

DRAFT MINUTES
Town of Greenburgh Board of Ethics
Thursday, February 13, 2025
Greenburgh Town Hall, Steve Belasco Conference Room

Board Members Present: Timothy Hays, Chair; Seth Segall, Secretary; Trudy Holand, Member; Darra Boyd, member.

Also Present: Joseph S. Malara, Esq., Volunteer Counsel; Joseph Danko, Esq., Town Attorney; Amanda Magana, Esq., First Deputy Town Attorney; Vincent Toomey, Esq., Counsel for Mr. Francis Sheehan, Councilman, Ms. Gina Jackson, Councilwoman, Ms. Ellen Hendrickx, Councilwoman, and Ms. Joy Haber, Councilwoman; Janet Linn, Esq., Counsel for Mr. Hugh Schwartz, Complainant; Mr. Hugh Schwartz, Complainant; Mr. Johan Snaggs, Complainant; Mr. Walter Simon; Complainant; Ms. Barbara Marciante, Official Court Reporter; Detective Michael Marino, Greenburgh Police Department; Mr. Hal Samis.

1. The meeting was convened at 6:36 p.m. A quorum of the Board of Ethics (BoE) was present.
2. AGENDA: Trudy Holand moved to accept the agenda and Darra Boyd seconded the motion. The agenda was unanimously accepted.
3. MINUTES: Trudy Holand moved to accept the minutes of the January 9, 2024 meeting and Darra Boyd seconded the motion. The minutes were unanimously accepted.
4. ETHICS TRAINING: First Deputy Attorney Amanda Magana reported that everyone who was required to complete ethics training was in compliance.
5. FINANCIAL DISCLOSURE FORMS: First Deputy Attorney Amanda Magana reported financial disclosure forms would be sent out in March and were due to be completed in May.
6. CORRESPONDENCE: Twenty-two items of correspondence were received since 1/9/24:
 - A. An email dated 1/11/25 from Mr. Hugh Schwartz claiming that under §570-7b of the Code of Ethics, Dylan Pyne's roles as District Leader in the Democratic Party and President of the Edgemont Community Council create conflicts of interest with his role as a member of the Planning Board.
 - B. An email dated 1/13/25 from Mr. Hugh Schwartz stating that Councilwoman Gina Jackson's Financial Disclosure Form failed to mention her employment by the New York Power Authority. He is not filing an ethics complaint but is inquiring who reviews Financial Disclosure forms for accuracy. [In a discussion of this email, Town Attorney Joseph Danko stated he had mentioned this matter to Councilwoman Gina Jackson and that she is correcting her form. Deputy Town Attorney Amanda Magana stated her office assures compliance with filing but is unable to review them for accuracy.]

