

**BOARD OF ETHICS
PUBLIC MEETING MINUTES
December 9, 2008**

Chairman Jelley called the meeting to order at 6:32 PM in the downstairs conference room at the New Durham Town Hall located off Main Street.

Present:

Chairman Debra Jelley
Maria Clark

Jan Bell
Dennis Cooper

Barbara Hunter

Also present as recorder

April Whittaker

Chair Jelley determined that a quorum of members was present in order to conduct the proposed agenda format. She introduced members of the Board of Ethics.

She advised those present that per the agenda the Board of Ethics had received an inquiry to interpret the Ethics Ordinance, and therefore was not a formal complaint thereby concluding that discussion would be restricted to the Board of Ethics. She further advised those present that the Board of Ethics had not formally adopted its Rules of Procedure, but rather was still working on the same, and again reiterated that an inquiry as to interpretation of the ordinance had been placed before them.

Chair Jelley asked the Committee if they had all received a copy of the inquiry letter from Acting Chair Paddy McHale of the Planning board and if they had received a copy letter from Peter Rhoades acting in his capacity as a member of the public and not Chairman of the Board of Selectmen, who opined his concerns about the appearance of conflict of interest in the situation in question before the planning board regarding site plan review for the New Durham Food Pantry.

She duly noted to her board that Acting Chair McHale had confirmed in writing that the individual to whom the question of appearance of conflict of interest had been directed, had already disclosed to the board of the part-time employment situation thereby complying with the "Duty to Disclose" requirements set forth in Section I paragraph C.

The Chairman next addressed whether the board felt that they could conduct their discussions re the inquiry in public or if they felt that it would very difficult to not mention names and therefore reputations during deliberations, therefore it would be desirous to enter into a non-public session.

Clark motioned to enter into non-public session under the terms and conditions of RSA 91-A: 3 II c at 6:36 PM, second Bell, vote 3 – 1.

Roll Call: Jelley ~ yes, Bell ~ yes, Clark ~ yes and Cooper ~ no.

The Chairman declared that the “ayes” prevailed and asked the board to move to the upstairs conference room. At this point Barbara Hunter joined the board at 6:40 PM.

The Board returned to regular session at 7:50 PM.

The following statement was read by the recorder:

“Motion Clark, that no appearance of conflict of interest of the individual as presented was supported who was doing her job as an elected official, and had no affiliation with the New Durham Food Pantry and further that the Code of Ethics had been followed in as much that full disclosure of the part-time nature of the employment with the Town had been disclosed, thereby making the subject of inquiry in full compliance with the Code, second Cooper, vote unanimous.”

Mrs. Whittaker was requested to write letters to the Acting Planning Board Chair, Mr. Rhoades, and the Board of Selectmen advising of the decision of the Board of Ethics.

Mrs. Hunter advised that instead of being called the Ethics Committee, to follow the ordinance wording and henceforth, be referred to as the Board of Ethics. All agreed.

Approval of Minutes

Motion Clark, second Bell to approve the minutes of November 5th, 2008, vote unanimous. Cooper abstained due to absence from the last meeting.

The Chairman polled her board to see if they wished to continue review of the draft Rules of Procedure, suggesting that it might be preferable to defer to the next meeting. The Board agreed.

Schedule Next Meeting

Normally the Board would meet the second Tuesday of the month, but in recognition of some absences, the board determined to meet:~

*Tuesday, January 6th, 2008
Time : 6:30 PM
Place: New Durham Town Hall*

Adjournment

Motion Cooper, second Hunter to adjourn, vote unanimous.

The meeting adjourned at 8:24 PM.

*Respectfully submitted
April Whittaker, Recorder.*