/FLAMABLE	A5132.4	40.93		
Total:			7,379.24		

TOWN OF HOPKINTON
Abstract of Unaudited Vouchers
HIGHWAY

Total Claims: \$12,459.22

04/10/2017

Number 004

Voucher #	Claimant	Account #	Amount	Check	Date
36	TEAMSTERS HEALTH & HOSPITAL HEALTH INS FOR MAY	DA9060.8	5,551.14		
37	CHAMPLAIN PETERBILT P239457/COUPLER	DA5130.4	12.32		
38	AIRGAS USA, LLC 9061866424/WELDING PRODUCTS	DA5130.4	274.16		
39	LONG PARK TIRE, INC 581854/TIRES TR-6	DA5130.4	1,400.00		
40	GILLEE'S AUTO 053263/DRUM	DA5130.4	159.99		
40	GILLEE'S AUTO 053387/AIR FILTERS/OIL FILTERS	DA5130.4	210.18		
40	GILLEE'S AUTO 053440/LAMP	DA5130.4	2.30		
41	5TH WHEEL DIESEL INC 10237576/D-2 GOV	DA5130.4	18.99		
41	5TH WHEEL DIESEL INC 10237653/HEATER CORE	DA5130.4	176.66		
41	5TH WHEEL DIESEL INC 10237567/AIR DRYER	DA5130.4	195.00		
42	RT. 11 TRUCK SALES & SERVICE 54508/CUTTING EDGE	DA5130.4	366.29		
43	MIDSTATE INDUSTRIAL SUPPLY 17-46844/1R NEEDLE SCALER	DA5130.4	211.00		
44	BLAIR SUPPLY CORP I3218680/PLOW BLADES	DA5130.4	1,770.36		
45	KEY BANK REPLACE WINDSHEILD TR-5	DA5130.4	276.85		
46	MX FUELS 028562/DIESEL FUEL	DA5142.4	1,153.21		
46	MX FUELS 028831/DIESEL FUEL	DA5142.4	442.10		
47	A/C AUTO PARTS MISC SUPPLIES	DA5130.4	238.67		
Total:			12,459.22		

ABSTRACT OF AUDITED VOUCHERS

BHLS FUND

TOWN OF HOPKINTON ST. LAWRENCE COUNTY, NY ABSTRACT NO. 4

DATE OF AUDIT APRIL 10, 2017

PAGE NO. 1

CLAIM NO	CLAIMANT	ACCOUNT	AMOUNT	CHECK	AMOUNT
B-6	SCOTT ARQUIETT	BHLS	\$ 425.00		\$ 425.00
B-7	ELLIOTT'S FARM & HOME SUPPLY	BHLS	23.99		23.99
B-8	TRIPLE "A" BLDG CENTER	BHLS	50.61		50.61
		TOTAL	\$499.60		\$ 499.60

To the Supervisor

I certify that the vouchers listed above were audited by the Town Board On the above date and allowed in the amounts shown. You are hereby authorized and directed to pay to each of the claimants the amount opposite his name.

03/20/2017
Date

Town Clerk

Vickie French

From: Loy, Todd - RD, Greenwich, NY [Todd.Loy@ny.usda.gov]
Sent: Thursday, April 06, 2017 8:03 AM
To: Loy, Todd - RD, Greenwich, NY
Subject: USDA Rural Development Home Repair Program Information
Attachments: Benefits of 504 Sheet CANTON.pdf

Dear Community Member:

Do you or someone you know own a home in need of repairs? Considering a new heating system because of high fuel costs? Looking to replace your old windows with energy efficient windows? Is your home in need of any residential energy efficiency improvements? USDA Rural Development may be able to help.

The USDA Rural Development 504 Loan/Grant program provides help to very-low income owner occupants of modest single family homes in need of repair that are located in rural areas.

Some examples of repairs that could be provided are: ramps for accessibility, roof replacement, septic system repairs, drilling of a well, insulation, furnaces, handrails, etc.

Please see the attached flyer for additional information and to find the USDA Service Center in your area.

Thank you,

TODD A. LOY

Area Technician

Rural Development

United States Department of Agriculture

☎: (518) 692-9940 ext. 4 | 📞: (855) 889-1631

www.rd.usda.gov | "Committed to the future of rural communities"

Stay Connected with USDA:



Click [here](#) to learn more about USDA Rural Development's Single Family Housing Programs

USDA is an equal opportunity provider, employer and lender.

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USDA Rural Development's Section 504 Home Repair Loan & Grant Program

Program Objective: The Section 504 Single Family Home Repair Program is designed to assist very low-income owner occupants of modest single family homes in rural areas repair their home.

