

PART I ADMINISTRATIVE LEGISLATION

Chapter 1, GENERAL PROVISIONS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill: Art. I, 3-18-1996 by L.L. No. 2-1996; Art. II, 3-18-1996 by L.L. No. 2-1996. Amendments noted where applicable.]

ARTICLE I, Adoption of Code [Adopted 3-18-1996 by L.L. No. 2-1996]

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Cobleskill, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 160, together with an Appendix, shall be known collectively as the "Code of the Village of Cobleskill," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of Cobleskill" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Cobleskill, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Village of Cobleskill in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from

and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Cobleskill prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Cobleskill or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Village of Cobleskill.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Cobleskill.
- E. Any local law or ordinance of the Village of Cobleskill providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Cobleskill or any portion thereof.
- F. Any local law or ordinance of the Village of Cobleskill appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Cobleskill or other instruments or evidence of the village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any legislation relating to salaries.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any legislation adopted subsequent to 6-19-1995.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Cobleskill and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Village Clerk of the Village of Cobleskill by impressing thereon the Seal of the Village of Cobleskill, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Cobleskill" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of Cobleskill required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Village Clerk of the Village of Cobleskill upon the payment of a fee to be set by resolution of the Board of Trustees, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Village Clerk, changes or amends, by

additions or deletions, any part or portion of the Code of the Village of Cobleskill or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Cobleskill to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for a term of not more than fifteen (15) days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Cobleskill, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one (1) or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the following amendments and/or additions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)^{1EN}

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of Cobleskill, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

ARTICLE II, General Penalty [Adopted 3-18-1996 by L.L. No. 2-1996]

§ 1-14. General penalty.

Except as otherwise provided for by state statute or other provisions of this Code, the penalty for a violation shall be two hundred fifty dollars (\$250.) or fifteen (15) days imprisonment, or both.

Chapter 4, ASSESSING UNIT

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 12-19-1983 as

L.L. No. 1-1984. (This local law was subject to permissive referendum and no valid petition was filed.) Amendments noted where applicable.]

GENERAL REFERENCES

Taxation -- See Ch. 140.

§ 4-1. Legislative intent.

The intent of the Board of Trustees of the Village of Cobleskill is to implement § 1402, Subdivision 3 of the Real Property Tax Law providing for the voluntary termination of the village's status as an assessing unit, as now provided in the Village Law and the Real Property Tax Law. It is also the intent of this chapter to abolish the Board of Assessors and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Cobleskill.

§ 4-2. Village to cease to be an assessing unit.

On or after the effective date of this chapter, the Village of Cobleskill shall cease to be an assessing unit.

§ 4-3. Position of Assessors abolished.

The positions of Assessors in the Village of Cobleskill are hereby abolished.

§ 4-4. Board of Assessment Review abolished.

The Board of Assessment Review in the Village of Cobleskill is hereby abolished.

§ 4-5. Levy of taxes.

On or after the effective date of this chapter, taxes in the Village of Cobleskill shall be levied on a copy of the applicable part of the assessment roll of the Town of Cobleskill with the taxable status date of such town controlling for village purposes.

§ 4-6. Copy to be filed.

Within five (5) days of the effective date of this chapter, the Board of Trustees of the Village of Cobleskill shall file a copy of such chapter with the Clerk and Board of Assessors of the Town of Cobleskill and with the State Board of Equalization and Assessment.^{2EN}

Chapter 8, CONTINUITY OF GOVERNMENT

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 2-21-1994 as L.L. No. 1-1994. Amendments noted where applicable.]

§ 8-1. Line of succession.

Pursuant to § 27 of the Executive Law of the State of New York, the following line of succession is hereby established for continuity in government when, in the event of a disaster and the emergency conditions caused thereby, the Mayor is unable to discharge his or her duties:

- A. Mayor.
- B. Deputy Mayor.
- C. Emergency Management Coordinator.
- D. Deputy Emergency Management Coordinator.
- E. Police Chief.
- F. Fire Chief.
- G. Public Works Superintendent.
- H. Water Superintendent.
- I. Wastewater Superintendent.
- J. Codes Enforcement Officer.
- K. Village Clerk.

