

To the Greenburgh Board of Ethics:

I am writing to request a waiver, under Section 570-16 of the Greenburgh Town Code, with regard to my appointed political positions. I make this request in order to put to bed a question which has arisen regarding my status on the Greenburgh Republican committee. Whether such a waiver is actually required I leave to the Board of Ethics.

I was appointed in March 2019 to the Board of Ethics and sworn in as a member in August 2019. My appointment was issued by Supervisor Paul Feiner and I was unanimously elected by the Town Board. At the time of my appointment, the Board of Ethics had no Republican member. I am a Republican.

I have been Chairman of the Greenburgh Republican Town Committee since September 2011. I have been an elected member of the New York Republican State Committee since 2007. Both are voluntary positions, and I am not paid by the Republican Party or any other source for any work I do in the performance of these positions.

According to the Ethics Code of Greenburgh, 570-7(B) "No Appointed Officer, nor any Employee of the Town and no member of the Board of Ethics, the Zoning Board of Appeals or the Planning Board and no Agency Member who receives compensation for her/his services shall hold any federal, state, county, city, town or village elected public office or hold office in any federal, state, county, Town of Greenburgh or Village in the Town of Greenburgh political organization. No member of the Board of Ethics shall seek a County of Westchester elected office or any elected office in the Town of Greenburgh or seek office in any political organization within the Town while on the Board of Ethics."

According to the Ethics Code of Greenburgh under definitions states:

"570-3 LOCAL POLITICAL PARTY OFFICIAL

A local political party official as defined in General Municipal Law Section 810, as may hereafter be amended."

The applicable section of the General Municipal Law section 810 states:

"Section 6(c) the city, town or village chairman or leader of a city, town or village committee of a party as the term party is defined in section 1-104 of the election law, but only with respect to a city, town or village having a population of fifty thousand or more, and only if such chairman or leader received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more. The term chairman or leader is intended to refer to the person who performs the functions and duties of the chief official of a party in the city, town or village by whatever title designated."

The three sections above raise a question as to whether a waiver is even required.

My elected political positions were known to Supervisor Feiner and other members of the 2019 Town Board when I was appointed. Since my first meeting as a voting member of the BOE, I have heard a number of cases brought before the Board. If you examine my voting record in decisions reached by the Board, you will find that I have voted with the majority in each instance. The record will show that I have never demonstrated any partisan bias at any time, either in questioning complainants and witnesses or in casting my vote. I enjoy my work on the Board of Ethics and would want to continue as a member. I would like to ask for a waiver of any conflict my political position may have under the code. Section 570-16 provides for a waiver if granted by the BOE. Thank you for your understanding of this matter and for your consideration

of a waiver.

Very respectfully yours,

Timothy Hays
Member
Board of Ethics
Town of Greenburgh