

**TOWN OF SUNAPEE SELECTBOARD**  
**POLICIES AND PROCEDURES**

*Last Revised/Approved: October 30<sup>th</sup>, 2023*

**I. PURPOSE:**

This document describes the duties and methods of operation of the Sunapee Select Board (“Board”) and provides guidelines on approaches to interfacing with the Town Manager (“Manager”), the Town of Sunapee (“Town”), its employees (“Employees”), and the public. Any RSA changes shall supersede existing Town processes. In addition, the Select Board will adhere to the Sunapee Code of Ethics.

This document is to be reviewed and approved as written, or revised as necessary then approved, at the first meeting of the voted board after each Town election. Any item herein, except as required by law, may be overruled on a per-occurrence basis by a majority vote of the present Board at any time. 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 7 (seven) days later.

**II. AUTHORITY:**

The Board is a duly elected Board and derives its authority from RSA 41:8, other RSAs, and Town ordinances. The Manager derives their authority from RSA 37.

**III. ORGANIZATION:**

The Board is a 5 (five) member Board. For purposes of process, the Board shall vote upon and elect a Chair and Vice-Chair at the first meeting following each Town election. Any vacancies shall be filled within 45 days. In the event the Chair is unable to attend a meeting or must abstain from action, the Vice-Chair shall fulfill the duties as required.

**IV. POWER & DUTIES:**

- A.** Board members shall make their best effort to attend all meetings.
- B.** Members of the Board have authority only when acting as a Board legally in session and with a quorum. 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.** Given that the Town has voted to be under a Town Manager form of governance, duties as required under RSA 37 are to be completed by the Manager.
- D.** The Chair shall preside at all meetings of the Board and perform all duties required by law. In the absence of the Chair, the Vice-Chair shall perform the duties of the chair. Any action of the

Chair may be overruled by a majority vote of the board.

- E.** The Board shall delegate members of the Board to serve on required committees after each Town election and may delegate members to perform other duties as agreed upon by consensus and permitted by law.
- F.** The Board shall hold standard public meetings as necessary in order to facilitate the business of the town. The Chair may allow, but is not required to allow, public input and/or participation during discussion of the Board at times other than public hearings or public comment. (See Public Comment Procedures)
- G.** The Board may hold non-public meetings as needed, as provided under RSA 91-A:3. These may be distinct from a standard meeting or may be included as an item in the process of a regular meeting, in which case a short recess may be called in order to ensure proper attendance is achieved. Non-public meetings shall generally be placed at the end of a regular meeting if they are co-scheduled, after public action. If any public action is knowingly acted upon after a non-public session, it shall be noted prior to entering non-public.
- H.** Annually, the Board is responsible for evaluating the job performance of the Manager. It is the Chair's responsibility to coordinate the evaluation, including obtaining input from the other members of the Board, aggregating that information, and presenting to the Board a comprehensive draft of the evaluation document. The current seated Select Board must complete the final evaluation document prior to the next annual election. (Or prior to the Town Managers anniversary date.)

## **V. ENACTED ORDINANCES AND RESOLUTION:**

An **enacted ordinance** is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Examples include Personnel Policy, Investment Policy, Fixed Asset Policy, Road Excavation, etc.

Selectboard action shall be taken by ordinance when required or permitted by law to prescribe permanent rules of conduct which continue in force until repealed.

An **enacted resolution** is an internal legislative action that is a formal statement of policy concerning matters of a special or temporary character. Selectboard action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

### **1. RESOLUTIONS**

Each resolution may be voted and approved on the same day on which it was introduced. Examples include recognition of an Eagle Scout, declaration of Public Works Week, support for action by the state or federal government, etc.

### **2. ORDINANCES**

A Selectman may, in open session, request of the Chair that the Selectboard study the wisdom of enacting a particular ordinance. By affirmative motion, the Selectboard may assign the

proposed ordinance to an existing or newly created committee. The committee shall report its findings to the Selectboard.