Chapter 11, DEFENSE AND INDEMNIFICATION

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 12-1-1980 as L.L. No. 2-1980. Amendments noted where applicable.]

§ 11-1. Legislative intent.

The purpose of this chapter is to provide legal and financial protection for those individuals serving the Village of Cobleskill from losses which may be brought against them in their individual capacity for actions taken while in the performance of their official duties and responsibilities. In enacting this chapter, the Board of Trustees finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this chapter, the Board of Trustees does not intend to limit or otherwise abrogate any existing right or responsibility of the village or its employees with regard to indemnification or legal defense. It is solely the intent of this chapter to provide similar coverage for local employees as is presently provided for state employees so as to continue to attract qualified individuals to local government service.

§ 11-2. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

EMPLOYEE -- Any person holding a position by election, appointment or employment in the service of the Village of Cobleskill, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

§ 11-3. Defense to be provided.

- A. Upon compliance by the employee with the provisions of § 11-5 of this chapter, the

village shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties or which is brought to enforce a provision of 42 U.S.C. § 1981 or 1983. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village of Cobleskill.

- B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Village Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Village Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Village Attorney would be inappropriate or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Village Attorney shall notify the employee, in writing, of his determination that the employee is entitled to be represented by private counsel. Private counsel is subject to approval by the Village Board. The Village Attorney may require as a condition to payment of the fees and expenses of such representation that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel, under the provisions of this section, the Village Attorney shall so certify to the Village Board reasonable attorneys' fees, and litigation expenses shall be paid by the village to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification that the employee is entitled to representation under the terms and conditions of this section. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.
- C. Where the employee delivers process and a request for a defense to the Village Attorney as required by § 11-5 of this chapter, the Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

§ 11-4. Settlement.

- A. The village shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
- B. An employee represented by private counsel shall cause to be submitted to the Board of Trustees any proposed settlement which may be subject to indemnification by the

village, and if not inconsistent with the provisions of this section, the Board shall approve such settlement and submit such settlement and approval to the Village Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if in his judgment the settlement is in the best interest of the village. Nothing in this subsection shall be construed to authorize the village to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Board and the Village Attorney.

- C. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail, within thirty (30) days of the date of entry or settlement upon the Board, and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by the Board. If the attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Village Treasurer.

§ 11-5. Conditions of defense. ^{3EN}

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery to the Village Attorney or his assistant, at his office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the state based upon the same act or omission and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the village provide for his defense pursuant to this chapter.

§ 11-6. Scope.

The benefits of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the workers' compensation law.

§ 11-7. Construal.

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

§ 11-8. Applicability.

The provisions of this section shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

§ 11-9. Immunity.

Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit entity, officer or employee of the

village, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

Chapter 15, ETHICS, CODE OF

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 12-21-1970. Amendments noted where applicable.]

§ 15-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Village Board of Trustees of the Village of Cobleskill, Schoharie County, New York, recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the village. These rules shall serve as a guide for official conduct of the officers and employees of the village. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 15-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
MUNICIPAL OFFICER OR EMPLOYEE -- An officer or employee of the village, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer.
INTEREST -- A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

§ 15-3. Standards of conduct.

Every officer or employee of the village shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75.) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.^{4EN}
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Village Board and any officer or employee of the village, whether paid or unpaid, who participates in the discussion or gives official opinion to the Village Board on any legislation before the Village Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transactions which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the village in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 15-4. Distribution. ^{5EN}

The Village Clerk shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the village within ten (10) days after the effective date of this chapter. Each officer elected or appointed thereafter shall be furnished a copy of the Code of Ethics by the Village Clerk. Each employee shall be furnished a copy of the Code of Ethics by the department head of the particular department within which such person is employed. Failure to distribute any copy of the Code of Ethics or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code or the provisions thereof.

§ 15-5. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

§ 15-6. Board of Ethics.

The village shall refer any matters requiring referral or matters deemed advisable to be referred to the Board of Ethics of Schoharie County.

Chapter 20, INVESTMENT POLICY

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 3-20-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics -- See Ch. 15.

