

DRAFT MINUTES
Town of Greenburgh Board of Ethics
Thursday, April 16, 2026
Greenburgh Town Hall, Lee F. Jackson Conference room

Board Members Present: Timothy Hays, Chair; Seth Segall, Secretary; Trudy Holand, Member, Darra Boyd, Member; Andrea Reed, Alternate Member; Sharon Makower Esq., Alternate Member.

Also Present: Joseph S. Malara, Esq., Volunteer Counsel; Amanda Magana, Esq., First Deputy Town Attorney; Ms. Jillian Marciante, Official Court Reporter; Detective Michael Marino, Greenburgh Police Department.

- 1) The meeting was convened at 6:31 p.m. The roll was called and a quorum of the Board of Ethics (BoE) was present.
- 2) AGENDA: Secretary Segall moved to adopt the agenda and Ms. Boyd seconded the motion. The agenda was unanimously adopted.
- 3) MINUTES: Ms. Boyd moved to accept the minutes of the 3/19/26 meeting and Ms. Holand seconded the motion. The minutes were unanimously accepted.
- 4) ETHICS TRAINING: First Deputy Town Attorney Magana reported that three (3) of the four (4) ethics trainings that were due last month have been completed. A notice has been re-sent to the one remaining person whose training is still outstanding.
- 5) FINANCIAL DISCLOSURE FORMS: First Deputy Town Attorney Magana reported that requests to complete 2026 Financial Disclosure Forms were sent out in mid-March and are due to be completed by May 15. So far twenty-nine (29) of the sixty-five (65) required forms have been received.
- 6) REQUEST FOR OPINION BY TOWN SUPERVISOR PAUL FEINER: Chair Hays raised for discussion Town Supervisor Feiner's request for an opinion on whether Mr. Frank Morabito's dual appointments as Commissioner of Public Works and Building Inspector and Ms. Liz Gerrity's proposed dual appointments as Deputy Building Inspector and potential appointment to Deputy Town Attorney by the Greenburgh Town Board present conflicts of interest under the Code of Ethics (CoE). Volunteer Counsel Malara provided some background information regarding the appointments and Chair Hays read some of the emails from Town Supervisor Feiner and Town Council Member Francis Sheehan related to the request aloud. First Deputy Town Attorney Magana reported that Mr. Morabito had been appointed to Commissioner of Public Works effective April 3, 2026 and Ms. Gerrity had not yet been appointed as a Deputy Town Attorney. There was discussion led by Ms. Boyd and Ms. Reed about the thoroughness of the hiring process the Town had gone through in selecting Mr. Morabito and the process it would go through in considering Ms. Gerrity for the positions, but it was ultimately decided that this should not be a factor in whether there may be a conflict of interest. Secretary Segall stated he could not find any conflict of interest sections in either the Code of Ethics or Article 18 of the NY General Municipal Law that

applied to these cases. Chair Hays thought this was a political issue rather than an ethical one. The BoE was not being asked to opine on whether these hires were wise or whether these hires could perform both jobs well, but only on whether they presented a conflict of interest as defined in the CoE. Volunteer Counsel Malara discussed case law that was relevant to the possibility of role conflict, but since the Department of Public Works (DPW) does not have a supervisory role over the Building Department and since there is no supervisory relationship between the Town Attorney's Office and the Building Inspector's office, this case law was not directly applicable to the cases at hand. Secretary Segall stated that even if there were the potential for role conflict, this could be solved by requiring recusal: for example, that Mr. Morabito could not inspect buildings being built or renovated by the DPW for code compliance, and Ms. Gerrity could not represent the Town in legal cases regarding buildings she had inspected for code compliance. First Deputy Town Attorney Magana assured the BoE that Town Attorney Joseph Danko had already stated that Ms. Gerrity would not represent the Town in cases where she had made a determination as a code enforcement officer. The CoE already forbids Mr. Morabito from inspecting buildings he is directing the construction of. Ms. Makower asked if Town Supervisor Feiner had responded to Town Council Member Sheehan's and Town Attorney Danko's requests that he specify which sections of the CoE he was concerned about. Secretary Segall responded that if the Town Supervisor had responded, the BoE has no knowledge of it.

