**TOWN OF ANDOVER, NEW HAMSPHIRE**

**BOARD OF SELECTMEN**

**OPERATIONAL GUIDELINES & HANDBOOK**

KNOW ALL PERSONS BY THESE PRESENTS, the Andover Board of Selectmen hereby ordains to adopt these operational guidelines pertaining to the functions of the Board and the conduct of its members.

I. **GENERAL INFORMATION**

A. The Board of Selectmen for the Town of Andover consists of three equal members who shall operate by majority vote to manage the prudential affairs of the Town and perform the duties prescribed by law in accordance with the Right to Know Law (RSA 91-A), attached hereto and incorporated herein as Appendix A.

B. Individual Selectmen have no authority to make decisions on behalf of the Town or to take any action as a Town Official except upon a majority vote of the Board or as otherwise allowed by law. This does not prohibit Selectmen 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.

C. The Board of Selectmen derives its authority from New Hampshire State Law as specifically set forth in the Revised Statutes Annotated and as further established under common law (court decisions). A general rule of thumb is the Board of Selectmen does not have the final authority to act on any particular issue unless there is a specific law granting such authority or when Town Meeting has lawfully delegated such authority to the Selectmen.

II. **GETTING ORGANIZED**

The first meeting of the Board of Selectmen following the Oath of Office being administered to any of the members shall include:

1. Voting on the Election of Officers

* Chair

[NOTE: There is no provision in these guidelines for an established order based on length of service in the selection of officers, nor is there any provision that would prevent a Selectman from serving consecutive or more than 2 terms as Chair].

1. Voting on Selectmen’s Liaison Assignment

* Planning Board Representative
* Budget Committee Representative

(3)Voting on the Establishment of a Meeting Schedule

(4)Voting on the Establishment of Goals & Objectives

[NOTE #1: Nothing in these guidelines shall prevent the Selectmen from voting by majority to table such decisions until such time as the Board members may be ready to act, nor shall these guidelines be construed as preventing the Selectmen from voting on these matters at any other time upon a vote of the majority.]

[NOTE #2: Nothing in these guidelines shall prevent the Selectmen from voting to replace the Chair or Board Liaisons at any time during any duly posted public meeting upon a determination by the remaining Board members that the Chair or Liaison has acted inappropriately or exceeded his/her authority or upon a request to be replaced.]

The Chair for the first meeting of any new Board shall be the person most recently chosen to serve as Chair or in the absence of a previously designated Chair, it shall be the previously designated Vice-Chair, otherwise it shall be the most senior person as determined by length of service; until such time as the new Chair is selected.

III. **DUTIES OF SELECTMEN**

1. Chair

* The Chair shall preside over all meetings and shall have the authority to:
* Maintain order and control of the agenda.
* Ensure that informal parliamentary procedures are followed.
* Place limits on the length of time and the content of input provided by meeting participants.
* Call for a special or emergency meeting.
* Request the voluntary (or involuntary removal by a Police Officer) of persons who disrupt the business of Town government
* Represent the Town at ceremonial events
* Serve as the Board spokesperson by presenting the official viewpoint of the Board of Selectmen to the media, citizens, government agencies, civic groups and other based upon a majority vote.

[NOTE: nothing herein is intended to prohibit the remaining members of the Board of Selectmen from attending ceremonial events or voting to override a ruling of the Chair, nor is anything intended to prevent the Chair from delegating his/her authority as may be deemed necessary.]

1. Partial List of Selectmen’s Duties & Responsibilities

The following is a partial list of the Selectmen’s duties and responsibilities as compiled from New Hampshire Practice, Local Government Law by Peter J. Loughlin, Knowing the Territory by the New Hampshire Local Government Center and the Town of Andover Annual Town Meeting records.

