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MAYOR
KEVIN STUESSI
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TRUSTEES
PATRICK BRENNAN
DEPUTY MAYOR

LILY DOUGHERTY-
JOHNSON

JULIA ROBINS

MARY BESS PHILLIPS

TREASURER
ADAM BRAUTIGAM
EXT. 217

VILLAGE CLERK
CANDACE HALL
EXT 214

February 26, 2026 - 6:00pm
Mayor and Board of Trustees – Regular Session Meeting
Greenport Firehouse
Third Street, Greenport, NY 11944

MOTION TO OPEN MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Robert “Bob” Edward Allen
Robert John Swing

ANNOUNCEMENTS

- Please be advised, the Village of Greenport launched a new website, and all Village emails have been updated as well. Please visit the new website (www.villageofgreenport.gov) for updated contact information.
- The Village of Greenport annual tax sale will be held at Village Hall at 10:00am on Tuesday, March 10, 2026.
- The Village Annual Organizational Meeting will be held on Thursday, April 23, 2026, at the Greenport Firehouse.
- The Village Annual Budget Hearing will be held on Thursday, April 9, 2026 at 6:00pm at the Old Schoolhouse.
- The Annual Moore’s Woods Clean Up will be on Saturday, March 21, 2026 from 10:00am-noon.

PRESENTATION

Greenport UFSD Capital Reserve Vote – Athletic Complex Upgrades: Scope and Funding Overview: Beth Doyle, GUFSD Superintendent and Erik Daly, GUFSD Facilities Director

PUBLIC HEARING

Public hearing to discuss adoption of a proposed local law to amend the terms of office of alternate Board of Appeals and Planning Board members (the "Proposed Law"); public hearing remained open from the February 19, 2026 Work Session meeting.

PUBLIC COMMENT

RESOLUTIONS

RESOLUTION #02-2026-5

RESOLUTION adopting the agenda as printed.

RESOLUTION #02-2026-6

RESOLUTION accepting the monthly reports of the Greenport Fire Department, Village Administration, Village Treasurer, Village Clerk, Village Attorney, Mayor and Board of Trustees.

VILLAGE TREASURER

RESOLUTION #02-2026-7

RESOLUTION approving attached budget modification #6552, to appropriate light fund reserves to fund phase 2 of the LED streetlight project and directing that budget amendment #6552 be included as part of the formal meeting minutes of the February 26th, 2026, meeting of the Board of Trustees.

RESOLUTION #02-2026-8

RESOLUTION approving attached budget modification #6553, to appropriate light fund reserves to fund the monthly power invoice and directing that budget amendment #6553 be included as part of the formal meeting minutes of the February 26th, 2026, meeting of the Board of Trustees.

VILLAGE CLERK

RESOLUTION #02-2026-9

RESOLUTION approving the contract between the Kalmar Nyckel Foundation and the Village of Greenport for the provision of a berth at the Rail Road Dock from July 18, 2026 and depart on July 27, 2026 to include the provision of public visitation, educational tours and public sails as detailed in the contract.

RESOLUTION #02-2026-10

RESOLUTION to approve the public assembly application received from Brian Toussaint on behalf of the Greenport Athletic Booster Club to host a 5K Fundraiser on Saturday, May 30, 2026 from 9:00-10:30am.

RESOLUTION #02-2026-11

RESOLUTION to approve the public assembly application received from the GHS All Class Reunion Corp. to host the bi-annual Greenport All Class Reunion at 5th & 6th Street Beach on Saturday, July 18, 2026 from 8:00am-3:00pm.

RESOLUTION #02-2026-12

RESOLUTION to approve the public assembly application received from Mary Santacrose to host a Celebration of Life Softball Game in honor of John R. Santacrose at the Moores Lane Ball Fields on Saturday, May 16, 2026 from 12:00pm-3:00pm.

RESOLUTION #02-2026-13

RESOLUTION to approve the public assembly application received from the Southold Town Democratic Committee to host a "No Kings" rally and march in the Village of Greenport on Saturday, March 28, 2026 from 10:00am-12:00pm. The rally and march will begin at Mitchell Park; the requested route is as follows: First St -> Center St -> Main St -> Front St -> back to First St, then into Mitchell Park.