- 7) EXECUTIVE SESSION: Secretary Segall moved that the BoE move into executive session to further discuss matters concerning the appointment of Mr. Morabito and the potential appointment of Ms. Gerrity related to this request for opinion. Ms. Boyd seconded the motion, and all members unanimously agreed. Ms. Holand recused herself due to her having commented on this matter on social media. Executive session began at 7:12 p.m. and ended at 7:35 p.m. No votes were taken.
- 8) DECISIONS: Chair Hays moved that the BoE issue an opinion that the dual appointments of Frank Morabito and the potential dual appointments of Liz Gerrity do not pose a conflict of interest as defined by the Code of Ethics. Secretary Segall seconded the motion. Ms. Holand recused herself, and Ms. Reed voted in her capacity as alternate member. The vote was four (4) votes for the motion, no (0) votes against the motion and one (1) abstention. The motion passed and a written opinion will follow.
- 9) REVISION OF INTERNAL RULES AND REGULATIONS: Ms. Makower explained the changes she proposed to revise the BoE's Internal Rules and Regulations in terms of 1) modernizing pronoun usage and consistency, 2) changing "chairman" to "chair," 3) re-numbering the sections and subsections, and 4) disambiguating unclear passages to make their meaning clearer. Secretary Segall thanked Ms. Makower for the thoughtful work she put into editing the document. Chair Hays suggested removing the statement that BoE meetings are "scheduled to last two (2) hours," as meetings are only rarely that long. A final vote was tabled until the next BoE meeting.
- 10) DISCUSSION OF PROPOSED AMENDMENTS TO THE GREENBURGH CODE OF ETHICS: Volunteer Counsel Malara discussed the proposed set of revisions to the Code of Ethics that he and Deputy Town Attorney Magana had circulated to members earlier this week. These revisions incorporated the proposed changes voted on at earlier BoE meetings and added additional changes. These included changes to the definitions of conflict of interest

and compensation in §570-3, and changes of wording in §570-1, §570-4 (A) (1) (a-f), §570-4 (A) (3 & 4), §570-4 (D, L, and M), §570-7 (B), §570-10 (F), §570-11 (A) (3), §570-11 (B), §570-16 (A), and §570-17 (A). Secretary Segall thanked Volunteer Counsel Malara and Deputy Town Attorney Malara for their careful effort in documenting the suggested revisions. Secretary Segall expressed two concerns about the proposed revisions. First, the removal of the phrase “on town property” in §570-4 (A) (1) (a) made the ban on gifts overly broad since it would ban Town officers, employees and agency members from even receiving birthday gifts from their relatives. Volunteer Counsel Malara felt that limiting certain prohibited acts from only those occurring on Town property made little sense. There was discussion about how to clarify the wording so that only activities intended to be prohibited would be prohibited. Secretary Segall and Ms. Makower pointed out that raising the amount of remuneration officers, employees, and agency members can receive for officiating at marriages in §570-4 (A) (3) to \$150 puts the CoE in conflict with Article 18 of the New York General Municipal Law which limits remuneration to \$100. There was also discussion of proposed revisions to §570-7 B which would clarify ambiguous wording regarding uncompensated positions in political parties. The wording of the proposed revision was open to multiple interpretations and needs clarification. Ms. Makower pointed out the language of §570-5 (B) still needs updating (e.g. the reference to the now defunct American Stock Exchange). An ad hoc subcommittee consisting of Chair Hays, Volunteer Counsel Malara, and Deputy Town Attorney Magana will make a final edit of the proposed revisions and submit them to members by May 7, 2026. Further discussion on the CoE was postponed until the next BoE meeting.

