# ENDWELL FIRE DISTRICT

| CODE OF ETHICS | |
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| **Number: 2025-02** | **Adopted: May 28, 2025** |

WHEREAS, Article 18 of the General Municipal Law prohibits the officers and employees of a fire district from having certain conflicts of interest;

WHEREAS, section 806 of the General Municipal Law, as amended by chapter 238 of the Laws of 2006, requires the governing body of each fire district to adopt a code of ethics that applies to the officers and employees of the fire district, and the volunteer members of the fire district's fire department;

WHEREAS, a code of ethics adopted by the board of fire commissioners of a fire district must set forth standards of conduct for the guidance of the officers and employees of the fire district and the volunteer members of the fire district fire department with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable,

NOW, THEREFORE, be it resolved that the board of fire commissioners of the Endwell Fire District of the Town of Union, County of Broome, hereby adopts the following Code of Ethics set forth for the guidance of its officers and employees, the standards of conduct reasonably expected of them.

## Code of Ethics of the Endwell Fire District

**Section 1. Purpose.**

Officers and employees of the Endwell Fire District and the members of the fire district fire department 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 board of fire commissioners recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

**Section 2. Definitions.**

A. "Contract" means any claim, amount, or demand against or agreement with the Fire District, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice or resolution or other proceedings where such publication is required or authorized by law.

B. "Interest" means a direct or indirect pecuniary or material benefit accruing to a Fire District officer or employee as the result of a contract with the Fire District that such officer or employee serves. For the purpose of this Code of Ethics, a Fire District officer or employee shall be deemed to have an interest in the contract of (A) a spouse, minor child, or dependent, except a contract of employment with the Fire District in which such officer or employee serves, (B) a firm partnership or association of which such officer or employee is a member or employee, (C) a corporation of which such officer or employee is an officer,

director or employee, and (D) a corporation of which any stock is owned or controlled directly or indirectly by such officer or employee.

C. "Officer or Employee" means a Fire District Commissioner, Fire District Secretary, Fire District Treasurer, Fire District Deputy Treasurer, Fire District Chief, Fire District Assistant Chief, and employees of the Fire District. No person shall be deemed to be a Fire District Officer or Employee solely by reason of being a volunteer firefighter, except a Fire Chief or Assistant Fire Chief.

   a. "Employee" means a paid employee of the fire district, including, but not limited to, paid firefighters.

   b. "Officer" means a person serving as a paid or volunteer officer of the fire district, including, but not limited to, the members of the board of fire commissioners, treasurer, deputy treasurer, secretary, director of purchasing, and the chief and assistant chiefs of the fire district fire department.

D. "Family member" means a parent, sibling, spouse, child, uncle, aunt, first cousin, or household member.

E. "Fire district" means the Endwell Fire District.

F. "Member of the fire district fire department" or "fire department member" means a volunteer member of the fire district fire department. The official powers and duties of a fire department member refer to the individual's powers and duties under laws, under rules or regulations adopted by the Board of Fire Commissioners, or under policies or procedures of the Board of Fire Commissioners or the Chief of the fire district fire department.

**Section 3. Applicability.**

This code of ethics applies to the officers and employees of the fire district and the members of the fire district's fire department. The provisions of this code of ethics shall apply in addition to all laws, including Article 18 of the General Municipal Law, all rules or regulations of the Board of Fire Commissioners, and all policies and procedures of the Board of Fire Commissioners and the chief of the fire district fire department.

**Section 4. The appearance of impropriety.**

No officer or employee of the fire district and no member of the fire district fire department shall create an appearance of impropriety by giving the impression that he or she will exercise or perform his or her official duties based on family, private business, or social relationships, or any consideration other than the welfare of the fire district.

**Section 5. Use of position for personal or private gain.**

A. No officer or employee of the fire district, and no member of the fire district fire department, may use his or her position to secure unwarranted personal or private gain for himself or herself or any other person or any organization. The unwarranted personal or private gain does not include any payment, benefit, or opportunity that is available to any of the following groups of people:

1. all of the officers, employees, or members of the fire district fire department;
2. all of the members of a fire district fire company;
3. all of the eligible residents of the fire district or a duly established zone of the fire district; or
4. the general public.

B. No officer or employee of the fire district, and no member of the fire district fire department, may use or permit the use of fire district resources for personal or private purposes. Fire district resources include, but are not limited to, the use of fire district personnel or the use of the fire district's money, vehicles, equipment, materials, supplies, or other property.

C. No officer or employee of the fire district and no member of the fire district fire department shall cause the fire district to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.

D. This section does not prohibit an officer, employee, or fire department member from:

1. Responding to a fire or other emergency;
2. Voting to approve the fire district's annual budget;
3. authorizing or receiving lawful compensation for services as an officer or employee of the fire district;
4. authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an officer, employee, or fire department member in the performance of his or her official duty;
5. authorizing or receiving lawful benefits as a fire department member, including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;
6. authorizing or receiving payments under a lawful fire district contract;
7. using fire district personnel, vehicles, equipment, materials, supplies, or property for any purpose pursuant to law; or
8. Performing a mandatory function that does not require the exercise of discretion.