RESOLUTION #02-2026-14

RESOLUTION to approve the public assembly application received from Sarah Phillips on behalf of the Greenport Business Association to host the 36th Annual Maritime Festival and Parade on Friday, September 25, 2026 to Sunday September 27, 2026.

RESOLUTION #02-2026-15

RESOLUTION authorizing the suspension of the open container law of the Village of Greenport, per Section 35-3B and 35-3C of the Greenport Village Code, within the parameters outlined in the public assembly application submitted by Sarah Phillips on behalf of the Greenport Business Association.

RESOLUTION #02-2026-16

RESOLUTION to approve the public assembly application received from Trustee Lily Dougherty-Johnson on behalf of the Village to host the Annual Moores Woods Clean Up Event on Saturday, March 21, 2026 from 10:00am-12:00pm.

RESOLUTION #02-2026-17

RESOLUTION to approve the public assembly application received from Denise Gilles on behalf of Friends of Mitchell Park and East End Tai Chi to host Tai Chi in Mitchell Park from 9:00am-10:00am on Saturdays beginning on May 2, 2026 through October 31, 2026.

RESOLUTION #02-2026-18

RESOLUTION to approve the date change for the Greenport Fire Department's Spaghetti Dinner Fundraiser to Saturday, April 25, 2026, amending the previously approved Resolution #01-2026-12.

RESOLUTION #02-2026-19

Resolution to schedule a public hearing at the March 19, 2026 Work Session meeting regarding a Local Law to amend Chapter 13, "Code of Ethics" of the Code of the Village of Greenport.

RESOLUTION #02-2026-20

Resolution to schedule a public hearing at the March 19, 2026 Work Session meeting regarding a Local Law to amend Chapter 29, "Procurement Policy" of the Code of the Village of Greenport.

RESOLUTION #02-2026-21

Resolution to approve \$2.22 hourly wage increase for Daniel F. King, per Article VII (Salaries and Compensation) of the collective bargaining agreement between the Village of Greenport and CSEA Local 1000 which stipulates a wage increase of 7% of the average CSEA salary with the completion of a job-related course, effective October 27, 2025.

RESOLUTION #02-2026-22

Resolution approving an annual salary increase of 4% for Deputy Village Treasurer Jake Campo, effective February 3, 2026.

MAYOR AND BOARD OF TRUSTEES**RESOLUTION #02-2026-23**

RESOLUTION authorizing free dockage for U.S. Coast Guard Barque Eagle at Mitchell Park Marina from August 7, 2026 through August 10, 2026.

RESOLUTION #02-2026-24

RESOLUTION authorizing Treasurer Brautigam to purchase a 2026 Chevrolet Tahoe from Eagle Chevrolet Commercial Trucks for the Greenport Fire Department, to be expensed from the Fire Apparatus Account.

RESOLUTION #02-2026-25

Resolution accepting the report of the Greenport Fire Department for member year-end points for the calendar year of 2025, for the Greenport Fire Department of Service Awards Program.

RESOLUTION #02-2026-26

WHEREAS, on December 4, 2025, the Board adopted Local Law 8 of 2025 providing for revisions to Chapter 103 (the "Law") , which Law was filed with the New York Secretary of State on December 17, 2025, and

WHEREAS, the effective date of the Law is December 17, 2025, and

WHEREAS, Section 103-6(E) of the Law (a) requires that any owner that has an existing rental permit for an eligible dwelling unit issued prior to December 17, 2025, who seeks to continue to rent as a short-term rental property (as that term is defined in the Law) apply for a short-term rental permit within 60 days after effective date of the Law, (b) from and after the date occurring 60 days after the effective date, any rental

