

TO: Mr. Paul Feiner, Greenburgh Town Supervisor
Mr. Donald Cannon, Board of Assessment Review

CC: Greenburgh Town Council
Greenburgh Town Clerk

Opinion 2018-2

Background

This Advisory Opinion addresses a request for an opinion from Board of Assessment Review member Donald Cannon by direct request at the Board of Ethics meeting of December 13, 2017.

On December 13, 2017, Donald Cannon, a member of the Board of Assessment Review, addressed the Board of Ethics requesting to know whether it was ethically incompatible for him to be involved in activities pertaining to the Edgemont withdrawal from the Town of Greenburgh while serving on the Board of Assessment Review. Mr. Cannon states he has participated in gathering information for the anti-annexation group, "Edgemont No Exit." After a leader of the incorporation movement raised the question publicly, Mr. Cannon recused himself from ruling on any Edgemont properties before the Board of Assessment Review.

Opinion

There is no conflict between Mr. Cannon's personal political beliefs and his position on the Board of Assessment Review. The section of the Ethics code relevant to this position is; 570 (4) (D). "Nothing contained in this chapter shall prohibit any Public Officer, Employee or Agency Member from holding or expressing a political opinion or from affiliating with any political party or organization of her/his choice, or from Elected Officials and Agency Members voluntarily and without solicitation making a contribution thereto or to a Candidate."

Furthermore, Mr. Cannon has avoided even the appearance of conflict by abstaining from votes on all Edgemont property decisions. Mr. Cannon is allowed to do so based on code 570 (18) (A); "In addition, any Public Officer, Employee or Agency Member may recuse her/himself for any other reason that the individual deems appropriate under the circumstances."

This advisory opinion is based on the facts presented to the Board of Ethics. No opinion is expressed herein as to what conclusions would be reached if any of the facts upon which this Advisory Opinion is based were to change.

BY THE BOARD OF ETHICS

Adopted at August 15, 2018 meeting

Voting for:

Hon. Friedman, Chair

Dr. Sarcinella, EdD

Mr. Spinozzi

Mr. Zumsteg