

Town of Huntington



Code of Ethics Booklet

Plain Language Guide & Selected
Portions from Chapter 29 of the Code
of the Town of Huntington
“Ethics”

**PLAIN LANGUAGE GUIDE TO
GOVERNMENT
ETHICS
FOR TOWN OF HUNTINGTON
OFFICERS AND EMPLOYEES**

This plain language Guide to Government Ethics has been prepared by the Counsel to the Board of Ethics to assist you in avoiding actual or potential conflicts of interest. It is not intended to replace the actual text of the Town of Huntington Code of Ethics, a portion of which is reprinted later in this booklet.

in the contract of his or her Relative or household member, and any private organization when he or she, or his or her Relative is an owner, partner, member, director, officer, employee or directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

Section 29-21. Applicant Disclosure in Land Use Applications.

- (a) Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the zoning and planning regulations of the Town shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County of Suffolk, or of the Town, in the person, partnership or association making the application, petition or request to the extent known.
- (b) For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her spouse, domestic partner, or their brothers, sisters, parents, children grandchildren, or the spouse of any of them:
 - (1) Is the applicant, or
 - (2) Is an officer, director, partner, or employee of the applicant, or
 - (3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement, or
 - (4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

Section 29-22. Annual Financial Disclosure

This Section and the Sections following it are not reprinted here, due to length, but those Sections may be accessed through the Town's website using the following link:

<http://www.ecode360.com/7220346>

I. INTRODUCTION

The purpose of the Code of Ethics is to foster integrity in government, promote public confidence, and help Town officers and employees to discharge their official duties without fear of unwarranted accusations of unethical conduct.

II. WHO MUST COMPLY?

The Code of Ethics applies to all officers and employees of the Town of Huntington, whether paid or unpaid, including the members of any Town department, agency, board or committee.

III. GUIDE TO GOVERNMENT ETHICS

1. **Using Your Town Position for Private Gain.** You may not use your Town position or your official powers to benefit yourself, your relative or a member of your household, or anyone with whom you have a business or financial relationship.
2. **Town Contracts.** You may not have an interest or derive any benefit, directly or indirectly, from a Town contract that you have the authority to approve, pay or audit, or that your board or committee, or anyone you may hire or fire, has the authority to approve, pay or audit.
3. **Disclosure and Non-Participation.** As soon as you face an actual or potential conflict of interest, you must disclose the conflict to your immediate supervisor, if any, and to the Town Supervisor; and you must also file a statement with the Town Clerk giving the reason for your conflict of interest or, if you are a member of a board or committee that makes a public record, state the reason for your conflict of interest on the public record. You must also refrain from any participation in the matter.
4. **Owning a Business or Investment.** You may not own a business or investment that would require you to frequently refrain from discharging your official duties, or that would impair your independent judgment.
5. **Moonlighting.** You may not have an outside job that conflicts with your duties as a Town officer or employee.
6. **Seeking Outside Employment.** You may not seek employment with anyone who, during the previous 30 days, has had a matter pending before you, or your board or committee.
7. **Payment for Matters before Your Agency, Department, Board or Committee.** You may not receive payment for services in any matter pending before your agency, department, board or committee.

8. **Representing Others.** You may not be paid for representing anyone in business or professional dealings with any Town agency, department, board or committee, unless your Town position is uncompensated and there is no conflict between your outside professional activities and your official duties.
9. **Post-Employment One Year Ban.** For one year after you leave Town service, you may not be paid for representing a private party before your former Town agency, department, board or committee, unless a waiver is granted by the Board of Ethics.
10. **Post-Employment Permanent Ban.** After you leave Town service, you may never work on a particular matter you personally and substantially worked on for the Town, unless a waiver is granted by the Board of Ethics.
11. **Misuse of Town Resources.** You may not use Town letterhead, personnel, equipment, supplies, or resources for a non-Town purpose, nor may you pursue personal or private activities during times when you are required to work for the Town.
12. **Hiring or Supervision of Relatives.** You may not participate in hiring or supervising a relative or a member of your household.
13. **Political Activities.** You may not ask a subordinate to make a political contribution or to engage in political activities. You may not make any personnel decision based on political contributions or activities.
14. **Confidential Information.** You may not disclose confidential Town information or use it for any non-Town purpose, even after you leave Town service.
15. **Tips.** You may not accept a reward of any kind or amount for performing your duties as a Town officer or employee.
16. **Gifts and Favors.** You may not accept gifts or favors worth more than \$75.00 per year from anyone other than your parent, spouse or child, if you know the person is doing business with the Town.
17. **Inducement of Others.** You may not cause another Town officer or employee to violate the Code of Ethics, nor help anyone to do so.