permit that was issued prior to December 17, 2025 shall be deemed to constitute a long-term rental permit and no dwelling unit subject to such rental permit shall be permitted to be a short-term rental except to the extent of any exempted short-term rental, (c) except with respect to any exempted short-term rental, enforcement of the rules and regulations contained in chapter 103 that require that a short-term rental be the subject of a short-term rental permit, or which otherwise solely apply to short-term rentals shall only commence on the date occurring 60 days after December 17, 2025, *provided* that if the owner has filed for a short-term rental permit within the 60-day period following December 17, 2025, such period shall be extended to 120 days to permit time for the issuance of the applicable short-term rental permit, (d) if an owner of a dwelling unit has committed and booked short-term rentals in respect of such dwelling unit on or prior to December 17, 2025, such owner may within 60 days of December 17, 2025 submit in writing to the Building Inspector a list of all exempted short-term rentals applicable to such dwelling unit. Any such writing shall be made in accordance with the provisions governing written certifications set forth in Section 103-13 and shall include a written certification by the owner of such dwelling unit in respect of any such short-term rental scheduled to occur more than ninety (90) days after December 17, 2025 to the effect that the owner or owners are unable to terminate or cancel such short-term rental without penalty, fee or incurring breakage costs, and (e) application for a rental permit as provided in Section 103-6(E) requires the submission of a complete application with the time period allotted in Section 103-6(E), and

WHEREAS, the aforementioned 60 day date is February 16, 2026 and the 120 day date is April 16, 2026, and

WHEREAS, the Village is desirous of extending the effective date of enforcement and permit submission requirements to allow for owners to file the proper documents, including the application document now provided by the Village,

NOW, THEREFORE, the Board hereby extends the 60 day period provided in Section 103-6(E) to April 15, 2026 and the 120 day period to May 15, 2026.

VOUCHER SUMMARY

RESOLUTION #02-2026-27

RESOLUTION approving all checks per the Voucher Summary Report dated February 24, 2026, in the total amount of \$4,562,458.53 consisting of:

- All regular checks in the amount of \$1,058,933.90.
- All prepaid checks (including wire transfers) in the amount of \$3,503,524.63.

A Local Law to amend Chapter 13, "Code of Ethics" of the Code of the Village of Greenport.

BE IT ENACTED by The Board of Trustees of the Village of Greenport, County of Suffolk, State of New York, as follows:

Section 1. Legislative Intent and Purpose.

The Board of Trustees finds it necessary and appropriate to amend Chapter 13 of the Village Code to strengthen the existing Code of Ethics and establish a Board of Ethics. The purpose of this amendment is to enhance public trust, avoid conflicts of interest or the appearance thereof, and provide clearer guidance to all Village officers and employees in the performance of their duties.

Section 2. Chapter 13 is amended in its entirety, to read as follows:

§ 13-1 Purpose.

- A. The Board of Trustees of the Village of Greenport recognizes that it must establish high standards of ethical conduct for officers, elected and appointed board, commission and committee members and employees of the Village so as to promote public confidence in the integrity of local government. Officers and employees of the Village of Greenport 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 Greenport recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics of the Village of Greenport establishes those standards.
- B. This Code of Ethics is enacted pursuant to § 806 of the General Municipal Law and § 10 of the Municipal Home Rule Law. Officers and employees of the Village of Greenport must comply with the provisions of the Code of Ethics, as well as the conflict of interest standards prescribed by Article 18 of the General Municipal Law. This Code of Ethics is in addition to the standards contained in Article 18 and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

§ 13-2 Definitions.

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

- A. "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning board of appeals), commission,

or other agency or body comprised of two or more municipal officers or employees.

- B. "Code" means this code of ethics.
- C. "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.
- D. "Municipality" means the Village of Greenport. The word "municipal" refers to the municipality.
- E. "Municipal officer or employee" means a paid or unpaid officer or employee of the Village of Greenport, including, but not limited to, elected officers, members of any of the municipality's governing board, any of its administrative boards (e.g., Planning Board, Zoning Board of Appeals, Board of Trustees, Board of Ethics), commissions, committees, agencies, department heads and others who work in a similar capacity.
- F. "Relative" means a spouse, domestic partner, parent, step-parent, sibling (including half sibling), step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

§ 13-3 Standards of conduct.

- A. Every municipal officer or employee must endeavor to pursue a course of conduct consistent with the declaration of policy and other provisions of this chapter and strive to act so as not to raise reasonable suspicion among the public that the municipal officer or employee may or is likely to be engaged in conduct that is in violation of the public's confidence and trust. The specific prohibitions set forth herein are not necessarily an exclusive list of provisions regarding the ethical conduct of municipal officers or employees.

