

AGENDA – REGULAR MEETING  
VILLAGE OF POTSDAM BOARD OF TRUSTEES  
JANUARY 4, 2016 – 7:00 P.M.

POINT OUT THE LOCATION OF THE EXITS ON THE NORTH AND EAST WALLS OF THE BOARD ROOM. ADVISE THAT THE BOARD ROOM HAS A CAPACITY FOR 109 PEOPLE.

ROLL CALL:

1. ACCEPTANCE OF MINUTES:

December 21, 2015	Regular Meeting	7:00 p.m.
December 21, 2015	Executive Session	8:18 p.m.

2. MAYOR'S COMMENTS:

3. TRUSTEE'S COMMENTS:

4. ADMINISTRATOR'S COMMENTS:

5. CODE ENFORCEMENT OFFICER'S REPORT:

6. PUBLIC COMMENTS:

7. NEW BUSINESS:

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution approving the partial expenditures for the month of January 2016 in the amount of \$107,992.25 chargeable to the following funds:

General Fund	\$ 10,812.31
Water Fund	998.06
Sewer Fund	681.87
Hydro Fund	1.46
Planning & Development Funds	<u>95,498.55</u>
TOTAL	<u>\$107,992.25</u>

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution approving the additional expenditures for the month of December 2015 in the amount of \$1,008,692.51 chargeable to the following funds:

General Fund	\$ 621,398.85
Water Fund	153,661.58
Sewer Fund	113,521.95
Hydro Fund	15,259.33
Trash Fund	60.20
Trust & Agency Fund	2,017.29
Capital Fund	77,461.97
Payroll Fund	<u>25,311.34</u>
TOTAL	<u>\$1,008,692.51</u>

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$11,025.97 for Professional Services in connection with the GIS Development Project. Funds to come from the NYS Archives Grant.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: NYSID in the amount of \$2,334.98 for services rendered in connection with the GIS Development Project. Funds to come from the NYS Archives Grant.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: C & S Engineers in the amount of \$1,937.29 for professional services for the period ending November 20, 2015 in connection with the Environmental Assessment Project at the Potsdam Airport. FAA AIP #3-36-0099-24-10 NYSDOT #7907.44.

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Treasurer to make the following FY 15-16 budget modifications:

INCREASE	Description	DECREASE	Description	Amount
05-7450-484	Preservation Mat.	05-7450-200	Equipment	\$ 50.00
15-8120-470	Bldg. Maint.	15-1640-470	Bldg. Maint.	616.87

ROLL CALL VOTE:

AYES:

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NAYS:

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Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution as follows:

LOCAL LAW #1-2016

**Section 1. Purpose.**

The Purpose of this Local Law is to create Chapter 19 Ethics Code of the Village of Potsdam Municipal Code.

**Section 2. Amendment.**

Chapter 19 Ethics, Code Of

ARTICLE I Intent of Village Board

§19-1. Statement of legislative intent.

The purpose of this law is to create a Village of Potsdam Ethics Code in compliance with Article 18 of the New York State General Municipal Law. The citizens of the Village of Potsdam should expect exemplary ethical behavior from their village's elected officials, employees, and appointed officials. The establishment of, and adherence to, the standards and procedures set forth in this law will assure the highest caliber of public administration of village government.

§19-2. Interpretation.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest, provisions or procedures prescribed by statute of the State of New York and also, in addition to common law rules and judicial decisions, relating to the conduct of village officers to the extent that the same are more severe in their application than this chapter.

ARTICLE II Code of Ethics

§19-3. Definitions.

As used in this chapter, the following terms shall have been defined:

CHILD – Any son or daughter (biological or adopted), step-son or step-daughter of a Village Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official.

GIFT – Any thing of value sought or received for less than fair market value, whether in the form of money, a service, a loan, travel, entertainment, or tickets, or in any other form.

RELATIVE – A spouse, domestic partner, child, stepchild, brother, sister, parent, or stepparent of a Village Officer, employee or appointed official. In addition, any person claimed as a dependent on the latest income tax return.

VILLAGE — Any board, commission, district, council or other agency, department or unit of the government of the Village of Potsdam.

VILLAGE EMPLOYEE — Any officer or employee of the Village of Potsdam, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§19-4. Conflicts of interest.

No village employee 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 substantial conflict with the proper discharge of his/her duties in the public interest.

§19-5. Standards of conduct.

A. No village employee shall accept other employment, which will impair his/her independent judgment in the exercise of his/her official duties for the Village.

B. No village employee shall accept employment or engage in any business or professional activity that will require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority.

C. No village employee shall use or attempt to use his/her official position to secure personal, unwarranted privileges, exemptions or benefits for himself/herself or others.

D. No village employee shall engage in any transaction as representative or agent of the village 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.

E. A village employee shall not, by his/her conduct, create a reasonable impression that any person 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 the kinship, rank, position or influence of any party or person.

F. Each village employee shall abstain from making personal investments in enterprises which he/she has reason to believe may be directly related to village business matters or be subject to decisions to be made by him/her in his/her capacity as a village employee or which will otherwise create substantial conflict between his/her duty as a village employee to act in the public interest and his/her private interest.

G. Each village employee shall refrain from financial, business, or political activity that might undermine the public's confidence in the government and shall never use his or her official position for private gain.

H. No village employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the village in which such employee serves or is employed.

I. Each village employee shall, to the extent that he/she is cognizant thereof, disclose any interest he/she may have in legislation before the Village Board.

J. No village employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form under such circumstances in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

K. No village employee shall use his or her government position to make threats or promises for the purpose of trying to get anyone to do any political activity or to make a political contribution.

