

DRAFT MINUTES
Town of Greenburgh Board of Ethics
Thursday, June 26, 2025
Greenburgh Town Hall, Lee F. Jackson Conference room

Board Members Present: Timothy Hays, Chair; Seth Segall, Secretary; Trudy Holland, Member.

Also Present: Joseph S. Malara, Esq., Volunteer Counsel; Joseph Danko, Esq., Town Attorney; Amanda Magana, Esq., First Deputy Town Attorney; Ms. Jilian Marciante, Official Court Reporter; Detective Michael Marino, Greenburgh Police Department; Mr. Hal Samis, Member of Public.

- 1) The meeting was convened at 6:31 p.m. The roll was called and Chairman Hays determined a quorum of the Board of Ethics (BoE) was present.
- 2) AGENDA: Secretary Segall moved to adopt the agenda and Ms. Holand seconded the motion. The agenda was unanimously adopted.
- 3) MINUTES: Ms. Holand moved to accept the minutes of the May 15, 2025 meeting and Chairman Hays seconded the motion. The minutes were unanimously accepted.
- 4) ETHICS TRAINING: First Deputy Town Attorney Magana reported that there were ten (10) staff members and/or volunteers who were required to retake ethics training, and that as of this date two (2) had completed the training.
- 5) FINANCIAL DISCLOSURE FORMS: First Deputy Town Attorney Magana reported that 100% of management, staff, and board members have submitted their required financial disclosure forms. Four (4) forms need correction due to incompleteness or illegibility.
- 6) CORRESPONDENCE: 18 items of correspondence were received between 12:00 p.m. May 15, 2025 and 12:00 p.m. today:
 - a. An email dated 6/6/25 from Attorney Vincent Toomey responding to Attorney Janet Linn's motion to compel discovery and stay proceedings. First, Attorney Toomey restates his belief that the CoE does not allow for discovery demands in Phase One investigations. Second, he argues that the question of legislative immunity should be decided before considering the motion to compel disclosure. Third, he reiterates the court cases underlying his claim of legislative immunity and the reasons why he believes it is important. Forth, he denies any breach of attorney-client privilege in the Respondents' response to the interrogatories. Fifth, he argues that if the Complainants wished to argue the TB-01 Resolution was illegal or unconstitutional, they should have initiated an Article 78 proceeding. Sixth, he requests that if the BoE intends to consider Attorney Linn's motion to compel discovery and stay the proceedings, the Respondents request 30 days to respond to the motion from the date the BoE determines to begin consideration.

- b. An email dated 6/7/25 from Mr. Hugh Schwartz expressing disappointment that Attorney Toomey sent his 6/6/25 email while Attorney Janet Linn is on hiatus. Since Attorney Linn is unable to respond, he believes this puts a burden on the Complainants and requests the BoE return Attorney Toomey's email to him and there be no further exchanges of emails until Attorney Linn is able to respond.
- c. An email dated 6/7/25 from Attorney Toomey reiterating that Attorney Linn should be afforded any reasonable amount of time to respond.
- d. An email dated 6/7/25 from Mr. Schwartz requesting Attorney Toomey withdraw his email which he claims is a "disguised motion to dismiss."
- e. An email dated 6/7/25 from Mr. Johan Snaggs requesting a pause on all emails until Attorney Linn's recovery.
- f. An email dated 6/7/25 from Mr. Walter Simon concurring with the opinions expressed in the emails received earlier that day from Messrs. Schwartz and Snaggs.
- g. An email dated 6/9/25 from Chairman Hays to Attorney Linn inquiring about her health and asking if she was feeling able to respond to Attorney Toomey or would be recovered sufficiently to attend the 6/26/25 BoE meeting.
- h. An email dated 6/9/25 from Mr. Schwartz stating that Attorney Linn was not yet able to respond to Attorney Toomey and again requesting he withdraw his recent email.
- i. An email dated 6/8/25 from Mr. Schwartz saying it was unlikely Attorney Linn would be ready to prepare for or attend the 6/26/25 BoE meeting.
- j. An email dated 6/9/25 from Chairman Hays acknowledging Mr. Schwartz's update on Attorney Linn's status.
- k. An email dated 6/9/25 from Mr. Schwartz thanking Chairman Hays for his concern and again requesting Attorney Toomey withdraw his email.
- l. An email dated 6/13/25 from Mr. Schwartz asking that Attorney Toomey's email be withdrawn and not be considered by the BoE.
- m. An email dated 6/16/25 from Volunteer Counsel Joseph Malara expressing wishes for Attorney Linn's health and assuring the Complainants that they will have whatever reasonable time they need to respond to Attorney Toomey. At the next meeting that all parties are able to attend there can be discussion of scheduling any further submissions. No decisions will be made until everything is submitted and all the parties have been heard. He states no purpose would be served by Attorney Toomey withdrawing his submission.
- n. An email dated 6/16/25 from Mr. Schwartz stating Attorney Toomey's submission was inappropriate and should be withdrawn on those grounds.
- o. An email dated 6/16/26 from Mr. Schwartz restating that there is no guarantee that Attorney Linn will be able to respond by 6/26/25.
- p. An email dated 6/16/25 from Mr. Hal Samis noting that the BoE website has still not been updated as of 6/16/25 and that the 2024 Annual Report has not yet been posted.
- q. An email dated 6/23/25 from Mr. Samis noting that there is still no update to the BoE website and the agenda for the 6/26/25 meeting has not been posted.
- r. An email dated 6/24/25 from Mr. Samis stating the BoE has the power to make recommendations for changes to the CoE to the Town Board. He would like the

BoE to define conflict of interest more broadly to include more than financial conflicts of interest. He volunteers to help the BoE draft such a new definition or to participate on a citizens committee to do so. He also reminds the BoE that it has not yet submitted its 2024 Annual Report to the Town Board as the CoE requires it to do.

