

ADOPTED 10/11/83

CODE OF ETHICS AND BOARD OF ETHICS  
FOR  
THE TOWN OF NORTH SALEM

CODE OF ETHICS

1. DECLARATION OF INTENT

A. The proper and unbiased function of the North Salem Town Government requires that its officers and employees be independent, impartial, and responsible to the people of the Town in fulfilling their public duties. The purpose of this Code of Ethics is to set forth for these officers and employees the standards of conduct that will assure this goal, in conjunction with and in addition to those standards prescribed in Article 18 of the General Municipal Law.

B. All sections of this Code shall apply fully and equally to all officers and employees of the North Salem Town Government, be they elected or appointed, paid or unpaid, including members of all Town boards, commissions, and other agencies.

2. CONFLICTS OF INTEREST

A. No Town officer or employee shall have any direct

or indirect interest (nor shall his spouse or minor children have any interest) in any contract with the Town which constitutes a conflict of interest under Section 801 of the General Municipal Law, but subject to the exceptions in Section 802 of the General Municipal Law.

B. Following the enactment of this Code, every current Town officer and employee shall within 60 days, and every new Town officer and employee shall prior to taking office, sign and file with the Town Board a disclosure statement in the form annexed to this Code. Such disclosure statement shall set forth accurately and completely any activity or interest of the officer or employee in question (and, to the best of his knowledge and belief, of his spouse and minor children) which might constitute a violation of this Code and any interest in any contract with the Town, whether or not a violation, which must be disclosed under Section 803 of the General Municipal Law. Every Town officer and employee shall thereafter file an amended disclosure statement, in the same form, as may be required from time to time to assure that the current disclosure statement for each officer and employee is accurate and complete. All original and amended disclosure statements shall be maintained as a distinct part of the Town's public records.

C. No Town officer or employee shall represent any private interest, person, or entity (other than himself) before the Town Board or any Town commission, board or other agency in any matter in which there is an agreement, express or implied,

that said officer or employee shall be compensated for such services.

D. As provided in Section 809 of the General Municipal Law and subject to the exceptions of that Section, every application, petition or request relating to the zoning and planning regulations of the Town of North Salem shall set forth the name, residence and interest of each Town officer or employee and each State officer having any interest in the party making such application, petition or request.

### 3. DISCLOSURE OF CONFIDENTIAL INFORMATION

No Town officer or employee shall disclose, or use for profit or to advance any private interest of himself or any other party, any confidential information about the property, affairs, or government of the Town of North Salem.

### 4. ACCEPTANCE OF GIFTS AND FAVORS

No Town officer or employee shall, directly or indirectly, solicit for himself or any other party any gift, or accept any gift, whether in the form of money, service, loan, travel entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

5. USE OF PUBLIC PROPERTY

No Town officer or employee shall use or permit the use of Town property of any kind for personal convenience or profit, except when such use is available to Town citizens generally or when the Town Board has approved such use as a matter of Town policy.

6. POLITICAL ACTIVITY

A. No Town officer or employee shall use the influence of his position to solicit or otherwise to bring about any contribution for any political party or any candidate for public office. Nor shall any Town facilities, materials or services or the compensated time of any Town officer or employee be used to solicit or otherwise to bring about any such contribution.

7. VIOLATIONS

A violation of Article 18 of the General Municipal Law or any provision of this Code of Ethics shall be grounds for suspension, removal from office or employment, fine or such other lawful disciplinary action as the Town Board shall determine. Such disciplinary action shall be in addition to any other applicable remedy under Article 18 of the General Municipal Law, or any other State law.

8. SEPARABILITY

If any provision of this Code of Ethics should be held by a court of competent jurisdiction to conflict unlawfully with any

provision of Article 18 of the General Municipal Law, or to be otherwise invalid, such provision to the extent of such conflict shall be ineffective, but in all other respects this Code of Ethics shall remain in full force and effect.

9. DISTRIBUTION AND POSTING

The Town Supervisor shall cause a copy of this Code of Ethics and of Article 18 of the General Municipal Law to be distributed to every current Town officer and employee within 30 days of its enactment and to every new Town officer and employee prior to his taking office. The Town Supervisor shall also cause a copy of this Code and Article 18 of the General Municipal Law, as revised from time to time, to be posted in a conspicuous location in every Town building. Failure to comply with the provisions of this section shall not affect the duty of compliance with, or the enforcement of, this Code and Article 18 of the General Municipal Law.

10. AUTHORITY

This Code of Ethics is adopted by ordinance pursuant to Section 806 of Article 18 of the General Municipal Law.

11. EFFECTIVE DATE

This Code of Ethics shall take effect 10 days after publication as required by law. Upon its effective date, this Code and the related provisions set forth below relating to the North Salem Board of Ethics shall supersede any preexisting

Code of Ethics and provisions relating to the North Salem Board of Ethics and the Town Board shall appoint a new Board of Ethics under the provisions set forth below.

