



AGENDA

MEETING OF THE GORHAM BOARD OF SELECTMENS
Monday, June 10, 2019, 6:00 PM
Gorham Town Hall Public Meeting Room 2nd Floor

- 1. Call to Order 6:00 PM**
- 2. New Business:**
 - a) Abatements
 - b) Amendment to Tax Warrant
 - c) Board of Selectmen Rules of Procedure Policy – (1st Reading)
 - d) Sale of DPW Dodge 1500
 - e) UCC Congregational Church is seeking support for an LCHIP Grant
- 3. Old Business/Updates:**
 - a) Stoney Brook Road
 - b) CMA/snow storage
- 4. Public Comment:** In consideration for all please limit comments to 2 minutes
- 5. Other Business:**
 - a) Selectmen's Updates
 - b) Town Manager's Report
 - c) Approval of Minutes (May 23, 2019 Emergency Meeting, May 28, 2019 Regular Meetings; and May 28, 2019 Non-Public Session)
- 6. Non-Public Session:** RSA 91-a:3, II, a,b,d,e,i,l [If Needed]
- 8. Adjournment**

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

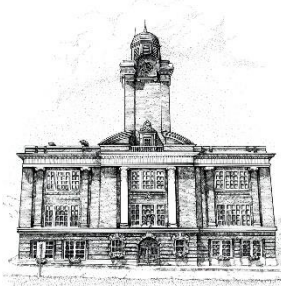
(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

(l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present

This notice is posted as a legal requirement. Do not remove until at least one day following the meeting date.

Town of Gorham, New Hampshire



1918 Historic Gorham Town Hall

Board of Selectmen Rules of Procedure

Draft / Adopted June ____, 2019

Table of Contents

Authority.....	3
Purpose.....	3
Nature of Policies and Procedures.....	3
Election and Qualifications.....	3
Administration.....	3
Definitions.....	3
Organization.....	4
Membership.....	4
Board of Selectmen Meetings.....	4
Public Meeting.....	5
Non-Meeting.....	5
Work Meeting.....	5
Special Meeting.....	5
Emergency Meeting.....	6
Non-Public Meeting.....	6
What does it mean "to seal" meeting minutes?.....	7
Remote Participation in a Public Meeting.....	7
Voting.....	8
Agenda Outline.....	8
Preparation of Meeting Agenda.....	9
Meeting Schedule.....	9
Conducting the Meeting.....	9
Joint Meetings with other Boards of the Town.....	9
Conducting a Public Hearing.....	10
Nominations.....	10
Public Comment at Selectboard Meetings.....	10
Ex Officio Member/Liaisons.....	12
Committees/Special Advisory Committees.....	13
Enacted Policy, Ordinances and Resolutions.....	13
Complaints and Suggestions to Select Board.....	15
Conduct with Other Select Board Members.....	15
Conduct with Staff.....	16
Roles and Responsibilities.....	17
The Chairman.....	18
The Vice Chairman.....	19
The Town Manager.....	19
Electronic Communications.....	21
Annual Reviews/Actions.....	21
Amendment Procedure.....	22
Effective Date.....	22

Authority

Pursuant to NH RSA 41:8, NH RSA 91-A, and other applicable statutes. The Gorham Board of Selectmen adopts the following Rules of Procedure. The Town Manager derives his/her authority from NH RSA 37.

Purpose

The Board of Selectmen of the Town of Gorham (the "Board") recognizing the need to codify the traditional working relationships among the members of the Board, the Board and the Town Manager, and between the Board and other town boards, committees, and commissions, officials and citizens, hereby create operating procedures for the Board of Selectmen.

Nature of Policies and Procedures

These policies and procedures shall address topics that cannot be addressed elsewhere. Subjects that would more appropriately be addressed in a statute, town ordinance, or regulation shall not be addressed in this format.

Election and Qualifications

In accordance with the Annual Town Meeting vote of April 27, 1836, the Board shall consist of three duly elected members. Before assuming their official duties, each newly elected or re-elected member shall be sworn to faithful performance of duties by the Town Clerk. All board members must take the oath of office required by RSA 42:1.

Vacancies on The Board

Whenever a vacancy occurs on the Board, the Board's remaining members shall appoint a replacement.

Administration

This policy shall generally be administered by the Chair of the Selectboard on policy matters and the Town Manager on day-to-day matters.