A municipal officer or employee must not use the municipal office or employee's official position or office, or take or fail to take any discretionary action, in a manner which the municipal officer or employee knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

- 1) Any municipal officer or employee;

- 2) Any municipal officer's or employee's employer (other than the Village);
- 3) A municipal officer's or employee's relative;
- 4) Any person or business entity that is a customer or client of the municipal officer or employee; or
- 5) Any business entity in which the municipal officer or employee or a relative of the municipal officer or employee has a financial or pecuniary interest or serves as an employee, officer, or director, whether compensated or not compensated, or of which the municipal officer or employee or the municipal officer or employee's relative own 5% or greater of the outstanding stock or has authority to decide upon dispensing grants or other monetary benefits.

B. A municipal officer or employee with the authority, either individually or as a member of a board, commission, or other village agency, to conduct inspections or issue permits or other Village approvals is not permitted to:

- 1) Engage in a business activity or have a financial interest in any business entity that conducts such inspections or applies for or assists in applications for such Municipality permits as a regular and significant part of its business; or
- 2) Conduct any inspection or issue any permit with respect to an application in which the municipal officer or employee's outside employer or business has been involved.

C. Misuse of authority. A municipal officer or employee must not use or attempt to use the municipal officer or employee's official position to secure unwarranted privileges or exemptions for the municipal officer or employee or others.

D. Discrimination. A municipal officer or employee must not:

- 1) Discriminate or cause involuntary segregation, directly or indirectly, based on age, race, creed, color, religion, ethnicity, national origin, alienage or citizenship, familial status, marital status, military status, sex, gender identity or expression, sexual orientation, lawful source of income, status as a victim of domestic violence, or disability or allow the preceding to be factors affecting recruitment, selection, placement, assignment, compensation or promotion of any Village officer, member of any agency, or employee.

- 2) Permit, directly or indirectly, the use of any Village property, equipment or services by any person, business entity or any other group which directly or indirectly discriminates as set forth in Subsection **D. 1)** above.
- 3) Knowingly allow, cause, or enable the Village to have any financial or business dealings with any business entity or organization which discriminates as set forth in Subsection **D. 1)** above.

§ 13-4 Prohibition on use of municipal position for personal or private gain.

- A. 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.
- B. This Section 13-4 shall not prohibit a municipal officer or employee from:
 - 1) Voting to approve the municipality's annual budget;
 - 2) Receiving lawful compensation for services as a municipal officer or employee;
 - 3) Receiving payment or reimbursement for actual and necessary expenses reasonably incurred in the performance of official duty;
 - 4) Receiving payments under a lawful municipal contract;
 - 5) Using municipal personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or
 - 6) Performing a ministerial function that does not require the exercise of discretion.

§ 13-5 Treatment of public.

All municipal officers and employees shall treat all members of the public, whether a person, firm or corporation, or other organization without special advantage in carrying out his or her official duties.

§ 13-6 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 Board of Trustees. 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.
 - 1) In the event that a person is serving as a member of any municipal Board, then a copy of such disclosure shall be filed with the Board. Any disclosure made to any Board shall be made publicly available at a meeting of the Board and must be included in the minutes of the meeting.

§ 13-7 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 § 13-10 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 or disposing of any other investments such as the following assets:
 - 1) Real property located within the municipality that is a residence for the municipal officer or employee;
 - 2) Less than five percent of the stock of a publicly traded corporation;
 - 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.

§ 13-8 Private Employment in conflict with official duties.

- A. 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:

- 1) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 13-10 of this code;
- 2) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- 3) Violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- 4) 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.

§ 13-9 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 one year 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.
- D. This section does not prohibit a municipal officer or employee from:
 - 1) Representing him or herself, or his or her spouse or minor children, before the Village of Greenport, or any officer, administrative board, commission or other agency of the municipality, in connection with any personal matter that does not arise from or involve a business, commercial or professional activity;
 - 2) Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children, in connection with any personal matter that does not arise from or involve a business, commercial or professional activity.

- 3) Appearing before the Village of Greenport Justice Court on behalf of private citizens.

