Board of Selectmen
TOWN OF SWANZEY, NEW HAMPSHIRE

RULES OF PROCEDURE & HANDBOOK

PURPOSE: To codify the duties and operating procedures of the Swanzey Board of Selectmen, and to define the working relationship between the Select Board, Committees, Officials, and Residents.

The Board of Selectmen of the Town of SWANZEY, New Hampshire adopts the following Rules of Procedure:

Article 1 - Title; Adoption; Amendment

1.1 These rules may be cited as the SWANZEY Board of Selectmen Rules of Procedure and handbook.

1.2 These rules shall be adopted following a public hearing by the Board of Selectmen. The hearing shall be noticed by a legal notice posted not less than seven (7) days prior to the hearing and said notice shall contain a summary of the provisions herein, together with the notation that the full text is available upon request.

1.3 The rules shall be effective upon adoption by a majority of the Board and when they have been signed by a majority of the Board and filed with the office of the Town Clerk.

1.4 These rules may be amended in the same manner as the initial adoption.

1.5 The Board of Selectmen may waive these rules of procedure contained herein when the Board deems it appropriate.

Article 2 - Membership; Terms of Office, Officers, Vacancies

2.1 Pursuant to State Stature, the Board of Selectmen shall consist of five (5) members.

2.2 Terms of the office shall run in accordance with state statute.

2.3 Change: At the first meeting of the selectboard after the town meeting, the Board of Selectmen shall elect the following officers from its members: Chairman, Vice-Chairman, and Secretary. A board member elected to any office may serve in that office for no more than a single one-year term in a three-year period. Members may not serve consecutive terms in one specific office.

2.4 The Board of Selectmen shall appoint annually a Board member or other individual to serve as the Selectmen's ex-officio member on the Planning Board. (Amended 4/10/1996) As an alternative to appointing a member to serve as the Selectmen's ex-officio member, the Board may elect to establish a schedule by which designation of the Selectmen's ex-officio member to the Planning Board rotates among board members during the year.

2.5 The officers of the Board and ex-officio representative to the Planning Board shall be elected for one-year terms (unless the method of filling by rotation the Selectmen's ex-officio Planning Board member is selected) at the first regular meeting following the Annual Meeting of the Town, provided all members of the Board have been sworn into office.

2.6 Positions established to provide Selectmen's representation on other statutory, standing or ad-hoc committees that may be created to facilitate conducting the business of the Town shall be designated or appointed annually by Selectmen in the manner detailed in section 2.4 and 2.5 (ex-officio member on the Planning Board).

2.7 Vacancies in the membership of the Board of Selectmen shall be filled by appointment by the remaining members to a term which expires at the next Annual Town Meeting.

Article 3 - Duties of Officers; Minutes

3.1 The Chairman shall preside over all meetings and shall be responsible for the conduct and decorum of the meeting. The Chairman shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board and enforcement of the rules herein and applicable state laws.

3.2 The Vice-Chairman shall preside over meetings and assume the duties of the Chairman in the absence of the Chairman.

3.3 The Secretary shall be responsible for the maintenance of the Board minutes and records in the event that the recording secretary or other staff is not available. However, the Board may designate a recording secretary or other staff members whose records shall be reviewed by the Board for accuracy.

3.4 Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. Minutes shall be considered a summary of events and business transacted once adopted by the Board with any corrections noted. Once adopted by the Board, approved minutes shall be posted on the Town's web site.

Article 4 - Meeting, Special Meetings, Place; Hours

4.1 The Board regularly holds meetings on Wednesday evenings, except that the Board may set other dates by majority vote.

4.2 Special meetings of the Board shall be held at the call of the Chairman or written request of a majority of the Board members.

4.3 Regular or special meetings of the Board may be recessed to a time and place certain as a continuation of said meeting without further notice.

4.4 Regular meetings of the Board shall be held at Whitcomb Hall (17 Main Street) or as otherwise posted.

4.5 Regular meetings of the Board shall commence at 5:30 p.m. unless the Board shall vote to fix some different meeting time for a particular meeting.

