

**TOWN CODE
TOWN OF PATTERSON**

PART I

**ADMINISTRATIVE
LEGISLATION**

Chapter 1

GENERAL PROVISIONS

**ARTICLE I
Adoption of Code**

§ 1-1. Legislative intent.

§ 1-2. Continuation of existing provisions.

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

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

§ 1-5. Severability.

§ 1-6. Copy of Code on file.

§ 1-7. Amendments to Code.

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

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

§ 1-10. Penalties for tampering with Code.

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

§ 1-12. Incorporation of provisions into Code.

§ 1-13. When effective.

[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-2005 by L.L. No. 9-2005. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 11-12-80 as L.L.No. 4-1980]

Be it enacted by the Town Board of the Town of Patterson as follows:

§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 Town of Patterson, as contained herein and adopted by the Town Board of the Town of Patterson on April 13, 2005, consisting of Chapters 1 through Chapters 154, together with the Schedule of Dimensional Zoning Requirements, the Zoning Map, and the Appendix and any subsequent amendments thereto, shall be known collectively as the “Code of the Town of Patterson,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of Patterson” 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 Town Board of the Town of Patterson, 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 Town of Patterson 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 Town of Patterson 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 Town of Patterson or any penalty, punishment or forfeitures which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgement rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Patterson.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Patterson.
- E. Any local law or ordinance of the Town of Patterson 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 Town of Patterson or any portion thereof.
- F. Any local law or ordinance of the Town of Patterson appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Patterson or other instruments or evidence of the town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for town employees.
- M. Any local law adopted subsequent to April 13, 2005.

§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 judgement 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 Town Clerk of the Town of Patterson 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 Town Clerk of the Town of Patterson by impressing thereon the Seal of the Town, and such certified copy shall remain on file in the office of said Town 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 Town of Patterson” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board 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 Town Board deems desirable.

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

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Patterson required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board 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, ordinances or resolutions until such changes, local laws, ordinances 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, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Board, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Patterson or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Patterson to be misrepresented thereby, or who falsely represents the meaning or language of the Code, 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 \$250 or imprisonment for a term of not more than 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 Town of Patterson, 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 or more of said pieces of legislation. It is the intention of the Town Board 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 amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof 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.)

§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 Town of Patterson, 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.

Chapter 2

ALTERNATE BOARD MEMBERS

ARTICLE 1

Alternate Planning Board Members

§2-1. Legislative intent.

§2-2. Short title and applicability.

§2-3. Definitions.

§2-4. Authorization: term; powers and responsibilities; effect of provisions.

§2-5. Supersession of Town Law.

§2-6. Severability.

§2-7. Effective Date.

[HISTORY: Adopted by the Town Board of the Town of Patterson on 9-27-2006 by L.L. No. 8-2006. Amendment noted where applicable.]

GENERAL REFERENCES

Defense and indemnification - See Ch. 11.

Code of Ethics - See Ch. 17.

Subdivision of land - See Ch. 138.

Zoning - See Ch. 154.

ARTICLE I
Alternate Planning Board Members
[Adopted 9-27-2006 by L.L. No. 8-2006]

§2-1. Legislative intent.

The Town Board of the Town of Patterson recognizes that it is sometimes difficult to maintain a quorum on the Planning Board, because members are ill, are on extended vacation or find that they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in the absence of Planning Board members is hereby authorized pursuant to the provisions of this local law.

§2-2. Short title; applicability.

Short Title: “Alternate Planning Board Members Act.” This Article shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board in the Town of Patterson.

§2-3. Definitions.

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

ALTERNATE MEMBER - an individual appointed by the Patterson Town Board to serve on the Planning Board of the Town of Patterson when a regular member is unable to participate on an application or matter before the Planning Board, as provided herein.

MEMBER - an individual appointed by the Patterson Town Board to serve on the Planning Board of the Town of Patterson pursuant to the provisions of the local law or ordinance which first established such Planning Board.

PLANNING BOARD - the Planning Board of the Town of Patterson as established by the Town Board of the Town of Patterson pursuant to the provisions of Section 271 of the Town Law of the State of New York.

§2-4. Authorization and effect.

A. The Town Board of the Town of Patterson hereby enacts this local law to provide a process for appointing alternate members of the Planning Board. Such alternate member would serve when members of the Planning Board are absent or unable to participate on an application or matter before the Planning Board.

B. Alternate members of the Planning Board shall be appointed by resolution of the Patterson Town Board, for a term of one (1) year.

C. The Chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is unable to participate in an application or matter before the Planning Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

D. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

§2-5. Supersession of Town Law.

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Governments. It is the intent of the Town Board of the Town of Patterson pursuant to Section 10 of the New York State Municipal Home Rule Law to supersede the provisions of Section 271 of the New York State Town Law.

§2-6. Severability.

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local law shall remain in full force and effect.

§2-7. Effective Date.

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

Chapter 4

APPEARANCE TICKETS

§ 4-1. Officials authorized to issue tickets.

[HISTORY: Adopted by the Town Board of the Town of Patterson 11-14-79 as L.L. No. 5-1979. (Readopted 4-13-2005 by L.L. No. 9-2005). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction --- See Ch. 64.

