

TO: GREENBURGH TOWN BOARD
CC: GREENBURGH TOWN CLERK
GREENBURGH TOWN ATTORNEY

BOARD OF ETHICS ANNUAL REPORT TO TOWN BOARD FOR 2013

I. OVERVIEW

During 2013 the principal activities of the Board of Ethics were: (1) administering and issuing opinions on verified complaints filed by residents of the Town and requests for advisory opinions made by Town officials, (2) reporting on the status of promulgation of the Code of Ethics and ethics training, both of which are required by the Code of Ethics and (3) administering the Annual Statement of Financial Disclosure process.

II. SUMMARY OF ACTIVITIES IN 2013

A. Annual Statements of Financial Disclosure

In 2013, all Town public officers and employees who were required to submit the Annual Statement Financial Disclosure did so. Three agency members did not submit the Disclosure Form. As required by Town Code, the names of these three individuals were posted and remain posted on the home page of the Town website.

B. Opinions

In 2013, the Board of Ethics issued a total five opinions: three advisory opinions requested by Town officials; one opinion in response to Verified Citizen Complaint and one opinion initiated by the Board of Ethics. All opinions are posted on the Board of Ethics Section of the Town's website. Etc

C. Code of Ethics Promulgation and Training

In September 2012, the Town Board made changes to the Town Code of Ethics. During 2013, the Board of Ethics worked cooperatively with the Office of the Town Attorney and the Town Clerk's Office on promulgation of the revised code and with the Office of the Town Attorney on ethics training. In 2013 Greenburgh elected officials were given the required training. Appointed officials, agency members and certain employees still need to be trained. This is an on going process which will continue into 2014.

D. Creation and Maintenance of a List of from whom Political Contributions may not be Solicited or Accepted

Section 570-7 E. of the Code of Ethics as revised in 2012 states, in part, that *the Town Board shall cause to be created no later than six months after the enactment of this section, a computerized list compiled, maintained and updated by the Town Clerk, with the advice of the Town Attorney and the cooperation of the secretaries to the Town Attorney, Planning Board and Zoning Board of Appeals. The list shall contain the names of all persons and Legal Entities from whom political contributions cannot be solicited or accepted, in accordance with this Code of Ethics.*

The list was implemented, as scheduled, in March 2013.

E. Applicant Disclosure Form

In September 2013, a Disclosure Form to Accompany Certain Applications was implemented. The disclosure form requires, for major land use applications, the identification of the owner and/or applicant if the owner or applicant is not an individual or individuals. In accordance with New York State General Municipal Law, the form also requires identification of government officials and employees at State, County and Town level who may have an interest in the applicant or owner of the property which is the subject of the application.

III. MEMBERSHIP & COUNSEL

A. Membership

On December 31, 2013 the term of Mark E. Constantine expired. He had been a member and Secretary of the Board of Ethics since 2010. In addition to serving as Secretary and to contributing to opinions and other on matters before the Board, Mr. Constantine was responsible for coordinating the successful Annual Financial Disclosure Form process. The Board of Ethics appreciates his public service.

B. Independent Counsel

The Board of Ethics does not have compensated independent counsel. NYS Law (General Municipal Law Section 802(2)) states that a municipal board of ethics "shall have the advice of counsel employed by the Board." Joseph S. Malara has served as pro bono independent counsel to the Board of Ethics since 2010. His advice and counsel have been very helpful to the Board of Ethics.

IV. 2014 PRIORITIES AND RECOMMENDATIONS

A. Code of Ethics Promulgation and Training

In 2010 a New York State ethics audit found the Town to be deficient in the area of ethics training. To date some progress had been made but it is not sufficient in terms of reaching all who need the training in a timely manner. In 2014 it is important that initial training in the revised code be completed for appointed officers, agency members and those employees whose job responsibilities require them to receive such training. The Board of Ethics will continue to work cooperatively with the Office of the Town Attorney. We recommend that the Town Board support and monitor the progress of this activity in 2014.

B. Review and Enhancement of Board of Ethics Section of Town Website

In 2007, the Board of Ethics Section of the Town website was implemented. It contains among other things, opinions, advisory opinions, Rules of the Board of Ethics, forms, Board of Ethics reports on various ethics issues, Annual Reports of the Board of Ethics and information on the members of the Board of Ethics. The purpose of putting this material on the website was to assist those individuals covered by the Code of Ethics comply with the Code of Ethics and to provide visibility concerning ethics matters to the citizens of Greenburgh. In 2014, the Board of Ethics will continue work begun in 2013 to review and enhance this section of the Town website. Included in this effort will be a focus on easy-of-use of the site by users and on the completeness and currency of the section and its various components.

C. Board of Ethics Membership

Section 570-11 A (3) of the revised Code states, in part, that *the Town Board may appoint up to two alternate members of the Board of Ethics*. In its 2012 Annual report to the Town Board, the Board of Ethics recommended that the Town Board act to fill the alternate positions which were created by the Code revisions in September 2012. No appointments to the alternate positions have been made by the Town Board since they were created. The Board of Ethics recommends that the Town Board act to fill the vacancies for alternate members and that it also fill regular vacancies as for regular membership as they occur.

Dated: January 28, 2014

Respectfully submitted,

GREENBURGH BOARD OF ETHICS
Glenn Eisen (2015); Consent by Proxy
Thomas Hopkins (2016)
Jack McLaughlin, Chair (2014)
Eric Scott. (2012)

cc: Town Attorney
Town Clerk
Joseph Malara, Esq., Counsel