

DRAFT MINUTES
Town of Greenburgh Board of Ethics
Thursday, April 17, 2025
Greenburgh Town Hall, Lee F. Jackson 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; Ms. Barbara Marciante, Official Court Reporter; Detective Michael Marino, Greenburgh Police Department; Mr. Hal Samis

1. The meeting was convened at 6:30 p.m. A quorum of the Board of Ethics (BoE) was present.
2. AGENDA: Ms. Holand moved to adopt the agenda and Ms. Boyd seconded the motion. The agenda was unanimously adopted.
3. MINUTES: Ms. Holand moved to accept the minutes of the March 20, 2025 meeting and Chairman Hays seconded the motion. The minutes were unanimously accepted.
4. ETHICS TRAINING: First Deputy Town Attorney Magana reported that Confidential Secretary to the Town Attorney Martha Salciccia sent follow-up letters out last week to people who had not yet completed their required ethics training.
5. FINANCIAL DISCLOSURE FORMS: First Deputy Town Attorney Magana reported that 52% of the Town Board and Town employees and 32% of the members of Boards and Commissions had completed their required financial disclosure forms
6. CORRESPONDENCE: The BoE received 27 items of correspondence since 3/20/25:
 - i. An email dated 3/25/25 from Mr. Johan Snaggs expressing disappointment in BoE Opinion 2025-4. He believes the Town Board engaged in “specific, deliberate, and willful action against him,” then denied their activities, obscured facts, and hid behind procedures. He believes that if the BoE Opinion adhered to the letter of the law, it violated its spirit. He thinks the BoE should be an authority on morality—not just law and procedure.
 - ii. An email dated 3/25/25 from Mr. Walter Simon concurring with Mr. Snagg’s opinion.
 - iii. An email dated 3/25/25 from Volunteer Counsel Joseph Malara to respondents’ Attorney Vincent Toomey and to the complainants in Snaggs et al. vs. Sheehan et al. requesting a memo of law from all parties on the issue of immunity raised in the respondent’s response to the interrogatories.
 - iv. An email dated 3/25/25 from Attorney Vincent Toomey stating he may require a time extension to respond to Attorney Malara’s request for a memorandum of law and will notify the BoE before 4/14/25 if he does.
 - v. An email from Mr. Johan Snaggs dated 3/25/25 requesting clarification about what is meant by the possibility of immunity extending to some or all of the respondents.

- vi. An email dated 3/25/25 from Chairman Hays to Mr. Johan Snaggs clarifying that the request for a memorandum of law was in response to the respondents' response to the interrogatories and was not an indication of an opinion about immunity by the BoE.
- vii. An email dated 3/25/25 from Mr. Johan Snaggs thanking Chairman Hays for his clarification.
- viii. An email dated 3/25/25 from Attorney Janet Linn reminding the BoE that it had stated representatives need not attend the 3/20/25 meeting and asking clarification of the scope of the requested memorandum of law on immunity. Attorney Linn stated that if she needs an extension of time to prepare the memo she will let the BoE know by 4/14/25.
- ix. An email dated 3/25/25 from Volunteer Counsel Joseph Malara clarifying the scope of immunity and that the minutes from the 3/20/25 meeting would state that no representatives were present nor was their presence required.
- x. An email dated 4/2/25 from Attorney Janet Linn asking for clarification as to whether the "48 hour" rule regarding correspondence applies only to public comment or whether it also applies to communications from counsel.
- xi. An email dated 4/3/25 from Volunteer Counsel Joseph Malara clarifying that the "48 hour rule" applies only to public comment and new business.
- xii. An email dated 4/8/25 from Mr. Hugh Schwartz claiming the mention of correspondence between himself in his capacity as Chair of the Planning Board and Town Attorney Joseph Danko in the respondents' response to the BoE interrogatories violated his attorney client privilege and asking it be stricken from the record. He is willing to waive privilege if the respondents do likewise and release correspondence between themselves and the Town Attorney's Office.
- xiii. An email dated 4/9/25 from Attorney Janet Linn regarding the respondents' responses to the interrogatories: 1) noting that Ms. Tori's email was not attached, and 2) the respondents refused to provide documents in the complainants' possession or otherwise accessible to the BoE, and 3) claiming that by providing information about communications between the Town Attorney's Office and Town Board Members and The Town Attorney's Office and Mr. Hugh Schwartz the respondents have breached and therefore waived attorney client privilege. Attorney Linn requests full information about Mr. Danko's involvement in the complaint to determine whether BoE Opinion 2025-3 ought to be reconsidered.
- xiv. An email dated 4/11/25 from Attorney Vincent Toomey requesting an extension until 4/25/25 for responding to Volunteer Counsel Malara's request for a memorandum of law on the issue of immunity.
- xv. An email dated 4/14/25 from Chairman Hays granting Attorney Vincent Toomey an extension.
- xvi. An email dated 4/14/24 from Attorney Vincent Toomey thanking Chairman Hays.
- xvii. An email dated 4/14/25 from Attorney Janet Linn 1) requesting an extension of her memorandum of law on the issue of immunity until 4/30/25 and 2) claiming the respondents have the burden of establishing a basis for their claim of legislative immunity and should submit an opening brief to which complainants can then respond on 4/30/25.
- xviii. An email dated 4/14/25 from Mr. Hal Samis: 1) opposing the Town's amending of Chapter 440 of the Town Code granting 10% exemptions from assessed valuations of real property owned by volunteer fire fighters and ambulance personnel. He believes this is unfair because volunteers will be compensated differently based on the valuation of