#### §19-6. Penalties for offenses.

In addition to any penalty contained in any other provisions of law, any such village employee who shall knowingly and intentionally violate any of the provisions of this chapter may be subject to disciplinary action by the village including but not limited to suspension without pay or termination of employment.

A. Disciplinary action. Any village employee who engages in any action that violates any provision of this Local Law may be warned or reprimanded or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions.

B. Damages. A village employee who violates any provision of this Local Law shall be liable in damages to the village for any losses or increased costs incurred by the village as a result of the violation.

C. Civil forfeiture. A village employee who intentionally or knowingly violates any provision of this Local Law may be subject to a civil forfeiture to the village of a sum equal to three times the value of any financial benefit he/she received as a result of the conduct that constituted the violation.

D. Enforcement. The Village Board shall have exclusive jurisdiction to enforce the provisions of this local law and seek relief, including injunctive relief and/or damages for violations of this local law by commencing an action in a court of competent jurisdiction in furtherance of such enforcement. Furthermore, in addition to any disciplinary sanction imposed by the village, the village may refer any violation of this local law to appropriate law enforcement officials.

#### §19-7. Recusals

All government officers and employees shall comply with the following provisions on disclosure and recusal.

A. As soon as a village employee faces a conflict of interest or potential conflict of interest under the Ethics Code, or is involved in a matter which creates the appearance of impropriety in conflict with the village, the village employee must recuse himself or herself from dealing with the matter.

B. Whenever a village employee is required to recuse himself or herself under this section, the officer or employee shall immediately stop participating further in the matter; and within five (5) business days inform his or her superior, if any, about the recusal; and within five (5) business days file a written statement with the Board of Ethics disclosing the nature and extent of the conflict of interest.

C. No one shall retaliate against a village employee or take any adverse personal action against a village employee for complying with this section.

### ARTICLE III Board of Ethics

#### §19-8. Board established.

There is hereby established a Board of Ethics consisting of at least three members to be appointed by the Village Board, all of whom reside in the Village of Potsdam and who shall serve without compensation and at the pleasure of the Village Board of the Village of Potsdam. A majority of such members shall be persons other than village employees but shall include at least one member who is an elected or appointed employee of the Village of Potsdam. The first members appointed by the Village Board shall serve for a term of one (1), two (2), and three (3) years. Hereafter, all appointees shall be appointed to three-year terms. Terms shall be staggered.

#### §19-9. Board of Ethics jurisdiction, powers and duties.

A. The Board of Ethics may only act with respect to officers and employees of the village. The termination of a municipal officer's or employee's term of office or employment with the village shall not affect the jurisdiction of the Board of Ethics with respect to the requirements imposed on the officer or employee by this Local Law.

B. The Board of Ethics established hereunder shall render advisory opinions to village employees on written request and, upon request of the Village Board, make recommendations to such Village Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the village employee be disclosed, except to authorized persons and agencies.

C. The Board of Ethics may interview witnesses and to make an initial determination of a violation.

D. Nothing in this section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a written complaint alleging that the Board or any of its members or staff has violated any provision of this Local Law, or any other law, the Board shall promptly transmit to the Village Board a copy of the written complaint. In such instance, the Village Board shall have all of the powers and duties of the Board of Ethics as set forth in this Section of this Local Law.

E. In its discretion, after any due process hearing provided for by law or required by any provisions of any applicable collective bargaining agreement, the Board of Ethics may recommend appropriate disciplinary action pursuant to Section 6 of this Local Law. The recommendation of the Board of Ethics shall be made to the Village Board. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the Village Board. If such a referral is made, the Ethics Board may adjourn the matter pending determination by the Village Board. Any person aggrieved by a decision of the Board of Ethics or the Village Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

F. The Board of Ethics shall make information concerning this Local Law and Article 18 of the General Municipal Law available to the officers and employees of the Village, to the public, and to persons interested in doing business with the Village.

G. The Board of Ethics shall prepare and submit an annual report to the Village Board summarizing the activities of the Board. The report may recommend changes to the text or administration of this Local Law.

§19-10. Organization; records.

Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics.

ARTICLE IV Administration

§19-11. Distribution and posting of copies.

Upon the adoption of this chapter, the Village Mayor shall cause a copy thereof to be distributed to every village employee of this village. Failure to distribute any such copy or failure of any village employee to receive such copy shall have no effect on the duty of compliance with Local Law nor the enforcement of provisions hereof. The Village Mayor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the village. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

§19-12. Appropriations; expenditures.

The Village Board may appropriate moneys from the general fund for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of village moneys, except within the appropriations provided herein.



**Section 3. Enactment.**

This Local Law shall become effective immediately upon the notification of the filing of same with the Secretary of State.

ROLL CALL VOTE:

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NAYS:

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Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Mayor, or in his absence the Deputy Mayor, to execute a grant agreement together with the forms required to establish the grant, with the NYS Office of Community Renewal for Project #947PR72-15 in the amount of \$507,500 to be used for the express purpose of rehabilitation of the Cross Town Canal. The Village’s share to be from the Capital Fund with the potential need for a bond anticipation note.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution authorizing the Mayor, or in his absence the Deputy Mayor, to execute a grant agreement and any required certifications with the NYS Department of State for Project #TM61482, Ives Park Improvement Project, in the amount of \$15,000.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution awarding the RFP for Information Technology Services to \_\_\_\_\_ in the amount of \_\_\_\_\_ per their bid dated December 29, 2015.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Trustee \_\_\_\_\_ Moved and Trustee \_\_\_\_\_ Seconded a resolution to adjourn the Regular Meeting of the Village of Potsdam Board of Trustees of January 4, 2016 at \_\_\_\_\_ p.m.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_