

TO: GREENBURGH TOWN BOARD CC: GREENBURGH TOWN CLERK

GREENBURGH TOWN ATTORNEY

BOARD OF ETHICS ANNUAL REPORT TO TOWN BOARD FOR 2015

I. OVERVIEW

During 2015 the principal activities of the Board of Ethics were: (1) administering the Annual Statement of Financial Disclosure process, (2) issuing opinions on requests for advisory opinions made by Town officials, (3) 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 (4) reviewing and enhancing and amending the Board of Ethics section of the Town Web site.

II. SUMMARY OF ACTIVITIES IN 2015

A. Annual Statements of Financial Disclosure

In 2015 all Town public officers and employees and agency members who were required to submit the Annual Statement Financial Disclosure did so. Officers, employees, and agency members were 100 percent compliant.

B. Opinions

In 2015, the Board of Ethics issued a total of three (3) opinions. All were advisory opinions in response to requests or suggestions by Town officials. The Board of Ethics received no Verified Citizen Complaints in 2015. All opinions are posted on the Board of Ethics section of the Town's website.

1. a) Solicitation Letter and Code compliance: Board of Ethics recommends that the Town Board treat all matters of political contributions seriously and hold accountable all those covered by the Code regardless of their level or position in the Government. (Opinion 2015-1)
2. b) Solicitation of Funds: Use of E-Blast to solicit funds for Town Library is a violation of the code of Ethics. (Opinion 2015-2)
3. c) Recusal from deliberation: There is no mandate that board members must recuse themselves over an issue even if they are not receiving a financial benefit. Whether a member recuses her/himself will be a personal decision. (Opinion 2015-3)

C. Code of Ethics Promulgation and Training

Over the past three years the Board of Ethics has 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. In 2014 and 2015 the Office of the Town Attorney provided training to appointed officials and certain employees. The Board of Ethics submitted to the Town Board a change in the wording of the Ethics Code to allow on-line training. The proposal has not yet been approved.

D. 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. This material was placed on the website to assist those individuals covered by the Code of Ethics to comply with the Code of Ethics and to provide visibility concerning ethics matters to the citizens of Greenburgh. In 2014, the Board of Ethics completed work begun in 2013 to review and enhance this section of the Town website. Included in this effort was a focus on ease-of-use of the site by users and on the completeness and currency of the section and its various components. This project was continued in 2015. While progress has been achieved, unfortunately our site still cannot "search" in an efficient and effective manner. The Board of Ethics will continue to advocate for better "search" functionality.

5. Joint Meeting

A joint meeting of the Board of Ethics and the Greenburgh Town Board was held in the spring of 2015. The Boards reviewed many issues of joint concern and agreed to continue to meet and work on the common issues. Among the issues discussed were funding of the Board of Ethics, training issues, continued cooperation between the Boards, and the continued appointment of members to the Board of Ethics when vacancies occur.

6. Amendment

An amendment to the Code of Ethics was prepared and voted upon by the Board of Ethics and presented to the Greenburgh Town Board for acceptance.

III. MEMBERSHIP AND COUNSEL

1. Membership

In December 2013, Hon. Doris T. Friedman was appointed to the Board of Ethics to take the seat vacated by Eric Scott. She will serve until December 2017. In January 2015, Judge Friedman was elected as chair of the Board. In August 2014, Dr. Carol Sarcinella was appointed to fill a seat formerly held by Mark Constantine and will serve until December 2018. Dr. Sarcinella was elected as Secretary to the Board. On December 31, 2014, Chair Jack McLaughlin completed his five-year term as chair and stepped down. John Sganga was appointed to the Board in January 2015. He stepped down from the Board in September 2015. Glenn Eisen's first term expired on December 31, 2015, and he is awaiting a reappointment to a five-year term by the Greenburgh Town Board

2. 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 indispensable and very helpful to the board.

IV. 2016 PRIORITIES AND RECOMMENDATIONS

Dated:

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 a great deal of progress has been made, but more is required in order to reach all who need the training. Although significant progress has been made, the Ethics Board will continue to work with the office of the Town Attorney to continue the successful progress and the board will continue to monitor the progress of this activity in 2016.

B Update of the Code of Ethics

The Board will continue to update the Code of Ethics, Section 570-6.

cc: Joseph Malara, Esq., Counsel

Respectfully submitted, GREENBURGH BOARD OF ETHICS

Doris T. Friedman, Chair (2017) Glenn Eisen (2015)
Thomas Hopkins (2016)
Carol Sarcinella (2018)