



# TOWN OF RAYMOND

Planning Board Agenda

March 3, 2022

7:00 p.m. - Raymond High School

Media Center - 45 Harriman Hill

**WORK SESSION**

## Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. \**

### 1. Pledge of Allegiance

### 2. Public Hearing

WORK SESSION- review of Rules and Procedures, Ethics, Upcoming workshop, and How to be a good board member. Master Plan- review and discussion

### 3. Approval of Minutes

- 1/20/2022(provided in 2/3/2022 packets)
- 02/03/2022(provided in 02/17/2022 packets)
- 02/17/2022

### 4. Public Comment

### 5. Other Business

- Staff Updates- See MEMO
- Board Member Updates
- Any other business brought before the board

### 6. Adjournment (NO LATER THAN 10:00 P.M.)

\* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held at a time TBD.



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7:00 p.m. - Raymond High School

Media Center - 45 Harriman Hill

**WORK SESSION**

## PLANNING BOARD MEETING DATES 2022

| Submittal Deadline for Completed Application & Materials | Planning Board Meeting Dates (1st & 3rd Thursdays of the Month) | Projects Scheduled       |
|--|---|--------------------------|
| February 03, 2022  | March 03, 2022  | WORK SESSION             |
| February 17, 2022  | March 17, 2022  | MOUNTAIN ROAD            |
| March 03, 2022   | April 07, 2022  | STARBUCKS & PINARD WASTE |
| March 17, 2022   | April 21, 2022  | IC REED                  |
| April 07, 2022   | May 05, 2022  |                          |
| April 21, 2022   | May 19, 2022  |                          |
| May 05, 2022   | June 02, 2022   |                          |
| May 19, 2022   | June 16, 2022   |                          |
| June 02, 2022  | July 07, 2022   |                          |
| June 16, 2022  | July 21, 2022   |                          |
| July 07, 2022  | August 04, 2022   |                          |
| July 21, 2022  | August 18, 2022   |                          |
| August 04, 2022  | September 01, 2022  |                          |
| August 18, 2022  | September 15, 2022  |                          |
| September 01, 2022                                       | October 06, 2022  |                          |
| September 15, 2022                                       | October 20, 2022  |                          |
| October 06, 2022   | November 03, 2022   |                          |
| October 20, 2022   | November 17, 2022   |                          |
| November 03, 2022  | December 01, 2022   |                          |
| November 17, 2022  | December 15, 2022   |                          |

\* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held at a time TBD.



## 2022 Local Officials Workshops

NHMA will be holding two FREE virtual workshops designed specifically for newly-elected (or appointed) as well as experienced municipal officials and employees of member municipalities.

Presented by NHMA's Legal Services attorneys, these complimentary virtual workshops provide municipal officials with the tools and information to effectively serve your communities. Topics will include the Right-to-Know Law, town governance, budget and finance, municipal roads, town meeting & warrant articles, running effective meetings, ethics, conflicts and more. This program will also include a presentation on hot topics pending before the New Hampshire State Legislature of concern to municipal officials. Ample time allowed for questions, answers, and discussion. These virtual workshops will be in Zoom.

**Tuesday, April 5, 2022**  
9:00 a.m. - 4:00 p.m.

OR

**Tuesday, May 17, 2022**  
9:00 a.m. - 4:00 p.m.

Attendees will receive a complimentary electronic copy of the NHMA's 2022 edition of the publication, *Knowing the Territory*. Additional materials such as the PowerPoint presentation will also be distributed electronically. No print outs of the materials or hard copy of the publication will be provided.

Pre-registration is required. If you register but cannot attend, a link to the workshop recording and a link to the electronic workshop materials will be provided.

Questions? Please contact us at 603-230-3350 or [nhmregistrations@nhmunicipal.org](mailto:nhmregistrations@nhmunicipal.org)

Municipality \*



Address \*

Address Line 1

Address Line 2

City

State



Zip Code

Phone \*

Email \*

Confirmation of this registration will be sent to this email address and not to the actual registrants email below. Please forward the confirmation to the registrant, if you are not the registrant/attendee. Thank you!

### Registrant 1

#### Registrant 1

Name \*

First

Last

Municipal Position \*

Email \*

Zoom requires that each attendee have their own email address. Please be sure you are indicating the REGISTRANT'S email address here so that they can receive the link to join the workshop. Thank you!

I consider myself \*

a beginner (2 years or fewer)

advanced (2+ years experience)

If you have a question you would like to see answered by the attorneys at the workshop, please submit that question below:

**A BIG thank you to our sponsor!**



# Raymond Planning Board



## Rules of Procedure

ADOPTED  
04/21/2005

LAST AMENDED  
10/03/2019

## **ARTICLE I – AUTHORITY AND MEETING BASICS**

### **1.100 AUTHORITY**

These Rules of Procedure have been adopted under the authority of RSA 676:1.

### **1.200 MEETING DATE, TIME, AND PLACE**

Planning Board meetings are held every Thursday unless otherwise designated by the Chairman. In the event of inclement weather, the Tuesday following the cancelled meeting shall serve as the makeup date, unless another date is specified. All Planning Board meetings shall start no earlier than 7:00 p.m. unless otherwise specified. All Planning Board meetings shall be held in the Media Center at Raymond High School, located at 45 Harriman Hill Road, unless otherwise specified.

### **1.300 MEETING SCHEDULE**

Public hearings shall be scheduled for the first and third Thursday of each month unless otherwise designated by the Chairman. Work sessions shall be scheduled for the second Thursday of each month unless otherwise designated by the Chairman.

## **ARTICLE II – BOARD MEMBERSHIP**

### **2.100 MAKEUP OF BOARD**

Planning Board Members shall be elected per RSA 673:2(II). The Board shall consist of seven (7) Members, one (1) of which is to be a Selectman serving as an ex officio Member. The Board may appoint up to five (5) Alternate Members, as authorized by RSA 673:6(II).

### **2.200 TERM LENGTH**

Planning Board Members shall be elected to terms of three (3) years pursuant to RSA 673:5(II). The ex officio Member will be appointed by the Board of Selectmen at the first Selectmen's meeting following the annual Town Election. Alternate Members shall be appointed to terms of three (3) years, which shall be staggered, in accordance with RSA 673:6(II). The Town Clerk shall record the appointment and expiration dates of the terms of each Member and Alternate Member.

