

TO: Mr. David Fried, Deputy Town Attorney
Mr. Paul Feiner, Greenburgh Town Supervisor

CC: Greenburgh Town Council
Greenburgh Town Clerk

Opinion 2019-1

Background

This Advisory Opinion addresses a confidential request for an opinion received by the Board of Ethics in email on January 17, 2019 regarding whether a Greenburgh department paid employee may also serve as a volunteer member on a board located in the employee's town of residence. The employee asked specifically about [§ 570-7B: Prohibited political activities](#), which states:

"No Appointed Officer, nor any Employee of the Town and no member of the Board of Ethics, the Zoning Board of Appeals or the Planning Board and no Agency Member who receives compensation for her/his services shall hold any federal, state, county, city, town or village elected public office or hold office in any federal, state, county, Town of Greenburgh or Village in the Town of Greenburgh political organization."

Opinion

In the opinion of the Board of Ethics, there is no violation of Town Code § 570-7B. An appointment to a volunteer board does not constitute holding elected public office. The fact that the employee referred to one specific section of the Town Code does not mean that the Board of Ethics is not obligated to look at the entirety of the Town Code and apply it to this particular request. Upon review, the Board of Ethics found no violation of any policies outlined anywhere in the Town Code.

This advisory opinion is based on the fact 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 February 5, 2019 meeting

Voting for:
Hon. Friedman, Chair

Mr. Cuomo
Mr. Spinozzi
Mr. Zumsteg