**3. The procedure for ordinance enactment is as follows:**

- a. An ordinance shall be introduced at a public meeting of the Selectboard.
- b. At this meeting, the Selectboard shall determine a future date for a Public Hearing, if necessary. At the **second** meeting, the Selectboard shall hold a Public Hearing as previously described and act upon the ordinance.
- c. The title of each ordinance shall in all cases be read prior to its passage and the Town Manager or other appropriate individual asked to give a summary of the ordinance, any change from prior ordinances and why the ordinance is before the Selectboard.
- d. **EMERGENCY ORDINANCES:** The Town Selectboard may, without notice or hearing, adopt an emergency ordinance citing the reason for the emergency.

**VI. LIMITATIONS OF POWER & DUTIES:**

- A.** The duties and responsibilities of the Board 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.
- B.** By statute, the Board has no direct authority over the personnel other than the Manager.
- C.** Individual Selectboard members are not prohibited from acting as an ordinary citizen of the Town by expressing personal viewpoints and opinions on municipal matters to the extent that such information is based on encounters and observations derived outside of the privileged purview of a Selectman. Any viewpoints or opinions expressed shall be as a member of the public, and as not to conflict with Process(H) the Selectman should relocate away from their seat for the duration of their comment and will be treated as a member of the public

**VII. MEETING NOTICE:**

Standard meeting scheduling shall be noticed at least one month prior. Meeting cancellations shall be noticed as soon as feasible once cancellation has been determined. Any emergency meetings shall be noticed as soon as feasible when necessary. Each meeting shall be posted in accordance with RSA 91-A.

Most regular meetings of the Town of Sunapee Selectboard shall be held in the Town Hall Meeting room at 23 Edgemont Road, Sunapee, NH 03782 unless the Selectboard adjourns to another location, or the meeting is scheduled for another location and is properly noticed. Online web conferencing and audio platforms such as Zoom may be utilized in exigent circumstances.

Meetings of the Town of Sunapee Selectboard shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month

and begin at 6:30PM, unless otherwise noticed, or unless continued to a specific time and date.

## VIII. PROCESS:

- A. Quorum** - A quorum shall consist of three (3) members of the Board. In the event that 3 members are absent from a meeting, no official meeting can take place and therefore no decisions can be made. Any agenda items shall be moved to the next standard meeting, unless an emergency meeting is required.
- B. Right-to-Know** - It is illegal for the Selectboard 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, Selectboard members 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 if they nonetheless feel it appropriate to do so. A Selectboard members should disqualify himself whenever he has a direct personal or pecuniary interest in the outcome.
- C. Abstention** - If 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 a majority of attending Selectman abstains from a vote, no action shall be taken.
- D. Agenda Layout** - The Town Manager bears the primary responsibility for coordinating and planning the Agenda. The Chair has the final authority over the final approved agenda, timing, schedules and related matters. The Agenda should be published at least 3 calendar days prior to the meeting, and in most cases strive to be on Thursday prior to a Monday meeting, and included in the minutes.
- E. Agenda Requests** - Selectboard members wishing to place an item on the agenda must make the request to the Manager and Chair before Wednesday at 4:00 p.m. prior to a Monday meeting. Citizens wishing to place an item on the Board's agenda must provide a copy of all presentation material and documentation to be included in the Board's "packet" by Wednesday at 12:00 p.m. prior to a Monday meeting, and inclusion into the agenda is at the discretion of the Manager and Chair.
- F. Order of Business** - The business of all meetings of the Selectboard shall be transacted as follows; provided, however that the Chair may, during a Selectboard meeting and with the consent of the Board, rearrange items on the agenda to conduct the business before the Selectboard more expeditiously:

- |                                  |                        |
|----------------------------------|------------------------|
| 1. Call to Order                 | 4. Public Hearing (s)  |
| 2. Review of Items for Signature | 5. Selectboard Action  |
| 3. Appointment (s)               | • Review of Minutes    |
|                                  | 6. Town Manager Report |
| 7. Selectboard Members' Report   |                        |
| 8. Public Comment                |                        |
| 9. Non-Public Session            |                        |

## 10. Adjournment

- G. Conduct** - Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters, Robert's Rules of Order shall serve as a guideline with a vote of the Board being the final deciding authority.
- H. Voting** - Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded.
- I. Reconsideration** - No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.
- J. 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.