### **2.300 OATH OF OFFICE**

Each newly elected Member, and newly appointed Alternate Member must be sworn-in and take an Oath of Office in accordance with RSA 669:9 prior to being eligible to serve on the Board.

### **2.400 PROCESS FOR APPOINTMENT OF ALTERNATE MEMBERS**

An announcement that the Planning Board is seeking Alternate Members will be made via print media; broadcasted on Raymond Community Television (channel 13 and/or 22); posted on the Town's web site (<http://www.raymondnh.gov>); and/or announced verbally by the Chairman at Board meetings. Such announcement(s) will be made until all five (5) Alternate Member positions have been filled.

Interested residents shall declare their interest in serving as an Alternate Member to the Chairman at a posted meeting of the Board. The prospective Alternate Member must attend three (3) Planning Board meetings prior to consideration for appointment as an Alternate Member. Once three (3) meetings have been attended, the prospective Alternate Member will be interviewed by the Board and considered for appointment.

### **2.500 PROCESS FOR FILLING VACANT MEMBER SEATS**

In the event that a Member's seat becomes vacant due to resignation or any other reason, the Board shall appoint a new Member to sit in the vacant seat until the next Town Election, at which time the remainder of the vacated Member's term shall be up for election, per RSA 673:12.

Alternate Members will be given first consideration when filling a vacant Member seat, and, whenever possible, a vacant seat will be filled by an Alternate Member before anyone else. Alternate Members will be considered for appointment to the Member's vacant seat first based upon seniority, then based upon the Alternate Member's attendance at posted meetings and site walks. In the case of multiple Alternate Members having been appointed on the same date, the Alternate Member with the better attendance record will be considered for appointment to the vacant Member's

seat. If another tiebreaker is needed, a coin flip shall determine which Alternate Member will be considered for appointment to the vacant Member's seat.

**2.600 BOARD TRAINING WITH LEGAL COUNSEL**

A training session with the Board's Legal Counsel will be scheduled within two (2) months of the annual Town Meeting.

**2.700 INDIVIDUAL BOARD MEMBER TRAINING AND REFERENCE MATERIALS**

Pursuant to RSA 673:3-a, it is recommended that any new Member of the Planning Board undertake six (6) hours of training within six (6) months of assuming their position on the Board for the first time.

The Community Development Department shall provide new Members with the following documents and reference materials and recommends that new Members review them. The materials provided shall include but not be limited to:

- New Hampshire Planning & Land Use Regulation (RSA book)
- Town of Raymond Zoning Ordinance
- Town of Raymond Subdivision Regulations
- Town of Raymond Site Plan Review Regulations
- Town of Raymond Excavation Regulations
- Town of Raymond Floodplain Development Ordinance
- The Planning Board in New Hampshire – A Handbook for Local Officials (by the NH Office of Energy and Planning)

## **ARTICLE III – BOARD OFFICERS**

### **3.100 PROCESS FOR ELECTING OFFICERS**

During the first meeting following the annual Town Election, said meeting will be convened by the Community Development Director, who will then request nominations for the position of Chairman. The Community Development Director will then call for a vote on each person nominated in the order the nomination was received. This procedure will continue until a Member receives a majority vote. Once a Member has been elected as Chairman, said Member shall then conduct elections for the positions of Vice Chairman and Secretary, in the manner described above.

### **3.200 CHAIRMAN**

A Chairman shall be elected by a majority vote of the Board in the manner described in Article III, Section 3.100 of these Rules of Procedure. The Chairman shall preside over all meetings; shall prepare, with the assistance of the Board's staff, an annual report; and shall perform other duties customary to the office. The Chairman shall be responsible for conduct and decorum of the meeting. The Chairman shall also have the responsibility to ensure all parties receive a full and fair hearing before the Board, and to ensure that the Rules of Procedure and applicable State Laws are adhered to.

### **3.300 VICE CHAIRMAN**

A Vice Chairman shall be elected by a majority vote of the Board in the manner described in Article III, Section 3.100 of these Rules of Procedure. The Vice Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.

### **3.400 SECRETARY**

A Secretary shall be elected by a majority vote of the Board in the manner described in Article III, Section 3.100 of these Rules of Procedure. The Secretary shall preside in the absence of both the Vice Chairman and the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of both the Vice Chairman and Chairman. The Secretary shall also be responsible for keeping minutes during posted meetings for which the Planning Technician and Community Development Director are not present. Additionally, the Secretary, or a Member designated by the Chairman or Vice Chairman in the absence of the Secretary, shall take minutes and photographs during all site walks.

### **3.500 INELIGIBILITY OF HOLDING OFFICE**

Neither the Ex Officio Member, nor any Alternate Members shall be eligible to hold office.

## ARTICLE IV – AGENTS OF THE BOARD

### 4.100 BOARD STAFF

The Board may appoint other agents, as necessary, to perform duties for the Board. The following are designated agents of the Board:

- a. **Community Development Director (CDD)** – Shall serve as the Chairman of the Technical Review Committee for the review of land use applications and fulfill other duties as may be determined by the Planning Board. In the event that the CDD is absent or the CDD position is vacant, the Planning Technician shall serve in the CDD's place.
- b. **Planning Technician** – Shall provide technical support, as needed, to the Technical Review Committee and Planning Board. The Planning Technician shall also take meeting minutes, issue notice for all meetings, and fulfill other duties as may be determined by the Planning Board and shall serve as chair of the TRC in the event of absence or vacancy of the Community Development Director.
- c. **Code Enforcement Officer; Public Works Director; Fire Chief; Assistant Fire Chief; Police Chief or their Designees** – Shall be members of the Technical Review Committee for the review of land use applications.

## **ARTICLE V – MEMBER RESPONSIBILITIES**

### **5.100 ATTENDANCE**

Board Members and Alternate Members should attend every scheduled meeting and site walk. If a Member or Alternate Member will be unable to attend or will be tardy to a meeting or site walk, said Member or Alternate Member shall notify the Chairman, Community Development Director or Planning Technician as soon as possible. If notification is made, the Member can be granted an excused absence. Multiple unexcused absences shall be grounds for a request by the Board for resignation, though it is the sole discretion of that Member whether or not to resign.