Unsafe building --- See Ch. 67.

Dogs and other animal --- See Ch. 76.

Fire prevention --- See Ch. 76.

§ 4-1. Officials authorized to issue tickets. [Amended 3-11-81 by L.L. No. 5-1981]

The Town Board of the Town of Patterson shall set by resolution those town officials empowered to issue appearance tickets pursuant to the Criminal Procedure Law, § 150.20, where such is proper for any violations of the Town of Patterson local laws and ordinances.

Chapter 7

ASSESSMENTS

§ 7-1. Coordinated assessment program.

§ 7-2. Municipal cooperative agreement.

§ 7-3. Amendments to agreement.

§ 7-4. Termination of CAP.

§ 7-5. Withdrawal from CAP.

§ 7-6. Filing.

[HISTORY: Adopted by the Town Board of the Town of Patterson 4-27-1971 as L.L. No. 1-1971, approved by electors 626-1971; amended in its entirety 8-28-1991 by L.L. No. 6-1991; amended in its entirety 12-22-1998 by L.L. No. 3-1998. (readopted 4-13-2005 by L.L. No. 9-2005) Subsequent amendments noted where applicable.]

§ 7-1. Coordinated assessment program.

In accordance with § 579 of the Real Property Tax Law (RPTL), there shall be established by the Town of Kent and the Town of Patterson a coordinated assessment program (CAP), which shall be implemented no later than January 1, 1999

§ 7-2. Municipal cooperative agreement.

A. In connection with the establishment of such CAP, and in accordance with RPTL § 576 and Article 5-G of the General Municipal Law (GML), the Town of Kent and the Town of Patterson shall enter into a municipal cooperative agreement, which shall be for a term no greater than five years (hereinafter, the CAP agreement).

B. Notwithstanding any other provisions which may be agreed upon, the CAP agreement shall provide that:

(1) Effective no later than 60 days after the date on which the CAP agreement is effective, the same individual shall be appointed to hold the office of Assessor in all of the assessing units participating in the CAP.

(2) Upon the expiration of the term of the Assessor so appointed, or in the event that the Assessor so appointed shall resign or otherwise be unable to remain in office, a single

individual shall be appointed to succeed him or her in all the participating assessing units.

(3) Effective with the first assessment roll produced pursuant to the CAP agreement, all real property shall be assessed at the same uniform percentage of value in all of the assessing units participating in the CAP throughout the term of the agreement. Such percentage may be expressly prescribed by the CAP agreement.

(4) The dates applicable to the assessment process in each participating assessment unit, including the taxable status date and the dates for filing of the tentative and final assessment rolls, shall be as provided in Article 3 and 5 of the Real Property Tax Law.

(5) The Towns of Kent and Patterson shall have two separate and distinct Boards of Assessment Review (BAR). [Amended 3-10-1999 by L.L. No. 1-1999]

§ 7-3. Amendments.

The CAP agreement may be amended at any time to add one or more eligible assessing units to the program. Such amended CAP agreement shall be approved in the same manner as the original CAP agreement, provided that any local law approving the amended CAP agreement must be adopted at least one year before the effective date thereof.

§ 7-4. Termination of CAP.

The CAP established hereunder may be terminated by the adoption of local laws providing for the termination of the program by at least fifty percent of the participating assessing units, provided that the local laws providing for termination must be adopted at least one year before they are to be effective.

§ 7-5. Withdrawal from CAP.

An assessing unit may withdraw from the CAP by local law, provided that the local law providing for the withdrawal must be adopted at least on year before it is to be effective.

§ 7-6. Filing.¹

A Copy of this chapter shall be filed with the Office of Real Property Services.

¹ Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

Chapter 11

DEFENSE AND INDEMNIFICATION

- § 11-1. Definitions.**
- § 11-2. Defense by Town authorized; attorney; avoidance of default judgment.**
- § 11-3. Conditions.**
- § 11-4. Limitation of applicability.**
- § 11-5. Extension of benefits to certain employees restricted..**
- § 11-6. Extension to members of Industrial Development Agency authorized.**
- § 11-7. Extension to members of Housing Authority authorized.**
- § 11-8. Effect on insurers.**
- § 11-9. Construal of provisions.**
- §11-10. Effect on pending proceedings.**
- §11-11. Indemnification of Town Employees.**
- §11-12. Limitations on indemnification.**
- §11-13. Cooperation of employee.**
- §11-14. Payment of judgements or claims**

[HISTORY: Adopted by the Town Board of the Town of Patterson 7-9-80 as L.L. No. 2-1980. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics - See Ch. 17

§ 11-1. 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 town, but shall not include a volunteer, any person not compensated for his services or an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

TOWN - The Town of Patterson, Putnam County, New York.

§11-2 Provisions for defense by town.

A. Upon compliance by the employee with the provisions of § 11-3 of this chapter, the town 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 or in good faith purporting to act within the scope of his public employment or duties. Such defense shall not be provided where such civil action or proceeding is brought by or on behalf of the town.

