

BY-LAWS
BOARD OF SELECTMEN
MILTON, NEW HAMPSHIRE

A. PURPOSE:

These By-Laws describe the duties and methods of operation of the Milton Board of Selectmen.

B. AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority from NH RSA 41:8-15, other RSA's and Town of Milton Ordinances policies. The Town Administrator derives his/her authority from NH RSA 37 Town of Village District Managers.

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 Town Administrator 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:

- a. 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 a majority vote of those present.
- b. Board of Selectmen vacancies created during the year shall be filled within forty-five (45) days of the effective date of the vacancy. Such vacancies shall be filled via appointment of the Board of Selectmen by the remaining Board members. The Chairman, or majority of the Board will issue a call for candidates, set the parameters for the applications, and schedule a public meeting for the purpose of making the appointment. All such appointments and related timing will adhere to the then current New Hampshire State Law.
- c. Duties – The Chairman is responsible for presiding at all meetings of the Board and performing all duties required by law.
- d. In the absence of the Chairman, the Vice-Chairman is responsible for presiding at the meetings and performing - all duties and responsibilities of the Chair.

D. OPERATION:

1. Meetings:

- a. Board of Selectmen Organizational Meetings – The Board may adopt the previous Board’s policies and procedures, subject to amendment as provided in these by-laws.
- b. Public Meetings – A more formalized meeting of the Board generally conducted in accordance with the order of the “Agenda” contained herein.

These meetings will generally be held at Town Hall and recorded if equipment is available. The Board shall establish a schedule for meetings. All meetings will be held in accordance with RSA 91-A. The majority of the Board may allow but is not required to allow public input and/or participation during discussion of the Board at time other than public hearing or public comment. This will be limited to invited comments pertinent to the topic at hand.

- c. Workshop Meetings – A less formalized meeting of the Board generally conducted for the purpose of providing Board members with a more detailed understanding of a limited number of issues or to permit discussion of issues in greater depth and not intended to make motions or decisions at these meetings. For these meetings, public comments will not be allowed at these meetings and generally will not be recorded; either can be overruled by a majority of the Board.
- d. Non-Public Meetings – A meeting of the Board 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-public 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.
- e. Special Meetings – May be called by the Chairman in accordance with RSA 91-A:2, II; upon agreement of two (2) 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.

2. Schedule of Meetings:

Each meeting shall be posted in accordance with RSA 91-A

3. Review of Audit Reports:

The Board shall review the audit report as soon as the report is made available and take any action related thereto.

4. Town Administrator:

- a. Annually, the Board of Selectmen is responsible for evaluating the job performance of the Town Administrator. It is the Chairman’s responsibility to coordinate the evaluation. The majority of the Board will complete a comprehensive draft of the evaluation. The current seated Board of Selectmen must complete the final evaluation document prior to the next annual election. The final evaluation document shall remain on file in the Town Administrators office with personnel files.
- b. The Town Administrator may take part in the Select Board’s discussion on all matters on the Agenda, and all matters concerning the welfare of the Town. In the event that the Town

Administrator is unable to attend a Select Board meeting, the Town Administrator may appoint another qualified person to attend the meeting.

E. RULES OF ORDER:

1. Quorum

A quorum shall consist of two (2) members of the Board. In the event that two (2) members are absent from a meeting, no official meeting can take place and therefore no decisions can be made.

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 of the Board by telephone or video conference, only upon the consent and majority vote of the remaining members of the Board.

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 way that is contrary to the Right-to-Know Law. At the beginning of the discussion of any topic, a Selectman shall announce the intention to recuse himself/herself and shall take no part in the debate should he/she feel that to vote would constitute a conflict. A Selectman should disqualify himself/herself whenever he/she has a direct personal or monetary interest in the outcome.

4. Voting Abstentions

In the event that a Selectman should voluntarily abstain from voting, such action shall not count towards the tally of a vote for the purpose of determining the majority viewpoint. If more than one Selectman abstains from a vote, no action shall be taken.

5. 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. A suggested agenda is provided below. It may be changed by the chair or by vote of the Board.

AGENDA

- Call to Order with Pledge of Allegiance
- Public Comment
- New Business
- Old Business
- Other Business that may come before the Board
- Approval of Minutes
- Public Comment Relative to Current Meeting Topics
- Treasurer and Expenditure Reports
- Administrator Comments
- Selectmen Comments
- Adjournment

- a. Selectmen and citizens wishing to place an item on the agenda must submit a request to the Town Administrator using the Selectman's Agenda Request Form, all guidelines on the form must be followed. See Appendix A
- 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.
- c. Public Comment - Opening public comments will operate under a *suggested* time limit of 2 minutes per person. Closing public comments will operate under a *suggested* time limit of 3 minutes per person relative to the current meeting topics discussed.

6. Role of the Chairman:

The Chairman's duties are as follows:

- To open the session at the time at which the Board is to meet by calling the members to order.
- To recognize members entitled to the floor.
- To state and put to vote all the questions which are regularly called or necessarily arise during the proceedings and to announce the result of the vote
- 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 the Chair thinks it's advisable.
- To authenticate by his/her signature, when necessary, all acts, orders and proceedings as directed by vote of the Board.

