



TOWN OF NEW DURHAM

SELECT BOARD OPERATIONAL GUIDELINES

KNOW ALL PERSONS BY THESE PRESENTS, the New Durham Select Board hereby ordains to adopt these operational guidelines pertaining to the functions of the Board and the conduct of its members.

I. GENERAL INFORMATION

A. The Select Board for the Town of New Durham consists of three equal members who shall operate by majority vote to manage the prudential affairs of the Town and perform the duties prescribed by law in accordance with the Right to Know Law (RSA 91-A).

B. Individual members have no authority to make decisions on behalf of the Town or to take any action as a Town Official except upon a majority vote of the Board or as otherwise allowed by law. This does not prohibit Members 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 member.

C. The Select Board derives its authority from New Hampshire State Law as specifically set forth in the Revised Statutes Annotated and as further established under common law (court decisions). Generally, the Select Board does not have the final authority to act on any particular issue unless there is a specific law granting such authority or when the legislative body has lawfully delegated such authority to the Board.

II. GETTING ORGANIZED

A. The first meeting of the Select Board following the Oath of Office being administered to any of the members shall include:

- (1) Voting on the selection of the Chairperson.

[NOTE: There is no provision in these guidelines for an established order based on length of service in the selection of Chair, nor is there any provision that would prevent a member from serving consecutive or more than two terms as Chair.]

- (2) Voting on Liaison Assignments
 - i. Planning Board Representative

- ii. Budget Committee Member
- iii. Capital Improvement Plan Committee Member
- iv. Ad-Hoc Representatives as may be deemed necessary by the Board

(3) Voting on the Establishment of a Meeting Schedule

B. The Chair for the first meeting of any new Board shall be the person most recently chosen to serve as Chair or in the absence of a previously designated Chair; it shall be the most senior person as determined by length of service until such time as the new Chair is selected.

C. Voting on the Establishment of Goals & Objectives

Goals & Objectives for the Select Board will be discussed and determined within the first 3 months of the Town's election of a Select Board member.

[NOTE #1: Nothing in these guidelines shall prevent the Members from voting by majority to table such decisions until such time as the Board members may be ready to act, nor shall these guidelines be construed as preventing the Members from voting on these matters at any other time upon a vote of the majority.]

[NOTE #2: Nothing in these guidelines shall prevent the Members from voting to replace the Chair or Board Liaisons at any time during any duly posted public meeting upon a determination by the remaining Board members that the Chair or Liaison has acted inappropriately or exceeded his/her authority or upon a request to be replaced.]

III. DUTIES OF MEMBERS

A. **Chair:** The Chair shall preside over all meetings and shall have the authority to:

- (1) Maintain order and control of the agenda. (See also "Public Participation at Board Meetings" as approved on May 04, 2017, attached hereto and incorporated herein as Appendix A.)
- (2) Ensure that informal parliamentary procedures are followed.
- (3) Place limits on the length of time and the content of input provided by meeting participants.
- (4) Call for a special or emergency meeting when deemed necessary.
- (5) Request the voluntary (or involuntary removal by a Police Officer) of persons who disrupt the business of Town government.
- (6) Represent the Town at ceremonial events and serve as the Town's Chief Executive Official.
- (7) Serve as the Board spokesperson by presenting the official viewpoint of the Select Board, based upon a majority vote, to the media, citizens, government agencies, civic groups, and others. This includes financial information, data, budgetary estimates, etc. which shall first be reviewed by the Town Administrator, Finance Officer, Treasurer, and/or Auditor, as may be necessary.

(NOTE: nothing herein is intended to prohibit the remaining members of the Select Board from attending ceremonial events or voting to override a ruling of the Chair, nor is anything intended to prevent the Chair from delegating his/her authority as may be deemed necessary.)

- (8) Sign official documents on behalf of the Select Board in instances where only one signature is required.

