



BOARD OF SELECTMEN BY-LAWS PELHAM, NEW HAMPSHIRE

A. PURPOSE:

These By-Laws describe the duties, rules of procedure, and methods of operation of the Pelham Board of Selectmen (BOS).

B. AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority from NH RSA 41:8. The Town Administrator derives his/her authority from NH RSA 37.

C. ORGANIZATION:

1. Responsibilities of Members:

(a) All members shall make every effort to attend each scheduled meeting.

(b) Members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound by any action or statement of any individual Board member except when such statement or action is pursuant to instructions from the Board.

(c) Members are expected to sign various paperwork (including payroll manifests, etc.) in a timely manner, unless impending absence has been noted and the Chairman notified. The signing of this paperwork may either be performed via physical means or by electronic document signature. All such signatures shall be in conformance with State Law.

2. Officers:

Election - A Chairman and Vice-Chairman shall be elected at the first regularly scheduled meeting following the swearing in of members elected at the annual Town Meeting. Election shall be by a majority vote of those present.

3. Committees:

Members of the BOS shall be appointed, by a majority vote of present members, to represent the BOS and report back to the BOS, in regard to all activity and pertinent information they shall receive. If the appointed member can not make an obligation, he/she may ask a member to fill in for their absence. When calling for appointments, the chair will ask for nominations. Any member may nominate either oneself or another member of the board. As long as the member does not decline the nomination, a second is not needed. Once all nominations are made, the chair shall open for discussion followed by a vote where an appointee is chosen by the majority. This process shall continue until all committee appointments are made. The term of all appointments of Selectmen Representatives, including the terms of any ex-officio members (voting members) of the Board of Selectmen serving on local land use boards (i.e., Planning Board, Conservation Commission, and Historic District Commission) shall be for one (1) year, or until next Town Meeting, whichever is sooner. All appointments shall be made on the first scheduled BOS meeting after the annual town election.

D. OPERATION:

1. Meetings:

Regular Meetings - A more formalized meeting of the Board generally conducted in accordance with the order of the "Agenda" contained herein. The Chairman may allow but is not required to allow public input and/or participation during discussion of the Board at time other than public hearings or public comment. This will be limited to comments on the motion under consideration.

Special Meetings - May be called by the Chairman in accordance with RSA 91-A:2,II; upon demand of three (3) members of the Board; or at the request of the Town Administrator through the Chair. The Chairman shall notify each member in accordance with RSA 91-A:2,II. Twenty-Four (24) hours notice shall be given to each member, except in emergencies.

Non-Public Meetings - A meeting of the BOS held for town legal and personnel issues in accordance with RSA 91-A:3. There are a few specific situations where the Board of Selectmen is permitted under law to conduct official business without posting notice of a meeting or taking minutes as set forth in RSA 91-A:2, I. These non- meetings may be held during the course of a non-public session or at any other time that is convenient to the participants. The scheduling of any such meeting will be managed by the Chairman.

Selectmen should be aware that RSA 42:1-a states that a Selectmen (who is a Town officer) may be dismissed from office following the filing of a petition to the Superior Court for violating the officer's oath of office, which can occur when the officer divulges to the public any information which that officer learned by virtue of his/her official position, or in the course of his/her official duties if:

A public body properly voted to withhold that information from the public by a 2/3rds vote (relating to the sealing of non-public session meeting minutes), as required by RSA 91-A:3, III, and if the divulgence of information would adversely affect the reputation of some person other than a member of the public body or would render proposed municipal action ineffective; or,

The Selectman knew or reasonably should have known that the information was exempt from disclosure pursuant to RSA 91-A:5, and that its divulgence would constitute an invasion of privacy or would adversely affect the reputation of some person other than a member of the public body or would render proposed municipal action ineffective.

E. RULES OF ORDER:

1. Quorum - A quorum shall consist of three (3) members of the Board. If three (3) members are absent from a meeting, no official meeting can take place and therefore no decisions can be made. No scheduled meeting shall be cancelled unless inclement weather creates a hazardous travel condition. Meetings, when quorum is met, still provide the public the opportunity to bring forward their concerns, thus the integrity of the scheduled meeting shall be maintained. If the Chair or Vice Chair cannot be present at the meeting, the Chair has the authority to allow said meeting to take place in their absence upon notification to all board members. Chair will appoint member of their choice to act as chair in this instance.

2. Remote Participation in Meetings – The provisions of RSA 91-A:2, III shall apply to the remote participation of a Selectman at a public meeting or non-public of the Board by telephone or video conference. Adequate notice should be provided when possible.

3. Votes – It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by email or in such a way that is contrary to the Right-to-Know Law. Further, Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (including voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectmen should disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome.

4. Agenda – The Town Administrator bears the primary responsibility for coordinating and planning the agenda. The Chairman has the final authority over the final approved agenda, timing, schedules and related matters. The agenda shall be published with meeting notice, and included in the minutes. A suggested agenda is provided below. It may be changed by the chair or by vote of the Board.

AGENDA

Call to Order
Pledge of Allegiance
Meeting Minutes
Open Forum
Chairman Comments
Agenda Items

Committee Reports
Town Administrator's Report & Board Questions
Additions and/or Requests by Public or Board by Vote
Adjourn

(a). Selectmen wishing to place an item on the agenda must make the request to the Town Administrator and Chairman before Friday at 12:00 p.m. prior to a Tuesday meeting. Citizens wishing to place an item on the Selectmen's agenda and plan to make a presentation must provide a copy of all presentation material and documentation to be included in each selectman's "packet" by Thursday at 9:00 a.m.

(b). Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business, unless a motion has been made at the start of the meeting to adjourn at a specified time.

