

TO: Greenburgh Town Supervisor  
Greenburgh Town Council  
Greenburgh Town Clerk

OPINION 2014-5

**Background**

This Advisory Opinion addresses a question received from a Town official on May 7, 2014 asking whether it is permissible to post a memo on the Town's e-list mentioning that the Town is looking to replace chairs, tables, and furniture and would like to be notified if any businesses are trying to give the furniture away for free. The official stated that the Town could potentially save significant dollars. This would be a general solicitation --not directed to anyone but only advising readers that the Town needs furniture and doesn't want to pay for it. In a subsequent email dated May 8, 2014, the official stated that the Town has saved tens of thousands of dollars over the years by such donations. The official proposed posting something like the following on the web:

“The Town of Greenburgh wants to replace old furniture—without spending your tax dollars. If your place of business is looking to give away furniture that they don't need, please e-mail [pfeiner@greenburghny.com](mailto:pfeiner@greenburghny.com). We will have someone pick up the furniture.”

On January 28, 2014 the Board of Ethics issued Opinion 2014-1 which dealt with the solicitation of Sponsorships by the Town. Opinion 2014-1 should be reviewed in detail as it and its enclosures are relevant to the question raised herein. In summary, there is no authority for a municipality to solicit monetary or material gifts, either by advertisement or otherwise. Nor may they conduct fundraising activities. According to Office of the State Comptroller opinions such activity would be contrary to public policy and, therefore, not a proper municipal function.

**Opinion**

It is the opinion of the Board of Ethics that the proposed use of the e-list and Town website posting regarding furniture are forms of solicitation by advertising or otherwise which the Town is not authorized to undertake.

BY THE BOARD OF ETHICS

*Adopted at May 12, 2014 Meeting*

Voting for:

Ms. Friedman, Esq.  
Mr. Hopkins, PhD  
Mr. McLaughlin  
Mr. Eisen

