



ETHICS FOR ELECTED AND APPOINTED TOWN OFFICIALS

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(aka the “Deadly Sins”)
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INTRODUCTION

Implemented in the Town Charter approved in 2023 as updated in 2024 by vote of the Townspeople

Differ from the requirements currently existing in the Municipal Code

Applicable only to Elected or Appointed officials (“EAOs”)

Charter requirements supplement NH Laws

Foster transparency, and accountability

Training provided once per year - attendance reported to Chair of Town Council and of each Board/Committee

Current Ethic Committee Members

Members

Name	Title	Term Expires
Donna Sytek	Chair	April 2026
Donna Loranger	Vice Chair	April 2026
Pam Russell	Member	April 2025
Marybeth Stramaglia	Member	April 2025
Anthony Conte	Member	April 2027

Foundational Principles

Improve

Improve trust between citizens and EAOs

Codify

Codify the expectations that the people have of their EAOs:

- Trustworthiness
- Accountability
- Fairness/Impartiality
- Stewardship and fair dealing

Address

Public can request investigation of any perceived failure by a Town official to act in accordance with the Charter requirements

Correct

Provide for corrective action when deemed appropriate

Ethics Committee Role

Receive and review complaints against EAOs

- Complaints received online, via mail, or hard copy left at Town Hall

Investigate

- Interview parties and others to gather relevant information
- Refer to Law Enforcement if evidence of a crime is presented
- Deliberate about information gathered
- Recommend disposition to Town Council

Ethics Committee Role (cont.)

Render advisory opinions

- Anyone
- Guidance on proposed course of action

Provide Training

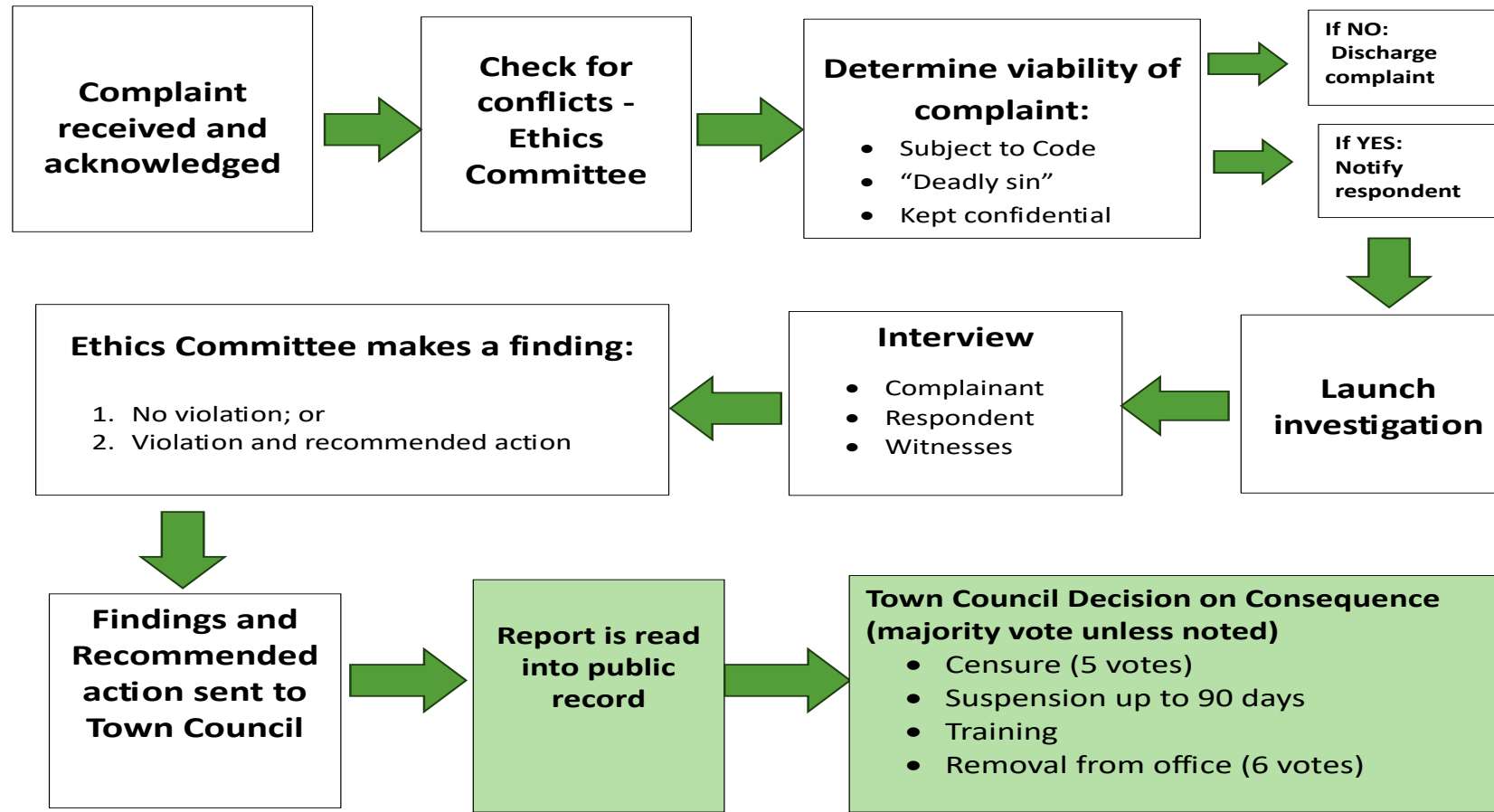
- Yearly
- Update on approved changes
- Refresh
- Newly elected appointed

Ethics Committee Website

- ▶ Docs pertaining to complaints and advisory opinions
- ▶ Copy of training deck
- ▶ Video of training (pending)

[Ethics Committee | Salem, NH \(saalemnh.gov\)](https://saalemnh.gov)

Complaint Process Flow



CHARTER - ARTICLE 6

(The “Deadly Sins”)

- ▶ Section 6.3.1 Conditions For Holding Office
 - NO FELONY CONVICTION WHILE IN OFFICE (forfeit office)
 - NO DUAL SERVICE BY TOWN COUNCILORS (except as the Town Council rep to other committee/board)
 - NO TOWN EMPLOYEE MAY SERVE ON THE TOWN COUNCIL OR BUDGET COMMITTEE (except as approved elsewhere in Charter)
 - NO SIMULTANEOUS SERVICE ON ZBA AND PLANNING BOARD

CHARTER - ARTICLE 6 (cont.)