### **5.200 DISQUALIFICATION OF MEMBER**

If a Member becomes ineligible to serve on a specific case, per RSA 673:14, said Member shall notify the Chairman as soon as possible. The Chairman shall then designate an Alternate Member to serve in that Member's place. The ineligibility of a Member shall be announced prior to the start of the hearing. Any Board Member may request a non-binding vote of the Board on the ineligibility of another Member. This vote can only be requested by a Board Member; Alternate Members cannot require such a vote.

### **5.300 REMOVAL OF MEMBERS**

Board Members and Alternate Members may be removed for inefficiency, neglect of duty or malfeasance in office per RSA 673:13.

### **5.400 CODE OF ETHICS**

Board Members and Alternate Members are subject to the Town of Raymond Code of Ethics.

## **ARTICLE VI – NOTICE FOR PLANNING BOARD MEETINGS**

### **6.100 AGENDAS**

Agendas for Planning Board meetings shall be posted in the Town Office Lobby and in the Display Case located outside the Recreation/Public Works Office Building. Agendas shall be posted no later than 24 hours prior to the scheduled meeting. Agendas shall also be distributed to Members and Alternate Members no later than the Monday prior to the next meeting, unless otherwise specified.

### **6.200 LEGAL NOTICES**

Public hearings held by the Planning Board on applications for subdivision and site plan review shall be noticed in accordance with RSA 675:7 and RSA 676:4(I)(d).

Public hearings held by the Planning Board on applications for an excavation permit shall be noticed in accordance RSA 155-E:7. The three (3) locations for posting notice, as specified within RSA 155-E:7 shall be as follows: (1) the Town Office Lobby; (2) the Display Case located outside the Recreation/Public Works Office Building; and (3) the Safety Complex.

### **6.300 LEGAL NOTICE OF ABUTTERS**

All legal notices sent to abutters for public hearings before the Planning Board shall be sent via certified mail, return receipt requested.

### **6.400 ABUTTER RE-NOTIFICATION POLICY**

An applicant shall be required to pay for the cost of abutter re-notification if:

- a. A public hearing is continued to a date more than 60 days from the current date;
- b. A public hearing is continued more than three (3) consecutive times.

## **ARTICLE VII – PLANNING BOARD MEETINGS**

### **7.100 GENERAL PROVISIONS**

- a. **QUORUM** – A quorum shall be the majority of the membership of the Planning Board, which may partially consist of any Alternate Members sitting in the place of regular Members.
- b. **MOTIONS** – A motion made, and duly seconded, shall only be carried by an affirmative vote of the majority of voting Members present. Voting Members may include any Alternate Members sitting in the place of regular Members.

### **7.200 SEATING OF ALTERNATE MEMBERS**

The Chairman shall select an Alternate Member to sit in place of an absent, recused, or otherwise ineligible Member, on a rotating basis, as needed. Said Alternate Member shall remain seated as a Member of the Board until the regular Member can return to their seat. Only the Alternate Ex Officio Member may sit in place of the Ex Officio Member in his/her absence per RSA 673:11.

In the event an Alternate Member is chosen to sit in place of any absent Member during a public hearing, said Alternate Member shall remain seated in the place of any absent Member until the Board renders a final decision on the topic at hand.

### **7.300 ROLE OF ALTERNATE MEMBERS**

Alternate Members may ask questions and otherwise participate in all discussions, except those from which they recuse. When not sitting as a Member, Alternate Members shall not make, second or vote on any motions.

### **7.400 DECORUM OF THE MEETING**

The Planning Board has only those powers granted to it; it cannot usurp powers belonging to another Town body, or the Town as a whole (RSA 674:1). The Chairman is responsible for conduct and decorum of the meeting. All persons speaking should address only the Board, through the Chairman. The Chairman will not allow cross-witness arguments or cross-examination. Questions may be raised (e.g. abutter question to an applicant), but the questioner should address the Chairman; the Chairman will repeat the question in a manner which is impartial and seeks the type of information the Board needs to make its decision.

Board Members and Alternate Members will conduct themselves in a polite manner. Disagreements on positions are to be expected, but all Members and Alternate Members should interact with each other, applicants, expert witnesses and the public with respect. The Chairman may ask a Member or Alternate Member to refrain from negative behavior. The Chairman may request that a member of the public stop talking at once and may request that the person leave the room. An applicant may be warned that the hearing in progress will cease and be continued to a later date.

### **7.500 CONDUCT OF PUBLIC HEARINGS**

Public hearings shall be conducted in the following manner:

- a. The public hearing is called to order, and the legal notice is read aloud by the Chairman. The Chairman will announce which Members are absent and declare whether their absence is excused or unexcused. The Chairman will then announce which Alternate Member(s) will be seated as Members.
- b. Any Board Member or Alternate Member needing to make a disclosure or needing to recuse from the hearing shall do so at this time.
- c. The List of Abutters is read by the Planning Technician. Any abutters present claiming not to have received notification, and whose claim is substantiated, may sign a form agreeing to waive the requirement that they be notified prior to the public hearing taking place. If the abutter is not present, declines to sign the waiver, or if an error is found after the meeting, then the required notice must be provided, and the review process begun again. Any failure to notice should be corrected as soon as it is discovered, before the Board proceeds.
- d. The Board motions to accept the application as complete for review purposes.
- e. The Community Development Director gives his report to the Board.
- f. Presentation by the Applicant and/or Applicant's Agent(s).
- g. Determination of Regional Impact per RSA 36:55.
- h. Planning Board Member questions (no deliberation currently).
- i. Planning Board Alternate Member questions (no deliberation at this time).
- j. Abutter questions and/or comments.
- k. Public questions and/or comments.
- l. Closing remarks by the Applicant and/or the Applicant's Agent(s).
- m. Public hearing closed by the Chairman.
- n. Deliberative session begins. Any recused Members must leave the room at this time.
- o. Planning Board action. The hearing may be continued to a date and time certain, the Board may approve, with or without conditions, or the

Board may deny with written reasons for the disapproval in accordance with RSA 676:3.