§ 13-10. 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 13-10 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.
- C. This code's prohibition on use of a municipal position (§ 13-3), disclosure requirements (§ 13-6), and requirements relating to recusal and abstention (§ 13-10), 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:
 - a. all municipal officers or employees;
 - b. all residents or taxpayers of the municipality or an area of the municipality; or
 - c. the general public; or
 - d. any matter that does not require the exercise of discretion.
- D. 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 § 13-10 of this code;
- 2) Which comes before a municipal officer when the officer would be prohibited from acting by § 13-10 of this code and the matter cannot be lawfully delegated to another person.

§ 13-11. Interests in contracts.

- A. No municipal officer or employee may have an interest in a contract that is prohibited by § 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 § 803 of the General Municipal Law.

§ 13-12. 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.

§ 13-13. Nepotism.

- 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.
- C. Any employee whose employment by the Village began prior to November 10th, 2025, is exempt from § 13-13.
- D. In exceptional circumstances, the limitations set forth in § 13-13 may be waived, provided such exception is approved in advance by a formal vote of the Board of Trustees.

§ 13-14. Political solicitations.

- A. No municipal officer or employee shall directly or indirectly 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.
- C. No municipal officer or employee shall use municipal resources for any political campaign or political activity.

§ 13-15. 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.

§ 13-16. 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, 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.

E. Presumption.

- 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;
- 7) Complimentary attendance, food and beverage offered by the sponsor of an event that is widely attended or was in good faith intended to be widely attended, when attendance at the event is related to the municipal officer or employee's duties and responsibilities as a public official or village employee or allows the municipal officer or employee to perform a ceremonial function appropriate to the municipal officer's or employee's position;
- 8) Political contributions that are subject to disclosure and not otherwise prohibited by law.

§ 13-17. Annual financial disclosure.

- A. Within thirty days after taking office, or announcing candidacy for office, and no later than July 13 of each year thereafter, all municipal officers and employees shall file with the Village Clerk a financial disclosure statement.
- B. The financial disclosure statement will be in the form approved, from time to time, by the Board of Ethics.
- C. Notwithstanding §13-17 A above, within 30 days of a material change in the information provided in the annual financial disclosure statement or an acquisition or disposition of rental property in the Village, the municipal officer or employee will amend such annual financial disclosure statement to reflect such information. Amendments to annual disclosure statements will be noticed concurrently to the Board of Ethics for a §13-7 A review.

§ 13-18. Board of Ethics.

- A. There is hereby established a board of ethics for the municipality. The board of ethics shall consist of five members. The members of such board of ethics shall be appointed by the Board of Trustees, receive no salary or compensation for their services as members of the board of ethics, and shall serve three-year terms that are hereby staggered. Initial appointments shall be made as follows: two members shall be appointed for an initial term of one year, two members shall be appointed for an initial term of two years, and one member shall be appointed for an initial term of three years. Subsequent appointments for all vacancies shall be for the full three-year term.

B. Qualification of Board members.

- 1) All members of the Board of Ethics must be residents of the municipality.
- 2) The members of the Board of Ethics should be qualified by temperament and experience to carry out the duties and responsibilities of the Board.
- 3) No member of the Board of Ethics shall be a committee person or hold office in a partisan political organization or hold elective office in the Village of Greenport.
- 4) No officer or employee of the Village of Greenport is eligible to serve on the Board of Ethics.

C. Powers and duties of the Board of Ethics.

- 1) The Board of Ethics shall select its own Chairperson from within the Board for a one-year term. The Chairperson or a majority of the Board of Ethics may call a meeting of the Board of Ethics, and the Board of Ethics must meet at least quarterly.
- 2) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner not inconsistent with this section or state or federal law.
- 3) To review lists of municipal officials and disclosure statements pursuant to §13-17 of the Village of Greenport Code of Ethics.
- 4) To conduct investigations pursuant to § 13-19 of the Village of Greenport Code of Ethics.
- 5) To conduct hearings, recommend disciplinary action and initiate appropriate actions and proceeding pursuant to §§ 13-19 and 13-20 of the Village of Greenport Code of Ethics.
- 6) To issue advisory opinions pursuant to § 13-21 of the Village of Greenport Code of Ethics.
- 7) To provide ethics training and education to Village officers and employees on the provisions of the Village of Atlantic Beach Code of Ethics and Article 18 of the General Municipal Law.
- 8) The Ethics Board of the Village of Greenport may act only with respect to officers and employees of the municipality and persons having business dealing with the municipality. The termination of a Village officer's or employee's term of office or employment with the Village shall not affect the jurisdiction of the Village Ethics Board with respect to requirements imposed by this chapter on current and former Village officers or employees to the extent permitted by law.