- 11) NEW BUSINESS: Volunteer Counsel Malara expressed his opinion that our Internal Rules and Regulations only require approved minutes to be posted within two weeks after the meeting in which they are accepted by vote of the BoE. He thought that since minutes were never approved until the subsequent meeting they need not be posted within two weeks after the original meeting. Ms. Makower stated that Section 106 of the Open Meetings Law (Article 7 of the New York Public Officers Law) requires minutes be posted two weeks after the original meeting, and Secretary Segall stated that was consistent with his belief of the intent of the BoE's Internal Rules and Regulations. The sticking point appeared to be the use of the word “approved.” It was agreed that going forward draft minutes (which will be labeled "draft" to avoid any confusion) will be posted two (2) weeks after each meeting with final approved minutes posted after the members have approved the minutes at the following meeting.
- 12) CORRESPONDENCE: Correspondence consists of items mailed directly to the BoE and germane to its business. The BoE reserves the right to decide whether correspondence is relevant to ongoing or potential BoE business. A total of nineteen (19) items of correspondence were received between 12:00 p.m. March 19, 2026 and 12:00 p.m. today.
 - a. An email dated 3/24/26 from Town Supervisor Paul Feiner requesting a BoE opinion on the Town Board’s possible appointment of Frank Morabito as Commissioner of Public Works and Building Inspector, and Liz Gerrity’s appointment as Deputy Town Attorney. He would rather see Ms. Gerrity, who is currently a part-time Building Inspector, instead be promoted to full-time Building Inspector. He is concerned about a possible conflict in terms of Ms. Gerity being both a Building Inspector and Deputy Town Attorney as the

Town Attorney's office represents the Town when there are disputes between property owners and the town.

- b. An email dated 3/24/26 from Town Attorney Joseph Danko addressed to Supervisor Feiner and copied to the BoE asking him which portion of the CoE might be violated by Ms. Gerrity's appointment and stating that the Town Attorney's Office would not have Liz Gerrity, were she appointed as Deputy Town Attorney, represent the Town in cases where she had made a determination as code enforcement officer.
- c. An email dated 3/24/26 from Town Council Member Francis Sheehan to Supervisor Feiner and copied to the BoE asking for clarification of which section of the CoE Supervisor Feiner is concerned about and expressing concern that the Supervisor and his supporters are trying to "weaponize the BoE."
- d. An email dated 3/24/26 from Town Supervisor Feiner stating that he believes that the potential for significant conflicts exists. If Ms. Gerrity as Deputy Town Attorney also works for the Building Department, the Town Attorney's office could be influenced even if she were not directly involved in the legal issues.
- e. An email dated 3/25/26 from Town Supervisor Feiner requesting an opinion on whether there is also potential conflict if Frank Morabito is appointed to be both Commissioner of Public Works and also a Building Inspector. Might he end up approving and inspecting his own projects or feel pressured to overlook issues to keep projects moving?
- f. Two (2) emails dated 3/25/26 from Chair Hays to the BoE members forwarding emails sent to him by Supervisor Feiner. These emails contain letters from Debbie Scogna and David Stone expressing concerns about the potential conflict if one person serves as both Commissioner of Public Works and Building Inspector, since the Building Inspector supervises the work of the Commissioner of Public Works.
- g. An email dated 3/30/26 forwarded to the BoE by Town Supervisor Feiner from Lou Sanchez in support of his concerns for a possible conflict of interest in the case of Frank Morabito serving as both Commissioner of Public Works and Building Inspector. Mr. Sanchez also worries about a potential conflict in Mr. Morabito's alleged ownership of an electrical company that competes for DPW contracts.
- h. An email dated 4/6/26 from Mr. Samis pointing out the BoE minutes from the last meeting and the agenda for the next meeting remain unposted.
- i. An email dated 4/6/26 forwarded to the BoE from Town Supervisor Feiner from Mr. Rudolph Rinaldi, former NYC Commissioner of the Department of Buildings and Director of the Mayor's Office of Construction. He writes in support of Town Supervisor Feiner's position that appointing one person to the roles of both Commissioner of Public Works and Building Inspector "creates the possibility and perception of a conflict of interest and a lot of top people at any Department of Buildings would have a hard time rejecting less safe and less code alternatives 'sought' from above in the hierarchy of command."
- j. An email dated 4/7/26 forwarded to the BoE from Town Supervisor Feiner with additional comments from Mr. Rinaldi.
- k. An email dated 4/7/26 from Mr. Samis noting the minutes of the 3/19/26 BoE meeting and the agenda for the 4/16/26 BoE meeting have not yet been posted.
- l. An email dated 4/7/26 from Mr. Rudolph Rinaldi with further thoughts on monitoring problems that can arise within Departments of Buildings.
- m. An email dated 4/8/26 from Mr. Samis noting the minutes of the 3/19/26 BoE meeting have not yet been posted.
- n. An email dated 4/11/26 from Mr. Samis noting the 10/23/25 BoE minutes have