B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Town Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Town Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Town 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 Town Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel of his choice. The Town 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 Town Attorney shall so certify to the Town Board. Reasonable attorney's fees and litigation expenses shall be paid by the Town 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 by the need of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Town Accountant. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees shall

be resolved by the court upon motion or by way of a special proceeding.¹

C. Where the employee delivers process and a request for a defense to the Town Attorney or the Town Supervisor, as required by § 11-3 of this chapter, the Town Attorney or Town Supervisor, as the case may be, shall take the necessary steps, including the retention of an attorney 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 relating to the obligation of the town to provide for a defense.

§ 11-3. Conditions.

The duties to defend provided in this chapter shall be contingent upon delivery to the Town Supervisor and if appointed, the Town Attorney or his assistant, at his office by the employee the original or a copy of any summons, complaint, process, notice, demand or pleading within five (5) days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and defense of any action or proceeding against the town 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 town provide for his defense pursuant to this chapter, unless the employee shall state in writing that a defense is not requested.

§ 11-4. Limitation of applicability.

The benefits of this chapter will 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 provisions of the Worker's Compensation Law.

§ 11-5. Extension of benefits to certain employees restricted.

The benefits of this chapter shall be extended to an employee of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, Article 14, only if such agreement expressly so provides

§ 11-6. Extension to members of Industrial Development Agency authorized.

The benefits of this chapter shall be extended to members of the Town of Patterson, Putnam County, New York, Industrial Development Agency, whose members are not compensated for their work.

¹ Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

§ 11-7. Extension to members of Housing Authority authorized. [Added 3-13-1996 by L.L. No. 2-1996]

The benefits of this chapter shall be extended to members of the Town of Patterson, Putnam County, New York, Housing Authority, whose members are not compensated for their work.

§ 11-8. Effect on insurers.

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.

§ 11-9. Construal of provisions.

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 town or any right to defense 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.

§ 11-10. Effect on pending proceedings.

The provisions of this chapter shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this chapter.

§ 11-11. Indemnification of Town employees.²

A. The Town shall indemnify and save harmless its employees in the amount of any judgement obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act of omission from which such judgement 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 subsection 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 Town Board any proposed settlement which may be subject to indemnification by the Town and if not inconsistent with the provisions of this section the Board shall certify such settlement and submit

² Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

such settlement and certification to the Town Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if in his judgement the settlement is in the best interest of the Town. Nothing in this subsection shall be construed to authorize the Town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Attorney.

C. Upon entry of a final judgement against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgement or settlement personally or by certified or registered mail within 30 days of the date of entry or settlement upon the Board; and if not inconsistent with the provisions of this section such judgement or settlement shall be certified for payment by such Board. If the Attorney concurs in such certification the judgement or settlement shall be paid upon the audit and warrant of the Town Accountant.

§ 11-12. Limitations on indemnification.³

Nothing in this chapter shall authorize the Town to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to §51 or the General Municipal Law; provided, however, that the Town shall indemnify and save harmless its employees in the amount of any costs, attorneys fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

§ 11-13. Cooperation of employee required.⁴

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery to the Town Attorney, or his assistant, at his office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleadings within five days after he is served with such documents; 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 Town 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 Town provide defense pursuant to the chapter.

³ Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

⁴ Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

§ 11-14. Payment of judgements or claims.⁵

Upon entry of a final judgement against the employee, or upon the settlement of the claim, the employee shall serve a copy of such judgement or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the Town Board; and if not inconsistent with the provision of this Chapter, the amount of such judgement or settlement shall be paid by the Town.

⁵Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

Chapter 14

ENVIRONMENTAL CONSERVATION COMMISSION

§ 14-1. Legislative intent.

§ 14-2. Establishment of Commission.

§ 14-3. Membership; vacancies.

§ 14-4. Officers; rules of procedure.

§ 14-5. Powers and duties.

§ 14-6. Reports.

§ 14-7. Compensation and reimbursement of expenses budget.

§ 14-8. Interpretation.

[HISTORY: Adopted by the Town Board of the Town of Patterson 6-12-74 as L.L. No. 1-1974, effective 7-1-74. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Dumps and dumping - See Ch. 79

Flood damage prevention - See Ch. 91

Soil Erosion and sediment control - See Ch. 133

Subdivision - See Ch. 138

Zoning - See Ch. 154

§ 14-1. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Patterson, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Patterson. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a commission for conservation of the environment is a necessary step in fostering unified action on environmental problems.

§ 14-2. Establishment of Commission. [Amended 2-8-89 by L.L No. 3-1989]

The Town Board of the Town of Patterson hereby creates a commission which shall be known as the "Environmental Conservation Commission of the Town of Patterson," hereinafter called the "Commission."

§ 14-3. Membership; vacancies. [Amended 12-29-77 by L.L. No. 5-1977]

A. The Commission shall consist of seven (7) members, of which seven (7) shall be appointed by the Town Board and who shall serve at the pleasure of the Town Board for a period of two (2) years or as otherwise provided herein, with such terms to expire on December 31 of such year. Of the members first appointed to the Commission, three (3) shall hold the office for a term of one (1) year and four (4) shall hold the office for a term of two (2) years from and after their appointment. Their successors shall be appointed for a term of two (2) years from and after the expiration of the terms of their predecessors in office. Persons residing within the Town of Patterson who are interested in improvement and preservation of the environmental quality shall be eligible for appointment as members of the Commission; however, no more than two (2) members of the Commission may be between the ages of sixteen (16) years of age and twenty-one (21) years of age. It is the intention of the Town Board to encourage membership and representation on this Commission among the youth of our community.

