DRAFT MINUTES
Town of Greenburgh Board of Ethics
Thursday, October 15, 2026
Greenburgh Town Hall, Lee F. Jackson Conference room

Board Members Present: Timothy Hays, Chair; Sharon Makower Esq., Alternate Member and Acting Secretary; Andrea Reed, Alternate Member.

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

1) The meeting was convened at 6:31 p.m. The roll was called. Since Seth Segall and Trudy Holand were not able to attend, Andrea Reed served as a voting member. Since Darra Boyd was not able to attend, Sharon Makower served as a voting member. As a result, it was determined that a quorum of the Board of Ethics (BoE) was present.

2) AGENDA: Chair Hays moved that the agenda be adopted and Ms. Reed seconded the motion. The agenda was unanimously adopted.

3) MINUTES: Chair Hays moved to accept the minutes of the 9/17/26 meeting and Ms. Reed seconded the motion. The minutes were unanimously accepted.

4) ETHICS TRAINING: First Deputy Town Attorney Magana reported that everyone mandated to take the ethics training had completed it with the exception of a Board of Assessment Review Member. In response to various questions, she noted that the Member had claimed to have completed the training but has not yet provided the required written certification despite multiple follow-up requests; the proposed amendments to the Code of Ethics (CoE) provide a mechanism to deal with this type of situation but until the amendments are adopted by the Town Board, this mechanism is not in place. The Town Board is aware of this non-compliance and is considering not reappointing him to the Board of Assessment Review.

5) FINANCIAL DISCLOSURE FORMS: First Deputy Town Attorney Magana reported 100% compliance with the 2026 Financial Disclosure forms. She noted that the 2027 Financial Disclosure forms will be sent out in March 2027 and will be due in May.

6) CITIZEN'S COMPLAINT: THORNTON VS. MORABITO, DUQUESNE, AND SCHMIDT: Following the 9/15/26 meeting, Chair Hays had invited Mr. Demetrius Thornton to attend the October meeting to answer questions and present additional information regarding the verified complaint received from Mr. Thornton on 9/10/26. Mr. Thornton and his wife Mrs. Candace Thornton arrived at the meeting at approximately 6:45 p.m. and upon reaching this item of discussion were invited to explain and elaborate upon the claims asserted and relief requested associated with the citizen's complaint against Messrs. Morabito, Duquesne and Schmidt (the "Complaint"). It was noted that Mr. Thornton had also filed another related complaint against the Town Attorney Joseph Danko, but the BoE informed him that it had arrived too late to be discussed at this meeting and only the current Complaint would be heard and discussed.

Mr. Thornton read a prepared statement discussing the Complaint and presented additional paperwork regarding what he believed to be missing or incomplete information in response to his related FOIL request. The BoE then began a review and discussion of the Complaint. Chair Hays, Ms. Reed, Ms. Makower and Volunteer Counsel Malara all had substantial questions for Mr. Thornton regarding the events leading to his complaint as well as the Complaint itself. Among other things, the BoE asked Mr. Thornton to provide a more detailed timeline of the events leading to the Complaint, beginning with his purchase of 223 Endicott Avenue in Elmsford, NY (the "Property") in 2023 through the present. Among other things, Mr. Thornton informed the BoE that in June 2026 he had reached out to Town Supervisor Paul Feiner, who promised him a review of the situation and put him in contact with the new Town Forestry Officer who came to visit the Property in June, but Mr. Thornton has heard nothing further from the Town of Greenburgh. In response to additional questions and discussion, Mr. Thornton informed the BoE that he had contacted the New York State Department of State's Division of Building Standards and Codes ("NYS DOS DBSC") which has agreed to look into the situation; as of the date of this meeting, the NYS DOS DBSC is still investigating and he has heard nothing new from the State. Mr. Thornton also indicated that he needs to do substantial repairs to the Property, which will require obtaining additional permits from the Town of Greenburgh. As of the date of this meeting, he has not begun any of the work, nor has he begun the process of obtaining the permits to address the repairs. In addition, he has not requested any additional information from the developer that built the home and developed the Property, nor has he brought any type of lawsuit against either the developer or the Town of Greenburgh regarding the issues with the Property. In response to additional questions about the ethical questions behind the Complaint, he indicated that his question is whether there is a conflict of interest for current Town officials who were involved in the original permitting and issuance of the initial Certificate of Occupancy for the Property to be involved in the permitting process for the new and additional work required, if the original work is under review. Once the BoE had completed their questioning of Mr. and Mrs. Thornton, Chair Hays thanked them for attending the meeting and providing substantial additional information; Mr. and Mrs. Thornton then departed. Following their departure, the BoE continued to discuss the Complaint. Among other things discussed, in response to BoE questions, First Deputy Town Attorney Magana, who also advises the Town's Planning Board, explained the process of obtaining approvals, bonding, conditions of approval, inspections and closeout of permits associated with building a new home and also explained the FOIL process, including exemptions for certain types of information that does not need to be produced in response to a FOIL (such as certain inter-agency correspondence associated with the deliberative process). It was also noted that typically the Board of Ethics must wait for any alternative investigation, such as the one currently being conducted by the NYS DOS DBSC, to be completed before opening any investigation of their own. Following the discussion, Chair Hays moved that the BoE go into executive session to deliberate on the Complaint and a motion to continue the discussion of the Complaint until the November meeting. Ms. Makower seconded both motions. All the BoE Members voted in concurrence with both motions, to go into executive session and to continue the discussion to the November meeting.