§ 20-1. Scope.

This investment policy applies to all moneys and other financial resources available for investment by the Village of Cobleskill (hereinafter referred to as the "village") on behalf of the village or on behalf of any other entity or individual.

§ 20-2. Objectives.

The primary objectives of the village's investment activities are, in priority order, to:

- A. Conform to all applicable federal, state and other legal requirements (legal).
- B. Adequately safeguard principal (safety).
- C. Provide sufficient liquidity to meet all operating requirements (liquidity).
- D. Obtain a reasonable rate of return (yield).

§ 20-3. Delegation of authority.

The responsibility of the Board of Trustees of the village (hereinafter referred to as the "Village Board," the "Board of Trustees" or "Board") for administration of the village's investment program is delegated to the Village Treasurer of the village (hereinafter referred to as the "Village Treasurer" or "Treasurer"), who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates and other relevant information and to regulate the activities of subordinate employees.

§ 20-4. Prudence.

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the village to govern effectively.
- B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the safety of the principal as well as the probable income to be derived.

- C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

§ 20-5. Diversification.

It is the policy of the village to diversify its deposits and investments by financial institution, investment instrument and maturity scheduling.

§ 20-6. Internal controls.

- A. It is the policy of the village that no officer or employee of the village, other than those within the Village Court system and the Village Treasurer and designated staff of the Village Treasurer, shall collect any funds of the village.
- B. The Village Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

§ 20-7. Designation of depositories.

The Board of Trustees shall designate annually at its organizational meeting of the Board, and at such other times as it may deem appropriate, the banks and trust companies authorized for the deposit of village moneys.

§ 20-8. Collateralization of deposits.

In accordance with § 10 of the State General Municipal Law, all deposits of the village, including certificates of deposit and special time deposits in excess of all amounts insured under provisions of the Federal Deposit Insurance Act, shall be secured by:

- A. A pledge of eligible securities with an aggregate market value as provided pursuant to § 10, equal to the aggregate amount of deposits from the categories set forth in Appendix A^{6EN} of this policy.
- B. An eligible irrevocable letter of credit issued by a qualified bank, other than the bank with the deposits, in favor of the village for a term not to exceed ninety (90) days with an aggregate value equal to one hundred forty percent (140%) of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one in which the bank's commercial paper and other unsecured short-term debt obligations are rated in one (1) of the three (3) highest rating categories by at least one (1) nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- C. An eligible surety bond payable to the government for an amount equal to at least one hundred percent (100%) of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, such company to have claims-paying ability rated in the highest rating

category by at least two (2) nationally recognized statistical rating organizations.

§ 20-9. Safekeeping and collateralization.

- A. Eligible securities used for collateralizing deposits shall be held by the depository and/or a third-party bank or trust company subject to security and custodial agreements.
- B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits, together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It also shall provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the village to exercise its rights against the pledged securities. In event that the securities are not registered or inscribed in the name of the village, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the village or its custodial bank.
- C. The custodial agreement shall provide that securities held by the bank or trust company or agent of and custodian for the village will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or becomes part of the backing for any other deposit or other liabilities. The agreement also should describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the village a perfected interest in the securities.

§ 20-10. Permitted investments.

- A. The Village Board, pursuant to § 11 of the State General Municipal Law, authorizes the Village Treasurer to invest moneys not required for immediate expenditure for terms not to exceed the village's projected cash flow needs in the following investments:
 - (1) Special time deposit accounts.
 - (2) Certificates of deposit.
 - (3) Obligations of the United States of America.
 - (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
 - (5) Obligations of the State of New York.
 - (6) Obligations issued, with approval of the State Comptroller, pursuant to §§ 24 and 25 of the State Local Finance Law, by any municipality, school district or district corporation other than the village.
 - (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.

- (8) Certificates of participation (COP's) issued pursuant to § 109-b of the State General Municipal Law.
 - (9) Obligations of the village, but only with moneys in a reserve fund established pursuant to §§ 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-m or 6-n of the State General Municipal Law.
- B. All investment obligations shall be payable or redeemable at the option of the village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the village within two (2) years of the date of purchase.