(1)Accept, Refuse to Accept & Convey Tax Deeds (RSA 80)

(2)Accept Town Streets (RSA 674:40-a)

(3)Act as Agents to Expend Capital Reserve Funds (RSA 35:15)

(4)Adopt Personnel Rules (RSA 41:8)

(5)Adopt Police Policies (RSA 105:2-a)

(6)Adopt Purchasing Policies (RSA 41:9)

(7)Adopt Welfare Guidelines (RSA 165:1)

(8)Appeal Wetland Permit Decisions of the NH Department of Environmental Services (RSA 482-A: 10)

(9)Apply For, Accept & Expend Unanticipated Money (RSA 31:95-b, ART. 3 3/12/13)

(10)Appoint, Direct & Control an Emergency Management Director (RSA 2-P: 39)

(11)Appoint Election Inspectors (RSA 658)

(12)Appoint Town Counsel & Manage Litigation (New Hampshire Practice §486)

(13)Appoint a Welfare Director (RSA 41:2)

(14)Appointments to & Removal from Boards & Committees (RSA 669:75)

(15)Appraise Taxable Property & Issue Abatements & Approve Exemptions (RSA 72, 74-76)

(16)Approve Appointments of Deputy Town Clerk-Tax Collector & Deputy Treasurer (RSA 41:29-a, 45-c)

(17)Approve Budget Line Item Transfers (RSA 32:10)

(18)Approve Expenditures from Revolving Funds

(19)Approve the Acquisition of Real Property Interests in the Name of the Town by the Conservation Commission (RSA 36-A: 4)

(20)Approve Town Expenditures (RSA 41:9)

(21)Assessment of Current Use Change Taxes (RSA 79-A)

(22)Assessment of Timber Taxes (RSA 79)

(23)Assessment & Payment of Educational Taxes (RSA 194:7, & 198)

(24)Assign Names to Town Streets (RSA 321:133)

(25)Call Special Town Meetings (RSA 39:1)

(26)Convey Town Land (RSA 41:14-a)

(27)Encumber Unexpended Funds (RSA 32:7)

(28)Enforce Remedies & Penalties for Injuries Done by Dogs (RSA 266:22)

(29)Enforcement of Zoning Ordinances (New Hampshire Practice § 483)

(30)Establish & Maintain Internal Control Procedures (RSA 41:9)

(31)Establish Boards & Committees (RSA 41:8)

(32)Establish the Default Budget (RSA 32:5 & 40:13)

(33)Establish Fees (RSA 41:9-a)

(34)Fill Vacancies in Elective Offices (RSA 669:61-75)

(35)Issue an Extent against a Tax Collector (RSA 85:5)

(36)Issue and Negotiate Tax Anticipation Notes (RSA 33:7)

(37)Lay out Town Highways (RSA 231)

(38)Negotiate Collective Bargaining Units (RSA 273-A)

(39)Negotiate Inter-Municipal Agreements (RSA 53-A: & 162G)

(40)Negotiate a Payment Schedule for Library Appropriations (RSA 202-A: 11)

(41)Nominate the Appointment of a Health Officer (RSA 128:1) & Approve Appointment of Deputy Health Officer (RSA 128:5-b)

(42)Notify the Public, Hold Public Hearings & Issue Orders on the Operation of Dams & Flumes (RSA 482)

(43)Order the Cutting or Removal of Trees within a Designated Scenic Highway (RSA 231:158)

(44)Perambulation of Town Boundaries (RSA 51:2)

(45)Prepare Budget Recommendations (RSA 32)

(46)Prepare the Annual Town Report (RSA 41:13-14)

(47)Prepare Town Meeting Warrants (RSA 39:2)

(48)Propose Amendments to the Zoning Ordinance or Building Code (RSA 675:3)

(49)Regulate Fireworks (RSA 160-B)

(50)Regulate Hazardous & Dilapidated Buildings (RSA 155-B)

(51)Regulate Junkyards (RSA 236:115)

(52)Regulate Noise (RSA 31:39)

(53)Regulate Town Highways, Sidewalks & Commons (RSA 41:11)

(54)Regulate Town Property (RSA 41:11-a)

(55)Regulate Trash Disposal (RSA 149-M: 17)

(56)Regulate Voluntary Recycling (RSA 149-M: 17)

(57)Request a Special Election to Fill a State Representative Vacancy (RSA 661:8)

(58)Remove Elected Officials from Office for insanity or incapacitation (RSA 41:12) or for cause [RSA 41:16-c (Town Clerk) 41:26-d (Treasurer and 41:40 (Tax Collector)].