7) EXECUTIVE SESSION: Executive session began at 7:57 p.m. and ended at 8:34 p.m. The BoE came out and confirmed that no votes were taken. The public session was restarted at 8:35 p.m. Consideration of the Thornton Complaint was tabled until the next

meeting.

8) CITIZEN'S COMPLAINT: BEVILLE VS. NERO: Although not on the original agenda, the BoE reviewed this verified complaint received from Former Town Clerk Judith Beville on 10/2/26 and in accordance with the BOE's Internal Rules and Regulations discussed the complaint to determine whether to proceed further. The BoE members and Volunteer Counsel Malara made several observations about the details described in the complaint. In particular, it was noted that the specific CoE sections cited in the complaint do not necessarily support the provisions that the complaint alleges. It was also noted that the information threatened to be released relates to a NYS Supreme Court decision from 2023, which is publicly available. The BoE also noted that Ms. Beville in her complaint raises the possibility of an action by the respondent that has not yet occurred and may not necessarily occur, so her complaint is not ripe. Following the discussion, the BoE moved to hold a vote on whether to dismiss the complaint. The BoE found the facts and code sections cited in the complaint did not meet the threshold for good cause to proceed to a Phase 1 investigation. Chair Hays moved that this complaint be dismissed and Ms. Reed seconded the motion. The motion to dismiss this complaint was unanimously adopted by the BoE. This is the final decision of the BoE. Pursuant to the BoE's Internal Rules and Regulations and past precedent, no written opinion will follow.

9) PROPOSED AMENDMENTS TO THE GREENBURGH CODE OF ETHICS: Chair Hays noted that he, Seth Segall, Trudy Holand and Sharon Makower attended the Town Board's work session on October 6, as representatives of the BoE, to discuss the proposed amendments to the CoE. Sharon Makower discussed some issues that the Town Board raised, including how to reflect defined terms in a manner that will be preserved in the electronic version of the Code that is posted with ECodes and linked on the Town's website. This will necessitate making additional changes to the CoE that are not substantive but will take some time to reflect. As a result, discussion of revised proposed amendments to the Code of Ethics was continued to the next Board of Ethics meeting to allow time to make these updates and appropriate edits.