§ 20-11. Authorized financial institutions and dealers.

- A. The village shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer.
- B. All financial institutions with which the village conducts business must be credit worthy.
 - (1) Banks shall provide their most recent consolidated report of condition (call report) at the request of the village.
 - (2) Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers.
- C. The Village Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 20-12. Purchase of investments.

- A. The Village Treasurer is authorized to contract for the purchase of investments:
 - (1) Directly, including through a repurchase agreement, from an authorized trading partner.
 - (2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law, when such program meets all the requirements set forth in Opinion No. 88-46 of the Office of the State Comptroller and the specific program has been authorized by the Board of Trustees of the village.
 - (3) By using an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Board of Trustees.
- B. All purchased obligations unless registered or inscribed in the name of the village shall be purchased through, delivered to and held in the custody of a bank or trust company.
 - (1) Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the Village Treasurer.
 - (2) All such transactions shall be confirmed, in writing, to the village by the bank or trust company.

- (3) Any obligation held in the custody of the bank or trust company shall be held pursuant to a written custodial agreement as described in § 10 of the State General Municipal Law.
- C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities.
- (1) Such agreement shall describe how the custodian shall confirm the receipt and release of the securities.
 - (2) Such agreement shall include all provisions necessary to provide the local government with a perfected interest in the securities.

§ 20-13. Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

- A. All repurchase agreements must be entered into subject to a master repurchase agreement.
- B. Trading partners are limited to banks and trust companies authorized to do business in New York State and primary reporting dealers.
- C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- D. No substitution of securities will be allowed.
- E. The custodian shall be a party other than the trading partner.

Chapter 32, RESIDENCY REQUIREMENTS FOR OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 1-19-1999 by L.L. No. 1-1999; amended in its entirety 5-15-2000 by L.L. No. 2-2000. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

- Continuity of Government -- See Ch. 8.**
Code of Ethics -- See Ch. 15.
Salaries and compensation -- See Ch. 33.

§ 32-1. Legislative intent.

The purpose of this chapter is to fulfill Subdivision 2 of § 3-300 of the Village Law, which authorizes the Board of Trustees to allow appointed village officers to reside in the county wherein the village is wholly or partially situated. This is in lieu of any residency requirement to the contrary.

§ 32-2. Residency requirement for certain appointed officers and employees.

The Clerk-Treasurer, the Deputy Clerk-Treasurer, the Codes Enforcement Officer (the Superintendent of the Department of Planning, Environment and Codes Enforcement), the Assistant Zoning Officer, the Codes Enforcement Assistant and the Clerk of the Village of Cobleskill Justice Court shall reside in Schoharie County. The foregoing officers and employees shall not be required to be residents of the Village of Cobleskill.

§ 32-3. Residency requirement for Public Works Superintendent.

The Public Works Superintendent shall reside in the Town of Cobleskill.

§ 32-4. Residency requirement for Fire Chief.

The Fire Chief shall reside in the Cobleskill Fire Protection District.

Chapter 33, SALARIES AND COMPENSATION

[Legislation pertaining to salaries and compensation in the Village of Cobleskill is on file in the village offices. These materials are available for inspection during normal business hours.]

Chapter 36, SMOKING

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 3-19-1990. Amendments noted where applicable.]

§ 36-1. Statutory authority; intent.

- A. The New York State Clean Indoor Air Act,^{7EN} which was recently enacted, requires every employer, both public and private, to provide smoke-free work areas for employees who desire it and to develop and maintain a written policy regarding smoking in the workplace. The policy must conform to all requirements contained in this statute. It is the intention of the legislation to improve the health, comfort and environment of the people of the state by limiting exposure to tobacco smoke.
- B. The Village of Cobleskill has developed this policy to meet this statutory mandate. This policy and guidelines are predicated on the substantial and well-documented scientific research showing that breathing secondhand smoke is a significant health hazard for nonsmokers.
- C. Pursuant to the Clean Indoor Air Act, the Village of Cobleskill recognizes the obligation to protect nonsmoking employees and visitors to the Agency from the involuntary exposure to secondhand tobacco smoke. At the same time, the Village of Cobleskill accepts the further responsibility of meeting this obligation without imposing needless or unnecessary hardship on employees and members of the public who smoke. It is the intention of this policy to make the best balance possible between these conflicting obligations.