their homes. He suggests the BoE issue an opinion that the Town Board ought to revise default compensation scales so that volunteers receive equal compensation for their work, 2) suggesting financial disclosure forms be amended to include special tax benefits and compensation from serving on Town agencies, and 3) that the BoE update information about itself on the Town website to make it more current, and to include members' political affiliations

- xix. An email dated 4/14/25 from Chairman Hays granting Attorney Linn her requested extension.
- xx. An email dated 4/14/25 from Attorney Vincent Toomey requesting that his extension also be granted until 4/30/25.
- xxi. An email dated 4/15/25 from Chairman Hays that the extension date is granted until 4/30/25 for both respondents and claimants.
- xxii. An email dated 4/15/25 from Attorney Janet Linn stating that having both parties present memoranda on the same date disadvantages the claimants. She asks the Chairman to reconsider.
- xxiii. An email dated 4/15/25 from Attorney Vincent Toomey stating that Volunteer Counsel Joseph Malara's original request called for simultaneous submissions of memoranda of law and requesting the BoE not alter that intention.
- xxiv. An email dated 4/15/25 from Volunteer Counsel Joseph Malara reminding Attorney Linn that Attorney Toomey brought up the question of immunity in the respondent's response to interrogatories which the claimants have received. Attorney Toomey at that time referred to "deliberative privilege and/or legislative immunity," citing cases in support. Counsel Malara stated that the request for memoranda was not a request for motions. There was no objection at the time to parties serving their briefs by the same date, and he sees no reason to alter the parameters of that request.
- xxv. An email dated 4/16/25 from Attorney Janet Linn 1) asking for confirmation of her understanding of Volunteer Counsel Malara's 4/15/25 email, and 2) claiming that Attorney Vincent Toomey's failure to respond to her 4/8/25 email should be interpreted as a voluntary waiver of attorney client privilege. She re-requests all relevant communications between the Town Attorney's Office and the Town Board and that the BoE reconsider Opinion 2025-3.
- xxvi. An email dated 4/16/25 from Attorney Vincent Toomey rejecting any waiver of attorney client privilege and objecting to what he describes as "the inability" of respondents to accept adverse BoE rulings.
- xxvii. An email dated 4/16/25 from Mr. Johan Snaggs objecting to the tone of Attorney Vincent Toomey's 4/16/25 email.

Town Attorney Joseph Danko responded to the implication in Mr. Hugh Schwartz's and Attorney Janet Linn's emails that he had violated attorney client privilege in the information provided in the respondents' response to the interrogatories. He emphatically stated for the record that he has never violated attorney client privilege.

7) 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

the BoE requires the memoranda of law on immunity from both complainants and respondents before proceeding on this complaint. The issue of deliberative privilege and/or legislative immunity is complex, and the BoE needs to take into consideration the considered opinions of both parties. Chairman Hays tabled any consideration of whether attorney client privilege had been breached or waived until the next meeting when all parties would be present. Consideration of the complaint was continued until the next BoE meeting.

9) DISCUSSION/PUBLIC COMMENT:

A) Mr. Hal Samis discussed the Town's proposed amending of Chapter 440 of the Town Code to grant 10% exemptions from assessed valuations of real property owned by volunteer fire fighters and ambulance personnel. He thought this was 1) unfair to unincorporated Greenburgh because residents would end up paying part of the compensation for the Villages' Volunteer Fire Departments through reduced Town revenues while they are already paying taxes to their Fire Districts, and 2) it was unfair because volunteers were being compensated according to their home values rather than their work and 3) Town Board members who live in the Villages may have a conflict of interest if they vote for this. He wants the BoE to consider issuing an opinion on this. Volunteer Counsel Joseph Malara, Chairman Hays, and Secretary Segall asked questions to clarify the issues Mr. Samis was raising. Town Attorney Danko stated the proposal was currently being amended. Volunteer Counsel Malara commented that Town Board decisions on fiscal matters always affect Town Board Members but that in itself does not constitute a conflict of interest. Chairman Hays thought this was a legislative rather than ethics issue.

B) Mr. Hal Samis reminded the BoE it had agreed to post BoE members' political affiliations on the Town website but had not yet done so. Chairman Hays stated the BoE would be follow through on it this month.

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

11) MEETING ADJOURNED: There being no other business, Secretary Segall moved the meeting be adjourned and Ms. Boyd seconded. Without objection, the meeting was adjourned at 7:15 p.m..

SUBMITTED BY: Seth Segall, Secretary on April 30, 2025.