disappeared from the Town website.

- o. An email dated 4/14/26 from Town Council Member Sheehan indicating that the Town Board approved Frank Morabito's appointment on 3/25/26 effective 4/3/26 and claiming that Town Supervisor Feiner's opposition to the appointment was politically motivated. The email included a longer email chain including emails to and from Comptroller Kimberly Gutwein, Personnel Director Nicole Murphy, and Town Council Member Joy Haber regarding what Councilman Sheehan regarded as an unusual request from the Personnel Director for additional proof that Mr. Morabito had in fact been lawfully appointed.
- p. An email dated 4/14/26 from Town Supervisor Feiner forwarding an email from Mr. Samis about the 3/19/26 minutes not being posted on time which also includes an email chain between Supervisor Feiner, Mr. Samis, Mr. Gary Rappaport, and Mr. Hugh Schwartz complaining of an alleged lack of independence of the BoE that also covering issues related to Black Lives Matter Signs, the Manhattan Avenue Mural, and the forensic audit.
- q. An email dated 4/14/26 from Mr. Samis stating that minutes and agendas should be posted on time, and complaining about BoE minutes only listing relevant correspondence, the Chair's decision not to read descriptions of all emails aloud in meetings, and limitations on Public Comment time.
- r. An email dated 4/15/26 from Mr. Samis with complaints about the posted 3/19/26 minutes.
- s. An email dated 4/16/26 from Town Supervisor Feiner requesting that the BoE make a recommendation to the Town Board on a proposed law that would 1) require public disclosure of contracts awarded to family members of elected officials and management officials and 2) require public disclosure of the hiring of family members to Town jobs before hiring takes place.

- 13) PUBLIC COMMENT/DISCUSSION: Mr. Hal Samis expressed his opinion that the BoE had moved too quickly in deciding its opinion on the hiring of Mr. Morabito in dual capacities. He submitted the recent incident in which a subcontractor installing a light pole in Piccoli Field in West Rumbrook Park accidentally cracked a sewage pipe as evidence for his opinion. He claimed that Mr. Morabito oversees the Bureau of Engineering that maintains mark-outs of the Town's underground infrastructure and implied they might have been at fault for this accident. First Deputy Town Attorney Magana stated this was not the Bureau of Engineering's fault, and that the subcontractor was responsible for and had failed to follow-up with the county sewer contact regarding mark-out.
- 14) NEXT MEETING DATE: The next scheduled meeting will be on Thursday, May 21, 2026 at 6:30 p.m. in the Lee F. Jackson Conference Room, Greenburgh Town Hall.
- 15) MEETING ADJOURNED: There being no other business, Ms. Holand moved the meeting be adjourned and Ms. Boyd seconded the motion. Without objection, the meeting was adjourned at 8:44 p.m.

SUBMITTED BY: Seth Segall, Secretary, on April 29, 2026