- 9) The Village Ethics Board may refer any matter within its jurisdiction to the County Ethics Board in its discretion.
- 10) A member of the Board of Ethics may be removed from office by a minimum of four votes of the Village Board for failure to fulfill the duties of the office or for violation of this chapter. The Village Board must give the Board member written notice and an opportunity to reply. The reply must be received within two weeks of the written notice.
- 11) The Board of Ethics must prepare an annual report to the Village Board on its activities and recommend changes to the Village Ethics Law.

§ 13-19. Complaints and investigations.

- A. Upon receipt of a form duly sworn by the person requesting an investigation of an alleged violation of this chapter or upon the Board determining on its own initiative that a violation of this chapter may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this section. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may deem relevant or material. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the office of the Village Clerk.
- B. The Village Board of Ethics investigation shall be confidential until such time that a final determination of the Village Board of Ethics has been made. Thereafter the Village Board of Ethics shall state, in writing, its disposition of every sworn complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition to the Village Board. Any findings of violations of this chapter or other applicable law shall be served upon the subject of the investigation within seven days of any such findings of violations and such violations shall be made a public record and shall be indexed and maintained on file by the Village Clerk.

§ 13-20. Enforcement.

- A. 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.
- B. Damages. The Board of Ethics may recommend to the Board of Trustees that the Village initiate an action in the Supreme Court of the State of New York to recover damages arising from the violation of this chapter.
- C. Civil forfeiture. The Board of Ethics may recommend to the Board of Trustees that the Village initiate an action or special proceeding, as appropriate, in the Supreme Court

of the State of New York to obtain civil forfeiture of any proceeds arising from the violation of this chapter.

- D. Debarment. The Ethics Board may recommend to the Board of Trustees that any person or business entity which violates this chapter be debarred from transacting business with the Village.
- E. Injunctive relief. The Board of Ethics may recommend to the Board of Trustees that the Village initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York for injunctive relief to enjoin a violation of this chapter or to compel compliance with this chapter.
- F. Prosecutions. The Board of Ethics may recommend to the Board of Trustees that the Village refer to the appropriate prosecutor possible criminal violations of this chapter.

§ 13-21. Confidential ethics advisory opinions.

- A. The Board of Ethics shall render confidential advisory opinions only to officers and employees of the Village of Greenport with respect to Article 18 of the General Municipal Law and this Code of Ethics.
- B. If a municipal officer or employee is in doubt regarding any particular conduct or issue, the municipal officer or employee may request guidance from the Board of Ethics who shall, in their discretion, prepare an advisory opinion, based on a thorough review of the facts and applicable law.
- C. The Board's opinion is to be based solely on the facts presented in the request or subsequently submitted in a written signed document. The opinion will be rendered in writing to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.
- D. An officer or employee of the municipality whose conduct or action is the subject of an advisory opinion will not be subject to penalties or sanctions by virtue of acting, or failing to act, due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the material submitted by the requester.
- E. The Board of Ethics will maintain a confidential indexed file of all advisory opinions issued by the Board.

§ 13-22. Posting and distribution.

- A. The Village Clerk 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 Village Clerk must promptly cause a copy of this code, including any amendments to this code to be distributed to every person who is or becomes an officer or employee of the Village of Greenport.
- 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 Village Clerk who must maintain such acknowledgments as a public record.
- D. The failure to post this Code of Ethics or an amendment to the code does not affect either the applicability or enforceability of the code or amendment. The failure of a municipal officer or employee to receive a copy of the Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability of enforceability of the code or of the amendment to the code.

§ 13-23. Biennial ethics training.

