

# **RULES OF PROCEDURE BOARD OF SELECTMEN ALBANY, NH**

## **SECTION 1: MEETINGS**

1. All meetings of the Select Board shall be held at the Albany Town Hall, unless the Board adjourns to another location or is scheduled and noticed for another location. The meetings will be held every Wednesday at 4:00 p.m. with the exception of the fifth Wednesday of the month or at any other time discussed and determined by a majority vote of the Select Board.
2. Other meetings may be scheduled at the discretion of the Select Board and will be properly noticed. Per RSA 91-A, work sessions will be scheduled and posted as needed in order to be able to work on special issues or projects.
3. In the case of an emergency, a notice of the time and place of such meeting, including nonpublic sessions, shall be posted on the Albany Town hall door as well as the Albany website [www.albanynh.org](http://www.albanynh.org) at least 24 hours prior to such meetings, excluding Sunday and legal holidays. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the Chairperson of the Select Board, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever means are reasonably available to inform the public that a meeting is to be held. The minutes of that meeting shall clearly spell out the need for the emergency meeting. RSA 91-A:2
4. Combined Town Board/Commission Meetings shall be held on the second Wednesday of February and on the second Wednesday of May. These may be rescheduled to other days in their respective months due to conflicts or inclement weather. All scheduled with proper notice.
5. Meetings shall be conducted in a polite and respectful manner. All participants will raise their hand and be acknowledged by the Chairperson before speaking. Presenters of presentations to be made to the Select Board shall submit any documents containing information or specifications to the Town Administrator two weeks in advance of the scheduled Select Board meeting to be distributed to the Selectmen well in advance of the meeting for review.

## **SECTION 2: SELECTMEN RESPONSIBILITIES**

1. All members shall make every effort to attend each scheduled meeting. The Selectmen's office should be notified by any Board member of an impending absence prior to the meeting.

2. Members of the Select Board have authority only when acting as a Board legally in session. One Selectman has no authority and cannot speak for the Select Board except when representing the voted position of the Select Board. The Select Board shall not be bound by any action or statement of an individual Board member, except when such statement or action is pursuant to instructions voted on by the Select Board.
3. Members are expected to attend assigned committee and cross-over board meetings. When unable to attend, members should notify the Chairperson of the Select Board or Town Administrator in a timely manner so an alternate may attend.
4. The duties of the Select Board are defined by NH Statute. Members of the Select Board shall address the Board upon recognition by the Chairman. Comment and debate shall be confined to the subject matter of the question. No Selectman shall be interrupted while speaking except for a point of order.
5. Two Selectmen shall constitute a quorum for the conduct of town business.
6. All Selectmen shall serve their term until their replacement has been qualified and sworn in. The qualification and swearing in process shall include the signing of the Code of Ethics acceptance form and receipt of a copy of the Albany Code of Ethics.
7. Selectmen shall conduct all of their responsibilities and town business with complete transparency in a professional, consistent, fair and balanced way.
8. It is the responsibility of the Select Board to encourage open communication within the town and with all Boards and Commissions.
9. Except in an emergency, the use and expense of town counsel shall be by a majority vote of the Select Board. The legal budget line in the municipal budget is for the Select Board's use only.

### SECTION 3: OFFICERS

1. ELECTION - A chairperson 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. A Vice Chairman shall be elected at the first regularly scheduled meeting following the swearing in of members. Election shall be by a majority vote of those present. Appointments to various ex-officio positions and alternates on Town Boards and Commissions shall take place at this meeting also.
2. DUTIES – The Chairperson shall preside at all meetings of the Board and perform all duties required by the NH Statute. The Chairperson has no regular administrative or executive duties. The Vice Chairman shall preside at all meetings that the Chairperson is unable to attend. The Chairperson shall preserve order and decorum, may participate in the discussion of any issue before the Select Board, may submit reports and legislation to the Board of Selectmen for its consideration which shall require both motion and

second by other board members, shall speak to points of order in preference to the other Board members and shall decide all questions of order or procedure, subject to appeal to the full Select Board. The Chairperson, as a single Selectman, has no authority to act on behalf of the Select Board between meetings unless the Select Board has voted at a properly held meeting to delegate that action to the Chairperson.

3. At any time a majority vote of the Select Board can overrule the Chairperson.

#### SECTION 4: COMMITTEES:

The Select Board, by vote, may delegate members of the Board to investigate Town matters, to serve on committees and perform other duties. The Select Board, by vote, shall appoint one member to act as Selectmen's representative to the Planning Board, by statute, and to the Conservation Commission, per Select Board discretion.