Article 5 - Quorums; Voting; Conduct of Meetings

5.1 A quorum of three (3) members shall be required to conduct business. In accordance with the provisions of RSA 91-A:2 III, participation by members of the Board by electronic or other means of communication is authorized.

5.2 An affirmative vote of a majority of members voting on a question shall be sufficient for adoption of the question. Members of the Board present (in accordance the provisions of Section 5.1 including those participating by electronic or other means of communication) may be counted to determine whether a quorum is present if they abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a question has been adopted.

5.3 When a vote on a question is evenly divided, the question shall be deemed to have been defeated.

5.4 A motion to reconsider a previous vote by the Board shall be in order only if made by member who voted with the prevailing side, or if the member did not vote on the original question.

5.5 The Board may conduct the meeting according to the following Order of Business:

a) Call to Order
b) Adoption of previous meetings minutes
c) Consent Agenda
d) Public Input
e) Appointments
f) Nominations
g) Public Hearings
h) Consideration of New Business

i) Consideration of Old Business
j) Public Input
k) Non-public session
l) Adjournment

5.6 The Chairman shall enforce such order and decorum as may be necessary for the sufficient conduct of the Board's business, guided by a desire to maximize public input on matters before the Board.

5.7 The Chairman shall establish such rules of parliamentary procedure as are necessary, subject to the provision that the Chairman may be overruled by a majority vote of the Board.

Article 6 - Sitewalks

6.1 A sitewalk is defined as a visit by the Board or member of the Board to a location which is the subject of business before the Board, where the visit is in the company of the owner or their agent or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. **(This does not include a view of a site from adjoining public highways or other observations that can be made without entering the property).**

6.2 When the Board deems it necessary for the adequate consideration of a matter, the Board shall request the property owner to allow a sitewalk by the Board.

6.3 When the Board of Selectmen schedules a sitewalk for the majority of the Board's membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.

6.4 The Board shall ask the property owner where it deems a sitewalk is advisable as to whether members of the public at large may accompany Board members. While the Board shall have the authority to conduct sitewalks where general public permission is not granted, such refusal may constitute grounds for the Board to decline to conduct a sitewalk.

6.5 The practice of a property owner directly calling a member to invite that member to visit a property without prior Board notice shall be discouraged as an inappropriate course of conduct.

6.6 When the Board meets to consider an issue the Board and/or individual members of the Board shall disclose whether they have conducted a sitewalk on the location under consideration.

6.7 Minutes of sitewalks shall be kept only if there is a quorum of the Board conducting the sitewalk. Minutes shall be in accordance with Article 3.4.

Article 7 – Joint Meetings with other Boards of the Town

7.1 Joint meetings of the Board of Selectmen and other Boards or Commissions of the Town shall be presided over by the Chairman of the Board of Selectmen.

7.2 A quorum of the membership of each Board shall be required in order to conduct a joint meeting.

7.3 Separate minutes shall be kept of all joint meetings by the Secretary and/or Recording Secretary of the Board of Selectmen.

Article 8 – Public Hearings

8.1 The Board shall follow the statutory provisions for holding all public hearings required by New Hampshire State Statute or Town Ordinance.

8.2 Public Hearings conducted by the Board shall not commence prior to 6:00 p.m. nor shall any new hearings commence after 9:00 p.m. provided however, the Board may continue to the conclusion of a public hearing on a question which commenced prior to 9:00 p.m. A majority vote of the Board may suspend this rule allowing a hearing (s) to be scheduled to commence before 6:00 p.m.

Article 9 – General Standards of Conduct

9.1 Public Trust and Professional Conduct:

The primary obligation of Selectman is to serve the public interest, and to conduct himself/herself so as to maintain public confidence in the Board of Selectmen and the conduct of its business. The Select Board shall treat others with respect and respect the rights and opinions of the community despite differences in opinion.