10) 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 eleven (11) items of correspondence were received between 12:00 p.m. 9/1/26 and 12:00 p.m. today.

a) An email dated 9/18/26 from Mr. Hal Samis questioning why the dates of BoE meetings are not posted more than a few days in advance when the BoE knows the next meeting date at the close of each meeting, what he perceives as the Chair's disrespect towards him, the limitation on his speaking time at meetings, and the cost of having Detective Marino attend meetings to maintain order. He wants to know what the legal requirement for the date of posting the time, date and place of meetings is.
b) An email dated 9/20/26 copied to the BoE from Mr. Samis complaining that he has been dropped from the Town's email five (5) times this year after having made critical comments of Town staff.
c) An email dated 9/20/26 copied to the BoE from Commissioner of Parks and Recreation Joseph Lucasey stating that Mr. Samis's email had been re-added to the Town's email list.
d) An email dated 9/19/26 from Town Clerk Lisa Maria Nero notifying the BoE that she

has informed Mr. Gary Rappaport that he may not contact her, and warning him that a resident can be charged with Harassment of a Records Access Officer if the resident's physical or electronic conduct toward the Officer violates the New York Penal Law. A resident can be charged if they engage in behavior intended to abuse, threaten, or alarm the officer.

e) An email dated 9/22/26 from Town Council Member Joy Haber endorsing a meeting between the Town Board and the BoE to discuss changes in the CoE.
f) An email dated 9/23/26 from Mr. Demetrious Thornton and copied to the BoE placing a limited administrative notice in the Town's records concerning any present or future Engineering involvement with Planning Board Case PB 18-20 and 223 Endicott Avenue. The purpose is to preserve a clear distinction among contemporaneous Engineering and related municipal records created during the property's original development and before the February 3, 2023 final occupancy determination; historical records located later; any subsequent reconstruction of the historical record; and any new Engineering analysis, opinion, certification or technical work.
g) An email dated 9/25/26 from Mr. Hugh Schwartz and copied to the BoE complaining that Town Council Member Ellen Hendrickx had disrespected him and Mr. Walter Simon at a Town Board Meeting in a discussion of releasing the video of an alleged verbal altercation between a Town Council Member and the Town Comptroller in the Town Hall parking lot on 8/4/26.
h) An email dated 9/28/26 from Town Clerk Nero and copied to the BoE containing repeated warnings against harassing a Records Access Officer and a long email chain involving Mr. Richard Savino, Mr. Hal Samis, Mr. Hugh Schwartz, Town Council Member Gina Jackson, Town Supervisor Paul Feiner, Town Council Member Francis Sheehan and Town Comptroller Kimberly Gutwein concerning the release of an alleged verbal altercation between Town Council Member Jackson and Comptroller Gutwein on 8/4/26.
i) An email dated 10/2/26 from Deputy Town Clerk Luis Beltran containing a verified citizen's complaint from Ms. Judith Beville against Town Clerk Lisa Marie Nero. Ms. Beville is alleging that Ms. Nero is threatening to release information about her at a public meeting if she demands she be addressed with certain honorifics again. The information she threatened to release was the claim that she was chargeable with knowledge of fraud during signature collection to appear on the ballot on a recent election based on a Judge's Decision Order and Judgment. Ms. Beville believes this violates CoE Sections 570-4 and 570-6.
j) An email dated 10/5/26 from Mr. Samis and copied to the BoE complaining of the Town's slow response to his FOIL request for a copy of the BoE's proposed amendments to the CoE which were sent to the Town Board.
k) An email on 10/6/26 from Town Clerk Nero and copied to the BoE responding to an email chain from Town Council Member Sheehan, Town Supervisor Feiner, and Town Permit Clerk Julie Jalca. In the email, she reiterates that she will never call former Town Clerk Beville "honorable" and she accuses Town Supervisor Feiner of being behind Ms. Beville's actions against her. This is in response to Ms. Beville's request for a follow-up appeal process of a FOIL request for material the Town says does not exist.

11) NEW BUSINESS: None.

12) PUBLIC COMMENT/DISCUSSION: Discretionary, depending on time. There was no

public discussion owing to the lateness of the meeting.

13) NEXT MEETING DATE: The next scheduled meeting will be on Thursday, November 19, 2026, at 6:30 p.m. in the Lee F. Jackson Conference Room, Greenburgh Town Hall. Chair Hays noted he would inform the parties responsible for scheduling the meeting room and posting the meeting to the Town website.

14) MEETING ADJOURNED: There being no other business, Ms. Reed moved that the meeting be adjourned and Chair Hays seconded the motion. Without objection, the meeting was adjourned at 8:57 p.m.

SUBMITTED BY: Sharon Makower, Acting Secretary on October 29, 2026.