B. Vacancies on the Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term of office.

§ 14-4 Officers; rules of procedure.

The Town Board shall designate a member of the Commission to act as Chairman thereof. At the first meeting of the Commission, its members shall elect from among themselves a Recording

Secretary. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file a semiannual report as provided in § 14-6.

§ 14-5. Powers and duties.

The powers and duties of the Commission shall be to:

- A. Advise the Town Board on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Town of Patterson insofar as beauty, quality, biologic integrity and other environmental factors are concerned and, in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the town.
- B. Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- C. Conduct studies, surveys and inventories of the natural and man-made features within the Town of Patterson and such other studies and surveys as may be necessary to carry out the general purposes of this chapter.
- D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Commission for their preservation and/or use.
- E. Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Town of Patterson in accord with the purposes of this chapter.
- F. Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Commission.
- G. Working in cooperation with the Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Comprehensive Plan of the Town of Patterson and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.¹

¹ Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

H. Prepare, print and distribute books, maps, charts and pamphlets in accord with the purposes of this chapter.

I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Commission into local environmental conditions.

J. When authorized by resolution of the Town Board of the Town of Patterson, accept by gift, grant, devise, bequest or otherwise property, both real and personal, in the name of the Town of Patterson, as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town of Patterson. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

K. Carry out such other duties as may be assigned from time to time by the Town Board.

§ 14-6. Reports.

The Commission shall submit a semiannual report to the Town Board not later than the first day of April and October of each year, concerning the activities and work of the Commission, and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

§ 14-7. Compensation and reimbursement of expenses; budget. [Amended 12-30-1991 by LL No. 8-1991]

The Town Board may, by resolution, provide for compensation to be paid to the Chairman and/or other members of the Commission. The members of the Commission shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties within the appropriations made available therefor. The Commission shall submit an annual proposed budget request in the manner prescribed by the Town Board.

§ 14-8. Interpretation.

This chapter shall be deemed an exercise of the powers of the Town of Patterson to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

Chapter 17

ETHICS, CODE OF

**ARTICLE I
Standards of Conduct**

- § 17-1. **Purpose; statutory authority.**
- § 17-2. **Definitions.**
- § 17-3. **Standards of conduct.**
- § 17-4. **Permitted claims.**
- § 17-5. **Distribution.**
- § 17-6. **Penalties for offenses.**

**ARTICLE II
Board of Ethics**

- § 17-7. **Establishment; membership.**
- § 17-8. **Powers and duties.**

[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. 1, 12-22-70 as L.L. No. 1-1970; Art. 11, 12-22-70 as L.L. No. 2-1970. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

ARTICLE I
Standards of Conduct
[Adopted 12-22-70 as L.L. No. 1-1970]

§ 17-1. Legislative declaration.

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Patterson 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 Article to promulgate these rules of ethical conduct for the officers and employees of the Town of Patterson. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Patterson. The rules of ethical conduct of this Article, 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.

§ 17-2. Definitions.

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

INTEREST - A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE - An officer or employee of the Town of Patterson, 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, except a Fire Chief or Assistant Fire Chief.

§ 17-3. Standards of conduct.

Every officer or employee of the Town of Patterson 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.

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 before 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 this 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 Town Board and any officer or employee of the Town of Patterson, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town 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 transaction 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 Town of Patterson 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.

§ 17-4. Permitted claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Patterson or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 17-5. Distribution.

The Supervisor of the Town of Patterson shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Patterson within twenty (20) days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be

furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this article, nor the enforcement of provisions thereof.

§ 17-6. Penalties.

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.

ARTICLE II
Board of Ethics
[Adopted 12-22-70 as L.L. No. 2-1970]

§ 17-7. Establishment; membership.

There is hereby established a Board of Ethics consisting of three (3) members, to be appointed by the Town Board and who shall serve without compensation and at the pleasure of the Town Board. A majority of such members shall be persons other than officers or employees of the Town of Patterson, but at least one (1) member shall be an elected or appointed officer or employee of the Town of Patterson.

§ 17-8. Powers and duties.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town of Patterson with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such Article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon request of the Town Board.

Chapter 21

HEALTH INSURANCE

ARTICLE I

Payments in Lieu of Coverage

- § 21-1. Purpose.**
- § 21-2. Definitions.**
- § 21-3. Extension of benefits.**
- § 21-4. Construal of provisions.**
- § 21-5. Limitation on applicability.**
- § 21-6. Extension of benefits to certain employees restricted.**

[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 6-10-1992 as L.L. No. 3-1992. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

ARTICLE I
Payments in Lieu of Coverage
[Adopted 6-10-1992 as LL. No. 3-1992]

§ 21-1. Purpose.