B. Partial List of Select Board’s Duties & Responsibilities

A partial list of the Member’s duties and responsibilities is provided in Appendix B to provide a selection of these duties. In some instances, the Legislative Body must grant specific authority to the Select Board under the statute noted. Further clarification of the obligations of the Select Board with regards to implementation of its authority can be found in the Town of New Durham Ordinances, Policies, and Regulations.

C. Delegation of Select Board Duties

- (1) Although the Select Board has historically delegated many of its responsibilities to staff members with enhanced levels of expertise, qualifications and specific competencies, it is important to note that nothing herein is intended to imply that the Select Board cannot assume control over the day-to-day, hands-on tasks associated with its obligations; and it should also be understood that the Select Board retains the final decision-making authority for all of its responsibilities.
- (2) It shall be the responsibility of the Town Administrator to keep the Select Board informed of their duties in a timely manner and to ensure, to the greatest extent practical, that the Board acts in compliance with all applicable laws, including, but not limited to posting notices, meeting deadlines, producing minutes and reports, advertising, scheduling hearings, etc.

D. Limitations on Select Board Duties

- (1) The duties and responsibilities of the Select Board as set forth in these guidelines and as otherwise enumerated under law are almost always subject to certain conditions, limitations and exclusions that require further examination to determine the full extent of the Board 's authority as it pertains to each specific set of circumstances.
- (2) The Select Board 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 shall retain jurisdiction over the finances, respective budgets and any other subject matters required by law, as otherwise set forth in RSA 32, 41:8, 41:9 and 41:9-a and any other applicable laws.

IV. BUSINESS PROTOCOLS

A. Public Sessions

The Select Board can only act in a duly posted public session unless a subject matter is specifically exempt by law from such requirement. Notice of all meetings shall be posted in accordance with all NH RSA 91-A requirements at least 24 hours in advance of the meeting (except in the event of an emergency as noted herein) on the Town's website and the Town Hall bulletin board. Additional postings may be made at other municipal buildings such as the Library and Post Office, and notice may be provided to local media outlets to the extent practical. There is no legal requirement to post an agenda with a notice of meeting. Tapes and other materials used for compiling minutes of a public session meeting shall be made available for public inspection in the Office of the Select Board during regular business hours and in accordance with all NH RSA 91-A requirements; draft minutes shall be available in accordance with NH RSA 91-A, and posted on the Town Website.

B. Non-Public Sessions

The Select Board may meet in non-public session only to discuss the subject matters referenced in RSA 91-A:3 II, provided that such action is preceded by a motion, second, and roll call vote that indicates the precise reasons for entering a non-public session, including a reference to the applicable statutory citation; and furthermore provided that such action can only take place during a duly posted public meeting. Upon the close of non-public session business, the Select Board may, by 2/3 vote, seal the minutes until such time as divulgence is otherwise permitted under law (RSA 91-A:3, III); otherwise a draft of the non-public session minutes shall be made available for public inspection in the Office of the Select Board within 72 hours.

C. Minutes

An original document of all approved minutes from all meetings of the Select Board shall be available following a majority vote to approve such minutes; in addition they shall be kept in a suitable location for permanent storage after an undesignated time period. The minimum content of the minutes shall be as set forth in RSA 91-A:2 & 4, but nothing herein is intended to prohibit the Members from including such additional information as they may deem necessary. Draft Minutes will be posted to the website upon receipt, and approved signed minutes posted following majority Select Board approval. Sealed minutes shall be held in the custody of the Office of the Select Board. Draft minutes shall be noted as such.

D. Non-Meetings

There are a few specific situations where the Select Board is permitted under law to conduct official business without posting notice of a meeting or taking minutes as set forth in RSA 91-A:2, I. These non-meetings may be held during the course of a non-public session or upon the conclusion of a public session meeting or at any other time that is convenient to the participants.

E. Emergency Meetings

RSA 91-A:2 II defines the circumstances and explains the procedures for the Select Board to have a meeting with less than 24 hour notice. Such meetings require an emergency where immediate action is deemed to be imperative by the Chair, who shall instruct the Town Administrator to post a notice of such meeting as soon as possible on the Town website, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.

