Chapter 570: ETHICS, CODE OF

§ 570-3

AFFILIATE – (1) With respect to any person: household member, spouse, Domestic Partner, and dependent; (2) with respect to any Public Corporation: any person who is an owner of more than 5% of the outstanding equities securities of any class of the Public Corporation; and (3) with respect to any Legal Entity other than a Public Corporation: any person who is an owner of more than 2% of the equity of such Legal Entity.

Note: “parent, grandparent, child grandchild, brother and sister” have been deleted from the definition of affiliate. However, any person in one of these categories who is a household member or dependent is still included in the definition of affiliate.

§ 570-4

P. Additional standards for members of the Town Board and members of the Board of Ethics

Any member of the Town Board or the Board of Ethics shall recuse her/himself from any matter when acting or failing to act on such a matter may benefit the member financially, and any member of these boards may recuse her/himself at any time for any other reason that the member deems appropriate under the circumstances. Whenever a member recuses herself/himself, such action shall be recorded in the minutes of the meeting of the applicable board. If the Town Board is reduced below the number of votes necessary for it to act by reason of one or more recusals required by this section, the recusing member or members or the board itself may apply to the Board of Ethics for a waiver of the recusal requirement of this section in accordance with § 570-16. If the Board of Ethics is reduced below the number of votes necessary to act by reason of the recusal required by this section, the recusing member or Board of Ethics may apply to the Town Board for a waiver of the recusal requirement of this section.

§ 570-7. Prohibited political activities

B. No appointed officer, nor any employee of the Town and no member of the Board of Ethics, the Zoning Board of Appeals or the Planning Board and no Agency Member who receives compensation for her/his services shall hold any county, city, town, village, state or federal elected public office or hold office in any county, city, town, village, state or federal political organization. No member of the Board of Ethics shall seek any town elected office or seek office in any town-wide political organization within the Town.
E. The Town Board shall cause to be created no later than six months after the enactment of this section, a computerized list of all persons and legal entities from whom political contributions cannot be solicited or accepted, in accordance with the Code of Ethics, and shall cause such list to be updated quarterly, to the extent that such information is available in the records of the Town. This list shall not be deemed to be conclusive as to persons or legal entities from which contributions cannot be solicited or accepted.

§ 570-9. Penalties for code violations

The Board of Ethics is empowered, if it finds in an opinion or report, that this Code of Ethics or Article 18 of the General Municipal Law has been violated, to require the return of improperly solicited or received political contributions or gifts, or the value thereof, and may include interest thereon, to assess civil fines as specified in subsection C. of this § 570-9 and to make recommendations to the Town Board. These recommendations may include, but are not limited to, return of improperly solicited or received political contributions or gifts, or the value thereof, and may include interest thereon; enforcement of any of the penalties specified in A-D of this Section 570-9; referral to other governmental authorities; and any other procedural, referral or remedial action which the Board of Ethics deems appropriate under the circumstances. Any person aggrieved by a decision of the Board of Ethics and who is not a member of the Town Board may appeal the decision to the Town Board. Any person aggrieved by a decision of the Board of Ethics and who is a member of the Town Board may appeal the decision to the three justices of the Town Court if all three justices are willing to hear such appeal. The Board of Ethics shall be a party to any appeal of a decision of the Board of Ethics to the Town Board or the three justices of the Town Court. Any person aggrieved by a decision of the Board of Ethics or of the Town Board under Section 570 may seek judicial review and relief pursuant to Article 78 of the New York State Civil Practice Law and Rules.

C. Fine. In addition to any of the foregoing penalties, any Public Officer, Employee or Agency Member who, in the judgment of the Board of Ethics, violates the Code of Ethics may be subject to a civil fine. If a fine is assessed, it shall not be less than $100, nor in excess of $1,000 per occurrence. Such fine shall be payable to the Town of Greenburgh.

