

Approved: April 13, 2010

**BOARD OF ETHICS
PUBLIC MEETING MINUTES - REVISED
FEBRUARY 9, 2010**

Chair Debra Jelley called the Board of Ethics meeting to order at 6:38 PM in the downstairs conference room of the New Durham Town Hall.

Present:

Debra Jelley, Chair
Marcia Clark
Barbara Hunter, Vice-Chair
Skip Fadden (arrived at 6:55 PM)
Jan Bell

Also Present:

Theresa Jarvis, Temporary Recording Secretary

Approval of Minutes:

Motion Jelley, second Clark, to approve the Minutes of the January 12, 2010 meeting as written; vote unanimous.

Recording Secretary:

Chairman Jelley said that she'd had time to think about Jarvis' offer to be temporary recording secretary for the BOE and had problems with it. She asked board members how they felt about the appropriateness of a town official or employee filling the position. A general discussion followed. Some members felt that it might not be a problem when the BOE was working on process items but certainly would raise questions when the board received a request or complaint. While a nice gesture, Bell thought that Jarvis' offer opened a huge can of worms. She also noted that by the nature of its charter the BOE must be held to a high if not higher standard so as to not undermine public confidence. Hunter agreed and expressed concern that the involvement of a selectman, for example, might make people hesitant to come forward with a complaint. Clark suggested that the recording secretary always could recuse her/himself and leave the board to do its thing. Jarvis recognized that she would have to recuse herself if a request or complaint were filed and said that the board would have to decide how difficult it would be for a member to take the notes. Having assumed the responsibility once or twice when necessary, Bell volunteered to take meeting notes and write up the minutes until a recording secretary can be found. Jelley pointed out that a recording secretary would be especially critical when dealing with a request or complaint. Members decided to have Bell perform the duties temporarily but agreed that it's not ideal to have a board member simultaneously participate in board discussions and take meeting notes.

In order to avoid a conflict or even appearance of a conflict of interest, members agreed that someone from the community at large should be found to serve as the BOE's recording secretary. Fadden said that it's up to the BOE to name a recording secretary. Hunter asked whether the recording secretary is a paid or volunteer position. Clark said that it might be possible to find a person to volunteer. Jelley encouraged board members to get the word out to everyone who might be interested in assisting the board. Hunter said it could be a good opportunity for someone who would like to be a public servant but not necessarily a BOE member. Jarvis further noted that the position could be a testing ground for someone who was considering serving on the BOE.

Motion Hunter, second Clark, to begin the process of looking for a volunteer to serve as the

recording secretary for the Board of Ethics; vote unanimous. Anyone interested in the position should contact Barbara Hunter by telephone (859-5140) or email (khunter@worldpath.net). Jarvis to arrange to have the position announced at the next Board of Selectmen's meeting and to have a notice posted on the website.

OLD BUSINESS

Barbara Hunter reported to have developed a sign-in sheet for use at meetings when there may be members of the public attending.

Revisions to the Checklist for Interpreting Requests

Members reviewed the third draft and made further edits. Bell volunteered to prepare the fourth draft reflecting all changes.

Motion Bell, second Jelley, to close discussion of the third draft; vote unanimous.

Feedback from the Board of Selectmen on Ordinance Amendment

The change to the Ethics Ordinance proposed by the BOE has been included in the 2010 Town Warrant, to be moved by Fadden and seconded by Clark. Fadden to answer any questions that may arise at Town Meeting.

Motion Hunter, second Clark, to close discussion of the proposed ordinance change; vote unanimous.

Appointment to the Board

Debra Jelley will be leaving the BOE at the end of her term, leaving one seat vacant. Board members requested that the opening be announced on the BOE web page. Board membership is by Board of Selectmen appointment, and interested individuals must apply by completing the Volunteer form, which can be downloaded from the website and obtained from the Town Clerk.

Barbara Hunter wishes to be reappointed for a second term. Chairman Jelly to write a letter of recommendation to the Board of Selectmen in support of her reappointment.

Motion Hunter, second Bell, to close discussion relative to appointments to the Board of Ethics; vote unanimous.

Spring Presentation

The BOE's intent is to create a short presentation to help educate town boards, commissions, and employees on the subject of ethics. Fadden said that he had not been able to devote additional time to this project but will bring copies of the PowerPoint slides he has developed to the next meeting. Board members agreed that the presentation should be approximately 15 minutes long. Possible content items include a discussion of What is Ethics? and a brief overview of the Town's Code of Ethics.

For the March meeting each person will develop a list of 10 items from the Code of Ethics that he/she believes are key points to be covered in the presentation.

OTHER BUSINESS

March Meeting

Due to the 2nd Tuesday in March being election day, the next BOE meeting will be held on Tuesday, March 16, 2010, at 6:30 PM at the Town Hall.

Website

The temporary recording secretary was asked to find out the contact person for the website and pass along the name to board members.

The following items were identified as needing to be changed, deleted, or added on/to the BOE web page:

Meeting times – To be changed to “2nd Tuesday of every month, if needed.” This is similar to the language used by the ZBA.

Notice that the March meeting is the 3rd Tuesday, not the 2nd

Announcement of the need for a volunteer to be recording secretary

Announcement of an open board position as of April

Removal of the “Rules of Procedure” draft dated July 21, 2009

Change of all Ethics Committee verbiage to Board of Ethics

Motion Hunter, second Fadden, to adjourn at 8:27 PM; vote unanimous.

Respectfully resubmitted,

Jan Bell, Acting Recording Secretary