IV. INDEPENDENT CONTRACTORS

Undue Influence. No independent contractor of the Town may seek an undue Town benefit for a private client.

a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business;

- (8) Gifts or benefits having a value of seventy five (\$75.00) dollars or less that are received by a marriage officer appointed by the Town Board pursuant to Section 11-c of the Domestic Relations Law and serving without salary or wage, for the solemnization of a marriage by the officer or employee.

Section 29-18. Inducement of Others.

No Town officer, employee or independent contractor shall induce a Town officer, employee or independent contractor to violate, nor aid a Town officer, employee or independent contractor in violating, any of the provisions of this Chapter.

ARTICLE III. DISCLOSURE

Section 29-19. Particular Matter Disclosure.

Whenever a Town officer or employee is required to recuse himself or herself under this Chapter, he or she: (1) shall promptly inform his or her immediate supervisor, if any, and the Town Supervisor; and (2) shall promptly file with the Town Clerk a signed statement disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

Section 29-20. Disclosure of Interests in Town Contracts.

- (a) Where a Town officer or employee, or his or her spouse, knows that he or she has or will have an Interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the Town, the officer or employee shall publicly disclose the nature and extent of that Interest in writing to his or her immediate supervisor and to the Town Supervisor as soon as he or she has knowledge of the actual or prospective Interest.
- (b) For purposes of this disclosure requirement:
 - (1) The term "contract" shall mean any claim, account or demand against or agreement with the Town, express or implied; and
 - (2) A Town officer or employee shall be deemed to have an Interest

- (1) the gift, tip or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;
 - (2) the gift, tip or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or
 - (3) the gift, tip or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.
- (e) For purposes of this Section, a “gift, tip or other benefit” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.
- (f) Notwithstanding the foregoing, this Section shall not prohibit:
- (1) Gifts made to the Town;
 - (2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient's status as a Town officer or employee, is the primary motivating factor for the gift;
 - (3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;
 - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a Town officer or employee, or other service to the community; or
 - (6) Incidental meals and refreshments provided when a Town officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;
 - (7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a Town officer or employee serving in

V. ANNUAL FINANCIAL DISCLOSURE

Depending on the Town position that you hold, you may be required to file an annual financial disclosure statement with the Board of Ethics.

VI. BOARD OF ETHICS

You may request confidential ethics advice from the Board of Ethics. For further information or to request confidential ethics advice, you may contact the Board of Ethics at:

Secretary to Board of Ethics
Town Hall
100 Main Street
Huntington, NY 11743
(631) 351-3344
ethics@huntingtonny.gov

Group ethics training is available from the Board of Ethics at the request of your department, agency, board or committee.

CODE OF ETHICS OF THE
TOWN OF HUNTINGTON

(SELECTED PORTIONS)

ARTICLE I.
GENERAL PROVISIONS

Section 29-1. Purpose.

Officers and employees of the Town of Huntington hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of Huntington recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Chapter establishes those standards.

Section 29-2. Definitions.

- (a) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town, or a lawful class of such residents or taxpayers. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or dependent, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.
- (b) "Relative" means a spouse, child, stepchild, dependent, parent, stepparent, sibling or stepsibling of a Town officer or employee.

Section 29-3. Applicability.

- (a) This Chapter applies to all officers and employees of the Town of Huntington, whether paid or unpaid, including the members of any Town department, agency, board or commission.
- (b) Article II, Section 29-10 (Future Employment) of this Chapter applies to current and former officers and employees of the Town.
- (c) Article II, Section 29-11 (Independent Contractors) of this Chapter applies to independent contractors of the Town.

Section 29-15. Political Solicitations.

- (a) No Town officer or employee shall directly or indirectly use his or her authority or official influence to compel or induce a subordinate Town officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- (b) No Town officer or employee shall act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Town officer or employee, or an applicant for a position as a Town officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 29-16. Confidential Information.

No current or former Town officer or employee shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character obtained as a result of Town employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.

Section 29-17. Gifts, Tips and other Benefits.

