



## TOWN OF BERKSHIRE

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## CODE OF ETHICS

Adopted by the Town Board of the Town of Berkshire, December 20, 2005

### **Purpose.**

The Town Board of the Town of Berkshire recognized that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. It is the purpose of this document to implement this objective through the establishment of standards.

### **Definitions.**

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

INTEREST IN -- A direct or indirect pecuniary or material benefit accruing to a town employee as the result of a contract with the town. For the purpose of this document, a town employee shall be deemed to have an interest in the contract if:

- A. His or her spouse, minor children and dependents, accept a contract of employment with the Town of Berkshire.
- B. A firm, partnership or association of which such town employee is a member or employee.
- C. A corporation of which such town employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such town employee.

TOWN – Any board, commission, district, council or other agency, department or unit of the government of the Town of Berkshire.

TOWN EMPLOYEE – Any officer or employee of the Town of Berkshire, whether paid or unpaid, whether serving full-time, part-time or advisory capacity.

### **Conflicts of interest prohibited.**

No town 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 or her duties in the public interest. In addition, to the foregoing regulations, Article 18 of the General Municipal Law, entitled “Conflicts of Interest of Municipal Officers and Employees,” is deemed a part of this chapter as if the same had been set forth in full. Any amendments of or additions to said Article hereafter adopted by the legislature are also deemed part of this chapter.

### **Standards of Conduct.**

- A. Private employment. No town employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
- B. Disclosure of confidential information. No town employee shall accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.
- C. Use of public office. No town employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.
- D. Financial Interest. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he or she has a direct or indirect financial interest that reasonably tend to conflict with the proper discharge of his or her official duties.
- E. Improper Influence. A town employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- F. Personal investments. Each town employee shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.
- G. Suspicious acts. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to engage in acts that are in the violation of his or her trust.
- H. Ownership of interest in certain enterprises. No town employee on a full-time basis nor any firm or association of which such employee is a member, no 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 Town in which such employee serves or is employed.

### **Penalties for offenses.**

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provision of this chapter may be fined or suspended or removed from office or employment in the manner provided by law.

### **Distribution of copies.**

Upon the adoption of this Code of Ethics, or any amendments hereto, the Town Supervisor shall cause a copy hereof to be distributed to every town employee of this town. Failure to distribute any such copy of failure of any town employee to receive such copy shall have no effect on the duty of compliance with the Code nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this document to be posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this document shall have no effect on the duty of compliance herewith nor the enforcement provisions hereof.