Definitions

Quorum – A quorum shall consist of two (2) members of the Board of Selectmen

Conflict of Interest – is any matter that could result in a direct/indirect or perceived financial, material, proprietary, real estate (i.e., property value), benefit to him/herself, a relative, business associate, or any private organization in which he/she has a personal, business, legal or political interest. (see adopted Conflict of Interest Policy)

Code of Ethics – (see adopted Code of Ethics for Town Officials, Board Members and Employees)

Organization

At the first meeting after the annual town meeting the Board shall elect a chairman, a vice chairman via a nomination process, make appointments, re-authorize policies, etc.

Membership; Terms of Office, Officers, Vacancies

1. The Board of Selectmen shall consist of three (3) members.
2. Terms of the office shall run in accordance with state statute.
3. The Board of Selectmen shall elect annually the following officers from its members, Chairman and Vice-Chairman.
4. The Board of Selectmen shall designate one Selectman or administrative official of the town as an ex officio member on the Planning Board (RSA 673:2),
5. Appointments to the Budget Committee include one member of the governing body. Such member may be represented by an alternate member designated by the respective board, who shall, when sitting, have the same authority as the regular member. (RSA 32:15)
6. The officers of the Board and ex-officio representative to the Planning Board and Budget Committee shall be elected for one-year terms at the first regular meeting following the Annual Meeting of the Town, provided all members of the Board have been sworn into office.
7. Positions established to provide Selectmen's representation on other statutory, standing or ad-hoc committees that may be created to facilitate conducting the business of the Town shall be designated or appointed annually by Selectmen in the manner detailed in section 4 and 5 (ex-officio members on the Planning Board and Budget Committee).
8. Vacancies in the membership of the Board of Selectmen shall be filled by appointment by the remaining members to a term which expires at the next Annual Town Meeting.

Board of Selectmen Meetings

In all Board meetings a quorum shall be required. A quorum shall consist of two (2) members of the Board.

Types of Meetings:

Public Meeting

Every meeting of a public body must have proper notice and be open to the public.

What Is a Meeting? The convening of a quorum (majority) of any public body to discuss or act on any of that body's business, including work sessions.

What is not a meeting? Consultation with legal counsel; chance or social meetings neither planned nor intended to discuss official matters and at which no decisions are made; strategy or negotiations regarding collective bargaining.

What Is a Public Body? All committees, subcommittees, boards, commissions, agencies, etc., that perform a governmental function, including all informal advisory committees.

What Notice Is Required? Minimum of 24 hours (not including Sundays or holidays), either published in a local newspaper or posted in two prominent public places. Other statutes or local rules may require more notice in certain cases.

What Is Open to the Public? Anyone, not just local residents, may attend, and may take notes, record or photograph the meeting. However, except for certain people at public hearings, the public is not guaranteed the right to speak.

Minutes must be kept of all public meetings and must be made available to the public upon request within five (5) business days after the meeting. Minutes must include the names of members present, others participating, a brief summary of subject matter discussed, and any final decisions or votes.

Non-Meeting

Consultation with legal counsel; chance or social meetings neither planned nor intended to discuss official matters and at which no decisions are made; strategy or negotiations regarding collective bargaining.

Work Meeting

The Board may conduct informal “work session” meetings from time to time. They are less formal meetings, generally conducted for the purpose of providing Board members with a more detailed understanding of a limited number of issues or to permit discussion of issues in great depth. Such meetings will be publicly noticed and recorded in accordance with the Right to Know Law.

Special Meeting

A meeting called for any other time other than the regular meetings shall be known as “special meetings.” Special meetings shall be called by the Chairman, in consultation with the Town Manager, and with the informal consent of a majority of Board members.

Emergency Meeting

As permitted by RSA 91-A:2, II, an emergency meeting can be held with less than 24 hours' notice when the chair determines that immediate, undelayed action is imperative. Notice of an emergency meeting shall be provided as soon as practicable and employ other means that are reasonably available to inform the public that a meeting is to be held. The minutes of the emergency meeting shall clearly spell out the need for the emergency.

- a. The member's attendance must be "not reasonably practical," and that reason must be stated in the minutes of the meeting.
- b. Except in an emergency, at least a quorum of the public body must be physically present at the location of the meeting. The determination that an emergency exists is to be made by the chair, and the facts upon which that determination is based must be included in the minutes.
- c. All votes taken during such a meeting must be by roll call vote.
- d. 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.
- e. Any member participating remotely must identify anyone present at the remote location.