F. Public Hearings

- (1) Public hearings are generally held for the following reasons: (a) to solicit input on proposed regulations, ordinances, fees, or special events with significant community impacts; (b) to resolve a personnel matter upon a request from an employee to hold such proceedings in public; (c) to settle an appeal of a decision made by a Town employee; (d) in response to a petition to layout or accept a public highway; (e) for the purpose of deciding any question affecting the conflicting rights or claims of different persons, or (f) when dictated by NH Statutes. It should be noted that the Select Board cannot legally preside over hearings when such responsibilities or decision-making authority has been delegated by statute or ordinance to some other party.
- (2) During such proceedings, the Board members should refrain from expressing any opinions unless specifically asked or until such time as all other speakers have had an opportunity to speak and the hearing is then closed by the Chair. Members may, however, ask questions of speakers and respond to questions if they so choose. Typically a hearing should begin with some type of opening remark from the Chair and then a presentation or viewpoint from a supporter of the subject matter or the person

requesting the hearing and thereafter alternate with opposing views. In the case of contested proceedings, each party should be given one opportunity to make closing remarks and a rebuttal. (See also RSA 43 for specific requirements under certain situations.)

- (3) Decisions of the Board following a public hearing should always be expressed in writing and/or under signatures of the Board members, however the drafting of a decision and circulation for signatures may be exempt from the open meeting requirement of NH law.

G. Personnel Hearings

Personnel hearings, when needed, will be held in accordance with all NH RSA 91-A requirements. While not a complete listing, the following provide information on the process for Personnel Hearings:

- (1) Personnel hearings are to be conducted in non-public session unless otherwise requested by the affected employee, in which case they must be held in public session. If the hearing is held in non-public session then all proceedings and documents related thereto shall be exempt from public disclosure except as otherwise required by law. If the hearing is held in public session, then all records related thereto shall be subject to public disclosure.
- (2) The procedures used for a personnel hearing should be similar to the process used for any public hearing, except that a member has no obligation to answer any questions posed by the participants. In addition, either party may call witnesses or submit evidence to support his/her viewpoint, but the Members are not required to comply with or establish any formal set of evidentiary rules; and the provisions of RSA 43 are not applicable except for removal proceedings as set forth in RSA 41: 16-c (Town Clerk) 41:26-d (Treasurer) and 41:40 (Tax Collector).

H. Lack of a Quorum

In the event that one member is absent from a meeting, the remaining two members of the Board shall constitute a quorum and all decisions made shall have the same effect as any other decision of the entire Board, unless otherwise prescribed by law. In the event that two Members are absent from a meeting, no official meeting can take place and therefore no decisions can be made. Provided that there are two members of the Select Board physically present at the meeting, the third member, in the event that member is physically absent, may join the meeting via telephone or other telecommunication means per NH law.

The provisions of RSA 91-A:2, III shall apply to the remote participation of a member at a public meeting of the Board by telephone or video conference, only upon the consent of the remaining two members of the Board.

I. Voting Abstentions

In the event that a member should voluntarily abstain from voting, such action shall not count towards the tally of a vote for the purposes of determining the majority viewpoint. So long as a majority of the board is present, only a majority of the votes actually cast is necessary to support an action. When a member abstains from a vote, they remain “present” at the meeting for the purposes of a quorum and often participate in the discussion of an issue.

J. Illegal Votes

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

K. Recusing

Members should recuse themselves from the Board and step down from all participation in deliberations (to include voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A member should voluntarily recuse himself / herself whenever he / she has a direct personal or pecuniary interest in the outcome. In addition, a member should recuse himself / herself when acting in a quasi-judicial capacity based on a juror's standard of impartiality.

Upon recusing oneself the Select Board member should immediately leave their seat at the Board table until the Board moves on to the next subject. When a recusing official remains in the meeting room, the recused Select Board member may take a seat with the general public. These actions make it clear to all in attendance that the member is, for all intents and purposes, no different from the public in relation to this matter.

