

Approved: July 12, 2011

ETHICS POLICY REVISION COMMITTEE

PUBLIC MEETING MINUTES

June 28, 2011

The meeting was called at 7:05 PM in the New Durham Town Hall by Dot Veisel, Chair.

Present: Present: Carol Allen, Dot Veisel, Barbara Hunter, Mike Gelinias (arrived 7:10)

Absent: Stephanie MacKenzie

Also Present: Mary McHale

Approval of minutes: Chair Veisel moved for the review, additions, and omissions in the minutes of June 14, 2011. On page 3, she questioned the last change in C. Duty to Disclose as being fragmented and wondered if that was in error. Hunter had double checked with the recording when preparing them and that was how it was suggested. It was decided to motion to approve the minutes and revisit that issue during this meeting. Motion: Gelinias. Second: Allen. Vote: unanimously approved.

Business:

Section II policy review —

Chair Veisel questioned if there was a conflict in Section II A. (iv) with (ii). Discussion followed stating that (ii) deals with a public servant representing someone before a body while the other is about recusing oneself when there are conflicts as described without representing someone. Chair Veisel asked members if that was clear or if there is a need for further explanation. Allen, Gelinias and Hunter felt it was clear. Chair Veisel removed her question. Gelinias motioned to retain (iv) as written. Second: Allen. Three ayes. Veisel abstained.

C. Duty to Disclose

Hunter suggested the committee look at Milford's policy page 2, B. Conflict of Interest beginning with the sentence that reads, "In any instance where . . ." Discussion followed leading to a consensus to return to the original title removing the addition made at last meeting which read, "a Conflict of Interest or Even an Appearance of One." Also, to add the sentence from Milford so it will now read:

In any instance where there is a conflict of interest or there could be the appearance of conflict of interest, a public servant shall disclose the circumstances prior to the time the matter arises for official consideration or discussion, stating all:

- dealings
- interests

- relationships
- friendships
- possible conflicts

At this time it was decided to delete the last sentence which reads, “All of the above conditions which may exist between public servants and their families, and the principals or the issue under consideration.” During a future review the committee will see if all situations are covered without including it.

D. No Unfair Personal use of Town Property

One change made – replace “official, board member or employee of the Town of New Durham” with public servant.

It was decided to reduce the repetition of identifying public servants in the Town of New Durham throughout the document, by including Town of New Durham in the definition of public servant and remove all such references in the document.

E. No Misuse of Confidential Information – replace “official, board member or employee of the Town of New Durham” with public servant.

Chair Veisel commented that the exclusion of “this does not apply to information which is readily available to the general public” speaks to MacKenzie’s concern brought up at the last meeting as an employee working in the Town Hall regarding responding to resident requests for names of people in the town who provide services.

F. No Improper Gifts – replace “official, board member or employee of the Town of New Durham” with public servant. No other changes.

G. A Duty to Cooperate –

Discussion focused on the reason for this section as being related to the original document which stated that the Board of Ethics may require the complainant and respondent to appear and provide documentation regarding a complaint. This section tabled as a possible move to the complaint section.

H. Fair and Equal Treatment – Consensus to replace “official, board member or employee of the Town of New Durham” with public servant in the first sentence and replace “official, board member or employee” with public servant.

I. Investments that Conflict with Official Duties

Discussion as to whether there is a need to have this section because it repeats a conflict that is in other sections. It was decided by consensus to delete Section I. Investments and make the following changes:

- In Section II A. (iv) add investments so it will now read “Public servants shall recuse himself/herself if engaged in any investment, business, transaction . . .”
- In Section II C. replace dealings with investments or other private transactions

J. Nepotism

Chair Veisel stated that she was unable to find any reference to nepotism in other documents and wondered if it should be removed. Hunter noted that it was included in the policy for the Town of Fremont NH that Alison Rendinano distributed to the committee in April. Upon reviewing such, Gelinas stated that he liked how part-time employment was addressed. Chair Veisel felt that (b) should be in the employee handbook and there is no need to be included in the policy. Hunter said that we don’t know what is in the handbook but it is a good idea to spell it out in the policy for the community to know what that is. Chair Veisel will contact Stephanie MacKenzie for a copy since she is the employee representative to the committee and absent from this meeting.

Chair Veisel is in favor of (a) and (c) but not (b). Others felt at this time to include the following from Fremont NH in the policy for future review.

(a). Public Officials and Boards: No person serving in a public position shall appoint or vote for appointment of any person in his/her immediate family for any public position. If a proposed appointee is a member of the immediate family of any Board member that member shall remove himself/herself completely from the appointment process.

(b). Public Employment by Department Heads: When employing the members of the immediate family, Town Public Policy makes the fairness and conformity with Town Policy mandatory. Thus, full-time employment of immediate family members shall not be approved if another member would have the practical authority to appoint, evaluate, supervise or discipline the other. If a need arises for part-time or seasonal employment by a Department, then any proposal to employ a member of the Department Head’s immediate family shall be subject to prior approval by a majority of the Board of Selectmen. The Selectmen and Department heads shall insure that the interests of the community and fairness to all seeking employment are the primary considerations.

(c). Voting: No public servant shall vote on appointment of a person with or in whom he has a personal or financial interest.

Gelinas brought up the concern when there is an emergency situation e.g., during fighting a fire, regarding nepotism. Referring to Section III. Exclusions 1.D his concern was addressed.

At the next meeting: First Section III. Exclusions will be reviewed then the committee will go back over the entire policy before addressing Section IV. Complaints. It was noted that since Katie Woods was the Vice Chair of the committee and is no longer on the committee, there is a need to have a replacement. This will be decided at that time.

Next Meeting: July 12, 2011 at 7:00 in the Town Hall

Adjournment: Motion – Hunter. Second – Veisel. Vote unanimously in favor. Adjourned at 8:57 PM.

Respectfully submitted,

Barbara Hunter, Secretary

A video recording of this meeting is on file with the Office of Town Clerk, is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.