9.2 Gifts and Improper Influence:

Members shall not directly or indirectly solicit any gifts or accept or receive any gift(s) (whether in money, services, loans, travel, entertainment, hospitality, promises or in some other form), under circumstances in which it could be reasonably inferred that the gift (s) was intended to influence them on the performance of their duties or was intended as a reward for any recommendation or decision on their part.

9.3 Conflicts of Interest:

To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a board decision must not participate in that decision. The private benefit may be direct or indirect; create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table or podium area when Board members deliberate and vote on a matter. Further, the Board member may not discuss the matter privately with any other Board member or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said matter.

9.4 Quorum when Conflicts Exist:

In circumstances where the number of Board members who may not participate in a given decision (as a result of the provisions of Article 9.3) results in less than a quorum being able to participate in a given decision, abstaining members may be counted as "present" for purposes of determining whether a quorum is present even though they are not allowed to participate. Only for the purpose of being counted for the presence of a quorum shall they be entitled to sit at the podium, provided that the board member(s) does not participate, comment, or make any indication of his/her position.

9.5 Use of Confidential Information:

A Board member must not disclose or improperly use information obtained in the course of his duties for financial gain or to further a personal interest.

9.6 Open Meeting Compliance:

Hold transparent and accessible meetings with proper posting thereof, in compliance with the Right to Know law, RSA 91-A.

9.7 Non-public Sessions:

Uphold the intent of non-public sessions and "non-meeting" meetings and respect the privileged communication that exists therein.

9.8 Enforcement:

All Board members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members may either by intention or inadvertence be in violation of these standards, that fact shall be called to the attention of the Chairman who shall in turn call it to the attention of the member in question. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board. Such vote

shall be advisory and non-binding and cannot be requested by anyone other than a Board member.

Article 10 – Relations with other Board Members & Employees

10.1 When interacting with the Town Administrator and Town Employees, Select Board members will:

A. Recognize and support the administrative chain of command, taking no action, as an individual, that requires administrative direction or decisions without Board approval.

B. Recognize and support the professionalism and integrity of Town staff.

C. Issue direction to staff only through formal Board action at a public meeting.

D. Address all employee performance concerns with the Town Administrator in a lawful and appropriate setting, including nonpublic session when permitted under RSA 91-A.

E. Route requests for staff assistance through the Town Administrator's office.

F. Act collectively as a governing body. Individual members may request information from the Town Administrator; however, substantive information provided should be shared with the full Board.

G. Foster a culture of mutual respect and professionalism in all interactions with Town officials and employees, recognizing the value of open communication while remaining considerate of staff time, responsibilities, and operational demands.

10.2 Relations among Board Members:

A. Acknowledge that no single member has authority to bind the Town or the Board absent formal Board action.

B. Conduct Town business only at properly noticed meetings, except as otherwise authorized by law.

C. Comply with all laws governing confidentiality, privacy, and nonpublic sessions under RSA 91-A.

D. Refrain from representing the Town's position to outside parties unless the Board has formally approved the message and its release.

E. When serving in an ex officio role, act independently unless expressly authorized by majority vote to represent the Board.

F. As required by State law, all business of the town shall be handled in public session, with the exception of matter listed under RSA 91-A.

G. Report alleged violations of this Code within five (5) business days.

H. Understand that violations may result in consequences such as removal from committee assignments or leadership roles, in addition to any remedies available under state law (including RSA 42:1-a).

10.3 Civil Communication:

Effective deliberation depends on discipline and respectful communication. Board members shall:

A. Listen attentively and remain open to differing viewpoints.

B. Assume good faith in the contributions of others.

C. Engage in dialogue that is measured, respectful, and constructive.

D. Address one topic at a time and allow issues to be fully discussed before moving to another subject.

Article 11 – Agenda Management

11.1 The purpose of agenda management is to allow for the conducting of efficient and effective meetings and providing elected officials with an informed decision-making process.