(59)Serve as Election Officials (RSA 658:9 & 659:95)

(60)Serve as Local Governing Body (RSA 672:6)

(61)Sit on Board of Health & Adopt Health Regulations (RSA 147)

(62)Sit on the Municipal Records Disposition (RSA 33-A: 3)

(63)Submit Reports to NH Department of Revenue Administration (RSA 2-J: 34)

E. Limitations 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 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 or operations of the Fire Department (RSA 154:2) or Library (RSA 202-A: 6), however the Selectmen shall retain jurisdiction over the finances, respective budgets and any other subject matters required by law, as otherwise set forth in RSA 32, 41:8, 41:9 and 41:9-a and any other applicable laws.

F. Delegation of Selectmen’s Duties

(1)The Board of Selectmen has historically delegated many of its responsibilities to staff members with enhanced levels of expertise, qualifications and specific competencies.

**IV. BUSINESS PROTOCOLS**

**Public Sessions**

The Board of Selectmen can only act in a duly posted public session unless a subject matter is specifically exempt by law from such requirement. Notice of all meetings shall be posted at least 24 hours in advance of the meeting (except in the event of an emergency as noted herein) in the Town Hall lobby. Additional posting may be made at other municipal buildings such as the Library and notice may be provided to local media outlets to the extent practical. There is no legal requirement to post an agenda with a notice of meeting. Notes, tapes, and other materials used for compiling minutes of a public session meeting shall be made available for public inspection in the Office of the Town Administrator immediately upon the conclusion of a meeting; and draft minutes shall be considered a permanent record of the Town as of the 5th business day after the meeting.

**Non-Public Sessions**

The Board of Selectmen may meet in non-public session only to discuss the subject matters referenced in RSA 91-A:3, II, provided that such action is preceded by a motion, second and roll call vote that indicates the precise reasons for entering a non-public session, including a reference to the applicable statutory citation; and furthermore provided that such action can only take place during a duly posted public meeting. Upon the close of non-public session business, the Board of Selectmen may by 2/3 vote, seal the minutes until such time as divulgence is otherwise permitted under law (RSA 91-A:3, III); otherwise a draft of the non-public session minutes shall be made available for public inspection in the Office of the Town Administrator within 72 hours.

**Minutes**

An original document of all minutes from all meetings of the Board of Selectmen shall be signed by the Board of Selectmen following a majority vote to approve such minutes; whereupon they shall be transferred to the custody of the Office of the Town Clerk-Tax Collector as soon as practical. The minimum content of the minutes shall be as set for in RSA 91-A:2 & 4, but nothing herein is intended to prohibit the Selectmen from including such additional information as they may deem necessary. Sealed minutes shall be held in the custody of the Office of the Town Administrator. Draft minutes shall be noted as such.

**Non-Meetings**

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 (see Appendix A). These non-meetings may be held during the course of a non-public session or upon the conclusion of a public session meeting or at any other time that is convenient to the participants.

**Emergency Meeting**

RSA 91-A: 2, II (see Appendix A) defines the circumstances and explains the procedures for the Board of Selectmen to have a meeting with less than 24 hour notice. Such meetings require an emergency where immediate undelayed action is deemed to be imperative by the Chair and advance notification must be posted as soon as possible.

**Public Hearings**

Public hearings are generally held for the following reasons: (a) to solicit input on proposed regulations, ordinances, fees or special events with a significant community impacts; (b) to resolve a personnel matter upon request from an employee to hold such proceedings in public; (c) to settle an appeal of a decision made by a Town employee; (d) in response to a petition to

lay out or accept a public highway; or for the purpose of deciding any question affecting the conflicting rights or claims of different persons. It should be noted the Board of Selectmen cannot legally preside over hearings when such responsibilities for decision-making authority has been delegated by statute or ordinance to some other party, (such as subdivision approvals, appeals of administrative decisions of the Building Inspector, removal of the Fire Chief or Library Director, etc.)