#### SECTION 5: AGENDA

1. The Agenda shall be compiled and published on the town website by the Town Administrator by end of Monday. The agenda is subject to change without notice. Matters submitted by members of the public must be received at the Selectmen's office by 12:00 PM on the Friday prior to the meeting. Due to scheduling and time, an item submitted by the public is not guaranteed to be placed on the next meeting's agenda. Selectmen packets with the agenda will be e-mailed on Monday by day end prior to the meeting.
2. The consent file shall consist of, but is not limited to the following; pistol permits, timber/excavation intents and warrants, the approval and signing of checks, building permits, sign permits, state and federal reports, and other items of customary business.

#### SECTION 6: ORDER OF BUSINESS

Generally, the business of all meetings of the Select Board shall be transacted as follows, provided the Chairperson may, during a Selectmen meeting, rearrange items on the agenda to conduct the business before the Select Board more expeditiously.

- Call to order
- Pledge of Allegiance
- Approval of minutes
- Approval of the consent file
- Town Administrator's report
- Public Hearings
- Appointments
- New Business

- Old Business (Tabled and Pending)
- Other Business (Board update reports)
- Correspondence
- Public Comment
- NonPublic Session
- Adjournment

Old business- all items/issues under new business if not dispensed with shall be placed under old business until such time that it is dispensed with.

## SECTION 7: TOWN ADMINISTRATOR

1. The Town Administrator shall attend all meetings of the Select Board, unless excused by the Chairperson. The Town Administrator may take part in all Select Board's discussions if requested at the discretion of the Chairperson on all matters on the agenda, and otherwise concerning the welfare of the town. The Town Administrator is charged with preparing minutes of the Selectmen's meeting.
2. The Town Administrator shall conduct all responsibilities and town business with complete transparency in a professional, consistent, fair and balanced way.

## SECTION 8: RULES OF ORDER

In lieu of the complexity of Roberts Rules of Order which can be very contentious, the following basic rules of the meeting protocols and order will be applied by the Select Board Chairperson. The Chairperson shall rule on all matters raised by this rule.

1. The main motion is the introduction of a business issue to come before the Select Board for consideration, a vote and decision by a member of the Select Board.
  - (a) The main motion must be stated concisely and if lengthy must be submitted in writing for the record subject to the discretion of the Chairperson.
  - (b) It must be seconded in order to proceed.
  - (c) Once moved & seconded, the Chairperson opens for discussion and may allot a time deadline for the discussion.
  - (d) After sufficient time has transpired for discussion without an amendment, the Chairperson will call the question to a vote. It will be decided by a majority vote.

- (e) Should a member of the Select Board wish to introduce an amendment to the main motion, it must be seconded in order to proceed and must be germane to the subject of the main motion.
  - (f) Once moved and seconded the Chairperson opens the amendment for discussion and may allot a time deadline for the discussion.
  - (g) After sufficient time has transpired for discussion of the amendment, the Chairperson will call the question to vote on the amendment to the main motion.
  - (h) All amendments to the main motion must be decided or dispensed with before the Chairperson can call the main motion as amended for a vote.
  - (i) No further business may come before the Select Board until a main motion on the floor has been decided, dispensed with and voted or withdrawn.
2. Motion to table or postpone:
- (a) Simple majority vote to table or postpone a vote or to delay consideration of the issue to a later date or time. This usually happens in order to gather more information on the issue.
  - (b) Must be placed under “Old Business” until such time as it is disposed of.
3. When the Select Board votes are not unanimous, they shall be recorded with a numerical vote of ayes, nays and abstentions. ( i.e. 2-1, 1-2, 2-0-1)

## SECTION 9: PUBLIC COMMENT

1. The Chairperson will announce the public comment segment of the meeting. Any person wishing to speak shall raise their hand to be identified by the Chairperson. Once recognized by the Chairperson, the speaker shall direct any questions and comments through the Chairperson. The Select Board shall be addressed as a whole and not individually. The Select Board reserves the right to not respond to public comment.
2. Speakers will have three minutes to address the Select Board. Comments should be brief, direct and to the point. The Chairperson reserves the right to call on anyone wishing to speak before allowing someone to speak for a second time. The Chairperson will rule on all other matters of meeting protocols or questions of order in a consistent, fair and balanced way.
3. Public comment during the course of the meeting will be at the discretion of the Chairperson. It will be kept short and germane to the topic and must not interfere with the business of the meeting.
4. Objective and constructive criticisms of town operations and programs are encouraged. In public session with no notice of the matter or issue, the Select

Board will not permit complaints directed at staff or volunteers. Such matters may be addressed at a scheduled session that will be public or non-public at the request of the person being criticized or accused, and in their presence if they so desire per NH RSA 91-A: 2 and NH RSA 91-A:3.