To provide an alternate or substitute fringe benefit to eligible employees of the town otherwise entitled to receive health insurance coverage from the town, it has been determined to be in the best interest of the town to offer annually to such eligible employees cash payments in lieu of health insurance, subject, however, to law and prevailing contractual obligations of the Town.

§ 21-2. Definitions.

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

EMPLOYEES - Any person holding a position by election, appointment or employment in the service of the town, but shall not include a volunteer, any person not compensated for his services or an independent contractor. The term "employee" shall include a former retired employee.

TOWN - The Town of Patterson, County of Putnam, State of New York.

21-3. Extension of benefits.

A. Upon compliance by the employee with the provisions of this Article and subject to all laws, rules, regulations and contractual obligations of the town, the town shall provide to the town's eligible employees, a cash payment in lieu of entitlement from the town of health insurance coverage.

B. The cash payment in lieu of medical insurance shall represent an amount equal to fifty percent (50%) of the total annual gross amount paid by the town of health insurance on behalf of such employee. The Town Board may, by resolution, modify and change the annual cash payment allocation for town employees, but in no event shall the annual cash payment in lieu of medical insurance exceed fifty percent (50%) of the total annual gross amount paid for health insurance coverage. Payment for credit of waived benefits accrued for the calendar year will be made in one (1) payment at the end of the same year.

C. An eligible employee entitled to receive health insurance coverage as a benefit of his or her employment shall deliver to the Personnel Department, each year, an original signed statement of waiver of health insurance benefits from the town, for the current calendar year, on a form to be provided by the town. Such delivery shall be deemed a request by the eligible employee that the town not provide health insurance benefits for such employee for the then-current calendar year and that such eligible employee opts instead to receive, at the end of such calendar year, a cash payment in lieu of medical benefits. A town employee exercising such option shall receive credit for each full

calendar month of waived benefits for that calendar year. All credit shall terminate upon the effective date of health insurance benefits if such employee reenters the health insurance program provided by the town.

D. A town employee exercising the option to waive entitlement to health insurance coverage and to receive a cash payment in lieu of medical insurance benefits may cancel such waiver at any time during the calendar year by written notice delivered to the Personnel Department. A town employee canceling and terminating a waiver of health insurance by the town may make written application to reenter the health insurance program provided by the town.

§ 21-4. Construal of provisions.

Insofar as the provisions of this Article are inconsistent with the provision of any other law or contractual obligation of the town, the provisions of such other law, act or contractual obligation shall be controlling.

§ 21-5. Limitation on applicability.

The benefits of this Article will inure only to employees as defined herein, or as otherwise defined by the Town Board of the town as eligible and entitled to receive health insurance as a benefit of employment and shall not enlarge or diminish the rights of any other party, nor shall any provision of this Article be construed to affect, alter or repeal any provision of the Worker's Compensation Law.

§ 21-6. Extension of benefits to certain employees restricted.

The benefits of this Article shall be extended to an employee of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, only if such agreement expressly so provides.

Chapter 23

INFORMATION, PRIVATE

Article I

Notice of Security Breaches

§ 23-1. Legislative intent.

§ 23-2. Definitions.

§ 23-3. Disclosure.

§ 23-4. Notification.

§ 23-5. Delay of notification for law enforcement purposes.

§ 23-6. Methods of notification.

§ 23-7. Content of notification.

§ 23-8. Other required notifications.

[HISTORY: Adopted by the Town Board of the Town of Patterson 3-22-2006 by L.L. No. 1-2006]

Article I
Notice of Security Breaches
[Adopted 3-22-2006 by L.L. No. 1-2006]

§ 23-1. Legislative intent.

It is the intent of the Legislature of the Town of Patterson to enact this Chapter 23 of the Patterson Town Code in accordance with § 208, Subdivision 8, of the New York State Technology Law, to establish the procedures to follow in order to protect the residents of the Town of Patterson in the case in which a person without valid authorization has acquired private information from the records of the Town of Patterson.

§ 23-2. Definitions.

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

BREACH OF SECURITY OF THE SYSTEM - Unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by a municipal entity. Good faith acquisition of personal information by an employee or agent of a municipal entity for the purposes of the agency is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, such municipal entity may consider the following factors, among others:

- A. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- B. Indications that the information has been downloaded or copied; or
- C. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

CONSUMER REPORTING AGENCY - Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by the Town of Patterson and furnished upon request to municipal entities required to make a notification under §23-3 of this Chapter.

MUNICIPAL ENTITY - Any municipal board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town of Patterson, except the judiciary.

PRIVATE INFORMATION --

A. Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) social security number;
- (2) driver's license number or non-driver identification card number; or
- (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

B. "Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

§ 23-3. Disclosure.

Any municipal entity of the Town of Patterson that owns or licenses computerized data that includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of the Town of Patterson whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision 23-5 of this Chapter, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The municipal entity shall immediately take appropriate measures to determine the scope of the breach and restoration measures.

§ 23-4. Notification.

Any municipal entity that maintains computerized data that includes private information which such agency does not own shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

§ 23-5. Delay of notification for law enforcement purposes.

The notification required by this section may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this section shall be made after such law enforcement agency determines that such notification does not

compromise such investigation.

§ 23-6. Methods of notification.