During such proceedings, the Board members should refrain from expressing any opinions unless specifically asked or until such time as all other speakers have had an opportunity to speak and the hearing is then closed by the Chair. Selectmen may, however, ask questions of speakers and respond to questions if they so choose. Typically a hearing should begin with some type of opening remark from the Chair and then a presentation or viewpoint from a supporter of the subject matter or the person requesting the hearing and thereafter alternate with opposing views. In the case of a contested proceeding, each party should be given an opportunity to make closing remarks and a rebuttal. (See also RSA 43 for specific requirements under certain situations).

Decision of the Board following a public hearing should always be expressed in writing and/or under signatures of the Board members, however, the drafting of a decision and circulation for signatures may be exempt from the open meeting requirement of NH law.

**Personnel Hearings**

1. Personnel hearings are conducted in non-public session unless otherwise requested by the affected employee, in which case they must be held in public session. If the hearing is held in public session, then all records related thereto shall be subject to public disclosure.
2. The procedures used for a personnel hearing should be similar to the process used for any public hearing, except that a Selectman has no obligation to answer any questions posed by the participants. In addition, either party may call witnesses or submit evidence to support his/her viewpoint, but the Selectmen are not required to comply with or establish any formal set of evidentiary rules; and the provisions of RSA 43 are not applicable except for removal proceedings as set forth in RSA 41:16-c (Town Clerk) 41:26-d (Treasurer) and 41:40 (Tax Collector).

**Consent Agenda**

In order to facilitate the daily operations of Town government, the Selectmen may sign routine documents such as payroll changes, payment manifests, tax warrants, abatements and correspondence without the necessity of a public meeting; provided that such documents are thereafter approved by a vote of the Board. Furthermore, it should be noted that such documents must be made available for public inspection unless specifically exempt by law and any Selectman may require any such document to be acted upon and/or discussed by the Board at a meeting prior to the signatures of a majority taking effect.

**Lack of a Quorum**

In the event that one Selectman is absent from a meeting, the remaining two members of the Board shall constitute a quorum and all decisions made shall have the same effect as any other decision of the entire Board, unless otherwise prescribed by law. In the event that two Selectmen are absent from a meeting, no official meeting can take place and therefore no decisions can be made.

**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 of the remaining two members of the Board.

K. **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 purposes of determining the majority viewpoint. If more than one Selectman abstains from a vote, no action shall be taken.

L. **Illegal Votes**

It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by e-mail or in such a way as to be contrary to the Right to Know Law.

M. **Disqualifications**

Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (to include voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectman should voluntarily disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome. In addition, a Selectman should disqualify himself/herself when acting in a quasi-judicial capacity based on a juror’s standard of impartiality. [NOTE: There are no circumstances when a majority of the Board members can refuse to allow a Selectman to participate in the official proceedings of the Board, however, Selectmen are encouraged to publicly disclose any and all potential conflicts of interest and to thereafter defer to the will of the majority in determining whether or not to step down.]

N. **Voting Procedures**

Votes should be taken by the Board upon a motion and a second whenever the Board members wish to go on record as having made a decision on behalf of the Town. In some instances, however, the Board may wish to convey its opinion or consent by a simple consensus process.

O. **Role of the Administrator**

The Town Administrator shall ensure that all meetings of the Board of Selectmen comply with the requirement of NH law, (public notice, postings, non-public session, public hearings, minutes, etc.) In addition, the Town Administrator shall be available during meetings to provide advice and recommendations to the Selectmen upon request. The Town Administrator shall also perform all of the duties and responsibilities as set forth in the attached job description (Appendix C) or as otherwise determined by the Board of Selectmen.

P. **Correspondence**

(1) The Office of the Town Administrator shall open all mail addressed to Selectmen at the Town Offices unless marked confidential and/or personal. Such mail shall be date stamped upon being received and forwarded to the appropriate Selectman’s office mailbox. A call will be placed to that Selectman advising them of the correspondence.

(2) Incoming correspondence addressed to the Board of Selectmen or an individual Selectman should be promptly shared with all members of the Board and the Town Administrator. The Town Administrator may respond on behalf of the Board to routine questions of an administrative nature, but all other matters shall be placed on an upcoming Selectmen’s agenda for a Board decision. The Town Administrator may thereafter respond on behalf of the Board unless otherwise directed.