- C. An email dated 1/13/25 from Attorney Janet Linn complaining she would only have 12 days to respond to a motion to dismiss filed by Attorney Vincent Toomey. She requests clarification on due dates for a motion to dismiss and a rebuttal.
- D. An email dated 1/18/25 from Mr. Hal Samis regarding the agenda for the Town Board's next meeting.
- E. An email dated 1/20/25 from Mr. Hal Samis suggesting that 1) public comment precede any votes taken by the BoE, 2) the public be allowed to comment on draft minutes before their acceptance, 3) the secretary consider taping meetings to assist in preparing the minutes, and 4) public comments be allowed to include matters not pending before the BoE but relevant to it.
- F. An email dated 1/23/25 from Attorney Janet Linn asking for clarification on the timing of Attorney Vincent Toomey's motion to dismiss Snaggs et al. vs. Haber and whether she will be allowed 14 days to respond.
- G. An email dated 1/23/25 from Attorney Vincent Toomey stating he has no objection to granting Attorney Janet Linn 14 days to respond.
- H. An email dated 1/24/25 from Attorney Janet Linn stating that Attorney Vincent Toomey's response does not resolve the timing issue.
- I. An email dated 1/24/25 from Volunteer Counsel Joseph Malara stating Attorney Vincent Toomey has until 1/30/25 to file a motion to dismiss and that if Attorney Janet Linn requires more than 12 days to respond she may do so.
- J. An e-mail dated 1/24/25 from Mr. Hal Samis approving of the Draft Minutes of the 1/9/25 BoE meeting.
- K. An email dated 1/24/25 from Mr. Hugh Schwartz stating Attorney Janet Linn had been promised 14 days to respond to any motion to dismiss in the complaint of Snaggs et al. vs. Haber. He stated the BoE should move forward expeditiously given Mr. Dylan Pyne's alleged conflicts of interest. He suggested the matter could be resolved if the Town Board revoted on Mr. Pyne's appointment. Mr. Schwartz attached a document restating allegations of Mr. Pyne's conflicts of interest.
- L. An email dated 1/27/25 from Attorney Janet Linn stating that she is prepared to respond to a motion to dismiss from Attorney Vincent Toomey by 2/11/25.
- M. An email dated 1/30/25 from Evan Mattel Esq., Attorney Vincent Toomey's law clerk, containing: 1) an affirmation that Attorney Toomey represents Ms. Joy Haber, 2) a motion to dismiss the claim of Snaggs & Schwartz vs. Haber, 3) and documentary support for the motion including a copy of the initial Citizen Complaint Form, 4) copies of CoE §570-2, §570-3 and §570-4, 5) and a copy of BoE Advisory Opinions 2010-6 and 2023-1.
- N. An email dated 2/3/25 from Mr. Hal Samis reminding the BoE to post the 2/13/25 meeting on the Town website.
- O. An email dated 2/5/25 from Attorney Janet Linn inquiring when to expect the written opinion on the dismissal of the complaint against Attorney Joseph Danko.
- P. An email dated 2/7/25 from Mr. Hal Samis stating the agenda for the 2/13/25 meeting had not yet been posted and requesting confirmation of the meeting room.
- Q. An email dated 2/10/25 from Mr. Johan Snaggs containing an attached document opposing Attorney Vincent Toomey's motion to dismiss the complaint of Snaggs and Schwartz vs. Haber.

- R. An e-mail dated 2/10/26 from Mr. Johan Snaggs containing a revised version of the attached document sent earlier in the day.
- S. An email dated 2/11/25 from Attorney Janet Linn, counsel for Mr. Hugh Schwartz in the matter of Snaggs et al. vs. Haber containing: 1) her memorandum of law in opposition to respondents motion to dismiss and 2) a supporting document from Mr. Hugh Schwartz.
- T. An email dated 2/12/25 from Evan Mattel, Esq., Attorney Vincent Toomey's law clerk, containing the respondent's memorandum of law in reply to the complainant's memorandum of law in opposition to the motion to dismiss in the matter of Snaggs et al. vs. Haber.
- U. An email dated 2/12/25 from Attorney Janet Linn requesting that Attorney Vincent Toomey's reply memorandum of law dated 2/12/25 not be considered at the 2/13/25 BoE meeting because it was submitted less than 48 hours before the meeting.
- V. An email dated 2/12/25 from Mr. Johan Snaggs requesting Attorney Vincent Toomey's reply memorandum of law dated 2/12/25 not be considered at the 2/13/25 BoE meeting due to late submission.
- W. An email dated 2/13/25 from Mr. Walter Simon requesting Attorney Vincent Toomey's reply memorandum of law dated 2/12/25 not be considered at the 2/13/25 BoE meeting due to late submission.

7) OPINION 2025-1 Re: Susan Zeiger vs. Town Supervisor Paul Feiner. The opinion was read by Chairman Hays. Seth Segall moved to adopt the opinion and Trudy Holand seconded it. The opinion was unanimously adopted.

8) OPINION 2025-2 Re: Chris Linder vs. Ken Jones, Francis Sheehan, Gina Jackson, Joan Dudek, Ellen Hendrickx, Diana Juettner, and Paul Feiner. The opinion was read by Chairman Hays. Seth Segall moved to adopt the opinion and Darra Boyd seconded it. The opinion was unanimously adopted.

9) OPINION 2025-3 Re: Johan Snaggs, Hugh Schwartz, and Walter Simon vs. Joseph Danko. The opinion was read by Chairman Hays. Darra Boyd moved to adopt the opinion and Trudy Holand seconded it. Chairman Hays, Darra Boyd, and Trudy Holand voted to adopt, and Seth Segall recused himself. The opinion was adopted.