**7.600 CONDUCT OF SITE WALKS**

A site walk shall be considered a public meeting. Therefore, notice shall be required, as well as minutes taken, and the public shall be allowed to attend and observe. If the Applicant refuses site access to the Board, or to the non-Board public, then such action may be a basis for denial of an application without prejudice. Individual Board Members may visit a site with permission from an Applicant, so long as they are accompanied by a Town staff member, and as long as there is no quorum of the Board, the provisions of RSA 91-A do not apply.

The purpose of a site walk is to review the plan and/or specific aspects that can be better understood through observation. Questions should be limited to the plan and no deliberation shall take place. Planning Board Members, Staff, the Applicant and the public should stay in close proximity so that all questions can be documented in the minutes.

## **ARTICLE VIII – JOINT MEETINGS AND HEARINGS**

### **8.100 PROCEDURE FOR HOLDING A JOINT MEETING OR HEARING**

Pursuant to RSA 676:2, a joint meeting or hearing may be requested with other boards including but not limited to the Planning Board, Zoning Board of Adjustment, Historic District Commission, and Conservation Commission when the subject matter of the meeting or the requested permit is within the responsibilities of the boards convened.

It is recommended that the Planning Board, Zoning Board of Adjustment, Conservation Commission, Raymond Business and Economic Development Council and/or any other Board or Committee, at the discretion of the Planning Board, meet at least once a year to discuss necessary and/or possible amendments to the Zoning Ordinance, and to assess how the application review and hearing process works in the Community. In addition, joint meetings can provide the participating boards with an opportunity to hear the same presentation and, perhaps, get a more complete picture of what is being proposed. This procedure can also simplify and streamline the process for the applicant.

Joint meetings or hearings are subject to the following:

- a. An applicant seeking a local permit may petition two (2) or more land use boards to hold a joint meeting or hearing.
- b. Each board shall have the authority on its own initiative to request a joint meeting or hearing.
- c. Each board shall have the discretion as to whether or not to hold a joint meeting or hearing.
- d. Each board must adopt rules of procedure relative to joint meetings and hearings.

### **8.200 RULES OF PROCEDURE FOR JOINT MEETINGS OR HEARINGS**

- a. The Planning Board Chairman shall chair such joint meetings or hearings unless it is not involved in the particular application. Where not involved, the Zoning Board of Adjustment (ZBA) Chairman shall chair the joint meeting. If the ZBA is also not involved, the appropriate agencies which are involved shall determine which Board shall be in charge.
- b. Procedures for joint meetings or hearings relating to testimony, notice of hearings, and filing of decisions shall be consistent with the procedures established for individual boards.
- c. Every local land use board shall be responsible for rendering a decision on the subject matter which is within its jurisdiction based on the criteria for that board.

### **8.300 PLANNING BOARD ORDER FOR JOINT MEETINGS AND HEARINGS**

- a. Call to order by the Planning Board Chairman.

- b. Introduction of all participating boards and their members.
- c. Explanation of type and purpose of joint meeting or hearing, and review of procedural order to be followed (continue any procedures in Article VII, Section 7.500, if applicable).
- d. Presentation of proposal by the Applicant and/or Applicant's Agent(s).
- e. Questions to the Applicant from each board. (Encourage boards to address separately the issues unique to each board).
- f. Questions to the applicant from the public directed through the Planning Board Chairman
- g. Closing remarks by the Applicant and/or the Applicant's Agent(s).
- h. Public hearing closed by the Planning Board Chairman.
- i. Land use boards' discussion
- j. Decisions (if applicable)
- k. Adjournment

## **ARTICLE IX – PLANNING BOARD DECISIONS**

### **9.100 PROCEDURE FOR ISSUING DECISIONS**

The Board shall act to approve, conditionally approve, or disapprove an application for subdivision or site plan review, within 65 days of the date of acceptance of the application by the Board, subject to extension or waiver as provided by RSA 676:4.

A written Notice of Decision shall be made available to the applicant and made available for public inspection within five (5) business days of the vote, in accordance with RSA 676:3.

## **ARTICLE X – PLANNING BOARD RECORDS**

### **10.100 RECORD KEEPING**

The records of the Planning Board shall be kept by the Planning Technician and made available for public inspection at the Community Development Department Office.

### **10.200 MEETING MINUTES**

Planning Board meeting minutes shall be open to public inspection not more than five (5) business days after the public meeting as required by RSA 91-A:2(II). After the meeting minutes have been approved by the Planning Board, the Planning Technician shall destroy all means employed to prepare the minutes. Any means utilized to prepare the minutes that are not destroyed shall be permanently retained and made available for public inspection per RSA 91-A.

## **ARTICLE XI – AMENDMENTS**

### **11.100 PROCEDURE TO AMEND THE RULES OF PROCEDURE**

These Rules of Procedure may be amended by a majority vote of the Members of the Planning Board, provided that any amendments are read at a regular meeting of the Board. Amended Rules of Procedure shall be placed on file with the Town Clerk.



# Code of Ethics 225

## Town of Raymond

4 Epping St

Raymond NH 03077

603-895-7063

[raymondnhethicscommittee@yahoo.com](mailto:raymondnhethicscommittee@yahoo.com)

Adopted: March 2003

Revised: November 2015

Revised: April 2017

Revised: March 2018

Voted by Raymond NH Voters

## Raymond, NH - Code of Ethics

### § 225-1 Procurement of goods and services.

Goods and services shall be procured in a manner that maximizes free and open competition whenever possible in accordance with Town of Raymond Bidding Guidelines adopted on August 14, 1989.

Every effort will be made to actively recruit woman- and minority-owned business and to provide opportunities for local residents and businesses, consistent with Section 3 of the Housing and Urban Development Act of 1968.

All procurement actions shall be conducted in public whenever of substantial interest, and all records related thereto will be open to public review.

### § 225-2

For Town of Raymond's Public Servants

"Public Service is a Public Trust"

**Statement of Intent:** The proper operation of democratic government requires that public servants be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government members to perform their duties without conflicts between their private interests and those of the citizens they serve. In recognition of these goals, a Code of Ethics for all public servants is adopted in accordance with RSA 31:39A.

