

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

**BOARD OF ETHICS ANNUAL REPORT TO TOWN BOARD FOR 2017**

**I. OVERVIEW**

During 2017 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, and (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.

**II. SUMMARY OF ACTIVITIES IN 2017**

*a. Annual Statements of Financial Disclosure*

In 2017, 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 percent compliance.

*b. Opinions*

In 2017 the Board of Ethics issued a one opinion and one waiver. All were advisory opinions in response to requests or suggestions by Town officials. The Board of Ethics received no Verified Citizen Complaints in 2017. All opinions are posted on the Board of Ethics Section of the Town's website.

WAIVER 2017-1. Town Attorney Timothy W. Lewis, Esq. and Deputy Town Attorney Joseph A. Danko, Esq. requested a waiver for Mr. Danko pursuant to Section 570-16. After due deliberation by the members of the Board of Ethics, it is the finding that Mr. Lewis and Mr. Danko have properly come before the Board and have met all the requirements for requesting and obtaining a waiver of the two-year prohibition in Town Code Section 570-4(k).

ADVISORY OPINION 2017-1. First Deputy Town Attorney David R. Fried, Esq. came before the Board of Ethics to request an opinion as to his ability to continue to act on behalf of the Town of Greenburgh in matters involving Regeneron. It was the finding of the Board that the proposed safeguards set forth by Mr. Fried in his appearance before the Board of Ethics, which were approved by Town Attorney Timothy W. Lewis, Esq. will be sufficient to allow Mr. Fried to continue to act on behalf of the Town in matters involving Regeneron.

*c. Code of Ethics Promulgation and Training*

In September 2012, the Town Board made changes to the Town Code of Ethics. Over the past two 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 2018.

*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 2017. 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 2013, Hon. Doris T. Friedman was appointed to the Board of Ethics to take the seat vacated by Eric Scott. She will serve until 2017. In June 2014, Dr. Carol Sarcinella was appointed to fill the vacant seat of Marc Constantine and will serve until December 31, 2018. Dr. Sarcinella was elected as Secretary to the Board. John Scagna, the replacement of the Chair Jack McLaughlin, resigned in September 2015. Glenn Eisen's term expired on December 31, 2015. While awaiting reappointment by the Greenburgh Town Board, he resigned from the Board of Ethics on December 1, 2016. Blase Spinozzi was appointed to the Board of Ethics on March 23, 2016, to replace John Scagna. His term will extend until December 31, 2020. Craig Zumsteg was appointed on December 19, 2017, to replace Glenn Eisen. Mr. Zumsteg will serve until December 31, 2023. Dr. Thomas J. Hopkins resigned from the Board of Ethics in April 2017. His term expired December 31, 2016. Currently, a vacancy exists on the Board of Ethics, and the Hon. Doris T. Friedman is awaiting reappointment to the Board of Ethics. In addition, the required two alternates have not been appointed despite repeated requests by the Board of Ethics.

*b. 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. 2017 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: January 23, 2018

Respectfully submitted,

GREENBURGH BOARD OF ETHICS

Doris Friedman (2017)  
Carol Sarcinella (2018)  
Blase Spinozzi (2020)  
Craig Zumsteg (2023)

cc: Joseph Malara, Esq., Counsel