(3) Selectmen should not sign or use official Town letterhead as individuals without the consent of the majority of the Board members.

Q. **Political Issues**

The Selectmen should refrain from endorsing (or giving the appearance of endorsing) any specific candidate for elected office (including themselves) while acting at a public meeting or in an official capacity. Selectmen are encouraged, however, to speak on any political issues that may affect the Town of Andover, to include expressions of specific viewpoints as may be applicable.

R. **Appointments of Town Officials**

The Selectmen act as the Appointing Authority for many other Town Officials, including employees, members of boards and committees and to fill vacancies in some elected offices. Often times these appointment decisions have long-term implications in much the same way as the President may appoint a Justice to the Supreme Court, with an emphasis on local consequences. In making these decisions by majority vote, the Board should always discuss individual qualifications in a non-public session (except for positions that are subject to future elections in which case all discussions must be done in public and all application materials are subject to public disclosure). Ultimately decisions to appoint should be made based primarily on a candidate’s qualifications, experience, track record and ideology, even when considering re-appointments.

**IV. Selectmen’s Code of Conduct**

A. Selectmen’s Meetings

The following guidelines are presented as a list of suggestions for Selectmen to consider in order facilitating the management of the Town:

(1)Be prepared for all meeting by reading the materials in advance of the meeting.

(2)Actively participate in all deliberations.

(3)Be respectful of differences of opinion. Treat others with dignity and attentiveness

(4)Be fair and open-minded.

(5)Attend all meetings to the greatest extent possible; otherwise notify the Chair in advance to request that an absence be excused.

(6)Demonstrate the characteristics of honesty, integrity and positive role-model leadership.

(7)There should be no hesitation to express a viewpoint or present the opinions of concerned citizens.

(8)Research and requests for additional information are strongly encouraged, but it is suggested that the Town Administrator be utilized to process all inquiries from staff.

(9)Be attentive to the remarks of others during a meeting, including input received from members of the public, staff and other Town Officials.

B. **General Rules**

The following guidelines are intended to assist the Selectmen in the performance of their official duties:

(1)Don’t make unilateral promises, threats or decisions on behalf the Board. Understand the Doctrine of Estoppel can be a double edged sword.

(2)Be very cautious about making promises with regards to a future vote or the treatment of any individual.

(3)Do make yourself available to listen to (or read about) constituent concerns.

(4)There is a fine line that is often impossible to identify between “acting in concert with personal beliefs and principles” vs. “acting in the best interests of the Town based on a specific set of circumstances.” Follow your conscience.

(5) Don’t cast blame for problems without having all the facts. In most instances it is better to steer conversations towards identification of problems and possible solutions rather than pointing fingers at individuals who may have made mistakes.

(6) Don’t be afraid to explain that you were not aware of a certain situation or that you may not know the answer to a specific question about Town government. There are many resources available for you to get the right answers in a short period of time. Also, keep in mind that the right answer may not always be the answer desired, but this will always be better than giving misinformation or false hope.

(7) Friendships and business relations should not be a deciding factor when making decisions in the best interests of the Town. A true friend will understand and respect the need for a Selectman to avoid the appearance of favoritism.

(8) The business of running the Town often requires perseverance, patience and long- term planning. The existence of phrases such as “Rome wasn’t built in a day” and “the wheels of government grind slowly” is indicative of a frustrating reality at times. However, Selectmen are encouraged to be mindful of their role in the posterity of future generations while dealing with current issues.

(9) Keep in mind that the eyes of Andover are upon you. The things you say and do and the people you associate with are a reflection on your character as an official who is elected to represent the Andover community.

(10) Try to avoid being a player on either end of the rumor mill. Work towards earning (and keeping) a reputation for having integrity.

(11) Statements made by individual Selectmen that amount to personal attacks or public insults (regardless of the setting) will impede the ability of the Board of Selectmen to function in the best interests of the Town.