The notice required by this section shall be directly provided to the affected persons by one of the following methods:

- A. Written notice;
- B. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the municipal entity who notifies affected persons in such form; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;
- C. Telephone notification provided that a log of each such notification is kept by the municipal entity who notifies affected persons; or
- D. Substitute notice, if a municipal entity demonstrates to the state attorney general that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or such agency does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (1) e-mail notice when such municipal entity has an e-mail address for the subject persons;
 - (2) conspicuous posting of the notice on such municipal entity's web site page, if such agency maintains one; and
 - (3) notification to major countywide media.

§ 23-7. Content of notification.

Regardless of the method by which notice is provided, such notice shall include contact information for the municipal entity making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

§ 23-8. Other required notifications.

- A. In the event that any Town of Patterson residents are to be notified, the municipal entity shall

notify the state attorney general, the consumer protection board, and the state office of cyber security and critical infrastructure coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected Town of Patterson residents.

B. In the event that more than five thousand Town of Patterson residents are to be notified at one time, the municipal entity shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected Town of Patterson residents.

Chapter 35

RECORDS

**ARTICLE I
Public Access**

- § 35-1. **Rules and regulations authorized.**
- § 35-2. **Records available for inspection.**
- § 35-3. **Location of records.**
- § 35-4. **Personnel in charge of records.**
- § 35-5. **Designation of fiscal officer.**
- § 35-6. **Procedure for procuring documents.**
- § 35-7. **Denial of access to records; appeals.**
- § 35-8. **Fees for copies.**
- § 35-9. **Authority to amend regulations.**

**ARTICLE II
Management**

- § 35-10. **Establishment of program; responsibility of government employees.**
- § 35-11. **Objectives.**
- § 35-12. **Officer.**
- § 35-13. **Powers and duties.**
- § 35-14. **Records Advisory Board.**
- § 35-15. **Custody.**
- § 35-16. **Recovery; actions of replevin.**
- § 35-17. **Disposal of records.**

§ 35-18. Definitions.

[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 9-8-1976 as L.L. No. 3-1976; Art. II, 8-12-1992 as L.L. No. 5-1992. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

ARTICLE I
Public Access
[Adopted 9-8-1976 as LL No. 3-1976]

§ 35-1. Rules and regulations authorized.

The Town Board of the Town of Patterson shall be authorized from time to time to promulgate and publish such rules and regulations as it deems necessary to facilitate compliance with Article 6 of the Public Officers Law, which said Article is commonly known as the "Freedom of Information Law."

§ 35-2. Records available for inspection.

A. The Town Board of the Town of Patterson hereby designates, pursuant to the above-mentioned rules and regulations, that the following records shall be available for public inspection and copy, which records shall include the following information, and any additional records which the Town Board may designate from time to time:

- (1) Constable records, such as daily reports, arrests, accidents, complaints, blotter and booking records and miscellaneous reports, to the extent that said records are not determined by the Constables of the Town of Patterson to be of a confidential nature.
- (2) Final opinions, including concurring and dissenting opinions, as well as orders rendered by the Justice Court, the Assessors, the Planning Board, the Board of Zoning Appeals and the Code Enforcement Officer of the Town of Patterson.
- (3) Any statements of policy and interpretation which have been adopted by the Assessors, the Planning Board, the Zoning Board of Appeals, the Town Clerk and the Code Enforcement Officer of the Town of Patterson.
- (4) The minutes of any meetings held by the Town Board, the Assessors, the Planning Board, the Board of Zoning Appeals and the Code Enforcement Officer of the Town of Patterson.
- (5) Statistical or factual tabulations made by or for the Town of Patterson or any of its departments by the Department of Audit and Control of the State of New York or any other auditors.
- (6) Fire records as they may pertain to or be of interest to any member of the public.
- (7) Statistics and/or information pertaining to birth and death certificates and copies thereof.
- (8) Tax rolls, bills, water bills, assessments, budgets, payrolls, information pertaining to town bonding indebtedness, town ordinances, local laws and accounts payable and receivable

of the Town of Patterson.

B. This section shall not apply to records that:

- (1) Are specifically exempted from disclosure by state or federal statute;
- (2) If disclosed would constitute an unwarranted invasion of personal privacy, as defined under Subdivision 2 of Public Officers Law §89 including:
 - (a) the disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - (b) the disclosure of items involving the medical or personal records of a client or patient in a medical facility;
 - (c) the sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
 - (d) the disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
 - (e) disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
 - (f) information of a personal nature contained in a workers' compensation record, except as provided by § 110-a of the Workers' Compensation Law.
- (3) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (4) Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- (5) Are compiled for law enforcement purposes and which, if disclosed would:
 - (a) Interfere with law enforcement investigations or judicial proceedings;
 - (b) Deprive a person of a right to a fair trial or impartial adjudication;
 - (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or

- (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- (6) If disclosed could endanger the life or safety of any person;
- (7) Are inter-agency or intra-agency materials which are not:
 - (a) Statistical or factual tabulations or data;
 - (b) Instructions to staff that affect the public;
 - (c) Final agency policy or determinations;
 - (d) External audits, including but not limited to audits performed by the comptroller and the federal government; or
- (8) Are examination questions or answers which are requested prior to the final administration of such questions.
- (9) If disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

§ 35-3. Location of records.