6. Role of the Chairman:

The Chairman's duties are as follows:

(a) To open the session at the time at which the Board is to meet by calling the members to order; to announce the business before the Board in the order in which it is to be acted upon.

(b) To recognize members entitled to the floor.

(c) 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.

(d) To keep order and maintain the function of the BOS meeting.

(e) To assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if he thinks it advisable.

(f) To restrain the members when engaged in debate within the rules of order.

(g) To enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless he prefers to submit the question for the decision of the Board.

(h) To inform the Board on a point of order or practice pertinent to pending business.

(i) To ensure that Board communication abide by all aspects of the NH Right-to- Know Laws.

(j) To authenticate by their signature, when necessary, all acts, orders and proceedings as directed by vote of the Board.

(k) The Chairman shall issue calls for candidates and specify dates for return of applications for positions appointed by the Board.

(l) The Chairman shall vote as a member of the Board.

(m) 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 Chairman shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

7. Role of the Vice Chairman:

The Vice Chairman's duties are to act as Chairman in the absence of the Chairman.

8. Conduct of Meetings:

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters, Robert Rules of Order shall serve as a guideline with a vote of the Board being the final deciding authority. Respect and professionalism shall be maintained in public and non-public sessions.

9. Recording of Votes:

Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.

10. Requests for Information:

(a) Should it become apparent to the Chairman or an individual Board member, in the interim between meetings, that additional information relative to a specific item may be needed for Board use at the next regularly scheduled meeting, a request for this information shall be submitted to the Chairman and Town Administrator before the agenda is set.

(b) Requests for information from other Board members from the Town Administrator, Town Counsel, Department of Revenue Administration, or the Attorney General's Office shall be made through the Chairman. The Chairman shall decide if he/she wants the Town Administrator to proceed with the request. Should the Chairman deny the request, the requesting member may bring the issue to the full Board at its next regular meeting for the majority to rule on. Any information provided to any individual Selectman shall be provided to the rest of the Board.

F. AMENDMENT PROCEDURE:

An amendment to these By-Laws may be moved at one Board meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any

amendment shall then be certified and submitted to the Town Clerk for inclusion in the Town Records.

G. DUTIES:

(a) **669:63 Selectmen.** – Vacancies in the board of selectmen shall be filled by appointment made by the remaining selectmen. Whenever the selectmen fail to make such appointment, the superior court or any justice thereof, on petition of any citizen of the town, and after such notice as the court shall deem reasonable, may appoint a suitable person to fill the vacancy; provided, however, that if the town has adopted the provisions of RSA 669:61, IV, and a petition thereunder is submitted before the submission of a petition under this section, the provisions of RSA 669:61, IV shall apply.

(b) The BOS, along with the Health Officer and Deputy Health Officer, also acts as the Board of Health.

(c) The town of Pelham has a Budget Committee that presents a budget. Once the budget is accepted via a town vote, the BOS is charged with monitoring expenditures as part of their financial duties and make adjustments during the fiscal year by appropriate transfers of appropriations.

(d) RSA 41:11-a gives the BOS authority to manage, care for and control town property that has not been placed in the care of another board, officer, or department by state statute or by vote of town meeting.

(e) The BOS is charged with appointing resident representatives to specific organizations such as the Zoning Board of Adjustment, Conservation Commission, Forestry Committee, etc.

H. LIMITATION ON SELECTMEN'S DUTIES:

1. The duties and responsibilities of the Board of Selectmen as set forth in these guidelines and as otherwise enumerated under NH State Law, are almost always subject to certain conditions, limitations and exclusions that require further examination to determine the full extent of the Board's authority as it pertains to each specific set of circumstances.

2. The Board of Selectmen has no direct authority over Town personnel other than the Town Administrator.

3. One selectman acting alone has NO authority. It is the collective body acting by a majority vote at public meetings, complying with the Right to Know Law (RSA 91-A) and RSA 41:8, that gives the BOS its authority to act.

I. EMPLOYEES:

1. Duties: The Recording Clerk shall be the official recorder of the minutes of the Board of Selectmen and an official copy of the records are to be filed in the Selectmen's Office and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Recording Clerk to keep a roll of members and to call the roll when required. The Recording Clerk shall record the essentials called "the minutes" of the proceedings as follows:

(a) The kind of meeting - regular, special, work session, or recessed.

(b) Time of meeting and place of meeting

(c) The presence/absence of Board members

(d) The presence of Town staff, attorneys, or other participants

(e) Whether the minutes of the previous meeting were approved or amended.

(f) All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.

(g) The hour of adjournment.

The Recording Clerk shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second and should enter the number and names of votes on each side.

In addition to the strict record of what is done, the public minutes should contain the list of speakers on each side of every question with an abstract of all relevant points.

Reports of committees should be printed exactly as submitted. The minutes should show what action was taken by the Board regarding them.

J. CONFLICTS OF INTEREST:

If a Selectman has a personal (including family relations) or pecuniary (financial) interest in any matter that is before the Board, that member shall recuse himself/herself from the Board's consideration of that matter. If the Board engages in a non-public session that is related to such matters, the member who has a conflict shall not attend the non-public session.

Dated this 21 day of June, 2022.

SELECTMEN:



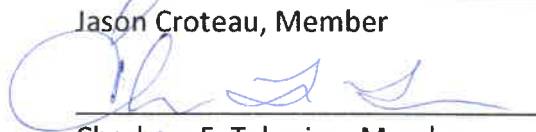
Heather Corbett, Chair



Jale Bergeron, Vice Chair



Jason Croteau, Member



Charlene F. Takesian, Member



Kevin Cote, Member

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