## IX. PUBLIC COMMENT PROCEDURES:

- A.** All citizens shall have the right to speak for a period not to exceed three (3) minutes after being recognized by the Chair unless a longer period is granted by the Chair.
- B.** Citizens who choose to speak during Public Comment shall have the opportunity to address the Selectboard once during each meeting.
- C.** The speaker shall not engage in personal attacks against citizens or public officials and shall always remain courteous and respectful.
- D.** Citizens shall speak for themselves and not on behalf of others who are not present unless specific permission has been granted by the Chair. Generalized accusations and innuendoes will not be permitted.
- E.** The Chair may rule the citizen out of order and the citizen will lose the right to speak if the speaker fails to remain courteous and respectful.
- F.** The Chair may respond to a citizen and put an item on a future agenda, but the Selectboard and Chair are unable to problem solve or enter debate during Public Comment.

## X. PUBLIC HEARING PROCEDURES:

State laws and various Town bylaws require the Selectboard to hold public hearings on certain issues before an action can be taken.

- A.** The Selectboard will schedule the dates for the hearing.
- B.** The Chair will open the hearing by identifying the purpose of the hearing and the rules to be followed during the hearing.
- C.** The Chair may call upon the Town Manager or other person to describe the matter under

consideration. This presentation shall not be under the three-minute limit but should be concise and to the point.

#### **D. Public Hearing Rules and Procedure**

- Announce the sign-up sheet at the beginning of the meeting and prior to the opening of the Public Hearing.
- Those interested in speaking shall sign- up on the sign-up sheet prior to the start of the hearing. If anyone is unable to physically sign-up, they need to make the board aware of their desire to speak. Said person will be added to the queue (this includes those participating virtually).
- The following rules and procedure should be read at the opening remarks of public comment.

#### **E. Rules & Procedure for Comments During STR Public Hearing:**

- Everyone must sign up in order to speak during the respective time of public comment.
- Public comments will be limited to one 3-minute comment per member of the public. Additional comments will not be accepted by the same individual (\*even if the 3-minute time allotment was not utilized)
- Public comments will follow the order of the sign-up sheet.
- There will be no questions answered by the Selectboard or Town Employees at the time of the comment.
- All remarks shall be concise and relevant to the Public Hearing topic.
- Any irrelevant comments will be prohibited during the public hearing.
- If an individual continuously disrupts or refuses to cede the floor, they may be asked to leave the meeting.

### **XI. MINUTES:**

- A. Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. At a minimum, minutes will contain the names of members present, other people participating in the meeting, a brief summary of the subject matter discussed, and any final decisions reached, or actions taken.
- B. The minutes will indicate the names of participating members of the public. Minutes shall be considered a summary of events and business transacted once adopted by the Board with any corrections noted. Minutes shall be posted on the Town's website.
- C. The minutes of Board meetings are kept by the Selectboard and are for the Selectboard to review and approve. The public will not be allowed to amend minutes of the meetings.

### **XII. REQUESTS FOR INFORMATION:**

- A. Formal requests for information from Board members from the Manager, Town Counsel, Department of Revenue Administration, or the Attorney General's Office shall be made at a meeting, and only at the direction of the majority of the Board. Informal requests may be made by email to the Manager but are non-binding until acted upon at the next meeting of a quorum of the Board. Any information provided to any individual Board member shall be provided to the rest of the Board.
- B. Acting as a citizen, a member of the Board may ask a department head for information, and as a courtesy should copy the Manager (the department head will do so as they reply). The Board member may only ask for anything that any other citizen could ask for and if it falls under a right to know request the procedure for that shall be followed.

