

Approved: August 23, 2011

ETHICS POLICY REVISION COMMITTEE

PUBLIC MEETING MINUTES

AUGUST 9, 2011

The meeting was called to order at 7:11 in the New Durham Town Hall by Dot Veisel, Chair.

Present: Carol Allen, Mike Gelinias, Barbara Hunter, Dot Veisel.

Also Present: Ellen Phillips, David Bickford, and Terry Jarvis, who was briefly called into meeting.

Approval of Minutes: Chair Veisel moved for the review, additions, and omissions in the minutes of July 26, 2011. There being none, Motion to approve: Gelinias. Second: Allen. Vote: unanimously approved.

Business:

Chair Veisel had asked that Alison Rendinaro send an e-mail to all departments requesting employee input and review of work done so far by the committee. David Allen, Land Use Administrator, Carole Ingham, Town Clerk, and Terry Jarvis, Chair of the Board of Selectmen, responded and were provided copies of updated work done so far. Veisel has received no feedback to date. Additionally, she reported that her request to the Board of Selectmen to allow the Ethics Policy Revision Committee to submit our completed draft and questions for review/input by the Town Attorney had been approved at their August 1 meeting. Veisel distributed copies of a letter that had been forwarded by David Bickford. It was a response by Paul Sanderson from Local Government Center (LGC) to an inquiry he had made in February. This document called attention to the fact that there is no clearly defined "process by which one may obtain guidance regarding potential ethical issues" as stated in paragraph 3 under Purpose. Committee agreed this issue needs to be addressed in the revision process.

After discussion there was consensus to strike, "A duty to cooperate" in the bulleted section on page 1 because it is misleading. Gelinias questioned the need to have the first sentence under (a) in Section H Nepotism (page 8). He felt it was redundant. Committee agreed to strike the following sentence: "No person serving in a public position shall appoint or vote for an appointment of any person in his/her immediate family for any public position." Under (b) we agreed to change statement to: "Employees: The procedure as defined in the Personnel Policy." On page 3 we removed the "ing" from electioneering and the phrase "by town employees." It was noted that the definition for Pecuniary is out of alphabetical order. On page 5 section ix, Hunter questioned the application of the concept of payment by a grant. After discussion and input from selectman Jarvis (who stopped in briefly) Gelinias motioned to add "preapproved by the Office of the Selectmen." after the word grant. Hunter seconded and the motion passed unanimously. On page 9: the heading "SECTION III EXCLUSIONS" was added. The

meaning and full interpretation of number 2 under Exclusion section will be sent to town counsel for explanation.

In preparation for reviewing SECTION IV, an in depth discussion took place about the need to outline the steps of a process which will reflect the future role of the Board of Ethics (BOE). Hunter suggested Section IV be renamed, "Process." Gelinis questioned what the procedure should be if there is an allegation against one or more selectmen. There was extensive discussion about the role of the BOE in future. Veisel questioned who will ultimately be served by the BOE via the Ethics Policy. Members each shared their vision of the role of the BOE. A list of roles included:

- 1) BOE would act as a screening body to determine if an allegation/complaint required further investigation by the Board of Selectmen (BOS).
- 2) BOE would serve to educate about importance and nature of ethical issues.
- 3) BOE would be an advisory adjunct to the BOS to set standards, provide advice, receive complaints and provide an opportunity to be heard.
- 4) BOE would serve as "sounding board" where citizens can come to get complaints aired.
- 5) BOE would not have authority to hold hearings but would hold joint hearings with the BOS.

Speaking from the public, Ellen Phillips said it seems the major issue could be going to the BOS with a violation. She suggested it could be written to include a choice offered to citizens of either consulting with the BOE before going to BOS or going directly to the BOS and choose to have BOE accompany them when they present their complaint to the BOS. Issues concerning citizen's rights to privacy were discussed. Hunter said further study of the NH Right to Know Law is needed to determine what needs to be included in our policy.

Allen was excused at 9:20.

Veisel checked the BOS minutes of 8/1/11 to verify that we can submit questions to town counsel before the draft is finalized for his review.

Next meeting is Tues., August 23 at the Town Hall. We will continue working on Section IV and draft questions for Town Attorney.

Motion to adjourn 9:32 by Hunter. Veisel second. Unanimously passed.

Respectfully submitted,

Dorothy L Veisel

The videographer was unavailable to tape this meeting because of special election duties.