

To: Supervisor Paul Feiner

cc: Greenburgh Town Board
Greenburgh Town Clerk

OPINION 2010-7

Background

On June 29, 2010, Town Supervisor Paul Feiner (“Supervisor”), pursuant to Section 11D (2) of the Town of Greenburgh Code of Ethics (“Code of Ethics”), requested an advisory opinion from the Board of Ethics concerning whether the Town could accept a bid from a vendor who also does work for an applicant who appears before the Town. The residents of Old Edgemont are asking the Town Board to consider placing a \$75,000 crosswalk at Crane’s Pond. In connection with this request the Town has decided to hire a traffic engineer. The low bid for the traffic study is for \$1,500. The 2nd lowest bidder is much more expensive. The low bidder also works for an applicant who appears before the town.

Opinion

The Code of Ethics does not contain any provision concerning the acceptance of bids from suppliers of goods or services who also do work for one or more applicants before the Town. Therefore, in such cases, the Town should follow its normal procurement procedures in accepting bids by suppliers of good or services.

If, unlike the case in question, the bid were from an applicant, the Town would want to ensure that the bid from the applicant is a responsible bid so as not to be construed as a gift. If it were to be construed as a gift, its acceptance would be subject to the generally applicable rules relating to gifts to the Town.

BY THE BOARD OF ETHICS

Adopted at June 30, 2010 meeting

Voting for:

Mr. McLaughlin

Mr. Rivera

Mr. Scott

Mr. Sigal