Two (2) comments were made in response to the correspondence. Chairman Hays apologized for the late submission of the 2024 Annual Report and assured everyone it would be submitted shortly. Secretary Segall reported the Town had assigned summer intern Freida Belasco the task of updating outdated portions of the Town website pertaining to boards and commissions and that she had been provided with updated information on the BoE on 6/10/25.

- 7) CITIZEN COMPLAINT: Re: Johan Snaggs, Hugh Schwartz and Walter Simon vs. Francis Sheehan, Gina Jackson, Joy Haber, and Ellen Hendrickx. Given Attorney Linn's absence due to health concerns, Chairman Hays adjourned this complaint until such time as both parties' representatives can appear. There were no objections.
- 8) NEW BUSINESS: Chairman Hays noted the BoE is still shy one member and one alternate member. He suggested the BoE authorize him to contact the Town Board to request it solicit candidates and conduct interviews to add an additional member and alternate to the BoE. Under the CoE the new member could be neither a Democrat nor Republican, and the alternate would have to be a non-Democrat. Mr. Hal Samis suggested the current CoE rule concerning who can serve on the BoE is too restrictive and is making it harder to fill open positions. Chairman Hays and Volunteer Counsel Malara concurred that the current rule makes it difficult to fill open positions.

Secretary Segall stated that Chairman Hays had raised suggested (2) separate potential motions: one to petition the Town Board to fill vacancies under the current CoE, and the other to begin the process of amending the CoE to allow positions to be filled in a less restrictive way. Secretary Segall seconded both motions, and Chairman Hays and Ms. Holand concurred. Chairman Hays will request the Town Board fill the open positions in accord with the current CoE, and the BoE will begin consideration of a proposal to amend CoE §570-11(B).

Mr. Samis also suggested that interviews of BoE candidates should not be conducted in executive session but should be open to the public. Secretary Segall stated it was not the role of the BoE to tell the Town Board how to conduct its interviews, although it could, if it wanted, make a request, or such a requirement could be put into any future proposed CoE revision. Ms. Holand thought interviews should be conducted in executive session as there might be sensitive questions asked that ought not to be a matter of public record. Counsel Malara imagined a candidate being asked if they had ever done anything unethical and agreed there was no problem with interviews being conducted in executive session.

- 9) PUBLIC COMMENT/DISCUSSION:

- A) Town Attorney Joseph Danko reported that a series of emails from Mr. Hal Samis that were CC'd to the BoE last week were not forwarded to the BoE by Martha Salciccia at the time of receipt. When Attorney Danko learned of this, he instructed Ms. Salciccia to immediately forward them, and to continue to do so in the future. The BoE did not receive them until this afternoon, and as a result, they were not included in this month's correspondence. Many of these emails dealt with Mr. Samis's raising the question of a possible conflict of interest in the constitution of the Four Corners Steering Committee (FCSC). Mr. Samis claimed that one member of the committee had a financial interest in any revitalization plan for the Four Corners area.
- B) Mr. Samis stated he forwarded these emails to the BoE because it relates to his recommendation that the BoE revise the CoE to include a definition of conflict of interest that is broader than financial conflict of interest. Volunteer Counsel Malara stated that the case Mr. Samis is raising regarding the FCSC is in fact a financial conflict of interest that would require no broadening of the CoE definition. If he wants the BoE to rule on this case, he should make a formal complaint. Ms. Holand stated that since the FCSC is only an advisory committee that does not make decisions, conflict of interest rules don't apply; it makes sense that people who own property at Four Corners have some input into the process. There was then a discussion between Mr. Samis and Volunteer Counsel Malara about whether the BoE was an advisory committee or not. Counsel Malara explained that BoE opinions are not advisory, only proposed penalties are.
- C) Mr. Samis accused Town Attorney Danko of hiding the reasons for the Town Board resolutions requesting more money to compensate Attorney Vincent Toomey for legal work conducted on behalf of the Town. Attorney Danko objected to the accusation that he was "hiding" anything, and Chairman Hays ruled such insinuations are out of order without being accompanied by proof. Mr. Samis wanted to know which cases Attorney Toomey was being compensated for, and believes the public has a right to know. Attorney Danko stated Mr. Samis is welcome to FOIL that information, but it is not his obligation to state specific cases in resolutions before the Town Board

10) NEXT MEETING DATE: The next meeting will be on Thursday July 31, 2025 at 6:30 p.m. in the Lee F. Jackson Conference Room, Greenburgh Town Hall. Secretary Segall will check with Martha Salciccia to be sure the Conference Room is available on that date.

11) MEETING ADJOURNED: There being no other business, Chairman Hays moved the meeting be adjourned and Secretary Segall seconded the motion. Without objection, the meeting was adjourned at 7:20 p.m..

SUBMITTED BY: Seth Segall, Secretary on July 14, 2025.