10) CITIZEN COMPLAINT: Re: Johan Snaggs, Hugh Schwartz and Walter Simon vs. Francis Sheehan, Gina Jackson, Joy Haber, and Ellen Hendrickx. Volunteer Counsel Joseph Malara stated interrogatories had been sent to the respondents as part of the Phase 1 inquiry. Attorney Vincent Toomey requested respondents be given until March 19, 2025 to complete their interrogatories. There were no objections and the March 19th deadline was accepted. The complaint was continued until the next meeting.

11) CITIZEN COMPLAINT: Re: Johan Snaggs and Hugh Schwartz vs. Joy Haber. There was initial discussion as to whether Attorney Vincent Toomey's memorandum of law in reply to the complainant's memorandum of law in opposition to the motion to dismiss received on 2/12/25 had been received too late to be considered at today's meeting. Attorney Janet Linn and the claimants stated it had to have been received 48 hours before the meeting. Attorney Toomey stated the "48 hour rule" applied to public comment but not memoranda of law.

Attorney Linn stated that the only issue in this case was Councilwoman Joy Haber's failure to disclose. Mr. Hugh Schwartz claimed there were irregularities in the Town Board's vote to appoint Mr. Dylan Pine to the Planning Board. Attorney Joseph Danko replied the vote had occurred in a public meeting that complied with the Open Meetings Law and a quorum was present. Attorney Vincent Toomey said that any alleged irregularities in the vote did not fall under the purview of the BoE as it is not a legislative action review board. Mr. Schwartz said the intention of the complaint was to require a revote with disclosure and not to stain Councilwoman Joy Haber's reputation. Chair Hays stated that ethics complaints, if upheld, do indeed stain a person's reputation and should never be filed lightly.

There was then a discussion of what if any material benefit Councilwoman Haber had received from Mr. Pine. Mr. Schwartz believed Mr. Pine had personally donated \$100 and that in his fund-raising capacity as treasurer he had raised approximately \$15,000 for her campaign. Attorney Linn argued that the need for disclosure under the CoE is not limited to disclosure of financial conflicts of interest. Chair Hays asked Attorney Vincent Toomey if his client was open to resolving the dispute through a revote by the Town Board. Attorney Toomey replied that his client would and should not agree to a revote as it would set a bad precedent in terms of future demands for revotes on other questions. Mr. Johan Snaggs questioned whether financial conflicts of interest were the only conflicts of interest requiring disclosure under the CoE. He worried that a BoE finding that the CoE disclosure clause applied only to financial conflicts of interest would set a bad precedent.

12) PUBLIC COMMENT: Mr. Hal Samis stated he thought Attorney Vincent Toomey's view of the CoE disclosure requirement was overly restrictive. He believes the CoE required Councilwoman Joy Haber to disclose Mr. Dylan Pine's role as treasurer of her re-election committee. He is concerned that a BoE decision restricting the meaning of disclosure to only financial conflicts of interest would set a bad precedent.

13) DELIBERATIONS: Chairman Hays moved the meeting be adjourned for executive session to deliberate on Snaggs et al. vs. Haber. Darra Boyd seconded the motion. The BoE unanimously voted to adjourn. Seth Segall recused himself and left the meeting. The BoE executive session began at 8:13 p.m.

14) DECISIONS: The public meeting was reconvened at 8:45 p.m. Darra Boyd moved to dismiss the complaint against Councilwoman Joy Haber. Trudy Holand seconded the motion. Chair Hays, Darra Boyd, and Trudy Holand voted for the motion to dismiss and Seth Segall recused himself. The motion to dismiss was carried. The BoE believes the CoE as currently written did not require Councilwoman Joy Haber to disclose Mr. Dylan Pine's former role as treasurer of her election committee prior to the vote on his appointment to the Planning Board. A written opinion will follow. After the vote Mr. Schwartz and Attorney Linn expressed their disagreement with the decision.

15) NEXT MEETING DATE: 6:30 p.m., Thursday, March 20 , 2025, Lee F. Jackson Conference Room, Greenburgh Town Hall.

16) MEETING ADJOURNED: Having concluded its business for the evening, the BoE adjourned the meeting at 8:56 p.m..

SUBMITTED BY: Seth Segall, Secretary on February 26, 2025