[NOTE: There are no circumstances when a majority of the Select Board members can refuse to allow a member to participate in the official proceedings of the Board. However, members are encouraged to publicly disclose any and all potential conflicts of interest and to thereafter recuse themselves when such conflict of interest arises.]

L. Voting Procedures

Votes should be taken by the Board upon a 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, however, the Board may wish to convey its opinion or consent by a simple consensus process.

N. Role of the Town Administrator

The Town Administrator shall strive to ensure that all meetings of the Select Board comply with the requirements of NH law (public notice, postings, non-public sessions, public hearings, minutes, etc.) In addition, the Town Administrator shall be available during meetings to provide advice and recommendations to the Members upon request. The Town Administrator shall also perform all of the duties and responsibilities as set forth in his/her job description or as otherwise determined by the Select Board.

O. Correspondence

- (1) The Office of the Town Administrator shall open all mail addressed to members of the Select Board at the Town Offices unless marked confidential and/or personal. Such mail shall be date stamped upon being opened and placed in the appropriate mailbox in Town Hall.
- (2) Incoming correspondence addressed to the Select Board or an individual member should be promptly shared with all members of the Board and the Town Administrator. The Town Administrator may respond on behalf of the Board to routine questions of an administrative nature (with copies provided to the Board), but all other matters shall be placed on an upcoming agenda for Board review and decision, if required. The Town Administrator may thereafter respond on behalf of the Board unless otherwise directed.
- (3) Members should not sign or use official Town letterhead as individuals without the consent of the majority of Board members.

P. Political Issues

The Members should refrain from endorsing (or giving the appearance of endorsing) any specific candidate for elected office (including themselves) while acting at a public meeting or in an official capacity. Members are

encouraged, however, to speak on any political issues that may affect the Town of New Durham, to include expressions of specific viewpoints of the Select Board, as may be applicable.

Q. Appointments of Town Officials

The Select Board acts as the Appointing Authority for many other Town Officials, including employees, members of boards, commissions, and committees, and to fill vacancies in some elected offices. Often times these appointment decisions have long-term implications in much the same way as the President may appoint a Justice to the Supreme Court, with an emphasis on local consequences. In making these decisions by majority vote, the Board should always discuss individual qualifications in a non-public session (except for positions that are subject to future elections in which case all discussions must be done in public and all application materials are subject to public disclosure). Ultimately, decisions to appoint should be made based primarily on a candidate's qualifications, experience, track record, and ideology, even when considering re-appointments.

IV. MEMBERS' CODE OF CONDUCT

A. Select Board Meetings

The following guidelines are presented as a list of suggestions for Members to consider in order to best facilitate the management of the Town:

- (1) Be prepared for all meetings by reading the materials in advance of the meeting.
- (2) Actively participate in all deliberations.
- (3) Be respectful of differences of opinion. Treat others with dignity and attentiveness.
- (4) Be fair and open-minded.
- (5) Attend all meetings to the greatest extent possible; otherwise notify the Town Administrator in advance to request that an absence be noted.
- (6) Demonstrate the characteristics of honesty, integrity and positive role- model leadership.
- (7) There should be no hesitation to express a viewpoint or present the opinions of concerned citizens.
- (8) Research and requests for additional information are strongly encouraged, but it is suggested that the Town Administrator be utilized to process all such inquiries.
- (9) Be attentive to the remarks of others during a meeting, including input received from members of the public, staff and other Town Officials.

B. General Rules

The following guidelines are intended to assist the Members in the performance of their official duties:

- (1) Don't make unilateral promises, threats or decisions on behalf of the Board.
- (2) Be very cautious about making promises with regards to a future vote or the treatment of any individual.
- (3) Do make yourself available to listen to (or read about) constituent concerns.