The purpose of this code is to establish guidelines for the ethical standards of conduct for public servants.

- We expect our public servants and volunteers to act in the best interest of the town.
- We expect public servants to disclose any personal, financial or other interests in matters affecting the town that come before them for action.
- We expect public servants to remove themselves from decision making if they have a conflict of interest or even the appearance of one.
- We expect public servants to be independent, impartial, and responsible to their fellow townspeople in their actions.
- We expect that the public servant's decisions and policies be made through the proper channels of government.
- We expect that a public servant position in our town not be used for personal gain.

It is important that the public have confidence in the integrity of its government and that public servants have an opportunity to protect their personal reputations.

This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all the parties involved.

#### The Code of Ethics Covers:

- Conflicts of Interest
- A Duty to Disclose and a Duty to Recuse
- Unfair Personal Use of Town Property
- Misuse of Confidential Information
- Gifts and Favors
- A Duty to Cooperate
- Fair Dealing / Non-Discrimination

## I. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

Board: Any board, committee, or commission, permanent or special, appointed or elected.

Complainant: A person who has submitted a petition to the Ethics Committee requesting inquiry or alleging a violation of the Code of Ethics.

Conflict of Interest: A situation, circumstance, or financial interest that has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty.

Employee: A person who is paid by the Town of Raymond for his/her services, but who is not an independent contractor.

Ethics Committee: The committee established by Section IV of this ordinance.

Family: Any person who is related to the public servant in one of the following ways: spouse, domestic partner, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the public servant in question, regardless of whether they are related by blood or marriage.

Firm: A sole proprietorship, joint venture, partnership, corporation and any other form of enterprise, but shall not include a public benefit corporation, local or economic development corporation or other similar entity as defined by the Ethics Committee.

Interest:

Any legal, financial or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or claim to land.

Pecuniary: Any advantage in the form money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

Principals: Those people who are the subject of the action or application that is before the board.

Public Servant: All officials, officers and employees of the Town, whether elected, appointed, paid or unpaid. A person is considered a public servant upon her or his election, appointment or other designation as such, although s/he may not yet officially occupy that position.

Quasi-judicial Action: A "quasi-judicial action" is any action where the board or committee members are acting like a judge or a jury. For example, when a board or committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before the board, the members are involved in a quasi-judicial action. The work of the planning and zoning boards is largely quasi-judicial.

Recuse: Removing or excusing oneself from participating in a specific action or discussion due to a conflict of interest. Recusal means to remove oneself completely from all further participation as a public servant in the matter in question.

Respondent: A public servant named in a petition submitted to the Ethics Committee as an inquiry or alleging a violation of the Code of Ethics.

Resident: A resident of the Town of Raymond.

Town: The Town of Raymond, including all its departments, boards, commissions, and committees.

## ii. Code Provisions

Individuals Covered: This Code of Ethics shall pertain to public servants.

### A. Conflicts of Interest

1. Public servants shall avoid conflicts of interest or even the appearance of a conflict of interest.
2. Public servants shall not appear on behalf of a client, friend, and family member before any governmental body of which the public servant is a member or whose members have been appointed by the governmental body of which the public servant is a member.
3. Public servants shall not participate in any matter in which s/he, or a member of her or his family, have a personal interest that may directly or indirectly affect or influence the performance of her or his duties. In such instances, the public servant shall recuse herself or himself from discussion and decision-making.
4. No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.
5. No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.
6. No public servant shall give opinion evidence as a paid expert against the interests of the Town in any civil litigation brought by or against the Town.
7. No public servant shall:
  - a) Coerce or attempt to coerce, by intimidation, threats or otherwise, any public servant to engage in political activities,
  - b) Request any subordinate public servant to participate in a political campaign. For purposes of this subparagraph, participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes or canvassing voters for a candidate or performing any similar acts which are unrelated to the public servant's duties or responsibilities. Nothing contained herein shall prohibit a public servant from requesting a subordinate public servant to speak on behalf of a candidate or provide information or perform other similar acts, if such acts are related to matters within the public servant's duties or responsibilities,
  - c) Misuse his or her official authority or influence for interfering with or affecting the result of an election;
  - d) Directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes or,
  - e) Become a candidate for public office in a partisan election as proscribed under the Hatch Act.
8. No public servant shall receive compensation except from the Town for performing any official duty.
9. No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.

### B. A Duty to Disclose and A Duty to Recuse

1. Duty to Disclose. Public servants shall not participate in the conduct of business on

behalf of the town or enter into discussion or deliberation of any matter without first, publicly and on the record, stating all:

Dealings

Interests

Relationships

Friendships

Employer/employee relationships and possible conflicts which may exist between you and your family, and the principals or the issue under consideration

Individuals in an employment relationship with a public servant may appear on behalf of clients, friends, or family before any governmental body whose members have been appointed by the body of which that public servant is a member if, and only if, such appointing public servant publicly discloses such affiliation in writing to that board in advance of the meeting.

2. Duty to Recuse. Public servants have a duty to recuse themselves from participating in specific action or discussion due to a conflict of interest.

Public servants who have been recused may remain in the hearing room for the public input portion of the hearing and shall seat themselves with the other members of the public who are present. When recused, the recused person shall not participate in further discussions, unless s/he clearly states for the record that s/he is doing so only as general member of the public. *(See update as of 3/13/18, page 9)*

Except as otherwise provided by state law, in the event a board member feels that a member has a conflict of interest, the board may take a non-binding vote to request recusal by that member. Such action may only be initiated by a member of the sitting board.

Not only does a public servant have a duty to recuse himself or herself as outlined in the section above, a public servant must recuse himself or herself in a quasi-judicial action if he or she would not be qualified to sit as a juror in that case.

For example, jurors are not qualified to sit in a case if they have advised or assisted either party in a matter being decided, are prejudiced to any degree regarding the pending matter, or believe they cannot for any reason be totally fair and impartial. As a representative of the Town of Raymond, you are expected to hold yourself to this same standard.