**Section 6. Disclosure of interest in legislation.**

A. Every officer and employee of the fire district, and every member of the fire district fire department, must disclose the nature of any interest in any matter coming before the board of fire commissioners for action, which any of the following people have:

1. the officer, employee, or fire department member;
2. a family member of the officer, employee, or fire department member; or

3. A family member of the spouse of the officer, employee, or fire department member.

B. For purposes of this section, a "matter coming before the board of fire commissioners for action" means a motion, resolution, or any other issue or question requiring a vote of the board.

C. The disclosure required by this section must be in writing and must be made public to the board of fire commissioners. The board of fire commissioners must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made. Once disclosure has been made concerning an interest in a contract with a particular person, firm, corporation, or association, no further disclosures need to be made concerning additional contracts with the same party during the remainder of the year.

D. Disclosure is not required concerning interests in the following actions by the board of fire commissioners:

1. adoption of the fire district's annual budget;
2. authorization of lawful compensation for services as an officer or employee of the fire district;
3. authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee, or fire department member in the performance of his or her official duty; or
4. Authorization of lawful benefits to the members of the fire department, including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law.

**Section 7. Recusal and abstention.**

A. Except as otherwise required by law, no officer or employee of the fire district, and no member of the fire district fire department, may participate in the discussion or vote on any matter or exercise or perform any other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:

1. the officer, employee, or fire department member;
2. a family member of the officer, employee, or fire department member; or
3. a family member of the spouse of the officer, employee, or fire department member.

B. In the event that subdivision (a) of this section prohibits an officer, employee, or fire department member from exercising or performing his or her official powers or duties:

1. if the officer has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or
2. in all other cases, the officer, employee, or fire department member must refer the matter to his or her immediate supervisor or, if the person does not have an

immediate supervisor, the officer, employee, or fire department member must refer the matter to the board of fire commissioners.

C. When a matter is referred to a person's immediate supervisor or the board of fire commissioners pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the board of fire commissioners or the immediate supervisor or board of fire commissioners may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.

D. This section does not prohibit an officer, employee, or fire department member from performing a mandatory function that does not require the exercise of discretion.

E. About disciplinary matters that are not monetary in nature or to which the definition of interest herein would not apply and involve a possible conflict of interest for the officer, employee, or fire department member authorized to perform duties within the disciplinary process, the decision on whether or not recuse oneself from participating in such process shall be a personal determination to be made by the officer, employee or fire department member. In such cases, the officer, employee, or fire department member may seek the counsel and advice of the district council.

**Section 8. Holding of investments in conflict with official duties.**

A. No officer or employee of the fire district, and no member of the fire district fire department, may hold the following investments:

- personal investments that will be directly affected by the exercise or performance of the person's official powers and duties; or
- Personal 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 an officer, employee, or fire department member from owning any of the following assets:

- real property located within the fire district or any other area served by the fire district fire department and used as his or her personal residence;
- less than five percent of the stock of a publicly traded corporation; or
- Bonds or notes issued by the fire district and acquired more than one year after the date on which the bonds or notes were originally issued.

**Section 9. Private employment in conflict with official duties.**

A. No officer or employee of the fire district, and no member of the fire district fire department, may accept employment or engage in any business or professional activity which:

- impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties;

- is likely to require disclosure of confidential information gained by reason of serving as an officer, employee, or fire department member; or
- Requires representation of a person or organization other than the fire district in connection with litigation, negotiations, or any other matter to which the fire district is a party.

B. No officer or employee of the fire district, and no member of the fire district fire department, may:

- represent another person or organization before the board of fire commissioners or any other body or officer of the fire district;
- render services to another person or organization in relation to any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or
- Render services to another person or organization in relation to any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.

C. This section does not prohibit an officer, employee, or fire department member from:

- representing him or herself, or his or her spouse or minor children, before the board of fire commissioners or any other body or officer of the fire district;
- asserting a claim against the fire district on his or her behalf, or on behalf of his or her spouse or minor children; or
- Performing services pursuant to a lawful and duly authorized contract with the fire district, provided that if the consideration payable under the contract exceeds $1,000, the contract was awarded through competitive bidding or some other competitive process.

**Section 10. Future employment.**

A. No officer or employee of the fire district, and no member of the fire district fire department, for the two years after serving as such officer, employee, or department member, may:

- represent another person or organization before the board of fire commissioners or any other body or officer of the fire district;
- render services to another person or organization in connection with any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or
- Render services to another person or organization in connection with any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.

B. No officer or employee of the fire district, and no member of the fire district fire department, at any time after serving as such officer, employee, or fire department member, may appear, practice, or render services to another person or organization in connection with any particular matter in which he or she participated while serving as an officer, employee or fire department member.