- (4) There is a fine line that is often impossible to identify between "acting in concert with personal beliefs and principles" vs. "acting in the best interests of the Town based on a specific set of circumstances". Follow your conscience.
- (5) Don't cast blame for problems without having all the facts. In most instances it is better to steer conversations towards identification of problems and possible solutions rather than pointing fingers at individuals who may have made mistakes.
- (6) Don't be afraid to explain that you were not aware of a certain situation or that you may not know the answer to a specific question about Town government. There are many resources available for you to get the right answers in a short period of time. Also keep in mind that the right answer may not always be the answer desired, but this will always be better than giving misinformation or false hope.
- (7) Friendships and business relations should not be a deciding factor when making decisions in the best interests of the Town. A true friend will understand and respect the need for a Member to avoid the appearance of favoritism.
- (8) Keep in mind that the eyes of New Durham are upon you. The things you say and do and the people you associate with are a reflection on your character as an official who is elected to represent the New Durham community.
- (9) Avoid being a player on either end of the rumor mill. Work towards earning (and keeping) a reputation for having integrity.
- (11) Statements made by individual Members that amount to personal attacks or public insults (regardless of the setting) will impede the ability of the Select Board to function in the best interests of the Town.
- (12) Privileged information should not be shared or discussed with anyone other than the parties directly involved. In some instances the disclosure of privileged information can result in legal consequences (of a personal nature as well as creating Town liability) and/or removal from office.
- (13) In the event a Member becomes aware of any wrong-doing on the part of an elected or appointed Town Official, other than a member of the Select Board itself, this knowledge must be shared with the remaining members of the Board during a non-public session prior to any action being taken.
- (14) Members are indemnified by a Town insurance policy from liability for official conduct that is taken within the confines of their duties and responsibilities. Members are also covered under the Town's worker's compensation insurance policy as "employees", but they are not eligible for any other employee benefits.

C. Relationships with Other Elected Town Officials

- (1) Members are encouraged to maintain open lines of communication and positive relations with other elected Town Officials for the sake of facilitating municipal operations. When discussing Town business, such communications should be prefaced as either being a personal viewpoint or the official position of the Board, as may be appropriate.
- (2) In the event that a Member is aggrieved by a decision or action that is taken by an elected Town Official, the issue should be shared with the remaining members of the Board during a public or non-public session meeting (as allowed by law) prior to any action being taken.

- (3) The role of the Select Board in any proceedings related to the removal from office of an elected Town Official is specifically set forth in law and must be followed in a precise manner.

D. Relationships with Other Town Boards & Committees

- (1) The Members should be mindful of the statutory authority granted to certain Boards and Commissions with a goal of assisting such agencies in the fulfillment of their mission to the greatest extent practical. This is especially relevant in dealing with the Town's Legislative Body as well as the Planning Board, ZBA, and Commissions.
- (2) Whenever the Select Board decides to establish a board or committee that is not prescribed by law or is otherwise under the Board's jurisdiction, the Board shall adopt a resolution that specifies the name of the agency, the number of members and alternates if desired, the length of terms, the mission of the agency, (to include duties, responsibilities and authority), residency requirements, the date by which the agency shall cease to exist and any other information deemed relevant.
- (3) In some situations the role of the Select Board in any proceedings related to the removal from office of members of Boards, Committees and/or Commissions is specifically set forth in law and must be followed in a precise manner. However, there are also situations where the Select Board may have the authority to replace members with or without cause and with or without due process as may be allowed by law. Accordingly, it is important that the Oath of Office be carefully worded by the Members to ensure the Board preserves its rights pertaining to the status of appointees.
- (4) Members who serve as ex-officio members (or Liaisons) of other Boards and Committees are expected to vote and act in a manner that is consistent with the majority viewpoint of the Board, to the extent practical.
- (5) All Town Boards, Committees and Commissions are subject to the Right to Know Law and must therefore comply with all provisions of RSA 91-A.

E. Relationships with Other Members

- (1) It is recognized under NH law that a chance meeting or social event involving a quorum of the Board (two or more members) does not constitute a "meeting". However, individual Members must not discuss any Town business during such situations.
- (2) Communications between Members during meetings or public events should always take into account a level of decorum that is commensurate with the position of elected leaders of the Town. Accordingly, it is expected that Members will conduct themselves in a professional manner at all times; and that members of the Board can ultimately agree to disagree in the event of differences of opinion regardless of the circumstances or the intensity of feelings.
- (3) No written, email, or verbal communications regarding Town business between Select Board members is allowed outside of officially called Select Board meetings. All written communications between Members may be considered public documents under the law. Members can be held personally (and financially) liable by a court for destruction of any such documents or willful violations of the Right to Know Law.