#### BOARD OF ETHICS

1. Pursuant to Section 808 of Article 18 of the General Municipal Law, there is hereby established the North Salem Board of Ethics. The Board shall be composed of three members who shall be appointed by and serve at the pleasure of the Town Board. All members of the Board of Ethics shall be residents of the Town of North Salem and shall serve without compensation. At all times, one member of the Board of Ethics shall be an individual who is otherwise a Town officer or employee and the other two members shall be individuals who are not otherwise officers or employees of the Town.

2. The Board of Ethics shall accept written requests for opinions concerning the possible violation of the North Salem Code of Ethics and/or Article 18 of the General Municipal Law by the activities and/or interests of Town officers and employees in the following circumstances and only in the following circumstances:

- (a) a request from any Town officer or employee concerning his own activities and/or interests, or
- (b) a request from the Town Board concerning the activities and/or interests of any Town officer or employee.

Requests by the Town Board may involve either (1) inquiries initiated by the Town Board itself or (2) inquiries which the Town Board has received from a member of the public in the form of a signed and dated written inquiry bearing the signer's residence address and which the Town Board has referred to the Board of Ethics accompanied by the Town Board's own request that the Board of Ethics consider the matter and render an advisory opinion. In no event shall the Board of Ethics render any advisory opinions on its own initiative or in response to inquiries received directly from members of the public.

3. In considering such requests, the Board of Ethics shall follow the following procedures:

A. If any request involves the activities or interests of any member of the Board of Ethics, the Town Board shall appoint a temporary replacement to sit in such member's place.

B. The Board shall afford individuals whose activities and interests are involved in the request an opportunity to appear before the Board and be heard, unless the Board concludes that, on the face of the request, the activities and/or interests in question clearly involve no violation of the Code of Ethics or Article 18 of the General Municipal Law. The Board also may afford an opportunity to appear and be heard to such other persons as the Board, in its discretion, feels might provide information useful in considering the request.

C. In considering requests and preparing advisory opinions, the Board shall have the advice of counsel selected by it or, in

shall maintain records of requests received and opinions rendered and may adopt such other rules, consistent with the provisions of this ordinance and Section 808 of the General Municipal Law, as it deems advisable.

D. In its discretion, the Board of Ethics may refer any request to the Westchester County Board of Ethics, as provided in Section 808(4) of the General Municipal Law.

E. Advisory opinions requested under 2(a) above shall be rendered to the party making the request and, if the opinion concludes that there has been an actual violation of the Code of Ethics and/or Article 18 of the General Municipal Law, a copy thereof shall be provided to the Town Board. Advisory opinions requested under 2(b) above shall be rendered to the Town Board.

4. The Board of Ethics may consider, develop and transmit to the Town Board recommendations concerning possible amendments to the Code of Ethics, either at the request of the Town Board or at the initiative of the Board of Ethics itself.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NORTH SALEM

DISCLOSURE STATEMENT

Board of Ethics, c/o Town Clerk  
Town of North Salem  
Town House  
North Salem, New York 10560

Gentlemen:

I have received and read a copy of the Code of Ethics of the Town of North Salem as amended through \_\_\_\_\_ and Article 18 of the General Municipal Law.

(PLEASE CHECK THE APPROPRIATE BOX (OR BOXES))

- ( ) A. I do not have any interest and I have not engaged in any activity (and my spouse and minor children to the best of my knowledge and belief do not have any interest and have not engaged in any activity) which might constitute a violation of the Code of Ethics of the Town of North Salem or Article 18 of the General Municipal Law, nor do I (or my spouse or minor children) have any interest in any contract with the Town which, whether or not a violation, must be disclosed under Section 803 of the General Municipal Law.
- ( ) B. I request that the Board of Ethics give me an advisory opinion as to whether the interest or activity (of myself, my spouse or my minor children) set forth on the attached page(s) marked "B" is a violation of said Code of Ethics and/or Article 18 of the General Municipal Law. I understand that I will be given an opportunity for a hearing to discuss this matter and adequate notice as to the date of the hearing.
- ( ) C. I (or my spouse or minor children) have the interest or have engaged in the activity set forth on the attached page(s) marked "C" which must be disclosed under Section 803 of the General Municipal Law (concerning interests in contracts with the Town) or which I wish to disclose voluntarily, but I do not believe such interest or activity constitutes a violation of said Code of Ethics or Article 18 of the General Municipal Law.

I understand that I am required to file promptly an amended Disclosure Statement if a change of circumstances (either in my official duties, in my private activities or interests, and/or in the Town's dealings with private parties) should make this Disclosure Statement in any respect inaccurate or incomplete.

I certify that the information given above is true to the best of my knowledge and belief, and I understand that any false statement made herein is punishable by fine or imprisonment.

\_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home Telephone: \_\_\_\_\_  
Date: \_\_\_\_\_