Non-Public Meetings

Meetings, or portions of meetings, that the public may not attend. Non-public meetings are allowed only for reasons listed in RSA 91-A:3, II, including:

- a. Dismissal, promotion, compensation, disciplining, investigation, or hiring of any public employee;
- b. Matters that would adversely affect the reputation of a nonboard member;
- c. Buying, selling or leasing property if public discussion would give someone an unfair advantage over the municipality;
- d. Lawsuits actually filed or threatened in writing against the municipality, until fully adjudicated or settled;
- e. Preparation for and carrying out of emergency functions including anti-terrorism issues;

All votes must be made in open public session.

Entering nonpublic session: Begin in a properly-noticed public meeting. A motion must be made and seconded to enter nonpublic session, citing the reason from the statute, and a majority roll-call vote is required. Once in

nonpublic session, only the reason(s) cited in the original motion may be discussed.

Minutes must be kept of nonpublic sessions and unless the board votes to seal the minutes, they must be made available to the public upon request within 72 hours after the meeting.

Q. What does it mean "to seal" meeting minutes?

A. Sealing meeting minutes is the phrase used to describe the action of a board to withhold meeting minutes of a nonpublic session from public inspection. RSA 91-A:3, III allows a board to vote to withhold minutes when any of three circumstances exist: (1) when divulgence of the information would likely adversely affect the reputation of any person, other than a member of the board itself; (2) when release of the minutes would render the proposed action ineffective; or (3) the information relates to terrorism planning functions. The nonpublic session minutes may be withheld until, in the opinion of a majority of members, the circumstances described above no longer apply.

Remote Participation in a Public Meeting

A public body may, but is not required to, allow one or more members to participate in a meeting by telephone or other electronic communication—but only if the member’s attendance is “not reasonably practical.” See RSA 91-A:2, III. The reason that 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.

Each part of the meeting must be audible “or otherwise discernable” to the public at the physical location of the meeting. All members of the public body 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. No meeting may be conducted by electronic mail or “any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.”

All votes taken during such a meeting must be by roll call vote.

Voting

The votes during all meetings of the Select Board shall be transacted as follows:

1. The Presiding Officer may require any question to be submitted in writing before the vote if it is complex, and shall state each question before the vote.
2. Each question, after being recognized by the Presiding Officer, will be initiated by a motion, and seconded. The Presiding Officer shall open it up to debate/discussion. After ample time, the question will be called and repeated out loud by the Presiding Officer and the vote taken. A majority of the members' affirmative vote shall qualify as a pass vote. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice roll call vote.
3. The order of the roll call vote shall be determined by the Presiding Officer.
4. Secret ballot votes by boards, committees, and commissions are illegal in New Hampshire.
5. At the beginning of the discussion of any topic, A Board Member shall announce the intention to recuse himself/herself and shall take no part in the debate should they feel that to vote would constitute a conflict [of interest]. That member(s) shall step away from the Board and may not participate as a member of the audience. A Board Member shall vote to abstain if they excuse himself/herself from the discussion due to a conflict of interest.
6. Every Board Member who is present at the meeting, other than those who have abstained under section (5), shall vote on the question before the Select Board.
7. When a vote on a question is evenly divided, the question shall be deemed to have been defeated.
8. A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted with the prevailing side, or if the member did not vote on the original question.

Agenda Outline

1. Call the meeting to order
2. Public Hearing, if necessary
3. New Business/Appointments
4. Old Business/Tabled items
5. Public Comment (limited to 3 minutes per resident and 15 minutes in total)
6. Selectmen's Updates
7. Town Manager's Report
8. Committee Reports
9. Questions from the Press
10. Approval of previous meeting minutes
11. Non-public session, if necessary
12. Adjournment

Preparation of Meeting Agenda

The Town Manager bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Chairman, in consultation with the Town Manager, shall approve the agenda, and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the Town Manager by 12:00 pm on the Wednesday of the week preceding the meeting. Items added to the agenda after this time will be by reason of necessity or due to being routine in nature. Agenda and packets will be available to Select Board members on the Friday at 3:00 pm prior to a scheduled meeting.

Meeting Schedule

Board of Selectmen meetings will be held the 2nd and 4th Monday of each month. The Board shall not hold regular meetings on designated legal holidays. If a holiday falls on this day, the meeting will be on the next day (Tuesday). The meetings will start at 6:00 pm and end no later than 8:00 pm. A meeting called for at any other time other than the regular meetings shall be known as a “special meeting.” The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chairman, in consultation with the Town Manager, and with the informal consent of a majority of Board members. The Board may conduct informal “work session” meetings from time to time. Such meetings will be publicly noticed and recorded in accordance with the NH Right to Know Law.