5. In cases where a member of the audience wishes to speak on a matter or issue, the Chairperson may request said party to rise and be recognized, state said party's name, place of residence and/or purpose for addressing the Select Board. The Select Board may exercise an option to limit debate from the audience and the Chairperson may do so with majority consent of the Select Board.

## SECTION 10: PUBLIC COMPLAINTS AND SUGGESTIONS

Citizen's complaints and suggestions shall be in writing and mailed, e-mailed, or faxed to the Selectmen's office. They will be forwarded to all three Selectmen. The Chairperson will determine whether the issue is legislative or administrative in nature. They may be placed on the agenda under correspondence or nonpublic session and then:

1. If legislative, and a complaint about the intent of legislative acts or suggestion for changes to such acts, and if the Board of Selectmen finds such complaint suggests a change to an ordinance or resolution of the Town, the Select Board may refer the matter to a committee, Town Administrator or the Board of Selectmen as a whole for study and recommendation.
2. If administrative, and a complaint regarding the administrative or employee staff performance, administrative or employee execution or interpretation of legislative policy, or administrative policy, the Selectmen shall review in nonpublic session and decide if action is to be taken.
3. The Board of Selectmen reserves the right to take no action on public complaints and suggestions.
4. Emergency complaints or issues during non-office hours shall be called in to the Carroll County Sheriff's Department or 9-1-1.

## SECTION 12: SECURITY OF TOWN HALL & KEYS ISSUED

Each Selectman shall receive a key to the main office door, the Selectmen's office and the conference room along with a security code to disarm/arm the system. The same authorization will be given to the Town Administrator. Authorized Board members to be key holders/security code holders to the main office door and the conference room are: Planning Board Chairperson, Planning Board Secretary, Conservation Commission Chairperson, School Board Chairperson, Cemetery Trustee Chairperson and Supervisor of the Checklist Chairperson. The Town Clerk/Tax Collector and Deputy Town Clerk/Tax Collector shall receive a key and security code to the main office door and the Town Clerk/Tax Collector's office.

Each key holder will sign an acknowledgement form that they have received keys. Once their term has ended, they must surrender their keys immediately. The security company will be contacted by the Select Board Chairperson or Town Administrator to delete the key holder's security code from the system.

All keys will be stamped with a unique number and lock/door identification and the words "DO NOT DUPLICATE".

#### SECTION 13: RIGHT TO KNOW (RTK) REQUESTS NH RSA 91-A:

1. Shall be in writing on a form provided by the Town or a verbal request in person. The form can be found on the Albany website [www.albanynh.org](http://www.albanynh.org) in a pdf format file or a copy can be picked up in the Selectman's Office during normal business hours.
2. The form shall be completed and signed by the requester. It must then be submitted to the Selectmen's office in person, by US Mail, by fax or scanned and sent electronically via email to: Albany Board of Selectmen, 1972-A NH Route 16, Albany, NH 03818, fax:(603)452-5633, e-mail: [contact@albanynh.org](mailto:contact@albanynh.org).
3. Responses to the Right to Know request will be within five business days of receipt in the Selectman's Office. The requester will be notified of a reason listed within the law if the request cannot be fulfilled within five business days.
4. See the specified RTK Form 1 attached to this policy.

#### SECTION 14: CONTRACTS AND LEASES

##### **Review and Execution Process for contracted projects and the leasing of Town Property:**

1. Time frame for the review process – minimum of 2 weeks – may be longer depending on the complexity of the contract or lease.
2. The Select Board shall initially review all contracts/leases for completeness and content to cover the intent of the proposed project/job or lease of Town property to include but not limited to liability, insurance, indemnification, terms, payments, amending, duration, etc.
3. All contracts/leases shall be reviewed for proper liability & indemnification content by the Town of Albany's current insurance carrier (PRIMEX).
4. All contracts/leases shall be reviewed for proper content and legality by the Town of Albany's Town Counsel.

5. All contracts and leases shall be approved by a majority vote of the Select Board.
6. The only person(s) who have authority to sign contracts and leases is the Chairman of the Select Board or in his/her absence, the Vice Chairman after a majority vote of the Select Board.
7. All contracts and lease contracts shall be notarized.
8. Per NH RSA 41:11-a, Property may be leased or rented when not needed for public use, although if the term of the agreement is for more than one year, a vote of the legislative body is necessary to ratify the agreement.