### **XIII. CONFLICT RESOLUTION:**

- A. **Numbers** - In situations where a conflict arises among the Board or as the Board in its interactions with another entity, full effort shall be made to come to resolution by consensus. In cases of questions on calculations or multi-option possibilities, questions and concerns shall not be placed as accusations or interrogation unless the quorum is in consensus. The Board shall attempt to ensure full discussion to resolution of all relevant questions before voting, but 2 (two) members of the Board may at any time call for a vote, and the result of the vote shall abide by Process(H).
- B. **Personnel** - Citizens that make complaints to the Board or member of it should be encouraged to contact the department that handles the matters that the complaint is about. They should then be encouraged to contact the Manager. If they don't feel that they have gotten resolution, only then the Board could bring the matter up to manager or at a meeting the citizen can request an appointment (which may or may not be non-public at the Board and Manager's discretion).
- C. **Departments** - Any requests from a department or employees thereof that are not able to be resolved by the department head or Manager shall be resolved via the Personnel Policy and/or by the majority vote of the Board, during a legal public or non-public (as necessary) meeting.

### **XIV. CHAIRMAN'S DUTIES:**

- A. Vote as a member of the board in all actions as appropriate.
- B. Open the session at the time at which the Board is to meet by calling the members to order.
- C. Announce the business before the Board as it is acted upon.
- D. As necessary, to recognize members entitled to the floor.
- E. 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.
- F. Protect the Board from annoyance, up to and including having persons removed from the meeting if necessary.

- G. 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.
- H. Restrain the Board and Public when engaged in debate within the rules of order
- I. Enforce on all occasions the observance of order and decorum among the members, deciding all questions of order, unless it is preferable to submit the question for the decision of the Board.
- J. Ensure that Boards communication abide by all aspects of the NH Right-to-Know Laws.
- K. Authenticate by their signature, when necessary, all acts, orders and proceedings as directed by vote of the Board.
- L. Represent the Town at ceremonial events.
- M. Act as Board liaison to Town Counsel in any issues pertaining to the Manager.

## **XV. VIOLATIONS & REPERCUSSIONS:**

There are no defined consequences under NH law for failure to comply with these guidelines. However, it should be noted that the remaining members of the Board may vote to publicly censure a member for repeated or egregious failures to meet these obligations. In the event that a quorum of the Board is of the opinion that one of the members has violated State Law, then they may vote in public session to initiate judicial removal proceedings and/or petition a court of competent jurisdiction for the imposition of such other penalties as may be allowed by law.

## **XVI. EFFECTIVE DATE:**

These Rules of Procedure shall take effect immediately following a majority vote of the Town of Sunapee Selectboard at a regularly scheduled Selectboard's meeting.

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*Carol Wallace, Chair*

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*Sue Gottling, Vice Chair*

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*Fred Gallup*

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*Jeremy Hathorn*

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*Josh Trow*



## **ANNEX A: LEGAL RESPONSIBILITIES AND ANNUAL TASKS**

### **Legal Responsibilities:**

1. Chief Executive Branch of town government
2. Coordinates with other town elected committees
3. Appointments on boards, committees, and other assignments
4. Local permitting authority
5. Special permit grant authority
6. Set policy and propose bylaws for town meeting warrant
7. Oversee preparation of budget with advisory committee and town manager
8. Call for town meeting and approve warrants articles for the ballot
9. Set fees
10. Create general rules and regulations for town operations
11. Appoint town counsel and approve legal strategy
12. Serve as the agent to expend as delegated by Town vote
13. Appoint Town Manager
14. Conduct annual review of Town Manager
15. Communications to public on issues and respond to citizen concerns

### **Annual Tasks:**

1. Annually establish roles, responsibilities, and reassign liaisons as necessary
2. Selectboard appointments to boards and committees
3. Annual financial policy and budget plan
4. Issue annual report
5. Provide leadership in the development of the capital improvement program
6. Set risk management policy
7. Per RSA 128:3, the local board of health for each town shall meet at least once every year, and as frequently as needed, to review the state of local public health issues and concerns and provide information, as requested, to the department of health and human services, on the readiness to address relevant public health threats at the local or regional levels.