The schedule or the time of the meeting may be extended by a majority vote of the Board. This The location of the meetings will be at the Gorham Town Hall public meeting room on the second floor. All meetings will comply with NH RSA 91-A

Conducting the Meeting

Meeting shall be conducted in accordance with generally accepted practices of order and decorum. The Chair shall preside over all meetings and set the terms of fair and efficient debate, subject to the final authority of the majority of the Board. The Chair may limit discussion to the motion or topic on the table; limit time for each visitor to speak, call for recess, and decide procedural matter. This may include specified rules from Roberts Rules of Order for small boards.

Joint Meetings with other Boards of the Town

1. Joint meetings of the Board of Selectmen and other boards or commissions of the Town shall be presided over by the Chairman of the Board of Selectmen.

2. A quorum of the membership of each Board shall be required in order to conduct a joint meeting. (MS-123)
3. Separate minutes shall be kept of all joint meetings by the Secretary and/or Recording Secretary of the Board of Selectmen. Minutes of a joint meeting shall not be considered the official minutes of a joint meeting until they have been adopted by vote of all the participating boards.

Conducting a Public Hearing

Individuals wishing to speak shall complete a provided form.

Opening the Public Hearing

The Board of Selectmen should officially open the hearing. After determining that the Public Hearing is properly warned and posted. The Board must be presented with the factual evidence to support the conclusion that the information proposed is for the public good.

Chairman: Will ask [petitioner]: Would you like to address the Board and explain ...

Chairman: Will ask if there anyone else who would like to speak?

Closing the Public Hearing

After the submission of the evidence by the Petitioner and public's opportunity to speak, the Board of Selectmen should close its public hearing on the Petition.

Chairman: Will state, if no one else wishes to speak, then the hearing is now officially closed.

Voting

Members of the Select Board will vote for or against proposal.

It may be necessary to call a recess if the board needs to consult with its attorney, or to maintain order, or to allow the public to stretch their legs. A short recess may be called at any time. The board should be clear about the length of the recess and should not reconvene the hearing any earlier than the announced time.

Nominations

1. A list of all appointed members of committees or boards of the Town shall be maintained. It shall indicate the date of term expirations for appointees.
2. Upon vacancy or expiration of a term or the filling of a newly created appointed member of a committee or board to be filled by the Board of Selectmen, a notice of vacancy shall be posted in at least two (2) public places and on the website of the Town. Notice of the vacancy or term expiration shall also be placed on the agenda of the next regularly scheduled meeting of the Board.
3. Individual members of the public may nominate themselves for consideration. The affected board or committee may submit nominations for consideration (as well as the Selectmen) for at least ten (10) days after posting of the vacancy. The Selectmen may, by majority vote when time is of the essence, reduce the time period for submitting nominations to five (5) days.

Public Comment at Selectboard Meetings

The primary purpose of the Board of Selectmen's meetings is to conduct the business of the Town. The Board encourages residents and taxpayers to attend the Board meetings so that they may become acquainted with the operation and programs of the Town. All official meetings of the Board shall be open to the press and the public. The Board reserves the right to meet and to adjourn or recess a meeting at any time. The Board also reserves the right to enter Non-Public Session at any time, in accordance with the provisions of RSA 91-A:3.

Public participation in the Board's regular meetings is a privilege that the Board allows in order to assure that persons who wish to appear before the Board may be heard. There are two opportunities for the public to participate other than as a scheduled agenda item. The public comment session is on the agenda for items which pertain to a matter on the agenda, or may be about any matter of importance, unless the matter pertains to complaints regarding individual employees, other individuals and/or a matter that may, in the opinion of the Board infringe on another person's rights of privacy, which will be directed to the Town Manager for possible inclusion in a Non-Public Session. All matters that involve the day-to-day operations of the town shall be referred to the Town Manager. Participation is limited to three (3) minutes

Participants should stay within the following guidelines:

1. Requests to have an item or person on the agenda, including any documentation to be considered, shall be submitted in writing to the Town Manager by noon on the Wednesday preceding the Selectmen's Meeting.
2. All participants should raise their hand and wait to be invited to speak by the Chairman.

3. The Chairman may allow, but is not required to allow, public participation during discussion of the Board at times other than public hearings and public comment. This will be limited to the public comments agenda section or on the motion under consideration.
4. Participants are to conduct themselves in a civil manner. Obscene, slanderous, defamatory, disruptive, repetitive, disorderly or violent statements will be considered out of order and will not be tolerated.
5. Participants must address questions or comments to the Chairman of the Board not to other board members or to the audience.
6. If a participant wishes to read anything into the public record, a copy of the written document must be provided to the Town Manager prior to reading it into the record.
7. Participants' comments should be limited to 3 minutes. The total time allotted for a public comment period shall be a maximum of 15 minutes.
8. If a participant wishes to discuss an agenda item, please note the agenda item to be discussed.
9. Participants should state their name and address for purposes of the minutes of the meeting.

