

## Chapter 14. Code of Ethics and Financial Disclosure Law

### Article IV. Conflicts of Interest and Disclosure

#### § 14-7. Disclosure of interest in applications.

- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, assessment review, license or permit pursuant to the provisions of the Town Code or building or engineering or planning regulations shall state the name, residence and the nature and extent of the interest of any officer or employee of the Town of Islip in the person, partnership or association making such application, petition or request (hereinafter called the "applicant") to the extent known to such applicant.  
[Amended 3-8-2011 by L.L. No. 3-2011]
- B. For the purpose of this section, an officer or employee shall be deemed to have an interest in the application when he, his spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of them:
- (1) Is the applicant;
  - (2) Is an officer, director, partner or employee of the applicant;
  - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of the partnership or association applicant; or
  - (4) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on any public exchange shall not constitute an interest for the purposes of this section.
- D. To the extent that an official receives from an applicant a substantial contribution to his or her political campaign, specifically a contribution amount in excess of 10% of the total amount of contributions received by such campaign in the campaign finance disclosure filing period immediately preceding a vote on an application before such official, disclosure of such contribution shall be made by such official prior to a vote being taken.  
[Added 9-20-2016 by L.L. No. 3-2016]

## Chapter 14. Code of Ethics and Financial Disclosure Law

### Article IV. Conflicts of Interest and Disclosure

#### § 14-5. Conflicts prohibited; exceptions.

- A. Prohibited conflicts. Except as provided in Subsection **B** of this section, no officer or employee shall have an interest, financial or otherwise, or engage or invest in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest. To this end:
- (1) No officer or employee shall be or become interested directly or indirectly in any manner whatsoever in any business or professional dealings with the Town of Islip or any agency thereof.
  - (2) No officer or employee shall act as attorney, agent, broker, employee or representative in business or professional dealings with the Town of Islip or any agency thereof for himself or any person, firm or corporation, directly or indirectly.
  - (3) No officer or employee shall accept other employment or engage in any business transaction which will impair his independence of judgment in the exercise of his official duties or create a conflict of interest with his official duties.
  - (4) No chief fiscal officer, treasurer or his deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Town of Islip or an agency thereof of which he is an officer or employee; provided, however, that where the designation of a bank or trust company outside the Town of Islip would be required because of the foregoing restriction, a bank or trust company within the Town of Islip may nevertheless be designated.
  - (5) No municipal officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Town of Islip agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

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  - (6) No officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any case, proceeding, application or any other matter before any Town agency, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, franchise or other benefit.
  - (7) No person having supervisory control or who is superior in title to any official or employee of the Town shall engage in any of the following actions with subordinates at any time on or off Town premises:  
[Added 4-24-2007 by L.L. No. 2-2007]
    - (a) Discussion of or solicitation of ticket purchases or sales.
    - (b) Solicitation to join a political party or political activity.
    - (c) Use of political considerations in discussing duties, positions, compensation, changes in titles or work.
    - (d) Use of political considerations as the reason for promotions, assignment changes, demotions or termination.

- (8) In the event an officer of the Town of Islip files a grievance application with the Town of Islip Board of Assessment Review and, thereafter, files an assessment review petition pursuant to the New York State Real Property Tax Law, independent legal counsel shall be retained to represent the interests of the Town of Islip, and such application shall be heard by an impartial judicial hearing officer outside the Town of Islip. [Added 3-8-2011 by L.L. No. 3-2011]
- (9) No person shall serve, either by appointment or election, in any position other than a committeeperson of a town, county, state or national major political party committee if he or she is an elected official of the Town of Islip. Any person who is currently an elected official of the Town of Islip and also in a position other than a committeeperson, shall deliver the Town Clerk such documentation establishing compliance with this subsection within 10 business days of the date of enactment of this subsection. [Added 9-20-2016 by L.L. No. 3-2016]

B. Exceptions. The provisions of Subsection A of this section shall not apply to:

- (1) The payment of lawful compensation and necessary expenses of any municipal officer or employee in one (1) or more positions of public employment, the holding of which is not prohibited by law.
- (2) A contract with a person, firm, corporation or association in which an officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.
- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law.
- (4) The purchase by the Town of Islip or any agency thereof of real property or an interest therein, provided that the purchase and the consideration therefor is approved by order of the Supreme Court upon petition of the governing board.
- (5) The acquisition of real property or an interest therein through condemnation proceedings according to law.
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association.
- (7) The sale of bonds and notes pursuant to § 60.10 of the Local Finance Law.
- (8) A contract in which an officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this subsection shall in no event authorize a renewal of any such contract.
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- (9) No conflict shall be deemed to arise under this resolution by virtue of stock ownership, direct or indirect, where such ownership constitutes less than five per centum (5%) of the outstanding stock of the corporation involved.
- (10) A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the Public Service Commission.
- (11) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office.
- (12) A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under the contracts in which such person had an interest during the fiscal year, does not exceed the sum of one hundred dollars (\$100.).
- (13) A contract with a member of a private industry council established in accordance with the Federal Job Training Partnership (JTPA) or any firm, corporation or association in which such member holds an

interest, provided that the member discloses such interest to the council and the member does not vote on the contract.

- (14) Any person serving the Town or any agency thereof without compensation shall not be deemed to be in violation of this Article unless such interest is in conflict with the proper discharge of his official duties.