- A. All officers and employees of the Village of Greenport and members of the Village of Greenport Board of Ethics must complete an initial ethics training seminar within one (1) year of the effective date of this amendment. Thereafter, all such individuals must complete ethics training on a biennial basis. Ethics training will be provided at the direction of the Village Board, in conjunction with the Board of Ethics.
- B. Ethics training shall be provided by qualified professionals proficient in municipal ethics and will be designed to keep recipients knowledgeable of current standards and issues in municipal ethics.
- C. The training seminar will be made available each year.
- D. Scheduling and records documenting compliance with this section will be performed and maintained by the Village Clerk.

Chapter 29

PROCUREMENT POLICY

§ 29-1.	Determination of type of purchase; competitive bidding.	§ 29-4.	Proposals.
§ 29-2.	Methods for securing goods and services.	§ 29-5.	Exceptions.
§ 29-3.	Documentation required.	§ 29-6.	Purchase orders.
		§ 29-7.	Requests for bids and proposals.

[HISTORY: Adopted by the Board of Trustees of the Village of Greenport 12-9-1993; amended in its entirety 4-25-2011 by L.L. No. 5-2011. Subsequent amendments noted where applicable.]

§ 29-1. Determination of type of purchase; competitive bidding.

- A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law:
- (1) Purchase contracts that are for \$20,000 or less and public works contracts that are for \$35,000 or less.
 - (2) Emergency purchases.
 - (3) Certain municipal hospital purchases.
 - (4) Goods purchased from agencies for the blind or severely handicapped.
 - (5) Goods purchased from correctional institutions.
 - (6) Purchases under state and county contracts.
 - (7) Surplus and secondhand purchases from another governmental entity.
 - (8) Purchase contracts that are from sole source providers, a sole source provider being a provider or vendor that has been determined to be the only source of the goods or services that are to be obtained or provided.
- B. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, documentation from manufacturers, contractors, suppliers or vendors, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. If the purchase is approved or the contract is awarded by a resolution of the Board of Trustees, the resolution shall state the reason why the purchase was not subject to competitive bidding.

§ 29-2. Methods for securing goods and services.

A. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- (1) Purchase contracts over \$20,000 and public works contracts over \$35,000 (which are subject to competitive bidding).
- (2) Goods purchased from agencies for the blind or severely handicapped pursuant to § 175-b of the State Finance Law.
- (3) Goods purchased from correctional institutions pursuant to § 186 of the Correction Law.
- (4) Purchases under state contracts pursuant to § 104 of the General Municipal Law.
- (5) Purchases under county contracts pursuant to § 103, Subdivision 3, of the General Municipal Law.
- (6) Purchases pursuant to § 29-4 of this chapter.

~~(7)~~ Purchases from a sole-source provider.

~~(8)~~ Purchases under State contracts, pursuant to General Municipal Law §104.

~~(7)(9)~~ Purchases under county contracts, pursuant to General Municipal Law §103(3).

B. The following method of purchase will be used when required by this chapter in order to achieve the highest savings:

- (1) Purchase contracts.

Estimated Amount of Purchase Contract	Method
\$2,500 to \$9,999	2 written quotations
\$10,000 to \$20,000	3 written quotations or written requests for quotations

- (2) Public works contracts.

Estimated Amount of Public Works Contract	Method
\$3,000 to \$4,999	2 written quotations
\$5,000 to \$19,999	2 written quotations
\$20,000 to \$35,000	3 written quotations or written requests for quotations

C. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

C.

Village of Greenport, NY

§ 29-3. Documentation required.

- A. Documentation is required of each action taken in connection with each procurement.
- B. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

§ 29-4. Proposals.