The purpose of this policy is to provide the Board with the opportunity to hear from residents and taxpayers directly, while keeping the discussions civil and orderly and protecting the rights of others.

Failure to comply with these guidelines may result in the privilege to address the Board being curtailed and if failure to comply continues, you may be asked to remove yourself from the meeting.

Ex-Officio Member/Liaisons

The Board shall, by majority vote, elect from its membership the following Board and Committee members:

1. Planning Board Ex-Officio Member
2. Planning Board Ex-Officio Alternate Member
3. Advisory Budget Committee Ex-Officio Member
4. Regional Transportation Committee Member
5. Androscoggin Valley Regional Refuse Disposal District Committee Member (AVRRDD)

Board members sitting as ex-officio members of other bodies do so as a representative of the entire board. While they are expected to use independent judgement in most matters, it may at times be necessary or appropriate to consult with the full board. All members may discuss these matters during the Selectmen comments section of the agenda.

Committees/Special Advisory Committees

1. Special citizen study committees may be created by the Select Board for a particular purpose.
2. Committee members shall be appointed by the Board.
3. The committee shall appoint its own chair.
4. These committees shall be established by a written document stating the specific purpose, mission, and goals/objectives that the committee is to achieve or attain, and declaring that the committee is dissolved when these have been attained or by a date certain.
5. One Board Member, appointed by the Presiding Officer, may be appointed as a member and liaison of a citizen advisory committee.
6. Posting of meetings and minutes of citizen study committee meetings shall be recorded in accordance with RSA 91-A, (the NH Right to Know Law).

Enacted Policy, Ordinances and Resolutions

The terms “ordinance” and “bylaw” are commonly understood to be interchangeable. They are governed by state statute, see, e.g. RSA 31:39 Power to Make Bylaws - listing many – but not all – ordinances/bylaws that towns may pass. Ordinances must typically be voted on by the legislative body, although that isn’t always the case. Ordinances are generally enforced by court action.

Ordinances, generally, are adopted by the Board pursuant to a specific statute, which grants authority and mandates the procedures for adoptions. (e.g., *Speed Limits*)

“Policy” is, essentially, everything else. This may include something as concrete as the board’s policy on allowing public comment at meetings (which would be followed by a written policy document outlining the policy and the procedures in place to support it) as well as something as items like the board’s policy on pursuing alternative energy sources to supply town energy needs. Policies are generally set by the board and can be reconsidered by the board at any time or modified pursuant to a vote by the majority of members. Note, however, that the board should carefully consider revising policies which affect a person’s substantive rights – such as the ability to comment at a meeting – so that no constitutional or statutory concerns are raised. Policies are enforced by the individual board.

Policies prescribe and document general, formal, uniform, and permanent rules for officials and employees. They are generally created through the Board’s “prudential affairs” authority (e.g., *Personnel Policy, Investment Policy, Fixed Asset Policy or Recycling Policy*).

Ordinances

Draft Ordinances shall be placed on the agenda for any regularly scheduled meeting of the Board. Draft Ordinances must be delegated where applicable by the Town Meeting. The Board of Selectmen have been delegated this authority for certain Town Ordinances.

Drafts shall be in writing, and shall only be introduced by a member of the Board or the Town Manager.

The procedure for Ordinance adoption is as follows:

1. An ordinance shall be introduced at a public meeting of the Select Board.
2. At this meeting, the Select Board shall determine a future date for a public hearing. The Board may also distribute the Ordinance to affected officials for comment as it deems necessary.
3. At the second meeting, the Select Board shall hold a properly noticed public hearing as previously described and then act upon the ordinance.
4. The title of each ordinance shall in all cases be read prior to its passage and the Town Manager or other appropriate individual asked to give a summary of the ordinance, any change from prior ordinances and why the ordinance is before the Select Board Members.

Policies

Draft Policies, shall be placed on the agenda for any regularly scheduled meeting. Drafts shall be in writing, and shall only be introduced by a member of the Board or the Town Manager.

The procedure for Policy adoption is as follows:

1. A Policy shall be introduced at a public meeting of the Select Board.
2. At this meeting, the title of each policy shall in all cases be read prior to its passage and the Town Manager or other appropriate individual asked to give a summary of the policy, any change from prior policy and why the policy is before the Board of Select Board Members. The Board may also distribute the policy to affected officials for comment as it deems necessary.
3. At the second public meeting, and second reading of the policy, the Select Board shall discuss and act upon the policy.