Grant Purpose: Funds may be used only for repairs that will remove health and safety hazards or to make dwellings accessible for household members with disabilities.

Loan Purpose: Funds may be used to repair or modernize a home. In addition, funds can be used to improve energy efficiency or make dwellings accessible for household members with disabilities.

Dwelling Requirements: Property must be a modest single family dwelling located in a designated rural area. <https://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do>
Manufactured homes must be on a permanent foundation and applicant must own the land on which it is placed.

General Grant Terms & Eligibility Requirements:

- 🏠 At least one applicant must be 62 years of age
- 🏠 Applicant lacks repayment for a 504 loan
- 🏠 Applicant must document acceptable property ownership
- 🏠 Household income may not exceed area limit
- 🏠 Lack the financial resources to make repairs
- 🏠 Must retain ownership 3 yrs after grant award

To learn more about this and other USDA programs, please contact your local RD area office:

Canton Area Office 1942 Old DeKalb Rd. Canton, NY 13617
(315) 386 - 2401 Ext. 4

Or visit us online at: <http://www.rd.usda.gov/NY>

General Loan Terms & Eligibility Requirements:

- 🏠 Applicant must document acceptable property ownership
- 🏠 Applicant must demonstrate adequate repayment ability
- 🏠 Household income may not exceed area limit
- 🏠 Acceptable credit history
- 🏠 Outstanding loans of \$7,500+ secured by a mortgage
- 🏠 Fixed interest rate of 1%



The regular monthly meeting of the BHLS Board of Managers met April 4th 2017 at the Stockholm Town Hall.

The meeting started at 9⁴⁵ am.

Present: Bill Demo, Nancy Lynch

We reviewed the correspondence.

Scott Arquiatt's Monthly Maintenance voucher	\$ 425 ⁰⁰
Triple A Building Center - Replacement Entry locks	\$ 50 ⁰¹
Elliott's Farm + Home - mag. chloride 2/7/17	\$ 23.99
Dr. Alfano Guldan's April rent pymt.	\$ 1000.00

Scott Arquiatt stopped in with his voucher. He will meet Dr. Guldan this Thurs. Dr. Guldan is looking at doing remodeling. He wants the carpet removed from the basement floor. They will look at the possibility of future endeavors.

The next meeting will be May 2, 2017 9³⁰ am at the Stockholm Town Hall.

**TOWN OF HOPKINTON, NEW YORK
PROPOSED LOCAL LAW NO.3 OF THE YEAR 2017**

BE IT HEREBY ENACTED by the Town Board of the Town of Hopkinton, New York, as follows:

This Local Law No.3 of 2017 entitled "Code of Ethics of the Town of Hopkinton, New York" is hereby adopted to read in its entirety as follows:

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

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

Code of Ethics of the Town of Hopkinton, New York

Section 1: Title

This local law shall be referred to as the Town of Hopkinton Ethics Law or alternatively the Town of Hopkinton Ethics Code.

Section 2: Purpose.

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

Section 3: Definitions.

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.

CODE means this code of ethics.

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.

MUNICIPALITY means Town of Hopkinton, New York. The word "municipal" refers to the municipality.

MUNICIPAL OFFICER OF EMPLOYEE means a paid or unpaid officer or employee of the Town of Hopkinton, New York, including, but not limited to, the members of any municipal board.

RELATIVE means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, 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 4: Applicability.

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

Section 5: 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 6: 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 7: 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 8: 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 9: 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 10: 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 11: 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 12: 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 13: 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 14: 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 15: 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 16: 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 17: 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 18: 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, services, 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 19: Board of Ethics.

- (a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of three (3) 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 Hopkinton, New York, 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 Hopkinton, New York, 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 Town Board.

Section 20: Posting and distribution.

- (a) The Town of Hopkinton Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The Town of Hopkinton Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Hopkinton, New York.

- (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 Hopkinton.
- (d) The Clerk of the Town of Hopkinton shall maintain a copy of the code of ethics as a record subject to public inspection.
- (e) 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 21: 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 22: Effective date.

This code takes effect on the date upon which this Local Law is filed with the New York State Secretary of State.

Section 23: Repealer of Town of Hopkinton Local Law #1 of 2010

This Local Law No. 3 of 2017 of the Town of Hopkinton, New York, does hereby, in all respects, supercede Local Law No. 1 of 2010 of the Town of Hopkinton, New York which said Local Law #1 2010, be and the same hereby is repealed in all respects.