§ 36-2. Policy.

The following is the Village of Cobleskill policy on smoking in the workplace:

- A. Smoking is prohibited in any enclosed work area occupied by more than one (1) person whenever one (1) or more employees in the work area request a smoke-free environment. For purposes of this policy, "work area" shall mean a room, office, Village of Cobleskill vehicle or any other area enclosed by floor-to-ceiling walls and doors in which Village of Cobleskill employees are conducting Village of Cobleskill business.
- B. Smoking is also prohibited in auditoriums, classrooms, rest rooms, hallways, libraries and rooms or areas containing photocopying or other equipment used by employees in common. The Village of Cobleskill Board of Trustees may recommend that other areas be designated as "no smoking" for safety reasons.

§ 36-3. Implementation; enforcement.

- A. Supervisors are responsible for ensuring compliance with this policy.
- B. The Village of Cobleskill will investigate possible locations at its facilities where smoking may be permitted.

§ 36-4. Applicability.

Effective April 1, 1990, this policy shall apply to all employees and visitors to Village of Cobleskill operated facilities. Where employees are using facilities operated by other public or private agencies, the policy in effect for that facility will apply.

Chapter 38, TRAINING REQUIREMENTS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

- Historic District -- See Ch. 90.**
- Subdivision of land -- See Ch. 135.**
- Zoning -- See Ch. 160.**

ARTICLE I, Planning Board, Historic District Review Commission and Zoning Board of Appeals Members [Adopted 2-17-2004 by L.L. No. 1-2004]

§ 38-1. Title.

This article shall be entitled "A local law establishing training requirements for members of the Planning Board, Historic District Review Commission, and Zoning Board of Appeals of the Village of Cobleskill."

§ 38-2. Purpose and intent.

- A. The Board of Trustees (hereinafter the "Village Board") of the Village of Cobleskill (hereinafter the "Village") finds that appropriate training of the Village Planning Board (hereinafter "Planning Board"), the Village Historic District Review Commission (hereinafter "HDRC"), and the Village Zoning Board of Appeals (hereinafter "ZBA") members is essential to the proper functioning of said Boards/Commission.
- B. The State of New York has recognized the importance of training in Village Law §§ 7-718, Subdivision 7-a, and § 7-712, Subdivision 7-a.
- C. It is the purpose of this article to assist the Planning Board, HDRC, and ZBA members in obtaining appropriate training to enhance their ability to carry out their duties under applicable provisions of law, and to pay the reasonable costs of such training as a Village charge.
- D. It is also the purpose of this article to establish minimum training and continuing education course requirements for such members.

§ 38-3. Minimum requirements; noncompliance; costs.

- A. Each member of the Planning Board, ZBA and HDRC shall complete, at minimum, four hours of training each year designated to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this section. Such training shall be approved by the Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including, but not limited to, electronic media, video, distance learning and traditional classroom training.
[Amended 2-20-2007 by L.L. No. 2-2007]
- B. Noncompliance with these minimum requirements relating to training shall be deemed a proper cause for removal from office.
- C. The reasonable costs of such training courses, seminars, workshops or continuing education courses so designated shall be a Village charge. Members shall also be reimbursed for reasonable travel and meal expenses according to Village policies. Such training sessions shall be approved in advance by the Village Board.

§ 38-4. Approved courses; notice of opportunities; verification.

- A. Training sessions that relate to the duties of members of the Planning Board, members of the HDRC, and members of the ZBA may include programs offered by the New York State Department of State, New York State Conference of Mayors, New York State Department of Environmental Conservation, the New York State Planning Federation, the New York State Historic Preservation Office, the New York State Preservation League, the Schoharie County Department of Planning and Economic Development, the Schoharie County Cooperative Extension, the Schoharie County Village Officers Association and other such entities, as well as in-house updates or training seminars or municipal law seminars conducted by the Village Attorney of the Village of Cobleskill.