The Chairman shall vote as a member of the Board.

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. 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.

8. 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 the Board's use at the next Public meeting, a request for this information shall be submitted to the Town Administrator before the agenda is posted. The Town Administrator shall decide if he/she wants to proceed with the request. Should the Town Administrator 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. The decision made to deny the request cannot be held against the Town Administrator.

- b. Any information provided to any individual Selectman by Town Administrator shall be provided to the rest of the Board.

F. 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 Town Hall 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.
- h. Copies of pertinent information presented will be provided in minutes.

The Recording Clerk shall record the essentials of the proceedings, the name of the member who introduced the main motion or amendment and the name of the second.

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.

G. 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 the personnel other than the Town Administrator. The only time the Board of Selectmen has any authority is when a quorum is present.
- 3. The Board of Selectmen will follow the Chain of Command chart found in Appendix B

H. AMENDMENT PROCEDURE:

A copy of any amendment shall be certified and submitted to the Town Clerk for inclusion in the Town Records.

I. APPOINTMENT TO BOARDS AND COMMISSIONS:

1. The Chair shall request from members their choices of committees, boards and commissions they wish to serve on as Selectmen's Representative. The Board will collectively decide which member will serve on each board, committee, or commission and appointments will be made.
2. The term of all appointments of Selectmen Representatives, including the terms of any ex-officio member of the Board of Selectmen serving on local land use boards (Planning Board, Recreation Commission and Budget Committee) shall be for one (1) year, or until next Town Meeting, whichever is sooner.
3. After the Town Meeting; the Town Administrator will meet with the Town Clerk and determine how many expired positions for committees or boards that the Board of Selectmen is responsible to appoint members to. These positions will be posted on the Town website, in Town Hall and on the town Facebook page for a minimum of 10 days, with a closing date, asking for interested personnel to submit a letter of interest. The Board of Selectmen will then make appointments at the next regularly scheduled Public meeting.

J. ANNUAL REVIEWS/ACTIONS:

As a matter of business and protocol, the Board of Selectmen will execute the following matters on a timely and annual basis.

1. Review and reaffirm/dissolve existing committees previously established by the Board of Selectmen (March-May)
2. Set the new Tax Rate for the coming tax year
3. Review and adopt the Annual Road Program Plan
4. Review and adopt the Annual Capital Improvement Plan
5. Establish Annual Board of Selectmen Goals (May)
6. Provide the Town Administrator with a target percentage tax rate increase/decrease as input into the annual budgeting process.

Amended By-Laws

Date: May 2, 2022

Subject Amended: Addressed the duties for Chairman and Vice Chairman, modified the Meeting information and the Agenda order, corrected editorial mistakes, added Appendices.

Chairman Claudine Burnham

Vice Chairman Matt Morrill

Selectman Humphrey Williams

Approved May 2, 2022



SELECTMAN'S AGENDA REQUEST FORM

DATE OF REQUEST _____

REQUESTED AGENDA DATE _____

#1 AGENDA

Selectmen's Meetings are generally conducted on the 1st and 3rd Monday of each month, see website for more details. To be considered for inclusion, requests must be received by noon time on the Wednesday preceding a meeting. Please provide a brief description of why you would like to be on the agenda. Give an explanation of what the reason is, the desired outcome of placing it on the Agenda and any other pertinent information.

NOTE: Supporting documents are required for the agenda.

Questions regarding the agenda management can be directed to the Town Administrator via phone or email.

#2 NON-PUBLIC SESSION

Non-Public requires specific reason and must meet RSA 91-A:3 II(a) Dismissal, promotion or setting compensation for public employees, or II(b) Consideration of hiring employees, or II(c) Matters which if discussed in public would likely affect adversely the reputation of any person unless such person requests an open meeting, or II(d) Consideration of the purchase, sale or lease of real or personal property which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, or II(e) Discussion of pending or threatened (in writing) litigation against the Town or Town Officials, Board members or employees, or II(f) Consideration of applications by the adult parole board under RSA 651-A, or II(g) Consideration of security related issues bearing on the immediate safety of security personnel, or II(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, or II(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, or II(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure.

If your request is for a Non-Public Session, please state the reason and RSA letter (a, b, c, d, e, f, g, h, i, j)

Put on the Agenda only: #1	OR	Non-Public Session: #2
(Please circle #1 or #2)		

REASON:

PRINT NAME _____

TEL. NUMBER _____

CELL PHONE _____

ADDRESS _____

TOWN, STATE, ZIP _____

SIGNATURE: _____

Chain of Command

The Select Board, when dealing with the Town Administrator and Town Staff, shall:

1. Recognize the administrative Chain of Command.
2. Treat all staff as professionals and respect the abilities and integrity of each individual.
3. Limit requests for staff support and ensure that all requests go through the Town Administrator's Office.
4. Never as individuals publicly criticize an employee. Concerns of employee performance shall be handled with the Selectmen and Department Head or under RSA 91-A at the Board level, usually in nonpublic session.
5. Not act individually but only as a Board. For example, all directives to the Town Administrator must come from the Board, not from any individual member, except that an individual Select Board member may make reasonable requests for information to the Town Administrator. In such case, any information shall also be provided to the entire Select Board.