E. Relationships with Staff

- (1) It is requested that Members deal with staff issues or requests for information through the office of the

Town Administrator at all times. This is not to imply, however, that Members must do anything differently from ordinary residents with regards to routine government services (such as vehicle registrations, permit applications, etc.) in which case Members should expect to be treated in the same manner as every other "customer".

- (2) In the event a Member observes an employee exhibiting inappropriate behavior, such conduct should be promptly referred to the Town Administrator and/or other appropriate Department Head and may also be disclosed to the other members of the Select Board during a non-public session of a meeting.
- (3) Members should be aware that staff meetings are not open to the public and these meetings are not subject to the Right to Know Law.
- (4) Members are encouraged to meet as individuals on a regular basis with the Town Administrator and other Department Heads to exchange information and share ideas. Such meetings are not subject to the Right to Know Law.
- (5) Members should never solicit political favors, contributions or election support from employees, who are expected to remain neutral in such matters at all times, but especially during work.
- (6) Disciplinary decisions made by Department Heads and/or the Town Administrator may be implemented without consulting the Select Board or individual Members in order to preserve the juror status and impartiality that is required for the Board and its members to serve as an appeals body and / or in the case of unusual circumstances in which immediate disciplinary action is necessary.

F. Relationships with Legal Counsel

- (1) The Town Attorney works for the Town of New Durham under such terms and conditions as may be determined solely by the Select Board. Consultations between the Members and legal counsel are exempt from the Right to Know Law.
- (2) Members of the Select Board are encouraged to communicate with the Town Attorney through the office of the Town Administrator. Often times the Town Administrator may be able to provide answers without incurring any legal expenses.
- (3) Members who have a legal question about Town business that is not of an urgent or emergency nature who do not wish to involve the Town Administrator in such an inquiry, are expected to discuss this matter with the remaining members of the Board during a non-public session (provided that it meets the requirements of NH RSA 91-A) of a meeting prior to contacting the Town Attorney directly.
- (4) Members who have a legal question about Town business of an urgent or emergency nature who do not wish to involve the Town Administrator are authorized to contact the Town Attorney directly, provided, however, that the nature of the communication shall be shared with all Board members as soon as practical.
- (5) From time to time Members are individually served with a lawsuit in the exercise of their duties. Because the timing of the Town's response can be a critical component in a lawsuit, Members should immediately notify the Town Administrator if they have been sued as a Town Official. The Town Administrator will then forward copies of the lawsuit to all of the Members and the Town Attorney and the Town's insurance carrier. (Sometimes the Town's insurance carrier will provide and pay for legal counsel in which case the Town Attorney may not be involved in the proceedings.)

G. Relationships with the Media

- (1) It is recommended that Members never go "off the record" when communicating with a reporter and keep in mind that there may be times when it is in the Town's best interest for a Select Board Member to have "no comment," but such remarks should be used very judiciously.
- (2) Members should be very careful and cautious when choosing words during a conversation with a reporter (or in the presence of the media) to avoid being misquoted, or having words taken out of context, or disclosing information that should not be made public.
- (3) Although the Chair serves as the official spokesperson for the Board, there is nothing in these guidelines that is intended to prevent any other member of the Select Board from speaking with the media and offering a personal viewpoint that may differ from the Board.
- (4) Newspaper accounts of municipal events are not always an entirely accurate depiction of the factual circumstances. Accordingly, members of the Select Board should not make decisions based solely on reports in the newspaper or on television or other media outlets.

I. Relationships with Civic Organizations & Citizens

Members are encouraged to visit with members of local civic organizations and concerned citizens to solicit feedback and input on government operations and/or discuss current issues, public events and personal viewpoints concerning Town affairs.