- ▶ Section 6.3.2 NO CONFLICTS OF INTEREST and Section 6.3.4 DUTY TO DISCLOSE
 - CONFLICT CAN BE DIRECT OR INDIRECT (THROUGH IMMEDIATE FAMILY)
 - PERSONAL INTEREST IN AN ISSUE THAT MAY INFLUENCE PERFORMANCE OF YOUR DUTIES
 - CONFLICTS MUST BE DISCLOSED AND THE EAO WITH CONFLICT MUST RECUSE THEMSELVES
 - FOR “MINOR” CONFLICTS, DISCLOSURE MAY SUFFICE
 - DISCLOSE EVERY POTENTIAL CONFLICT ON THE RECORD

Administrative vs. Quasi-Judicial Action

Administrative Actions

Broad policy decisions,
approval/rejection of routine requests

- ▶ Decision makers must be free of conflicts
- ▶ Decision makers don't need to be "indifferent" to the outcome
- ▶ NOTE: Decision invalidated if a conflict affects the vote

Quasi-Judicial Actions

Narrow decision/affects rights of
party(ies) (Juror Standard applies)

- ▶ Decision makers notify and hear party(ies)
- ▶ Decision makers weigh facts presented
- ▶ Decision makers must all be **free from conflict and indifferent**
- ▶ NOTE: Decision invalidated if person with conflict participates

CHARTER - ARTICLE 6 (cont.)

- ▶ Section 6.3.3 DUTY TO RECUSE IN QUASI-JUDICIAL ACTION (Especially for ZBA and Planning) (Juror Standard - RSA 500A:12 - revised here to apply to EAOs)

Recuse if any of the following apply:

- (a) Expects to gain or lose upon the disposition of the matter;
- (b) Is related to a party;
- (c) Has advised or assisted a party;
- (d) Has directly or indirectly given his opinion or has formed an opinion;
- (e) Is employed by or employs any party;
- (f) Is prejudiced to any degree regarding the matter; or
- (g) Employs any of the lawyers or other representatives appearing before the board/committee.

- ▶ If it appears that any EOA is not indifferent, they shall recuse themselves.

CHARTER - ARTICLE 6 (cont.)

- ▶ Section 6.3.5 NO UNFAIR PERSONAL USE OF TOWN PROPERTY
- ▶ Section 6.3.6 NO MISUSE OF CONFIDENTIAL INFORMATION
- ▶ Section 6.3.7 NO IMPROPER GIFTS
 - ▶ > \$50 per year from any one source
 - ▶ > \$250 per year for tickets or admission to charitable/ceremonial events (and included meals)

CHARTER - ARTICLE 6 (cont.)

- ▶ Section 6.3.8 NO FEES FOR PERFORMANCE OF DUTIES
- ▶ Section 6.3.9 DUTY TO COOPERATE IN ETHICS INVESTIGATIONS
- ▶ Section 6.3.10 FAIR AND EQUAL TREATMENT OF ALL PARTIES

CHARTER - ARTICLE 6 (cont.)

- ▶ Section 6.3.11 FUTURE EMPLOYMENT
 - ▶ WITH TOWN - NOT FOR 1 YEAR AFTER LEAVING OFFICE (ELECTED ONLY)
 - ▶ NO EAO MAY SEEK OR PROMISE TO ACCEPT EMPLOYMENT FROM PARTY APPEARING BEFORE YOUR COMMITTEE/BOARD

Examples for Discussion

1. I am a member of the ZBA and my brother is requesting a variance to build a garage near wetlands.
2. An application is submitted for a major residential subdivision containing two hundred single family homes. Prior to the planning board hearing, a local reporter calls a planning board member to comment on the proposal. In the article, the planning board member is quoted as saying, "There is a severe housing shortage in our community and this proposal will address that need. I'll be interested to hear from abutters, but based on the plan that's been submitted, I am strongly in favor." At the hearing, there are no comments made by abutters. However, a resident who lives a mile from the subject property voices an objection to the participation of the planning board member quoted in the article.
3. I am member of the Budget Committee, and I work for a company that has bid on an IT Services contract with the Town. The Town has come to us asking for a recommendation on whether to increase the proposed budget for the project.
4. I am a member of the Ethics Committee and there is a complaint made against my spouse.
5. I am a member of the Planning Board and own a business that has done work for a contractor with a current application before the board. My company may be asked to bid on a subcontract if the project moves forward.
6. I am a member of the Town Council and someone who occasionally has business before the Council gives me a gift certificate for a new, upscale restaurant.
7. The planning board denies a project. After the vote to deny, and before the meeting is closed, one of the board members takes out his phone and sends a text to one of the Town councilors: "The project was denied." The councilor responds, "Thank you— that's great news!"

Possible Consequences

Finding of no
violation

Training

Censure/Public
Reprimand (req.
5 votes of TC)

Suspension (up
to 90 days)

Removal from
Office (req. 6
votes of TC)

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Questions?

To contact the Ethics Committee for
an advisory opinion:
Ethics_Committee@SalemNH.gov