

TOWN OF PLAISTOW

Office of Selectmen

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BOARD OF SELECTMEN GUIDELINES & PROCEDURES

Approved and adopted by the Board of Selectmen April 15, 2019

The Plaistow Board of Selectmen hereby adopts these operational guidelines and procedures pertaining to the functions of the Board and the conduct of its members.

I. General Information

The Board of Selectmen consists of five equal members who shall operate by majority vote to serve as the governing body of the Town, manage the prudential affairs of the Town, and to perform the duties prescribed by law in accordance with the Right-to-Know Law (RSA 91-A).

Individual Selectmen have no authority to make decisions on behalf of the Town or to take any action as a Town Official except upon majority vote of the Board or as otherwise allowed by law. This does not prohibit Selectmen from acting as an ordinary citizen of the Town by expressing personal viewpoints and opinions on municipal matters to the extent that such information is based on encounters and observations derived outside of the privileged purview of a Selectman.

The Board of Selectmen derives its authority from NH State Law as specifically set forth in the Revised Statutes Annotated and as further established under common law (court decisions). A general rule of thumb is the Board of Selectmen does not have the final authority to act on any particular issue unless there is a specific law granting such authority or when Town Meeting has lawfully delegated such authority to the Selectmen.

II. Organization

The Board shall by majority elect from its membership a Chair who shall preside over all Board meetings and have duties outlined below.

The Board shall by consensus select from its membership (or appoint designees, as appropriate) the following primary liaisons:

- Planning Board ex-officio
- Safety (Joint Loss Management) Committee/HAZMAT

- Budget Committee
- Conservation Commission
- Highway Safety Committee
- Energy Committee
- Recreation Commission

Secondary Ad-Hoc Representatives as may be deemed necessary by the Board including:

- Old Home Day
- Cable
- Elder Affairs
- Historical Society
- Public Works Building
- REDCS (Rockingham Economic Development)
- Town Report

Liaisons and ex-officio members have a responsibility to keep the rest of the Board of Selectmen informed on important events and news related to the other boards they serve on.

Unless specifically discussed at a Board of Selectmen meeting, votes of liaisons and ex-officio members represent the opinions of the individual, not an opinion of the Board of Selectmen as a whole.

The Chair and all liaisons serve in these positions at the pleasure of the Board and a majority of the Board may vote to reorganize at any time for any reason.

III. Duties of Selectmen

A. Chair

The Chair shall preside over all Board meetings and shall have authority to:

1. Review and approve meeting agendas as drafted by the Town Manager.
2. Ensure that informational parliamentary procedures are followed, with the assistance of the Town Manager.
3. Maintain orderly Board meetings by placing limits on the length of time and the content of input provided by meeting participants and requesting the voluntary (or involuntary removal by a Police Officer) of persons who disrupt Board Meetings.
4. Call for special or emergency meetings.
5. Represent the Town at ceremonial events.
6. Serve as the Board spokesperson by presenting the official viewpoint of the Board of Selectmen to the media, citizens, government agencies, civic groups, and others.
7. Along with the Town Manager, serve as the point of contact for department heads between Board meetings.
8. Along with the Town Manager, serve as the point of contact with Town Counsel.

9. The Vice-Chair shall have all the duties and responsibilities of the Chair in the event of a vacancy, absence, or disqualification.

These guidelines are not intended to prevent other Selectmen from attending ceremonial events or expressing their personal opinions so long as they make clear they are speaking on behalf of themselves and not the Board.

B. Members

All members of the Board of Selectmen shall have the following responsibilities:

1. Members shall make every effort to attend each scheduled meeting;
2. Members shall make every effort to read the packet information and come prepared to discuss agenda items;
3. Members shall make no decisions on behalf of the Town or take any action as a Town Official except upon majority vote of the Board or as allowed by law;
4. Members shall follow commonly accepted rules of courtesy, including using a civil tone and language, only one person speaking at a time, and waiting to be acknowledged by the Chair before speaking.
5. Members shall vote upon a clearly stated motion and a second whenever the Board members wish to go on record as having made a decision on behalf of the town. (In some instances, the Board may wish to convey its opinion or consent by a simple consensus process).
6. Members shall, when so instructed or upon a formal vote of the Board, convey the instructions and vote to others as the official position of the Board.
7. Members shall act in all matters as a body and shall not individually seek to influence the official acts of the Town Manager or other officials or to interfere in any way with the performance of such officials of their duties.