#### C. Unfair Personal Use of Town Property

No public servant shall use town property, services, or labor personally, or make the same available to others unless such use is available to other residents upon request on equal terms.

#### D. Misuse of Confidential Information

No public servant shall disclose any confidential information which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated within the public servant; provided, however, that this shall not prohibit any public servant from exercising his or her rights under the applicable State or Federal Whistleblower's Protection Act or as otherwise required by law.

#### E. Gifts and Favors

No public servant shall accept or agree to accept any pecuniary gift from any person or firm unless it is a non-monetary gift of nominal value and only if said person or firm is not or is not likely to become subject to or interested in any matter or action pending before or contemplated by himself or the Town. The Ethics Committee shall annually establish the upper limit on nominal value.

F. A Duty to Cooperate

All public servants shall cooperate fully with the Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics.

G. Fair Dealing / Non-Discrimination

Each public servant should endeavor to deal fairly with members of the public, suppliers and fellow public servants and may not be influenced by such person's work for or gifts made to the Town. None should take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other unfair-dealing practice.

Public servants shall during their public duties afford equal opportunity to everyone, regardless of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin or sexual orientation.

**III. Exclusions**

- A. The prohibition against gifts or favors shall not apply to an award publicly presented in recognition of public service.
- B. The above shall not prohibit a public servant from obtaining a loan from any financial institution upon terms and conditions available to members of the public.
- C. The above shall not prohibit a public servant from participating in collective bargaining or from paying union or shop fees or dues.
- D. The prohibition against gifts and favors shall not apply to attendance at a host meal when it is provided in conjunction with a meeting directly related to the conduct of town business, or where official attendance by the public servant is sufficiently integral to the public servant's official duties.
- E. These provisions shall not bar any public servant who is a resident of the Town of Raymond from fully participating in any Town Meeting, Town Deliberative Session, or School Deliberative Session.
- F. Police Officers, Fire Fighters and other Emergency Personnel acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments shall not be bound by this Code of Ethics.
- G. It shall not be a violation of the Code of Ethics for supervisors of Town employees to follow personnel policies and procedures or to administer, by their terms, under a collective bargaining unit.
- H. The above shall not apply to acceptance of donations for the express purpose of financing a political campaign, provided that such contributions comply with Section II.E. and are reported in accordance with all local, state and federal laws pertaining to such donations.
- I. The above shall not prohibit a public servant from acting as attorney, agent, broker, employee, officer, director or consultant for any not-for-profit corporation, or association, or other such entity which operates on a not-for-profit basis, interested in business dealings with the Town, provided that:
  - a) such public servant takes no direct or indirect part in such business dealings;
  - b) such not-for-profit entity has no direct or indirect interest in any business dealings with the Town except where it is determined by Town that such activity is in furtherance of the purposes and interests of the Town;
  - c) all such activities by such public servant shall be performed at times during which the public servant is not required to perform services for the Town; and
  - d) such public servant receives no salary or other compensation in connection with such activities;

**IV. Raymond Ethics Committee**

The Town of Raymond shall establish an Ethics Committee to:

- o Educate public servants and residents regarding the provisions of the ethics code,
- o Provide advice and guidance to public servants and residents regarding ethical issues with which they are confronted.
- o Hear and resolve ethics complaints that are filed against public servants.

The Committee shall endeavor to provide the greatest public access to its actions, discussions, and records subject to applicable federal, state, local law and other legal obligations including but not limited to the NH Right to Know Law, RSA 91-A.

#### **A. The Formation of the Ethics Committee**

1. The Ethics Committee shall consist of five residents of the Town of Raymond. A quorum of three or more committee members shall be necessary to hear any complaint that is filed.
2. Upon passage of this Ordinance, the Board of Selectmen shall publicly interview candidates for the Ethics Committee and shall appoint five residents to serve on the Ethics Committee for a one-year term. Among the prospective candidates, the Board of Selectmen is encouraged to consider for appointment individuals who have served as members of the Raymond Code of Ethics Drafting Committee in order to carry forward some of the knowledge and experience gained during the process of developing this Code of Ethics.
3. Beginning in March 2004, the voters of the Town of Raymond shall elect residents to fill the positions on the Ethics Committee. These will be elected as follows:
  - a. Two members shall serve for a one-year term,
  - b. Two members shall serve for a two-year term, and
  - c. One member shall serve for a three-year term.All future elected members of the committee shall serve for three-year terms.
4. Immediately the Ethics Committee shall appoint two alternative members to their board with one for a one-year term and one for a two-year term, thereafter all alternates will be appointed for a two-year term.
5. Should a vacancy in the committee arise, the remaining members of the Ethics Committee shall elect a resident to serve as an Ethics Committee member until the next election, at which time the voters will elect a member to serve out the remainder, if any, of the term.
6. The members of the Ethics Committee shall elect a chairperson on an annual basis.

#### **B. Education**

1. That each new public servant takes the oath of office, she shall receive a copy of this code, and acknowledge receipt in writing within 30 days.
2. The Ethics Committee shall establish a training policy for public servants, so they may familiarize themselves with the provisions of this code.
3. The training policy shall provide for training on this Code of Ethics on at least an annual basis for all public servants.

#### **C. Inquiries**

The Ethics Committee shall establish a mechanism by which public servants, residents of the Town of Raymond, and others may obtain advice and counsel from the committee regarding ethical issues that may arise from time to time.

Upon request, the Ethics Committee may issue a written advisory opinion in response to such an inquiry.

#### **D. Complaints**

1. The Ethics Committee shall:
  - a. Have the power to investigate all written complaints that are filed;
  - b. Establish forms by which public servants, residents of the Town of Raymond, and others may file complaints or request that an inquiry be made; and only review complaints based on alleged violations of Section II of this ordinance.All such requests or complaints must be in writing, shall specify the provision of the code which the complainant believes was violated, and must be signed by the complainant.

When signing the complaint, the complainant shall acknowledge in writing that he or she has read the Code of Ethics and that he or she has a good faith basis for alleging a violation of the Code of Ethics and that he or she has exhausted all other administrative avenues of relief available to him or her within town government prior to

filing a complaint with the Ethics Committee.

