

Medicare Supplemental Insurance Reimbursement – The Village will reimburse an eligible retiree for the cost of their single Supplemental Medicare insurance premium. For an employee to qualify for this non-NYSHIP benefit, the retiring employee must have met the following minimum requirements:

- 1) must have been employed with the Village for a minimum of ten (10) consecutive years and entitled to both the Village's health plan and been part of the NYS and local retirement system.
- 2) must have retired from the Village on or before June 1, 2021.

Eligible retirees who were offered family coverage at the time of their retirement will continue as before.

Any eligible retiree must provide proof of Medicare Supplemental coverage to the Village Clerk at which time reimbursement will commence.

All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue. Failure to make timely premium payments will result in loss of coverage.

APPENDIX 1 – CODE OF ETHICS

Adopted: 8/20/1970; Amended: 11/23/1990; 10/15/1998; 7/1/2002; revised 4/2018

1) Ordinance 10.1. Purpose

Pursuant to the provisions of Section eight hundred six of the General Municipal Law, the Board of Trustees of the Village of Upper Nyack, New York recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be maintained in government. Our officers and employees 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 Village of Upper Nyack recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. It is the purpose of this Ordinance to promulgate these standards of ethical conduct for the officers and employees of the Village of Upper Nyack, and to serve as a guide for official conduct for such officers and employees.

2) Ordinance 10.2. Definitions

- a) "Village" means the Village of Upper Nyack.
- b) "Village Officer or Employee" means the Mayor, Trustees of the Village Board, paid employees, and members of the Land Use Boards.
- c) "Board" means the Village governing board and any Village administrative board (e.g. planning board, land use board), commission, or other agency or body comprised of two or more Village officers or employees.
- d) "Code" means this code of ethics.
- e) "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 Village or an area of the Village, or a lawful class of such residents or taxpayers. A Village 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.
- 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 Village officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

3) Ordinance 10.3. Applicability

This Code applies to the officers and employees of the Village and shall supersede any prior Village code of ethics. The provisions of this Code 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 Village.

4) Ordinance 10.4. Standards of Conduct

Every Village Officer and Employee of the Village shall be subject to and abide by the following standards of conduct:

- a) **Prohibition on use of Village position for personal or private gain.** No Village officer or employee shall use his or her Village 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.

Gifts.

- i) No Village 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.
- ii) No Village officer or employee may directly or indirectly solicit any gift.
- iii) No Village 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.
- iv) 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.
- v) A gift to a Village 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 Village action involving the exercise of discretion by or with the participation of the officer or employee.
- vi) A gift to a Village 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 Village action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- vii) This section does not prohibit any other gift, including:
 - (1) gifts made to the Village;
 - (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 Village 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 Village officer or employee, or other service to the community; or
 - (6) meals and refreshments provided when a Village 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.

- b) **Confidential Information.** No Village 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.
- c) **Use of Village resources.**
- i) Village resources shall be used for lawful Village purposes. Village resources include, but are not limited to, Village personnel, and the Village's money, vehicles, equipment, materials, supplies or other property.
 - ii) No Village officer or employee may use or permit the use of Village resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) any use of Village resources authorized by law or Village policy;
 - (2) the use of Village resources for personal or private purposes when provided to a Village officer or employee as part of his or her compensation; or
 - (3) the occasional and incidental use during the business day of Village telephones and computers for necessary personal matters such as family care and changes in work schedule.
 - iii) No Village officer or employee shall cause the Village to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.
- d) **Interests in Contracts.**
- i) No Village officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.
 - ii) Every Village officer and employee shall disclose interests in contracts with the Village at the time and in the manner required by section 803 of the General Municipal Law.
- e) **Representation Before One's Own Agency.** Village Officers and employees shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered on behalf of any person or entity other than the Village of Upper Nyack in relation to any matter before any Village of Upper Nyack Board or Agency of which the individual is an officer, member or employee of any Village Agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee. If any Village officer or employee has a conflict of interest because of the requirements of this paragraph, he or she must immediately disclose this conflict of interest and recuse him or herself from participating in all discussions, deliberations and voting on the subject matter wherein there is believed to be a conflict of interest. If the officer or employee recuses him or herself and does not participate in any discussions, deliberations and voting concerning the matter in which the individual has a conflict of interest, then the officer or employee will not have violated the Code.
- f) **Representation Before Any Agency for a Contingency Fee.** Village Officers and employees shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Village Board, Agency or Village Officer or Employee, whereby his or her compensation is to be dependent or contingent upon any action to be taken or not taken by such agency with respect to such matter, provided that this paragraph shall not prohibit fees based upon the reasonable value of the services rendered.
- g) **Disclosure of Interest in Legislation and other matters.**
- i) Whenever a matter requiring the exercise of discretion comes before a Village 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 Village officer or employee shall disclose in writing the nature of the interest.