- B. The Village Board, after consultation with the Codes Enforcement Officer and chairpersons of the Planning Board, HDRC, and ZBA shall designate such training courses, seminars, workshops, or continuing education courses that may be offered within a reasonable distance that may be helpful to or of assistance to the Planning Board, HDRC, and/or ZBA in carrying out their respective functions in a timely, fair, and lawful manner. Notice of such training opportunities shall be forwarded by the Village Board to the respective chairpersons as information becomes available.
- C. Members of the Planning Board, HDRC, and ZBA must submit verification of training to the Village Clerk-Treasurer within 30 days after completion of the training, both for reimbursement of training expenses and for reporting to the Village Board.

§ 38-5. Effect of lack of training.

Notwithstanding the foregoing, the failure of a member of the Planning Board, HDRC, or ZBA to obtain such training shall not affect said person's appointment to serve on such Board/Commission, to entertain applications, to vote on such applications, the validity of such member's actions or the validity of any decision, order or action of such board/commission.

§ 38-6. Procedure for removal of member.

The Village Clerk-Treasurer shall notify the Village Board in writing on or about December 1 in any year of any member of the Planning Board, HDRC, or ZBA who fails to comply with the minimum requirements for training in any calendar year. In the event a member of the Planning Board, HDRC, or ZBA has failed to complete the minimum training requirements set forth in § 38-3, then the Village Board may remove such member for cause as herein provided:

- A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the requirements of § 38-3 above. Such member may elect to arrange a meeting with the Village Personnel Committee within 14 days of the date of the notice to review any pertinent information such member wishes to have considered in support of nonremoval. The Village Personnel Committee will then make its recommendation to the Village Board. If the recommendation is to allow the member to continue because the Personnel Committee determines that legitimate reason(s) for noncompliance exists, a reasonable date for compliance shall be established by which date the requirement is expected to be fulfilled. If the recommendation is to proceed with removal from the respective Board/Commission, then the removal process will continue.
- B. Public hearing. Such notice shall specify a date, not less than 10 nor more than 30 days from the date of mailing such notice, when the Village Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board/Commission. Such notice shall also specify the time, date, and place of such hearing.
- C. Public notice. Public notice of such hearing shall be published in the official newspaper at least 10 days prior to the date of the public hearing.
- D. Conduct of hearing. The public hearing on the charges shall be conducted before the

Village Board. The member shall be given an opportunity to retain an attorney at his or her own expense, to present evidence, to call witnesses to refute the charges, and to cross-examine witnesses. A record of such hearing shall be made. The decision of the Village Board shall be reduced to writing, together with specific findings of the Village Board with respect to each charge against such member. A copy of such decision and such findings shall be filed in the Village Clerk's Office and mailed to the member.

- E. Action by the Village Board. Following the hearing and upon a finding that such member has not met the minimum training established by this article, the Village Board may:
- (1) Remove such member from the respective board/commission; or
 - (2) Issue a written reprimand to such member without removing such member from the respective boards/commission and establish a new date for completion of the requirement.

§ 38-7. Removal for cause.

Nothing contained herein shall be deemed to limit or restrict the Village Board's authority to remove a member from the Planning Board, HDRC, or ZBA for cause (i.e., for other than the reasons enumerated herein). The procedural provisions of § 38-6, Procedure for removal of member, of this article shall govern any hearing to remove a member for cause.

§ 38-8. Applicability.

- A. This article shall apply to all members of the Planning Board, HDRC, and ZBA, regardless of the date of their appointment to such Boards/Commission.
- B. Prospective members of the Planning Board, HDRC, and ZBA shall be notified of the requirements of this article prior to their appointment to such Board/Commission.

¹ Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or deleted by this local law are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 3-18-1996 by L.L. No. 2-1996." A complete description of all changes is on file in the village offices.

² Editor's Note: The State Board of Equalization and Assessment was changed to the Board of Real Property Services by Chapter 385 of the Laws of 1994, which became effective 1-1-1995.

³ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I**

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I**

⁶ Editor's Note: Appendix A is on file in the village offices

⁷ Editor's Note: See Article 13-E of the Public Health Law