C. This section does not prohibit an officer, employee, or fire department member from:

- representing him or herself, or his or her spouse or minor children, before the board of fire commissioners or any other body or officer of the fire district;
- asserting a claim against the fire district on his or her behalf, or on behalf of his or her spouse or minor children; or
- Performing services pursuant to a lawful and duly authorized contract with the fire district, provided that if the consideration payable under the contract exceeds $1,000, the contract was awarded through competitive bidding or some other competitive process.

**Section 11. Confidential Information.**

No Fire District officer, an employee of the fire district, or a member of the fire department shall disclose confidential information acquired in the course of exercising or performing official duties or use such information to further his or her personal interest.

**Section 12. Gifts.**

A. No Fire District officer, an employee of the fire district, or no member of the fire department shall directly or indirectly solicit any gift, or accept or receive any gifts in the performance of his or her official duties that were intended as a reward for any official action on his or her part.

B. No officer or employee of the fire district, and no member of the fire district fire department, may accept or receive any gift, or multiple gifts from the same donor, having an aggregate value of seventy-five dollars or more when:

- it appears that the gift is intended to influence the officer, employee, or fire department member in the exercise or performance of his or her official powers or duties;
- the gift could reasonably be expected to influence the officer, employee, or fire department member in the exercise or performance of his or her official powers or duties; or
- the gift is intended as a reward for any official action on the part of the officer, employee, or fire department member.

C. 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, employee, or member during the twelve months preceding the receipt of the most recent gift.

- A gift from a person or organization that seeks to contract with the fire district is presumed to be a gift that is intended to influence an officer, employee, or fire department member in the exercise or performance of his or her official powers or duties.
- A gift from a person or organization that has a contract with the fire district, or has had a contract with the fire district during the preceding twelve months, is presumed to be a gift intended as a reward for official action.

D. This section does not prohibit:

- gifts made to the fire district;
- fundraising activities authorized by and pursuant to section 204-a of the General Municipal Law;
- gifts from a person with a family or personal relationship with the officer, employee, or fire department members when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer, employee, or fire department member, that is the primary motivating factor for the gift;
- gifts that are modest, reasonable, and customary, given on special occasions, such as marriage, illness, or retirement;
- unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- awards and plaques having a value of seventy-five dollars or less, which are publicly presented in recognition of service as an officer, employee, or fire department member, or other services to the community; or
- Payments of rewards authorized by law.

**Section 13. Board of Ethics.**

A. There is hereby established a board of ethics for the fire district. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of the fire district or members of the fire district or fire department, but at least one of whom must be an officer, employee, or fire department member. The members of such board of ethics shall be appointed by the Board of Fire Commissioners, serve at the pleasure of the Board of Fire Commissioners, and receive no salary or compensation for their services as members of the Board of Ethics.

B. The board of ethics shall render advisory opinions to officers, employees, and fire department members concerning Article 18 of the General Municipal Law and this code of ethics. Such advisory opinions must be rendered pursuant to the written request of any such officer, employee, or fire department member under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the fire district's legal counsel. In addition, the Board of Ethics may make recommendations concerning the drafting and adoption of a code of ethics or amendments thereto upon the request of the Board of Fire Commissioners.

Endwell Fire District Ethics Committee

Brian Gilroy, 315 Winding Ridge Road, Endwell, NY 13760

Matthew Weintraub, 3725 Alpine Drive, Endwell, NY 13760

Perry Griffith, 3512 Columbia Drive, Endwell, NY 13760

Non-Voting Member: Matthew Cook, 303 Shady Drive, Endwell, NY 13760

**Section 14. Posting and distribution.**

A. The board of fire commissioners must promptly cause a copy of this code of ethics and a copy of any amendment to this code of ethics to be posted publicly and conspicuously in each building under the fire district's control. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.

B. The chairman of the board of fire commissioners must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the fire district or a member of the fire district fire department.

C. Every officer, employee, and fire department member who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the secretary of the fire district, who shall maintain such receipts 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 the amendment. The failure of an officer, employee, or fire department member to receive a copy of this code of ethics or an amendment to the code or to acknowledge receipt thereof in writing does not affect either the applicability or enforceability of the code or amendment to the code.

**Section 15. Enforcement.**

Any officer, employee, or member who violates this code of ethics may be fined, suspended, or removed from office, employment, or membership in the fire department in the manner provided by law. A violation of this code is deemed "misconduct" within the meaning of section 209-l of the General Municipal Law.

**Section 16. Effective date.**

This code of ethics takes effect on the first day of June, two thousand seven.

This policy was reviewed and re-adopted on May 28, 2025, and supersedes any previous version of this policy.

By order of the Board of Fire Commissioners, Endwell Fire District.

Reviewed and adopted: May 28, 2025
Revised the Members of the committee
Reviewed and adopted: January 10, 2024
Reviewed and Adopted: January 04, 2023
Revised and accepted: January 5, 2022
Revised and accepted: February 17, 2016

# ACKNOWLEDGMENT OF RECEIPT OF THE ENDWELL FIRE DISTRICT CODE OF ETHICS

I, _____, hereby acknowledge that I have received and read the Endwell Fire District Code of Ethics dated _____ and agree to abide by its terms.

Signature: _____

Date: _____