2. Any official, board member or employee against whom a written complaint is filed shall be given a copy of the complaint and shall be afforded an opportunity to be heard and to present evidence to the Ethics Committee.
3. The Ethics Committee shall have sole discretion for setting rules regarding the conduct of hearings. The committee shall seek to make sure that both the complainant and the respondent have an opportunity to be heard and to present evidence, but the committee may limit the testimony and evidence which is presented to it if in the opinion of the committee the testimony and evidence in question is irrelevant, unnecessary, redundant, or unreliable.
4. The Ethics Committee may require, with sufficient written notice, any official, board member or employee of town government to appear before it to provide testimony regarding pending complaints. The Ethics Committee, for this purpose, may administer oaths and require the production of evidence such as documents.
5. Within thirty (30) days of concluding an investigation into a written complaint, the Ethics Committee shall issue a written statement setting forth its findings. Unless prohibited by law, the Ethics Committee will provide copies to all parties. The Ethics Committee shall not have the power to impose any monetary or other penalty, only to issue a written statement as set forth above.
6. The public or the complainant has the responsibility to pursue further enforcement actions.

**V. Enforceability**

If any provision or provisions of this code shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

**VI. Effective Date**

This ordinance shall become effective sixty (60) days after its adoption by the voters of the Town of Raymond.

# Ethics Code Revisions

**March 11, 2003** – Raymond voted to adopt an Ethics Code Policy as follows:

Shall the town adopt a town Ethics Code as authorized by RSA 31:39-a, which would amend chapter 225 of the town code, amend chapter 5 of the Town Personnel Policy Manual and amend the Appendix of the Town Personnel Policy Manual by setting forth a code of ethics and deleting all conflicting provisions in the Town Personnel Policy Manual (the full text of this amendment is printed in the Town Meeting Warrant and is posted in it's amended version at the polling place). In the event this warrant article fails that the town votes to continue the work of the Ethics Committee to fine tune any objectionable provisions.

**Yes 1154 / No 612**

**March 8, 2005** – Raymond voted to revise the town ethics code as follows:

Shall the Town approve two revisions to the code of ethics of the Town of Raymond.

1. Section IV.A.5. To delete the word 'alternate' so it will read: 'should a vacancy in the committee arise, the remaining members of the Ethics Committee shall elect a resident to serve as an (alternate) Ethics Committee member...' and

2. Section IV.D.2. To delete the words 'upon written request' so it will read: any official, board member or employee against whom a written complaint is filed (Respondent) shall be given a copy of the complaint, and (upon written request) shall be afforded an opportunity to be heard...'  
**This is a petition warrant article.**

**Yes 1262 / No 529**

**March 11, 2008** – Raymond voted to revise the town ethics code as follows:

Shall the Town of Raymond vote to amend the current Code of Ethics for the town, adopted March 11, 2003 to show that under section VI (A) a new line will be added to state:

"Immediately the Ethics Committee shall appoint two (2) alternate members to their board with one for a two year term and one for a three year term, thereafter all alternates will be appointed for a three year term."

**Yes 1003 / No 280**

**March 10, 2009** – Raymond voted to review the town ethics code as follows:

Shall the Town of Raymond vote to amend the current code of ethics for the town, adopted March 11, 2003 to show that in section 1 (definitions) a word in the title of the definition will be added: "Interest: Any legal, financial, or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but not without limitation, a right, share or claim to land."

**Yes 737 / No 214**

**March 13, 2018** – Raymond voted to review the town ethics code as follows:

Shall the Town of Raymond vote to revise the Raymond Code of Ethics so that Section II, B,2 Duty to Recuse reads as follows? Public Servants who have been recused may remain in the hearing room for the hearing and shall seat themselves with the other members of the public who are present. When recused, the recused person shall not participate in further discussions, unless s/he clearly states for the record that s/he is doing so only as a member of the general public.

**Yes 611 / No 268**

The following pages of information were adopted/ revised by the Ethics Committee as required by the Code of Ethics.

Ethics Booklet, Inquiry Form, and Complaint Form may be found at the Town Office Building.

Gifts and Favors: Part II Code Provisions—Section E.

The Ethics Committee, on July 8, 2003 set the upper limit of \$25.00 for the time period March 2003 to March 2004.

The Ethics Committee on April 13, 2004 voted to continue with the \$25.00 as the upper limit for the period March 2004 to March 2005.

The Ethics Committee on March 22, 2005 voted to continue with the \$25.00 as the upper limit for the period March 2005 to March 2006.

The Ethics Committee on March 28, 2006 voted to continue with the \$25.00 as the upper limit for the period March 2006 to March 2007.

The Ethics Committee on April 10, 2007 voted to set the upper limit of \$30.00 for the period April 2007 to March 2008.

The Ethics Committee on March 25, 2008 voted to set the upper limit of \$30.00 for the period March 2008 to March 2009.

The Ethics Committee on March 24, 2009 voted to set the upper limit of \$30.00 for the period March 2009 to March 2010.

The Ethics Committee on March 23, 2010 voted to set the upper limit of \$30.00 for the period March 2010 to March 2011.

The Ethics Committee on April 12, 2011 voted to set the upper limit of \$30.00 for the period March 2011 to March 2012.

The Ethics Committee on April 12, 2011 voted to set the upper limit of \$30.00 for the period March 2012 to March 2013.

The Ethics Committee on November 10, 2015 voted to set the upper limit of \$25.00 for the period November 2015 to March 2016.

The Ethics Committee on April 11, 2017 voted to set the upper limit of \$25.00 for the period April 12, 2017 to April 11, 2018.

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**INQUIRY FORM**

Inquiries: An inquiry is a means for a person to obtain advice and counsel from the Ethics Committee regarding ethical issues. (Reference Ethics Code: Section IV C)

**Inquiry Procedures:**

1. All inquiries must be in writing or made in person at a regularly posted Ethics Committee meeting.
2. Inquiries must be as general as possible as to the nature of the inquiry, omitting any personal references.
3. All inquiries will be acknowledged within ten (10) working days.