The above-mentioned records, documents and information pertaining to the Town of Patterson may presently be found in the following locations:

- A. Vital statistics, birth and death certificates are on file in the office of the Town Clerk located at the Town Hall, 1142 Route 311, Patterson, New York.
- B. Fire Inspector records are in the custody of the Building Department, Town Hall, 1142 Route 311, Patterson, New York.
- C. Legal documents, actions pending for and against the Town of Patterson, contracts, deeds and other miscellaneous legal documents are on file in the office of the Town Clerk located at the Town Hall, 1142 Route 311, Patterson, New York.
- D. Decisions and opinions issued by the Town Justices of the Town of Patterson are on file in the office of the Town Justices, Donald B. Smith Building, 1167 Route 311, Patterson, New York.
- E. Tax information, tax rolls, exemptions, property transfers, grievances and disposition of same are on file in the office of the Town Assessors and Tax Collector, Town Hall, 1142 Route 311, Patterson, New York.

F. Planning Board information, zoning maps, records of recommendations to the Town Board and other miscellaneous information pertaining to the Planning Board of the Town of Patterson are on file in the Planning Department, Town Hall, 1142 Route 311, Patterson, New York.

G. Zoning appeals decisions of the Zoning Board of Appeals in regards to variances requested are on file in the Planning Department, Town Hall, 1142 Route 311, Patterson, New York.

H. Other miscellaneous documents, maps, bills and assessments, tax rolls, water bill assessments, budget records, minutes of the Town Board of the Town of Patterson, Zoning Board of Appeals and Planning Board, Zoning Board of Appeals decisions, ordinances and local laws are on file with the Town Clerk of the Town of Patterson, Town Hall, 1142 Route 311, Patterson, New York.

I. Building and plumbing permits are on file with the Code Enforcement Officer of the Town of Patterson, Town Hall, 1142 Routes 311, Patterson, New York.

J. Engineering diagrams, maps and other miscellaneous documents related to the Town Highway system are on file in the office of the Town Superintendent of Highways, Town Garage, 281 Cornwall Hill Road, Patterson, New York.

§35-4. Personnel in charge of records.

The Town Board of the Town of Patterson is responsible for ensuring compliance with the regulations herein and designates the following persons as records access officers: Town Clerk and Deputy Town Clerk of the Town of Patterson, Town Hall, P.O. Box 470, 1142 Route 311, Patterson, New York. They shall be in charge of all records and documents presently belonging to the Town of Patterson and may from time to time arrange for the acquisition of copies of said documents from the chairmen or department heads who are responsible for the custody and daily use of said documents.

§ 35-5. Designation of fiscal officer.

A. The Supervisor of the Town of Patterson, P.O. Box 470, 1142 Route 311, Patterson, New York, is designated the fiscal officer, who shall certify the payroll and respond to requests, in accordance with § 35-6, for an itemized record setting forth the name, address, title and salary of every officer or employee of the agency.

B. The fiscal officer shall make the payroll items listed above available to any person, including bona fide members of the news media, as required under the Freedom of Information Law.

35-6. Procedure for procuring documents.

A. Any individual desiring to obtain a copy of any document or record belonging to the Town of Patterson shall make written request for said document or record, specifically identifying the document or record which he wishes to procure, to the Town Clerk of the Town of Patterson between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, excluding any recognized legal holiday, or such other daily business hours as determined by the Town Clerk.

B. The individual requiring the information in question will then, where practicable, be referred to the appropriate chairman or department head who has custody of the records which the individual wishes to examine.

C. If, however, the individual desires copies of certain records, he shall so advise the Town Clerk, who will procure the required copies for the individual in question, provided said copies do not pertain to confidential information, and will assess the fee to the individual requesting the said copies as said fee is set forth in § 35-8 below.

D. The above-mentioned photocopies or reproductions of any records presently owned by the Town of Patterson shall be rendered to individuals requesting same, upon payment advance of the fee set forth below, within a reasonable period of time after requesting said information from the Town Clerk of the Town of Patterson.

§ 35-7. Denial of access to records.

A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

B. If requested records are not provided promptly, as required in § 35-6 of these regulations, such failure shall also be deemed a denial of access.

C. The Patterson Town Board shall hear appeals from denial of access to records under the Freedom of Information Law.

D. The time for deciding an appeal by the body designated to hear appeals shall commence upon receipt of written appeal identifying :

- (1) The date of the appeal.
- (2) The date and location of the requests for records.
- (3) The records to which the requester was denied access.
- (4) Whether the denial of access was in writing or was by failure to provide records promptly, as required by Subsection B of this section.

(5) The name and return address of the requester.

E. The designated body to hear appeals shall inform the requester of its decision in writing within seven (7) business days of receipt of an appeal.

F. A final denial of access to a requested record, as provided for in Subsection E of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 35-8. Fees for copies.

A. To the extent that an individual will require copies of the Town of Patterson ordinances, zoning code, subdivision regulations or the like upon which there has been established a set fee, that fee shall be charged to the individual in question upon the procurement of the desired ordinance or regulation.