- (a) No Town officer or employee shall directly or indirectly solicit any gift, tip or other benefit from a person who has received or sought a financial benefit from the Town within the previous twenty-four months.
- (b) No Town officer or employee shall accept any gift, tip or other benefit from a person who the Town officer or employee knows or has reason to know has received or sought a financial benefit from the Town within the previous twenty-four months.
- (c) No Town officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.
- (d) No Town officer or employee shall accept or receive any gift, tip or other benefit, or multiple gifts, tips or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:

member of his or her household before a Town department, agency, board or commission other than the one served by the Town officer, employee or independent contractor; or

- (c) Asserting a claim against the Town on his or her own behalf, or on behalf of a Relative or member of his or her household, unless the claim is prohibited by Section 29-2 of this Article, or by Section 801 of the New York General Municipal Law.

Section 29-13. Use of Town Resources.

- (a) Town resources shall be used only for lawful Town purposes. Town resources include, but are not limited to, Town personnel, compensated time, money, vehicles, equipment, letterhead, materials, supplies or other property.
- (b) No Town officer or employee shall use or permit the use of Town resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) Any use of Town resources authorized by law, Town policy or collective bargaining agreement to which the Town is a party;
 - (2) The use of Town resources for personal or private purposes when provided to a Town officer or employee as part of his or her compensation; or
 - (3) The occasional and incidental use of Town telephones and computers for necessary personal, non-business matters such as family care and changes in work schedule.
- (c) No Town officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 29-14. Nepotism.

Except as otherwise required by law:

- (a) No Town officer or employee, either individually or as a member of a Town Board or commission, shall participate in any decision to appoint, hire, promote, discipline or discharge a Relative or a member of his or her household.
- (b) No Town officer or employee shall supervise a Relative or member of his or her household in the performance of such person's official duties.

- (d) Article II, Section 29-12 (Personal Representations and Claims Permitted) and Article II, 29-18 (Inducement of Others) of this Chapter applies to officers and employees of the Town and independent contractors of the Town.
- (e) Article III, Section 29-21 of this Chapter (Applicant Disclosure in Land Use Applications) applies to applicants, petitioners or parties requesting a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the zoning and planning regulations of the Town.
- (f) The provisions of this Chapter shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, Article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the Town of Huntington.
- (g) The termination of an officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Board of Ethics or the Town Board with respect to the requirements imposed by this Chapter on the former officer or employee for his or her actions or interests while a Town officer or employee.

**ARTICLE II.
CODE OF CONDUCT**

Section 29-4. Use of Town Position for Personal or Private Gain.

No Town officer or employee shall use his or her Town position or official powers and duties to secure a material benefit, whether financial or otherwise, for

- (a) Himself or herself,
- (b) A Relative or member of his or her household,
- (c) Any private organization in which he or she has an Interest,
- (d) A client or customer from which the officer or employee knows that he or she, his or her outside employer, firm, limited liability company, partnership or association, or corporation in which he or she is the owner of more than five percent of the outstanding corporate stock, directly or indirectly derived income in excess of five thousand dollars (\$5,000) during the previous twenty-four months, or
- (e) A person from whom the officer or employee has received a private loan

or loans, or a gift or gifts, having an aggregate value of seventy-five dollars or more during the previous twelve months.

Section 29-5. Prohibited Interests in Contracts.

- (a) No Town officer or employee shall have an Interest in any contract with the Town, when such officer or employee, individually or as a member of a board or commission, has the power or duty, whether or not exercised, to:
 - (1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
 - (2) Audit bills or claims under the contract, or
 - (3) Appoint an officer or employee who has any of the foregoing powers or duties.
- (b) For the purposes of this Section, the term "contract" means any claim, account or demand against or agreement with the Town, express or implied.
- (c) Notwithstanding the foregoing, for the purposes of this Section, the term "contract" shall not include:
 - (1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of Town funds except when the chief fiscal officer, treasurer, or his deputy or employee, has an Interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the Town would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated;
 - (2) A contract with a person, firm, corporation or association in which a Town officer or employee has an Interest which is prohibited solely by reason of his or her status as an officer or employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of the contract;
 - (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;

Section 29-10. Future Employment.