Policies are effective as of the effective date determined by the Board.

The Town Manager's Office shall be responsible for maintenance of all policies and procedures, for updating the Policy Manual with new and amended policies, and for ensuring the distribution to Board members and staff. Copies of the Policy Manual shall be made available to the public at the Town Manager's Office and at the Office of the Town Clerk.

Emergency Ordinances

The Town Select Board may, without notice or hearing, adopt an emergency ordinance citing the reason for the emergency.

Resolutions

Each resolution may be voted and approved on the same day on which it was introduced. Examples include recognition of an Eagle Scout, declaration of Public Works Week, support for action by the state or federal government, etc.

Complaints and Suggestions to Select Board

When citizen complaints or suggestions are brought before the Select Board, other than for items already on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

1. If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Select Board finds such complaint suggests a change to an ordinance or resolution of the Town, the Select Board may refer the matter to a committee or to the Town Manager for study and recommendation.
2. If administrative, and a complaint regarding administrative staff performance, administrative execution, or interpretation of legislative policy, or administrative policy within the authority of the Town Manager, the Presiding Officer should then refer the complaint directly to the Town Manager for review and response to the citizen.

Conduct with Other Select Board Members

The Select Board shall treat others with respect and respect the rights and opinions of the community despite differences of opinion. The Select Board expects to be treated the same

The individual members of the Select Board:

1. Do not, cannot, and shall not bind the Select Board or the Town.
2. Shall not conduct any town business outside a regular scheduled meeting without the prior knowledge and approval of the Board at a meeting.
3. Shall, pursuant to RSA 91-A abide by the laws governing privacy, confidentiality and non-public sessions and shall not release or discuss items raised in non-public session.
4. Shall refrain from communicating the position of the town or the Select Board to other entities (i.e. state and federal officials) unless the full Board has previously agreed on both the position and the language of the statement. This will be reflected in the minutes of a meeting.
5. Shall treat with respect the rights of all members of the Board despite differences of opinion.

6. As required by State law, all business of the town shall be handled in public session, with the exception of matters listed under RSA 91-A.
7. Adhere to Gorham's Conflict of Interest and Code of Ethics policies.
8. Any violation of this Code of Conduct shall be reported to the Board within five (5) days of the occurrence.
9. All actions taken under RSA 91-A are to be, if appropriate, disclosed before the close of the regular session in a brief statement of the facts. Any discussion held within the closed session shall be considered closed to the public. Any person who reveals details of the closed session to the public, is to be censured for their actions, and held in contempt of RSA 91-A.
10. Punishment for any violation of this code of conduct shall include but not be limited to NH RSA 42:1-a.

Civil Communication is exemplified by the following guidelines

1. Each member will listen with an open mind and with resilience,
2. Each member will assume good intentions and motives from fellow participants.
3. Each member will disagree about ideas, not about motives or personalities.
4. As individual participants and as a group, each member will conduct a conversation that is respectful, fair, and kind.
5. Each member will not interrupt, except to indicate that he/she cannot hear a speaker.
6. No one is required to speak but everyone has the right to speak. When in doubt, W.A.I.T. (ask yourself, Why Am I Talking?)
7. Dialogue is most successful when conversation proceeds coherently from idea to idea or topic to topic. It is good to give full treatment to an idea before moving on to the next.

Conduct with Staff

The Select Board, when dealing with the Town Manager and Town Staff, shall:

1. Recognize the administrative chain of command and refuse to act on complaints as an individual outside the administration. (See Town of Gorham Organization Chart)
2. Treat all staff as professionals and respect the abilities and integrity of each individual.
3. Never as individuals publicly criticize an employee. Concerns of employee performance shall be handled with the Town Manager or under RSA 91-A at the Board level, usually in non-public session.
4. Not give orders to any such officers or employees either publicly or privately except as a Board at a meeting.
5. Direct all questions of the staff or day-to-day operations to the Town Manager.
6. Limit the request for staff support and ensure that all requests go through the Town Manager's Office.

7. Not act individually but only as a Board. For example, all directives or requests to the Town Manager must come from the Board, not from any individual member, except that an individual Select Board member may make *reasonable* requests for information to the Town Manager.
8. Any information provided to any individual Selectman shall be provided to the rest of the Board and shall note the origin of the request.