11.2 To advance that goal, the Selectmen's Office must be in receipt of any requests from the general public or department heads by 12:00 p.m. on the Friday preceding the next business meeting to be considered for inclusion on the upcoming meeting agenda. An "agenda management form" to facilitate the development agenda submissions aimed at advancing effective and efficient conduct of town business has been developed. Attachment A is aimed at facilitating requests from the public and or town committees and Attachment B is for use of town departments. Documents or supplementary material concerning the request must also be received no later than 12:00 p.m. on Friday preceding the business meeting for which the matter is scheduled.

11.3 The Town Administrator shall be authorized to exercise discretion and judgment in scheduling agenda requests with the goal of efficient and effective board operations.

Requests may be referred to appropriate departments or boards to allow investigation or development of background material to facilitate the Board's decision making process prior to being scheduled on the agenda.

11.4 The agenda will be closed at 12:00 p.m. on Friday. Staff shall strive to distribute packets containing the agenda (with supplementary materials) by the close of business on Monday. The agenda will be posted on the Town's web site and made available to the public upon request by noon on Monday.

11.5 Agenda packets (agenda memo and supplemental information packet provided to the Board, excluding any documents exempt from disclosure) may be obtained upon request in accordance with the provisions of RSA 91-A subject to the Town's standard copy charges. Staff will strive to meet requests received forty-eight (48) hours prior to the scheduled meeting. The purpose of this rule is to allow for the packet to be assembled and copied in advance of a meeting and not take time away from the agenda preparation process or meeting's purpose which is to conduct the business of the Board.

11.6 The Board may vote to suspend the rules concerning agenda management upon majority vote. Nothing contained in this Article 10 shall preclude the Board from considering issues that are not on the agenda.

11.7 The purpose of the agenda item entitled "Public Input" is to allow members of the public to bring issues of concern to the Board which are not on that evening's agenda through the agenda request form process (Section 10.2). During "Public Input" members of the public shall be granted three minutes to speak, with additional time able to be granted by consensus of the Board. For the purposes of this section, the public shall include residents or tax payers in Swanzey. Others may be granted the opportunity to speak as authorized by consensus of the Board. Issues raised by the public under the agenda item "Public Input" will be placed on the agenda of the next business meeting as a new business item unless a majority of the Selectmen vote to suspend the agenda management rules and address the item(s) of concern immediately.

11.8 Board agendas shall include (on a rotating basis – and at least quarterly) written reports and oral presentations by department managers for the purpose of informing the Selectmen (and public) on department activities and issues pertaining to a department requiring decision making by the Board. Submissions under this provision shall be received no later than close of business on the Friday preceding the scheduled business meeting.

11.9 The agenda for the first meeting following closing of a monthly expenditure period shall include a brief review of budgeted expenditures.

11.10 As part of the agenda management process, staff shall maintain listing (to be included in member's agenda packets) of future agenda items and pending board matters.

Article 12 – Nominations; Confirmations

12.1 A list of all appointed members of committees or boards of the Town shall be maintained. It shall indicate the date of term expirations for appointees.

12.2 Upon vacancy or expiration of a term or the filling of a newly created appointed member of a committee or board to be filled by the Board of Selectmen, a notice of vacancy shall be posted in at least 2 public places and on the web site of the Town.

12.3 Individual members of the public may nominate themselves for consideration. The affected board of committee may submit nominations for consideration (as well as the Selectmen) for at least 10 days after posting of the vacancy. The Selectmen may, by majority vote when time is of the essence, reduce the time period for submitting nominations to 5 days.

Town of Swanzey Board of Selectmen

W. William Hutwelker, III, Chair

James Tempesta

Mark LaBelle

Amended March 4, 2026

Adopted May 19, 1993
Amended April 10, 1996
Amended April 17, 2012
Amended April 8, 2014
Amended July 6, 2016
Amended March 22, 2017
Amended April 10, 2019
Amended April 10, 2024