- (a) No Town officer or employee shall ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No Town officer or employee, for the one-year period after serving as a Town officer or employee, shall appear before or communicate in any form with the Town office, board, department or comparable organizational unit for which he or she served, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the Town with the approval of the Board of Ethics upon application of his or her former Town department, agency, board or commission.
- (c) No Town officer or employee, at any time after serving as a Town officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a Town officer or employee, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the Town with the approval of the Board of Ethics upon application of a Town department, agency, board or commission.

Section 29-11. Independent Contractors.

No independent contractor or employee of an independent contractor of the Town shall seek to exert undue influence, or to obtain an undue preference, on behalf of a private interest, directly or indirectly, in a matter before any Town department, agency, board or commission. A violation of this Section shall be cause for termination of the independent contractor's engagement with the Town.

Section 29-12. Personal Representations and Claims Permitted.

This code shall not be construed as prohibiting a Town officer or employee or an independent contractor of the Town from:

- (a) Seeking or accepting Town services, benefits, or the use of Town facilities, on the same terms and conditions as are available to Town residents or a class of similarly situated Town residents;
- (b) Representing, without compensation, himself or herself, a Relative, or a

(c) No Town officer or employee, during his or her tenure as a Town officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:

- (1) Involves duties that are incompatible with those of the official duties of the Town officer or employee;
 - (2) May be reasonably expected to require frequent and inevitable recusal;
 - (3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a Town officer or employee;
 - (4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any Town department, agency, board or commission of which he or she is an officer, member or employee or of any Town department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;
 - (5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any Town department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered; or
 - (6) Involves the representation of a person or organization other than the Town, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party.
- (d) Notwithstanding the foregoing, a person serving the Town or any agency thereof without compensation shall not be subject to the prohibitions set forth in subdivision (6) of this Section.

- (4) The purchase by the Town of real property or an Interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the Town Board;
- (5) The acquisition of real property or an Interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the Local Finance Law;
- (8) A contract in which a Town officer or employee has an Interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a Town officer or employee has an Interest by reason of stockholdings when less than five per cent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services at rates or charges that are fixed or regulated by the public service commission;
- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by a Town officer or employee, used in the performance of his or her official duties, and designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office;
- (13) A contract in which a Town officer or employee has an Interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an Interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars;
- (14) A contract with a member of a private industry council established in accordance with the federal job training

partnership act or any firm, corporation or association in which such member holds an Interest, provided the member discloses such Interest to the council and the member does not vote on the contract.

Section 29-6. Recusal.

No Town officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct or indirect, material, financial or other benefit on a person or entity specified in Section 29-4 of this Chapter.

Section 29-7. Prohibition Inapplicable; Recusal and Disclosure Not Required.

(a) The requirements relating to recusal set forth in Section 29-6 of this Chapter, and the disclosure requirements set forth in Article III of this Chapter, shall not apply with respect to the following matters:

- (1) Adoption of the Town's annual budget;
- (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:
 - (i) All or substantially all Town officers or employees;
 - (ii) All or substantially all residents or taxpayers of the Town or an area of the Town; or
 - (iii) The general public; or
 - (iv) Any ministerial matter (a matter that does not require the exercise of discretion).
- (3) Uncompensated participation by a member of the Town Board, or by a Town Board member's staff on behalf of such member, in public advocacy whether or not on behalf of a constituent.
- (4) Appearance by a Town employee before a Town department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization.
- (5) Uncompensated participation in public advocacy by a Town officer or employee who serves as a political party chairperson.

(b) Recusal shall not be required, but disclosure pursuant to Article II of this Chapter shall be required, with respect to any matter:

- (1) Which comes before a board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting; or
- (2) Which comes before a Town officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

Section 29-8. Investments in Conflict with Official Duties.

(a) No Town officer or employee shall acquire or maintain any investment:

- (1) The ownership of which requires that the Town officer or employee frequently and inevitably recuse himself or herself; or
- (2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This Section shall not prohibit a Town officer or employee from acquiring or maintaining the following:

- (1) Real property located within the Town and used as his or her personal residence;
- (2) Less than five percent of the stock of a publicly traded corporation; or
- (3) Bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 29-9. Private Employment in Conflict with Official Duties.

(a) No elected Town official or Town employee serving as staff to the Board or to a Town Board member, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law or resolution of the Town Board.

(b) No Town officer or employee shall ask for, pursue or accept a private secondary employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 30 days following final disposition of the matter.