Discouragement of Micromanagement Practices

Which may include behavior and attention to small details in management: control of a person or a situation by paying extreme attention to small details

The notion of micromanagement can extend to any social context where one person takes a bully approach in the level of control and influence over the members of a group. Often, this excessive obsession with the most minute of details causes a direct management failure in the ability to focus on the major details. micromanagers risk disempowering their colleagues. They ruin their colleagues' confidence, hurt their performance, and create an environment with high turnover.

Roles and Responsibilities

As a member of the Board, a Selectman shall:

1. Members shall make every effort to attend each meeting, having prepared and read materials in advance.
2. Members are expected to be fully aware of, and compliant with, NH RSA 91-A regarding the public conduct of Town business.
3. Endeavor to establish sound, clearly defined policies, procedures and ordinances which will direct and support the administration for the benefit of the whole community.
Recognize and support the administrative chain of command taking no action, as an individual, that requires administrative direction or decisions.
4. Give the Town Manager full responsibility for discharging decisions and actions directed by the Board and consistent with NH RSA's.
5. Not make statements of his/her position on matters that will come before the Board until he/she has had an opportunity to hear the issue in full at a Board meeting.
6. Make decisions only after all facts on a question have been presented or discussed.
7. Uphold the intent of non-public sessions and "non-meeting" meetings and respect the privileged communication that exists therein, and;
8. Treat with respect the rights of all members of the Board despite differences of opinion.

A member of the Board, in relationship to his/her responsibility to the community, shall:

1. Recognize that his/her primary function is the representation of the citizenry of the Town of Gorham in all matters of municipal governance;
2. Accepts the office of Selectmen as a means of unselfish public service, not to benefit personally or professionally from his/her Board activities;
3. Shall be well informed of the duties of a board member on both state and local levels and abide by all Board decisions, policies, procedures and ordinances;
4. Delegate to the Town Manager day to day management of municipal governance as provided in NH RSA's.

Responsibilities of the Select Board Chairman

The Chairman shall:

1. Preside at all meetings of the Board at which he/she is present. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
 - a. To open the session at the time at which the Board is to meet by calling the members to order.
 - b. To announce the business before the Board in the order in which it is to be acted upon.
 - c. To recognize members entitled to the floor. After a presentation, questions accepted from the public shall be addressed through the Chair after they identify themselves.
 - d. To state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings, and to announce the result of the vote.
 - e. To protect the Board from annoyance.
 - f. To assist in expediting all business in every way compatible with the rights of the members by:
 - i. Allowing remarks when non-debatable motions are pending.
 - ii. Calling a recess to permit restoration of order or clarification of an obscure point if he/she thinks it advisable.
 - iii. Guiding the members when engaged in a debate to stay within the rules of order.
 - iv. Ensuring on all occasions the observance of order and decorum among the members.
 - v. Deciding all questions of order (subject to an appeal by any two (2) members) unless he/she prefers to submit the question for the decision of the Board.
 - vi. Informing the Board on a point of order, or practice pertinent to pending business.
 - vii. Recognizing Board member's requests for disqualification from issues where a conflict of interest may occur, as well as abstentions from

- voting.
- viii. Discussions which are not addressing the business before the Board, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chairperson shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.
2. Sign official documents that require the signature of the Chairman, following a vote of the Board;
 3. Call special meetings of the Board in accordance with the Right-to-Know Law;
 4. Work with the Town Manager in preparing meeting agendas;
 5. Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman;
 6. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman;
 7. Maintain open level of communication with the Town Manager and provide information to the Board as necessary;
 8. Ensure that Board communication abide by all aspects of the NH Right-to-Know Laws;
 9. Arrange through the Town Manager for the orientation of new members, and;
 10. The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

Responsibilities of the Vice Chair

The Vice Chairman shall:

1. Act in the place of the Chairman during his/her absence at Board meetings.
2. Should the Chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

Role of the Town Manager

The Town Manager is responsible for the efficient management and operation of the affairs of the Town in accordance with State law, Town ordinances and such directives, regulations, and policies as the Board of Selectmen may from time-to-time adopt.

The role of the Town Manager is specifically provided in NH RSA Chapter 37. The Town Manager shall have the power and it shall be his duty:

- I. To organize, continue, or discontinue, from time to time, such departments as the selectmen may from time to time determine.
- II. To appoint, upon merit and fitness alone, and to remove, all subordinate officers and employees under his control, and to fix their compensation.
- III. To attend such regular or special meetings of the selectmen as they shall require.