J. Ethics

- (1) Individual Members should not seek to exert any undue influence or interference in the exercise of the official duties of other Town Officials or employees. In the event that a Member has legitimate personal interests in the outcome of a government function, and he/she acts as a private citizen in pursuit of that objective, then he/she should thereafter disqualify himself/herself as a Select Board member in any matters related thereto.
- (2) The Members shall uphold and exemplify the provisions of the Code of Ethics for Public Officials of the Town of New Durham, as adopted by the Ethics Committee on May 18, 2017, attached hereto and incorporated herein as Appendix C with associated future revisions as developed and approved.

K. Violations

- (1) There are no defined consequences under NH law for failure to comply with these guidelines. However, it should be noted that the remaining members of the Select Board may vote to publicly censure an individual Member for repeated or egregious failures to meet these obligations.
- (2) In the event that a quorum of the Board is of the opinion that one of the Members has violated State Law, then they may vote in public session to initiate judicial removal proceedings and/or petition a court of competent jurisdiction for the imposition of such other penalties as may be allowed by law.

IN WITNESS WHEREOF, these Operational Guidelines for the Select Board are adopted and approved on this 18 day of May 2017

David W. Swenson, Chairman

Cecile Chase

Rod Doherty

APPENDIX A - Public Participation at Board Meetings Policy

APPENDIX B

The following is a partial list of the Member's duties and responsibilities, as compiled from New Hampshire Practice, Local Government Law by Peter J. Loughlin, and Knowing the Territory by the New Hampshire Municipal Association. In some instances, the Legislative Body must grant specific authority to the Select Board under the statute noted. [NOTE: Further clarification of the obligations of the Select Board with regards to implementation of its authority can be found in the Town of New Durham Ordinances, Policies, and Regulations.]

1. Accept, Refuse to Accept & Convey Tax Deeds (RSA 80)
2. Accept Donations & Approve Gift Expenditures (RSA 31: 19,)
3. Accept Town Streets (RSA 674:40-a)
4. Act as Agents to Expend Capital Reserve Funds (RSA 35:15)
5. Adopt an Administrative Code (RSA 41:8)
6. Adopt Personnel Rules (RSA 41:8)
7. Adopt Police Policies (RSA 105:2-a)
8. Adopt Purchasing Policies (RSA 41:9)
9. Adopt Welfare Guidelines (RSA 165:1)
10. Appeal Wetlands Permit Decisions of the NH Dept. of Environmental Services (RSA 482-A: 10)
11. Apply For, Accept & Expend Unanticipated Money (RSA 31:95-b)
12. Appoint, Direct & Control an Emergency Management Director (RSA 21-P:39)
13. Appoint Election Inspectors (RSA 658)
14. Appoint Town Counsel & Manage Litigation (New Hampshire Practice §486)
15. Appoint a Welfare Director (RSA 41:2 & 669:75)
16. Appointments & Removals to Boards & Committees (RSA 669:75)
17. Appraise Taxable Property & Issue Abatements & Approve Exemptions (RSA 72, 74-76)
18. Approve Appts. of Deputy Town Clerk/Tax Collector & Deputy Treasurer (RSA 41 29-a, 45-c)
19. Approve Budget Line Item Transfers (RSA 32:10)
20. Approve Expenditures from Revolving Funds (RSA 31 95-h)
21. Approve the Acquisition of Real Property Interests in the Name of the Town by the Conservation Commission (RSA 36-A:4)
22. Approve Town Expenditures (RSA 41:9)
23. Assessment of Betterments (RSA 231 29)
24. Assessment of Current Use Change Taxes (RSA 79-A)
25. Assessment of Timber Taxes (RSA 79)
26. Assessment & Payment of Educational Taxes (RSA 194:7, & 198)
27. Assign Names to Town Streets (RSA 231:133)
28. Authorize the Use of Sidewalks and Local Highways for OHRV's (RSA 215-A:6)
29. Call Special Town Meetings (RSA 39:1)
30. Convey Town Land (RSA 41:14-a)
31. Employ and Dismiss a Town Physician (RSA 41:10)
32. Encumber Unexpended Funds (RSA 32:7)
33. Enforce Remedies & Penalties for Injuries Done by Dogs (RSA 466:22)
34. Enforcement of Zoning Ordinances (New Hampshire Practice §483)
35. Establish & Maintain Internal Control Procedures (RSA 41:9)
36. Establish Boards & Committees (RSA 41:8)