B. To the extent that the established fee has not been set for a copy of the local law, ordinances or the like, the individual desiring the records in question shall pay to the Town Clerk well in advance a sum as set from time to time by resolution of the Town Board for photocopies not to exceed eight and one-half by fourteen (8 1/2 x 14) inches. The fee for copies of records other than photocopies which are eight and one-half by fourteen (8 1/2 x 14) inches or less in size shall be the actual copying costs.

§ 35-9. Authority to amend regulations.

The Town Board of the Town of Patterson shall from time to time have the authority to amend or modify the above-mentioned regulations, by resolution, by adding to the list of documents covered by said regulations or by amending the regulations and charge fees applicable to procurement of said documents, in a manner which the Town Board feels to be in the best interest of the public in general.

ARTICLE II

Management

[Adopted 8-12-1992 as L.L. No. 5-1992]

§ 35-10. Establishment of program; responsibility of government employees.

A. There is hereby established for the Town of Patterson a records management program, which shall be the continuing administrative function of the Town of Patterson.

B. It is the responsibility of all government employees to contribute to the accomplishment of the program objectives and to cooperate with the Records Management Officer (RMO).

§ 35-11. Objectives.

The objectives of the Records Management Program shall be as follows:

- A. To facilitate the creation of usable records containing accurate and complete information.
- B. To save tax dollars through efficient administration of information resources.
- C. To prevent the creation of unnecessary records.
- D. To make recorded information available and readily accessible when needed, thereby minimizing time spent searching for files and documents.
- E. To ensure the systematic legal disposition of obsolete records.
- F. To encourage the lasting survival of records identified as having sufficient legal, administrative, fiscal or historical value to warrant their permanent retention as archival records.

§ 35-12. Officer.

There shall be a records management program established under the aegis of the Town Board and headed by a Records Management Officer (RMO). The RMO will be responsible for administering the noncurrent and archival public records and storage areas for the County of Putnam in accordance with local, state and federal laws and guidelines.

§ 35-13. Powers and duties.

The RMO shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the Town of Patterson.

- A. The RMO shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:
 - (1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition;
 - (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrants its permanent retention; or
 - (3) Records not subject to disposition according to state law.

B. The RMO shall establish guidelines for proper records management in any department or agency of the Town of Patterson in accordance with local, state and federal laws and guidelines.

C. The RMO shall report annually to the Patterson Town Board on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.

D. The RMO shall operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all departments and agencies of the Town of Patterson and may cooperate in the establishment and operation of a cooperative records management center for the county and participating Putnam County towns.

E. The RMO shall establish a Patterson archives and perform the following functions:

(1) Advise and assist Town of Patterson departments in reviewing and selecting material to be transferred to the Patterson archives for preservation.

(2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.

(3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.

(4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.

(5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.

(6) Provide information services to other offices of the Town of Patterson.

(7) Collect archival materials which are not official records of the Town of Patterson but which have associations] value to the County of Putnam or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.

(8) Develop a procedure whereby historically important records are to be identified at the point of generation.

(9) Serve as a member of the Putnam County Records Management Advisory Board in the establishment and operation of a cooperative records storage facility for inactive records of the county and participating towns and villages.

§ 35-14. Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the RMO. The Board shall consist of the Supervisor and a member of the Town Board, the Town Attorney, the Town Historian, the Town Finance Director or Comptroller and two (2) members of the general public who have a demonstrated knowledge of records management, historical records or Patterson history. The Board shall meet periodically and have the following duties:

- A. To provide advice to the RMO on the development of the records management program.
- B. To review the performance of the program on an ongoing basis and to propose changes and improvements.
- C. To review retention periods proposed by the RMO for records not covered by the state archives' schedules.
- D. To provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 35-15. Custody.

- A. The Town Clerk of the Town of Patterson is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives rather than the department which created or held them immediately prior to their being transferred to the archives.
- B. Records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the head of the department which created or held the records and the approval of the Records Advisory Board.
- C. Records may be permanently removed from the archives at the request of the RMO or the Town Clerk who had custody of the records immediately prior to the transfer of these records to the archives, subject to the approval of the Records Advisory Board.

§ 35-16. Recovery; actions of replevin.

The Town Attorney may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

§ 35-17. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the Town of

Patterson unless approval has been obtained from the RMO. No records shall be destroyed or otherwise disposed of by the RMO without the express written consent of the department head having authority.

§ 35-18. Definitions.

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

ARCHIVES - Those official records which have been determined by the officer and advisory committee to have sufficient historical or other value to warrant their continued preservation by the local government.

RECORDS - Any documents, books, papers, photographs, sound recordings, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official town business.

RECORDS CENTER - An establishment maintained by the Town of Patterson or cooperatively by the County of Putnam and participating towns primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION:

(1) The removal by the Town of Patterson, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(a) The disposal of temporary records by destruction or donation; or

(b) The transfer of records to the record center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.

(2) The transfer of records from one town agency to any other town agency.

RECORDS MANAGEMENT - The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

SERVICING - Making information in records available to any town agency for official use or to the public.