- A. All proposals shall be made by the Clerk of the Village or the Clerk's designee. All proposals shall require a response by a specified date and time, and late proposals will neither be accepted nor considered. The Village may reject any and all quotes. All quotes shall be submitted to the Clerk in a sealed envelope. On the face of the envelope there shall be written the person or entity submitting the quote and the proposal to which the quote is in response. All quotes shall remain in the sealed envelope until the time and date specified in the proposal, and no quote thereafter shall be considered. Nothing herein requires solicitation of quotes be in writing. The Village may reject all quotes.
- B. No officer or employee of the Village shall solicit or accept quotes pursuant to these guidelines except the Village Clerk or the Clerk's designee.
- C. The Village Clerk shall maintain a list of individuals and entities from which proposals shall be solicited whenever proposals are solicited pursuant to this chapter and the Village Procurement Guideline Solicitation List.¹
- D. The Village Procurement Guideline Solicitation List shall contain the name, address, telephone number and area of expertise of any person or entity which notifies the Village, in writing, to the attention of the Village Clerk, that the person or entity desires to be included upon the list. Such writing shall set forth the name, address, telephone number and area of expertise with respect to which the person or entity desires to receive proposals from the Village.
- E. Whenever proposals are sought by the Village pursuant to these procurement guidelines and the work or goods to be procured fall within an area of expertise identified on the Village Procurement Guideline Solicitation List, then in that event, every person or entity on the list with expertise in the area for which proposals are sought shall be invited by the Village to submit a proposal. Nothing herein shall prohibit the Village from soliciting proposals from persons or entities not on the list.

Commented [BS1]: As noted in the footnote, this list is "on file in the office of the Village Clerk". Whether this file is in fact on file should be researched.

§ 29-5. Exceptions.

Pursuant to General Municipal Law §-104-b, ~~Subdivision 2f~~, the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances, it may not be in the best interests of the Village of Greenport to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise except that the Village of Greenport recognizes that while professional services are exempt from competitive bidding requirements, that in order to insure that the Village receives the best value when procuring these services, whenever practicable will seek additional quotes for these services.

- (1) The individual or company must be chosen based on accountability, reliability, responsibility,

1. Editor's Note: This list is on file in the office of the Village Clerk.

skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the Village of Greenport shall take into consideration the following guidelines:

- (a) Whether the services are subject to state licensing or testing requirements.
 - (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.
 - (c) Whether the services require a personal relationship between the individual and municipal officials.
- (2) Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare or review plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods and services must be purchased immediately. "Emergency" is defined as an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk. A failure to properly and timely plan in advance for a procurement, which then results in a situation in which normal procurement practices cannot be followed, will not constitute an emergency. This section does not preclude alternate proposals if time permits.
- C. Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the Village of Greenport is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices of used goods and a lower price may indicate an older product.
- D. Goods or services under \$2,500. The time and documentation required to purchase through this chapter may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
- E. Sole-source purchases and contracts. Where competition would otherwise be required, but is not feasible due to the sole-source, single-source or emergency nature of a commodity or service, the Village must be able to justify and document the selection of the vendor and establish the reasonableness of the price. In accordance with the State Finance Law, exceptions to the general requirement for competitive selection shall only be made under unusual circumstances. The Village must maintain written justification supporting the sole-source, single-source or emergency determination.

§ 29-6. Purchase orders.

- A. Purchase orders must be obtained for all purchases over \$100.
- B. Purchase orders must be obtained (dated) prior to the invoice date.

- C. In the event that, due to time constraints, a purchase order is not obtained prior to purchase, a written justification for the absence of said purchase order must be submitted with the voucher for payment.
- D. Expenditures for utility, phone, and professional services are exempt from purchase orders.

§ 29-7. Requests for bids and proposals.

- A. Requests for bids and proposals are required for all purchase contracts in excess of \$20,000 and public works contracts in excess of \$35,000, and are encouraged for all other contracts and purchases where practicable.
- B. All requests for bids and proposals shall be in standard Village form, shall comply with the New York State General Municipal Law as to minimum or substantive requirements, and shall contain the following language: "The Village of Greenport is an equal opportunity employer and does not discriminate on the basis of race, color, creed, ancestry, disability or handicap, marital/financial status, military status, religion, sex, sexual orientation, age or national origin with respect to employment or any employment-related matter, and the Village of Greenport requires that all contractors participating in contracts for public work in the Village of Greenport and all subcontractors of those contractors comply with that same requirement and evidence that compliance to the Village of Greenport by providing an affidavit to that effect. The Village of Greenport encourages bids for public works and other contracts with the Village of Greenport and subcontractors of the bidders for those contracts by minority- and women-owned contractors and entities, and the Village of Greenport will solicit bids and contracts from such entities with respect to the public work noticed herein."