37. Establish the Default Budget (RSA 32:5 & 40:13)
38. Establish Fees (RSA 41:9-a, ART. 15 ATM 3/14/90)
39. Fill Vacancies in Elective Offices (RSA 669:61-75)
40. Issue an Extent Against a Tax Collector (RSA 85:5)
41. Issue a License to Carry a Loaded Weapon or Designate Such Duties (RSA 159:6)
42. Issue & Negotiate Tax Anticipation Notes (RSA 33:7)
43. Issue Licenses for Use of Streets (RSA 31:99,100, 102-a, 286:2)
44. Issue Permits for Charity Raffles (RSA 287-A:7)
45. Layout Town Highways (RSA 231)
46. Negotiate Collective Bargaining Agreements (RSA 273-A)
47. Negotiate Inter-Municipal Agreements (RSA 53-A:1 & 162-G)
48. Negotiate a Payment Schedule for Library Appropriations (RSA 202-A:11)
49. Nominate the Appointment of a Health Officer (RSA 128:1) & Approve Appointment of Deputy Health Officer (RSA 128:5-b)
50. Notify the Public, Hold Public Hearings & Issue Orders on the Operation of Dams & Flumes (RSA 482)
51. Order the Cutting or Removal of Trees within a Designated Scenic Highway (RSA 231:158)
52. Order Reconstruction of Railroad Crossings over Local Highways (RSA 373:2)
53. Perambulation of Town Boundaries (RSA 51:2)
54. Prepare Budget Recommendations (RSA 32)
55. Prepare the Annual Town Report (RSA 41: 13-14)
56. Prepare Town Meeting Warrants (RSA 39:2)
57. Propose Amendments to the Zoning Ordinance, Historic District Ordinance or Building Code (RSA 675:3)
58. Regulate Entertainment and Dancing for On-Premise Liquor Licensees (RSA 179:19)
59. Regulate Fireworks (RSA 160-8)
60. Regulate Hazardous & Dilapidated Buildings (RSA 155-8)
61. Regulate Junk Dealers (RSA 322:1)
62. Regulate Junkyards (RSA 236: 1 15)
63. Regulate Noise (RSA 31:39)
64. Regulate the Operation of Snowmobiles (RSA 215-C:3 1)
65. Regulate Pool Tables & Bowling Alleys (RSA 286:6)
66. Regulate Town Highways, Sidewalks & Commons (RSA 41:11)
67. Regulate the Town Landfill & Recycle Center (RSA 149-M:17)
68. Regulate Town Property (RSA 41:11-a)
69. Regulate Trash Collection & Transportation (RSA 149-M:17)
70. Regulate Voluntary Recycling (RSA 149-M:17)
71. Request a Special Election to Fill a State Representative Vacancy (RSA 661:8)
72. Remove Elected Officials from Office for insanity or incapacitation (RSA 41: I 2) or for cause [RSA 41:16-c (Town Clerk) 41:26-d (Treasurer) and 41:40 (Tax Collector)]
73. Revise School District Boundaries (RSA I94:52)
74. Serve as Election Officials (RSA 658:9 & 659:95)
75. Serve as Local Governing Body (RSA 672:6)
76. Serve as Sewer Commission & Adopt Sewer Regulations (RSA 149-I)
77. Sit on Board of Health & Adopt Health Regulations (RSA 147)
78. Sit on the Municipal Records Disposition Committee (RSA 33-A:3)

79. Submit Reports to NH Department of Revenue Administration (RSA 2 I-J:34)

APPENDIX C – New Durham Code of Ethics Policy