**Review and Execution Process for lease contracts of equipment for the Town:**

1. Time frame for the review process – minimum of 2 weeks – may be longer depending on the complexity of the lease contract.
2. Board of Selectmen will initially review all lease contracts for completeness and content to cover the Town's best interest.
3. All contract leases may be reviewed for liability & indemnification by the Town of Albany's current insurance carrier (PRIMEX) if there are questions regarding liability or other concerns.
4. All lease contracts may be reviewed for proper content & legality by the Town of Albany's Town Counsel if there are any legality concerns.
5. All lease contracts shall be approved by a majority vote of the Select Board.
6. The only person(s) who have authority to sign contract leases is the Chairman of the Select Board or in his/her absence the Vice Chairman after a majority vote of the Select Board.

**SECTION 15: USE & RENTAL OF TOWN HALL/TOWN PROPERTY-NH RSA 41:11-a**

Use and rental of any town property is subject to a majority vote of the Select Board. All policies and procedures shall be established and documented by a majority vote of the Select Board.



## SECTION 16: AMENDMENT PROCEDURE

An amendment to these Rules of Procedure may be moved at a Select 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 Administrator for inclusion in the Selectmen's records.

The Town Administrator shall be responsible for the updating and distribution of the most current version of the Rules of Procedure containing the most current amendments to the document and updating the Town Web Site with the same.

## SECTION 17: SELECTMEN'S OFFICE HOURS:

Monday – Thursday 9AM – 4PM & Friday 9AM – 12PM

Should these times change or the Selectman's Office be closed for a holiday or any other reason, it will be posted on the Albany website in a timely manner and a displayed notice will be posted in the window of the main entrance door to the Albany Town Hall.

## SECTION 18: ANNUAL REPORT

After review with the Select Board, the Chairperson shall be responsible to submit a report to the Town Administrator by February 15<sup>th</sup> for inclusion in the Annual Town Report describing the accomplishments of the Select Board from the previous year and any other pertinent information that the townspeople may need to be informed of.

## SECTION 19: EFFECTIVE DATE

These rules of procedure shall take effect immediately following a majority vote of the Select Board at a regularly scheduled Selectmen's meeting.

Adopted by the Albany Board of Selectmen on: August 3, 2016

Amended: December 21, 2016

**FORM 1**

**“RIGHT TO KNOW” REQUEST**

The public information identified below is requested forthwith, pursuant to New Hampshire RSA 91-A.

**DATE OF REQUEST:**

**INFORMATION REQUESTED FROM:** **Town of Albany**

Fax:(603)452-5633 1972-A NH Route 16

e-mail: contact@albanynh.org Albany, NH 03818

**REQUESTED BY**

\_\_\_\_\_

\_\_\_\_\_  
Name, address, phone number and e-mail address

**SIGNATURE OF PERSON MAKING REQUEST:**

X \_\_\_\_\_ DATE: \_\_\_\_\_

**PUBLIC INFORMATION REQUESTED:**

**I request the following information:**

\_\_\_\_\_

I WISH TO ONLY REVIEW THIS INFORMATION AT THIS TIME BUT RESERVE THE RIGHT TO HAVE COPIES MADE AT THE PUBLISHED RATE PER PAGE.

I REQUEST COPIES OF THE INFORMATION REQUESTED - COST TO REPRODUCE INFORMATION REQUESTED PER COPY: \_\_\_\_\_

EMAIL A PDF COPY OF INFORMATION REQUESTED TO MY EMAIL ADDRESS LISTED ABOVE IF AVAILABLE IN ELECTRONIC FORMAT.

IF THE REQUESTED INFORMATION IS NOT IMMEDIATELY AVAILABLE, I WOULD LIKE TO BE NOTIFIED AT WHICH TIME IT WILL BE AVAILABLE VIA PHONE OR EMAIL.

IF THE REQUESTED INFORMATION IS NOT AVAILABLE, I WOULD LIKE A WRITTEN EXPLANATION AS TO THE EXACT REASON.

**NAME & SIGNATURE OF PERSON ACCEPTING REQUEST:** \_\_\_\_\_

X \_\_\_\_\_ DATE: \_\_\_\_\_

**NAME & SIGNATURE OF PERSON RESPONDING TO REQUEST:** \_\_\_\_\_

**RESPONSE**

X \_\_\_\_\_ DATE: \_\_\_\_\_