§ 570-11. Board of Ethics

A. Membership & Term of Office.

(1) A Board of Ethics is hereby established, to be composed of five (5) residents of the Town appointed by the Town Board. Up to one member of such Board may be an appointed
Public Officer or Employee of the Town. The members of such Board shall receive no salary or compensation for their services as members of such Board and shall serve for terms of five (5) years each. The length of term of five years is established to be equal to the number of members so that the term of one member and only one member shall terminate at the end of each calendar year. Upon the initial passage of this subsection, some of the initial appointments or reappointments to the Board shall be for terms of less than five years so that the term of one member will expire each year. Subsequently, at the expiration of each member’s initial appointment, the reappointment of that member or the appointment of a new member shall be for a term of five years. If a vacancy shall occur otherwise than by the expiration of term, the Town Board shall appoint a new member for the unexpired portion of that term. No member of the Board of Ethics may serve more than two consecutive full five year terms nor a combination of full and/or partial terms which, taken together, constitute more than ten consecutive years. After an absence from the Board of one year or more, a former member may be reappointed to the Board of Ethics.

Note: Deleted “elected or” after “one member of such Board may be” in line 2.

(3) The Town Board may appoint up to two alternate members of the Board of Ethics for a term ending on December 31 of the year four years after the then current year or for a maximum of five years. The term of an alternate member may be renewed once for an additional term of up to five years. Two alternate board members may not be of the same political party although one or both alternate members may be unaffiliated with any political party. An alternate member shall serve as a voting member of the Board of Ethics when a member is absent or is unable to participate on a matter before the board or when a vacancy exists on the board, so long as the alternate member does not result in more than two members of the same political party voting or being counted for a quorum. The Board of Ethics shall establish within its internal rules and procedures, equitable and consistent procedures to deal with the priority of voting status when there are two alternate members present. Alternate members shall be allowed to otherwise fully participate in meetings and communications of the board, except as to voting, which shall be permitted only to the extent allowed by this section. The assumption of voting privileges by an alternate member shall be announced by the Chair of the Board of Ethics and entered into the minutes of the meeting at which the substitution is made.

D. The Board of Ethics, with respect to Article 18 of the General Municipal Law and/or this Code of Ethics, shall render findings, conclusions, opinions, advisory opinions and recommendations, as appropriate, upon: (1) The written request of the Town Board, or (2) The written request of an actual or prospective Public Officer, Employee, or Agency Member with respect to her/his own actions or actions relating to the scope of her/his direct authority and responsibilities for the Town, or (3) The receipt of a verified complaint by any resident of, or property owner or lessee in the Town, Employee of the Town or former Employee of the Town within 12 months of the termination of employment with the Town. Such verification, which is a sworn statement under oath, shall be filed with the Town Clerk and shall set forth, subject to the laws of perjury in the State of New York, that the information alleged in such complaint is believed in good faith to be true and correct to the complainant's knowledge, information and belief.
I. The Board of Ethics, with the assistance of counsel and in accordance with its internal rules and regulations, shall conduct an initial investigation as it deems appropriate in the circumstances with respect to any verified complaint submitted pursuant to § 570-11D by a resident of, or property owner or lessee in the Town, Employee of the Town or former Employee of the Town within 12 months of the termination of employment with the Town. In conducting any such investigation, the Board of Ethics shall notify the subject or subjects investigated, in writing, of the allegation, may call witnesses, shall administer oaths or affirmations if witnesses are called, and request the production of books and records which it may deem relevant. The subject or subjects have the right to be represented by counsel, to submit a written response and documents, and appear during this investigation. To the extent the investigation is held as part of an open meeting, there shall be a written transcript thereof.

K. Nothing contained in this chapter shall be construed to permit the Board of Ethics to conduct an investigation of itself or any of its members. Should the Board of Ethics receive a verified complaint alleging that the Board of Ethics or any of its members has violated any provisions of Article 18 of the General Municipal Law and/or this Code of Ethics, it shall promptly transmit a copy of the complaint to the Town Board, which shall investigate the allegations of the complaint and, if the results of its investigation so warrant, remove the member from the Board of Ethics. An Ethics Board member may be removed from office by the Town Board for cause, including substantial neglect of duty, misconduct in office, inability to discharge the powers and duties of office, or violation of this chapter. Any individual on the Board of Ethics who is investigated shall be entitled to the same protections afforded all subjects pursuant to § 570-11I. The provisions of this Subsection K, shall also apply to alternate members.