C. Partial List of Board of Selectmen's Duties & Responsibilities

This is meant to be a general overview of the Board of Selectmen's duties. Major duties from statute:

1. Act as Agents to Expend Capital Reserve Funds (RSA 35:15).
2. Cemetery Sexton
3. Adopt Welfare (Public Assistance) guidelines (RSA 165:1).
4. Appoint an Emergency Management Director (RSA 21-P:39).
5. Appoint Election Inspectors (RSA 658).
6. Make Appointments to Town boards and committees and fill all vacancies that should occur unless otherwise outlined by statute or vote of the Town (RSA 669:75).
7. Appraise Taxable Property, Issue Abatements, & Approve Exemptions (RSA 72, 74-76).
8. Approve Appointments of Deputy Town Clerk, Deputy Tax Collector, and Deputy Treasurer (RSA 41:29-a, 45-c).
9. Approve Budget Line-Item Transfers (RSA 31:20).

10. Approve the Acquisition of Real Property Interests in the Name of the Town by the Conservation Commission (RSA 36-A:4).
11. Approve Town Expenditures (RSA 41-9).
12. Assessment of Current Use Changes Taxes (RSA 79-A).
13. Assessment of Timber Taxes (RSA 79).
14. Assessment & Payment of Educational Taxes (RSA 194:7 & 198).
15. Encumber Unexpended Funds (RSA 32:7)
16. Establish and Maintain Internal Control Procedures (RSA 41:9).
17. Establish Boards and Committees (RSA 41:8).
18. Layout Town Highways (RSA 231).
19. Negotiate Inter-Municipal Agreements (RSA 53-A:1 & 162-G).
20. Nominate the Appointment of a Health Officer (RSA 128:1) & Approve the Appointment of a Deputy Health Officer (RSA 128:5-b)
21. Order the Cutting or Removal of Trees within a Designated Scenic Highway which present a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property (RSA 231-158).
22. Perambulation of Town Boundaries (RSA 51:2).
23. Prepare Budget Recommendations (RSA 32).
24. Prepare the Annual Town Report (RSA 41:13-14).
25. Prepare Town Meeting Warrants (RSA 39:2).
26. "Enact and Adopt Procedures" to the Zoning Ordinance (RSA 675:3).
27. Regulate Junkyards (RSA 236:115).
28. Regulate Town Highways, Sidewalks & Commons (RSA 41:11).
29. Regulate the Town Trash Collection & Transportation, and Voluntary Recycling (RSA 149-M;17).
30. Submit Reports to the NH Department of Revenue Administration (RSA 21-J:34).

Major duties delegated by Town Meeting (since 1987):

1. Sell land, buildings, or both after securing the advice of the Conservation Commission and the Planning Board and holding two public hearings (RSA 41-14-a and the 2002 Annual Town Meeting [ATM] Article 14).
2. To issue tax anticipation notes (RSA 33:7 and the 1994 ATM Article 8).
3. To apply for, contract for, accept, and expend, without further action by the town meeting, any and all grants or other funds available for town purposes that may now or hereafter be forthcoming (RSA 31-95-b and the 1994 ATM Article 9).
4. To accept, on behalf of the town, gifts, legacies, and devises made to the Town in trust for any public purpose (RSA 31:19 and 1994 ATM Article 13).
5. To accept gifts of personal property, other than cash, to the town for any public purpose (RSA 31:95-e and the 1993 ATM Article 8).
6. To Convey any real estate acquired by the tax collector's deed. Such conveyance shall be by deed following a public auction, or the property may be sold by advertised sealed bids or may be otherwise disposed of as justice may require (RSA 80:80 and ATM 1993 Article).