- IV. To keep full and complete records of the doings of his office, and to render to the selectmen an itemized monthly report in writing, showing in detail the receipts and disbursements for the preceding month; and annually, or oftener at the request of the selectmen, to make a synopsis of all reports for publication.
- V. To keep the selectmen fully advised as to the needs of the town, within the scope of his duties, and to furnish them on or before the thirty-first day of January of each year a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest on maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department; and to submit at the same time an estimate in writing of the amount of income from all sources of revenue, exclusive of taxes upon property, and of the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers, and committees of the town shall, upon his written request, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the fiscal year.
- VI. To examine or cause to be examined, with or without notice, the affairs of any department under his control, or the conduct of any officer or employee thereof; and for that purpose, he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.
- VII. To have charge, control, and supervision, subject to the direction of the selectmen and to the bylaws of the town, if any, of the following matters:
 - a. The management of municipal water works, lighting, and power systems. The construction, maintenance, and repairing of all town buildings and of all town roads, highways, sidewalks, and bridges, except as otherwise specially voted by the town.
 - b. The purchase of all supplies for the town.
 - c. The police and fire departments of the town, if any.
 - d. The system of sewers and drainage, if any.
 - e. The lighting of streets, highways, and bridges.
 - f. The sprinkling of streets and highways, the laying of dust, and the removal of snow.
 - g. The maintenance of parks, commons, and playgrounds.
 - h. The care of cemeteries when the town has adopted the provisions of RSA 289:6, II.
 - i. The letting, making, and performance of all contracts for work done for the town.
 - j. In municipalities adopting the provisions hereof, the town manager shall supersede any board of commissioners or other supervisory officer or officers previously established, elected, or appointed to have superintendence of any of the matters specified in the foregoing paragraphs (a) to (j) inclusive; except that he shall not supersede, nor shall adoption of this chapter in any way impair the authority and duties of, fire engineers, the commissioner of transportation and his assistants, or any police commission created by act of the legislature.

- VIII. To administer the poor relief of the town, either directly or through a person or persons appointed by him, and under the supervision of the selectmen.
- IX. To perform such other duties, consistent with his office, as may be required of him by vote of the selectmen.

Electronic Communications

1. Any electronic communication requesting an action or decision by the Board shall be acknowledged by the Chairman/woman or his/her designees and shall be designated to the Town Manager for investigation and resolution;
2. No Board member shall communicate electronically with more than one other Board member except for calling meetings as needed including scheduling meeting times;
3. To avoid the possibility of conducting an illegal meeting, “blind copy” those you wish to inform in an email or reach out to the Town Manager to relay communications.
4. Comply with NH RSA 91-A.

Annual Reviews/Actions

As a matter of business and protocol of the Board of Selectmen, will execute the following matters in a timely and annual basis.

1. Appoint officers to Boards/Committees/Commissions,
2. Review and reaffirm/dissolve existing committees previously established by the Board of Selectmen (March-April),
3. Annually, evaluate the job performance of the Town Manager. The current seated Board of Selectmen must complete the final evaluation document prior to the next annual election or another agreed upon time,
4. Evaluate prior year’s Board goals and establish annual Board of Selectmen SMART Goals in conjunction with the Town Manager, to include Department Heads (March-April),
5. Provide the Town Manager with target budget goals and priorities it relates to municipal program priorities. Provide estimated increase/decrease as to input into the annual budget process (no later than July 1st of each year),
6. Discuss major budgetary impact items prior to the preparation of the following year’s annual town Capital Improvement Plan and Operating Budget (August),
7. Set the new Tax Rate for the coming tax year (October),

8. Discuss major budgetary impact items prior to the formal submission of the annual town Capital Improvement Plan and Operating Budget (December), Statutory timeline is January 31st.
9. Discuss major budgetary impact items prior to the formal submission of the annual town Capital Improvement Plan and Operating Budget to the Budget Committee (January), Statutory timeline is January 31st.

This process may be daunting for some, especially for newer members. In order to facilitate an efficient budget creation process, it is essential that board members confer with the Town Manager after reviewing their budget information packets and prior to each meeting for any clarification on any item(s).

Amendment Procedure

An amendment to these Rules of Procedure may be moved at a Board meeting, and shall be voted upon consistent to the Enacted Policy, Ordinances and Resolutions section of this policy. A copy of any amendment shall then be certified and submitted to the Town Manager for record keeping and policy maintenance requirements.

Effective Date

This Policy is effective upon being authorized and adopted by the Board of Selectmen.

It supersedes all previous orders or policies relative to, or in conflict with, this matter and procedures described herein.

Approved and adopted this _____ day of June, 2019

The Town of Gorham Board of Selectmen:

Michael Waddell, Chair

Judith LeBlanc

Adam White