(12) Privileged information should not be shared or discussed with anyone other than the parties directly involved. In some instances the disclosure of privileged information can result in legal consequences (of a personal nature as well as creating Town liability) and/or removal from office.

(13) In the event a Selectmen becomes aware of any wrong-doing on the part of an elected or appointed Town official, this knowledge must be shared with the remaining members of the Board during a non-public session prior to any action being taken.

(14) Selectmen are indemnified by a Town insurance policy from liability for official conduct that is taken within the confines of their duties and responsibilities. Selectmen are also covered under the Town’s worker’s compensation insurance policy as “employees”, but they are not eligible for any other employee benefit.

C. **Relationships with Other Town Boards & Committees**

(1)The Selectmen should be mindful of the statutory authority granted to certain Boards and Committees with a goal of assisting such agencies in the fulfillment of their mission to the greatest extent practical. This is especially relevant in dealing with the Town’s Legislative (Town Meeting) as well as the Planning Board, ZBA and Budget Committee.

(2)Whenever the Board of Selectmen decides to establish a board or committee that is not prescribed by law or is otherwise under the Selectmen’s jurisdiction, the Board shall adopt a resolution that specifies the name of the agency, the number of members and alternates if desired, the length of terms, the mission of the agency, (to include duties, responsibilities and authority), residence requirements, the date by which the agency shall cease to exist and any other information deemed relevant.

(3) In some situations the role of the Board of Selectmen in any proceedings related to the removal from office of members of Boards and Committees is specifically set forth in law and must be followed in a precise manner. However, there are also situations where the Board of Selectmen may have the authority to replace members with or without cause and with or without due process as may be allowed by law. Accordingly, it is important that the Oath of Office be carefully worded by the Selectmen to ensure the Board preserves its rights pertaining to the status of appointees.

(4) Selectmen who serve as ex-officio members (or liaisons) of other Boards and Committees are expected to vote and act in a manner that is consistent with the majority viewpoint of the Board of Selectmen, to the extent practical.

(5) All Town Boards and Committees are subject to the Right to Know Law and must therefore comply with all provisions of RSA91-A.

D. **Relationships with Other Elected Town Officials**

(1)Selectmen are encouraged to maintain open lines of communication and positive relations with other elected Town Officials for the sake of facilitating municipal operations. When discussing Town business, such communications should be prefaced as either being a personal viewpoint or the official position of the Board, as may be appropriate.

(2)In the event that a Selectmen is aggrieved by a decision or action that is taken by an elected Town official, the issue should be shared with the remaining members of the Board during a public or non-public session meeting (as allowed by law) prior to any action being taken.

(3) The role of the Board of Selectmen in any proceedings related to the removal from office of an elected Town Official is specifically set forth in law and must be followed in a very precise manner.

E. **Relationships with Other Selectmen**

1. It is recognized under NH law that a chance meeting or social event involving a quorum of the Board (two or more members) does not constitute a “meeting”. However, individual Selectmen must not discuss any Town business during such situations.
2. Communications between Selectmen during meetings or public events should always take into account a level of decorum that is commensurate with the position of elected leaders of the Town. Accordingly, it is expected that Selectmen will conduct themselves in a professional matter at all times; and that members of the Board can ultimately agree to disagree in the event of differences of opinion regardless of the circumstances or the intensity of feelings.
3. All written communications between Selectmen may be considered public documents under the law. This includes emails and handwritten notes. Selectmen can be held personally (and financially) liable by a court for destruction of any such documents or willful violations of the Right to Know Law.

**F. Relationships with Staff**

(1) It is requested that Selectmen respect the chain of command and deal with staff issues or requests for information through the office of the Town Administrator at all times. This is not to imply, however, that Selectmen must do anything differently from ordinary residents with regards to routine government services (such as vehicle registrations, permit applications, etc.) in which case Selectmen should expect to be treated in the same manner as every other “customer”.