- ii) The disclosure shall be made when the matter requiring disclosure first comes before the Village officer or employee, or when the Village officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
 - iii) In the case of a person serving in an elective office, the disclosure shall be filed with the Village Board. 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 Village officer, employee or board having the power to appoint to the person's position.
 - iv) In addition, in the case of a person serving on a Village 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.
- h) **Investments in conflict with official duties.** No Village officer or employee may acquire the following investments:
- i) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this Code; or
 - ii) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
 - iii) This section does not prohibit a Village officer or employee from acquiring any other investments or the following assets:
 - (1) real property located within the Village 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 Village and acquired more than one year after the date on which the bonds or notes were originally issued.
- i) **Recusal and abstention.**
- i) No Village 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.
 - ii) In the event that this section prohibits a Village officer or employee from exercising or performing a power or duty:
 - (1) if the power or duty is vested in a Village 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 Village 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 Village 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.
- j) **Private Employment.** Village Officers and employees shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such

employment or service creates a conflict with or impairs the proper discharge of the individual's official duties. If an officer or employee of the Village discovers that he or she has a conflict of interest as a result of the requirements of this paragraph, the individual must immediately disclose this conflict of interest and recuse him or herself from participating in all discussions, deliberations and voting where it concerns the conflict of interest. If the officer or employee recuses him or herself and does not participate in any discussions, deliberations and voting concerning the conflict of interest, then the officer or employee will not have violated the Code.

k) Future Employment.

- i) No Village 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 Village 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.
- ii) No Village officer or employee, for the two-year period after serving as a Village 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 Village office, board, department or comparable organizational unit for which he or she serves.
- iii) No Village officer or employee, at any time after serving as a Village 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 Village officer or employee.

l) Nepotism. Except as otherwise required by law:

- i) No Village 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 Village or a Village board.
- ii) No Village officer or employee may supervise a relative in the performance of the relative's official powers or duties.

m) Political Solicitations.

- i) No Village officer or employee shall directly or indirectly to compel or induce a subordinate Village officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- ii) No Village 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 Village officer or employee, or an applicant for a position as a Village 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.

5) Ordinance 10.5. Prohibition inapplicable; disclosure, recusal and abstention not required.

- a) This Code's prohibition on use of a Village position for personal gain (section 4a), disclosure of interests requirements (section 4h), and requirements relating to recusal and abstention (section 4j), shall not apply with respect to the following matters:
 - i) adoption of the Village's annual budget;
 - ii) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (1) all Village officers or employees;
 - (2) all residents or taxpayers of the Village or an area of the Village or the general public; or

- iii) any matter that does not require the exercise of discretion.
- b) Recusal and abstention shall not be required with respect to any matter:
 - i) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by the Recusal section of this Code;
 - ii) which comes before a Village officer when the officer would be prohibited from acting by the Recusal section of this Code and the matter cannot be lawfully delegated to another person.
- 6) **Ordinance 10.6. Suit or Claim Against the Village, Personal Representations And Claims Permitted.** This Code shall not be construed as prohibiting a Village officer or employee from:
 - i) representing himself or herself, or his or her spouse or minor children before the Village; or
 - ii) asserting a claim against the Village on his or her own behalf, or on behalf of his or her spouse or minor children.
- 7) **Ordinance 10.7. Distribution/Posting of Code of Ethics**
 - a) The mayor of the Village 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 Village'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 mayor of the Village shall cause a copy of this Code to be distributed to any Officer or Employee of the Village within 30 days after the effective date of this Ordinance. Each officer and employee elected or appointed thereafter shall be furnished with a copy before entering upon the duties of his or her office or employment. Each Officer and Employee must acknowledge receipt of the Code in writing.
 - c) Failure to post or distribute this Code as required, above, does not affect the applicability or enforceability of the Code.
- 8) **Ordinance 10.8. Penalties**

Any person who shall knowingly and intentionally violate any of the provisions of this Code may be suspended or removed from office or employment, as the case may be, in the manner provided by law.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code may be fined, suspended or removed from office or employment, as the case may be in the manner provided by law.
- 9) **Ordinance 10.9. Board of Ethics**

The Village Board may, in its discretion, establish a Board of Ethics to render opinions regarding the applicability of this Code or, in lieu of such a Board, seek legal counsel from the Village Attorney, or other appropriate legal representative, regarding matters dealing with the applicability, enforcement and interpretation of this Code.
- 10) **Ordinance 10.10. Effective Date**

This Code of Ethics, as amended, shall be effective as of April 1, 2018 as resolved at the annual meeting of April 2, 2018.
- 11) **Ordinance 10.11. Eligibility of Appointed Village Officers [Local Law # 6 of 1990]**

Notwithstanding the provisions of any general law to the contrary and in accordance with Section 3-300 of the Village Law, the Village Clerk, the Deputy Village Clerk, the Assessor, the Village Treasurer and the

Deputy Village Treasurer of the Village of Upper Nyack need not be residents of the Village of Upper Nyack, but may reside within the County of Rockland.