7. To establish or amend fees for licenses, permits and usage of town facilities to defray expenses of any existing regulatory program (RSA 41:9-a and ATM 1990 Article 11).

8. To sell used or surplus town department equipment (ATM 1989 Article 15).

9. To be the “Franchising authority” with the authority to grant franchises for the installation and operation of Cable Television Systems within the geographical limits of the town, establish fees and impose conditions, and to exercise all other authorities granted by (RAS 53-C and ATM 1988 Article 18).

The Board of Selectmen has no direct authority over the personnel or operations of the Fire Department (RSA 154:2) or Library (RSA 202-A:6), however, the Board retains jurisdiction over the finances, respective budgets, and any other subject matters required by law.

D. Board of Selectmen Meetings

The Board of Selectmen shall always meet and conduct business in accordance with the Right-to-Know Law (RSA 91-A). In general, the requirements laid out in the Right-to-Know Law will not be spelled out in these guidelines.

The Board will from time to time agree by consensus to a meeting schedule, subject to adjustments for appointments or other events.

Notice of all meetings of the Board shall be posted as least 24 hours in advance of the meeting (except in cases of emergency as outlined in statute) on the Town’s website and in the Town Office lobby. While there is no legal requirement to post an agenda with notice of a meeting, a reasonable effort will be made to provide an agenda for topics to be discussed at meetings. Board members should submit agenda topics to the Town Manager for placement on the agenda.

The public has a right to attend Board of Selectmen meetings, except under certain exemptions for non-public sessions as outlined in statute. Members of the public at meetings wishing to speak can only do so if recognized by the Chair and the Chair may place limits on the timing of public comment, along with the length of time. Two to three minutes per speaker is considered appropriate. Public input should be directed to the Board as a whole, not to individual Board members. Content of input should be limited to current agenda items. Members of the public who would like to address the Board regarding an issue not on the agenda should make an appointment with the Town Manager to be on the agenda for a future meeting. Such appointments are subject to the approval of majority vote of Chair, Vice-Chair, and Town Manager and must be made by 12:00pm the Thursday before any given meeting.

Board members shall follow commonly accepted rules of courtesy, including using a civil tone and language, only one person speaking at a time, and waiting to be acknowledged by the Chair before speaking. Each subject discussed will be clearly announced.

Votes should be taken by the Board upon a clearly stated motion and a second whenever the Board members wish to go on record as having made a decision on behalf of the Town. If there

is a motion on the floor that has been seconded, the Board will focus discussion to that subject until it has been voted on. In some instances, the Board may wish to convey its opinion or consent by a simple consensus process.

It is illegal for the Board of Selectmen to make any decisions by use of secret ballot or by email or in such a way as to be contrary to the Right-to-Know Law.

Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (including voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectman should voluntarily disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome.

Remote Participation in Meetings

The Board of Selectmen will allow remote participation in a meeting in accordance with the statute in RSA 91-A:2, III. To comply with the statute the following criteria must be met.

- The member's in-person attendance must be "not reasonably practical."
- The reason in-person attendance is not reasonably practical must be stated in the minutes of the meeting.
- Except in an emergency, at least a quorum of the public body must be physically present at the location of the meeting. An "emergency" means that "immediate action is imperative, and the physical presence of a quorum is not reasonably practical within the period of time requiring action." The determination that an emergency exists is to be made by the chairman or presiding officer, and the facts upon which that determination is based must be included in the minutes.
- All votes taken during such a meeting must be by roll call.
- Each part of a meeting that is required to be open to the public must be audible or "otherwise discernable" to the public at the physical location of the meeting. All members of the public body, including any participation from a remote location, must be able to hear and speak to each other simultaneously during the meeting, and must be audible or otherwise discernable to the public in attendance.
- Any member participating remotely must identify anyone present at the remote location.

Updated by the Board of Selectmen on April 11, 2022

Jay DeRoche, Chair

Bill Coye, Vice Chair

John A. Blinn, Sr., Selectman

Darrell Britton Selectman

Jonathan Gifford, Selectman