1. In the event a Selectman observes an employee exhibiting inappropriate behavior, such conduct should be promptly referred to the Town Administrator and may also be disclosed to the other members of the Board of Selectmen during a non-public session of a meeting.
2. Selectmen should be aware that staff meetings are not open to the public and these meetings are not subject to the Right to Know Law. Members of the Board of Selectman should only attend these types of meetings upon invitation or request of the Town Administrator.
3. Selectmen are encouraged to meet as individuals on a regular basis with the Town Administrator to exchange information and share ideas. Such meetings are not subject to the Right to Know Law; however, any written documentation that is exchanged may be subject to public disclosure. Selectmen should be aware of the work load and time constraints of the Town Administrator and Staff and use their time efficiently.
4. Selectmen should never solicit political favors, contributions or election support from Town employees who are expected to remain neutral in such matter at all times, but especially during work.
5. Disciplinary decisions may be Department Managers and/or the Town Administrator must be implemented without consulting the Board of Selectmen or individual Selectmen in order to preserve the juror status and impartiality that is required for the Board and its members to serve as an appeals body.

**G. Relationships with Legal Counsel**

1. The Town Attorney works for the Town of Andover under such terms and conditions as may be determined solely by the Board of Selectmen. Consultations between the Selectmen and legal counsel are exempt from the Right to Know Law.
2. Members of the Board of Selectmen are encouraged to communicate with the Town Attorney through the Office of the Town Administrator. Often times the Town Administrator may be able to provide legal answers without incurring any legal costs.
3. Selectmen who have a legal question about Town business that is not of an urgent or emergency nature who do not wish to involve the Town Administrator in such an inquiry, are expected to discuss this matter with the remaining members of the Board during a non-public session of a meeting prior to contacting the Town Attorney directly.
4. Selectmen who have a legal question about Town business of an urgent or emergency nature who do not wish to involve the Town Administrator are authorized to contact the Town Attorney directly, provided, however, that the nature of the communication shall be put into writing and shared with all Board members as soon as practical.
5. From time to time Selectmen are individually served with a lawsuit in the exercise of their duties. Because the timing of the Town’s response can be a critical component in a lawsuit, Selectmen should immediately notify the Town Administrator if they have been sued as a Town Official. The Town Administrator will then forward copies of the lawsuit to all of the Selectmen and the Town Attorney and the Town’s insurance carrier.
6. (Sometimes the Town’s insurance carrier will provide and pay for legal counsel in which case the Town Attorney may not be involved in the proceedings.)

**H. Relationships with the Media**

1. It is recommended that Selectmen never go “off the record” when communicating with a reporter. Keep in mind that there may be times when it is in the Town’s best interest for a Selectman to have no comment but such remarks should be used very judiciously.
2. Selectmen should be very cautious when choosing words during a conversation with a reporter (or in the presence of the media) to avoid being misquoted, or having words taken out of context, or disclosing information that should not be made public.
3. Although the Chairperson serves as the official spokesperson for the Board, there is nothing in these guidelines that is intended to prevent any other member of the Board of Selectmen from speaking with the media and offering a personal viewpoint that may differ from the Board.
4. Newspaper accounts of municipal events are not always an entirely accurate depiction of the factual circumstances. Accordingly members of the Board of Selectmen should not make decisions based solely on reports in the newspaper or on television or other media outlets.

I. **Relationships with Civic Organizations & Citizens**

Selectmen are encouraged to visit with members of local civic organizations and concerned citizens to solicit feedback and input on government operations and/or discuss current issues, public events and personal viewpoints concerning Town affairs.

J. **Ethics**

Individual Selectmen should not seek to exert any undue influence or interference in the exercise of the official duties of other Town officials or employees. In the event that a Selectman has legitimate personal interests in the outcome of a government function, and he/she acts as a private citizen in pursuit of that objective, then he/she should thereafter disqualify himself/herself as a Selectman in any matter related thereto.

K. **Violations**

(1)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 of Selectmen may vote to publicly censure a Selectman for repeated or egregious failures to meet these obligations.

(2)In the event that a quorum of the Board is of the opinion that one of the Selectmen 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.

IN WITNESS WHEREOF, these Operational Guidelines for the Board of Selectmen are adopted and approved on the 5th day of January, 2015 by the Andover Board of Selectmen.

Duncan Coolidge, Chairperson

James W. Danforth

Sophie Viandier