

**TO: GREENBURGH TOWN BOARD**

**CC: GREENBURGH TOWN CLERK**

**GREENBURGH TOWN ATTORNEY**

## **BOARD OF ETHICS ANNUAL REPORT TO TOWN BOARD FOR 2018**

### **I. OVERVIEW**

During 2018 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 the Board of Ethics section of the Town Web Site.

### **II. SUMMARY OF ACTIVITIES IN 2018**

#### *A. Annual Statements of Financial Disclosure*

In 2018, with no exceptions, all Town public officers and employees who were required to submit the Annual Statement Financial Disclosure did so. All agency members did submit the Disclosure Form. For the third year in a row, there was 100% compliance

#### *B. Opinions*

In 2018 the Board of Ethics issued a total two opinions. All were advisory opinions in response to requests or suggestions by Town officials. The Board of Ethics received no Verified Citizen Complaints in 2018. All opinions are posted on the Board of Ethics Section of the Town's website.

ADVISORY OPINION 2018-1 Deputy Town Attorney David Fried requested by e-mail and then in person came before the Board of Ethics to request an opinion as to the propriety of an e-mail being sent to employees of the Town of Greenburgh informing recipients that a representative of Costco would be at town hall on October 5, 2017 to share opportunities for Costco membership. Pursuant to Section 570-6 Use of Town Owned equipment or property, 'No Public Officer, Employee or agency Member shall request, obtain, permit the use of or use Town vehicles, buildings, material or property or Town funded services for personal convenience interest use or benefit or the personal convenience, use or benefit of others except when such services are available to the public generally or are specifically provided by the Town Board for the use of such public Officer, Employee or Agency Member in the conduct of official business.

ADVISORY OPINION 2018-2 In December, 2017, Donald Cannon, a member of the Board of assessment Review addressed the Board of Ethics requesting an advisory opinion as to whether is was ethically incompatible for him to be involved in activities pertaining to the Edgemont's attempts to withdraw from the Town of Greenburgh while serving on the Board of Assessment Review The Board rendered on opinion that there was not a conflict between Mr. Cannon's personal beliefs and his position on the Board of Assessment Review. Pursuant to Section 570 (4) (D)

#### *C. Code of Ethics Promulgation and Training*

In September 2012, the Town Board made changes to the Town Code of Ethics. Over the past five 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 the Office of the Town Attorney provided training to appointed officials and certain

employees. Agency members still need to be trained. This is an on going process, which will continue into 2019.

#### *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 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 easy-of-use of the site by users and on the completeness and currency of Section 570 and its various components. The process continued in 2018. Amendments to the Code of Ethics created by the Board of Ethics have been submitted to the Town Board of Greenburgh for ratification.

### **III. MEMBERSHIP AND COUNSEL**

#### *A. Membership*

In December 2018, Hon. Doris T. Friedman was reappointed to the Board of Ethics. She will serve until 2022. In August 2014, Dr. Carol Sarcinella was appointed to fill a vacant seat and served until December 31, 2018. Dr. Sarcinella was Secretary to the Board. Her outstanding service to the Board of Ethics and the community was and is greatly appreciated. In January 2018 Craig Zumsted was appointed to the Board and will serve until 2023.

#### *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 indispensable and very helpful to the board.

### **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 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 2018.

#### *B. Update of the Code of Ethics*

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

Dated: February 2019

Respectfully submitted,

GREENBURGH BOARD OF ETHICS

Doris Friedman (2022)  
Blase Spinozzi (2020)  
Carol Sarcinella (2018)  
Craig Zumsteg (2023)

cc: Joseph Malara, Esq., Counsel