Nature of Inquiry: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Use back of paper if necessary)

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Voted by the Ethics Committee  
Adopted: August 26, 2003, Revised March 22, 2005

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**COMPLAINT FORM:**

Complaint: A complaint is a process whereby a person can give specific information to the Ethics Committee for their review and finding. (Reference Ethics Code: Section IV)

Complaint Procedures:

1. All requests or complaints must be in writing, shall specify the provision of the code which the complainant believes was violated, and must be signed by the complainant.
2. When signing the complaint, the complainant shall acknowledge the following:
  - a. That he/she has read the Code of Ethics.
  - b. That he/she has a good faith basis for alleging a violation of the Code of Ethics.
  - c. That he/she has exhausted all other administrative avenues of relief available to
3. All complaints will be acknowledged within ten (10) working days.

Name of respondent: (person complaining against): \_\_\_\_\_

Section of Ethics Code thought to be violated: \_\_\_\_\_

Nature of Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Use back of paper if necessary)*

Complainant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Voted by the Ethics Committee

Adopted: August 26, 2003, Revised March 22, 2005

## Complaint Procedure

1. Committee reviews complaint and attachments for completeness and to determine that if information is correct then the respondent has violated one or more Codes of Ethics.

**NO** – Return to Complainant with explanation letter.

**Yes** – Notify all Parties Involved and put on Ethics Committee Agenda.

**If complaint is against an employee:**

Complainant (CM)

Respondent (CM)

Town Manager

**If complaint is against a Board/Committee Member:**

Complainant (CM)

Respondent (CM)

Board or Committee Chair

Town Manager

### Pre-Hearing Conference

Hold Hearing

Deliberate

Render Decision

**Notify all of decision in writing.**

CM= Certified Mail

Voted by the Ethics Committee  
Adopted May 25, 2004

**"Public Service is Public Trust"**

**Pre-Hearing Conference:**

1. Make sure Parties have received copies of Ethics Code and applicable rules.
  - A. Parties maybe represented by legal council at pre-hearing or at hearing.
2. Review of purpose of pre-hearing conference:
  - B. Do not consider any evidence
  - C. Attempt to simplify issues / process
3. Review disclosures and discuss with Parties.
4. Expectations regarding conduct of Parties and public at hearings.
  - A. All discussion must be through the Committee Chairperson
    - (1). Proper/ improper ways of questioning
  - B. May only speak when it is their turn
  - C. No disorderly conduct
5. Discuss with Parties to attempt to clarify issue/s.
6. Ask if there will be a spokesperson.
  - A. Complainant
  - B. Respondent
7. Review order of presentation at hearing.
8. Review with Parties "Evidence" section of committee's hearing rules.
  - A. Explain Complainant/s will have burden of proof
  - B. Explain Respondent/s has right to be heard and to present evidence
9. Obtain the following:
  - A. Estimate of time needed from Parties.
  - B. Number of witnesses from each party.
  - C. Names of witness from each party.
10. Reconsider disclosure or recusal for Board members
11. Confirmation of hearing
  - A. Date
  - B. Time
12. Other Business

Voted by Ethics Committee  
Adopted July 6, 2004  
Revised 9/28/2004

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**Hearing Procedure**

1. Review Conduct of Hearings
  - a) RSA 91-A: All hearings shall be held in compliance with NH's "Right to Know" law. Accordingly, all hearings shall be posted and shall be open to the public, except under extraordinary circumstances when the committee considers matters during a non-public session.
  - b) Conduct of Parties
    - 1) All discussion shall be through the Committee Chairperson
    - 2) May only speak when it is their turn
    - 3) No disorderly conduct
  - c) Evidence/Burden of proof: "Clear and convincing evidence" is defined as that evidence which establishes a factual conclusion to be highly probable, rather than merely more probable than not. It requires that the party having the burden of proof place in the trier of fact an abiding conviction that the truth of his/her factual contentions are highly probable; otherwise he/she has failed to prove it and is not entitled to relief.
  - d) Overview of sequence of presentations
2. Review of Disclosures/Recusals of Ethics Board
3. Reading of Complaint
4. Complainant presents argument
  - a) Complainant calls witness
  - b) Ethics Committee questions witness for clarificationRepeat a) and b) as necessary
5. Respondent presents defense
  - a) Respondent calls witness
  - b) Ethics Committee questions witness for clarification
6. Offer rebuttal to Complainant
7. Offer rebuttal to Respondent
8. Ethics Committee deliberates with option to clarify anything with Complainant, Respondent or witnesses.
9. Vote
10. Within thirty (30) days of concluding an investigation into a written complaint, the Ethics Committee shall issue a written statement setting forth its findings. Unless prohibited by law, the Ethics Committee will provide copies to all parties.

Voted by Ethics Committee  
Adopted October 2004



## How to Be A Good Land Use Board Member

You can start with *The Riggins Rules* appearing in the Winter 1994/Number 13 Planning Commissioners Journal. They were written by Fred Riggins, former Chairman of the Phoenix Planning Commission in 1967 as "*Suggested Do's and Don'ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions, & Other Bodies.*" Bev Moody, a veteran of 26 years with the City of Phoenix Planning Department, notes that the *do's and don'ts* were retitled as "The Riggins Rules" in recognition of his many years of service on the Planning Commission and have been left in the original crusty, no-nonsense style of Fred Riggins himself. The rules do not follow the principles of non-sexist language that prevail today and ask readers to forgive that he was raised and wrote these in less sensitive times but that does not detract from the good advice he offers.

The rules outline proper, adequate, and accepted behavior for board members. They are sort of like a grown-up version of "*All I Really Need to Know I Learned in Kindergarten*" by Robert Fulghum (see page 7) for board members. If you set your bias and prejudice aside and really look at the rules or the lessons, they really do make sense—whether you are a strident tree-hugging environmentalist or a build anything, anywhere at any time developer or, like most board members, somewhere in between—these rules and lessons can apply to you.

What appears below is a merger of Riggins Rules and "All I really Need to Know" brought forward to the 21<sup>st</sup> century, made compatible with NH law, especially RSA 91-A, Access to Governmental Records and Meetings known widely as the Right to Know Law. We invite you to review these and adopt them as your own personal operating principles as you perform your duties as a board member. The board could consider adopting them as informal guidelines as an appendix to their Rules of Procedure.

### HOW TO BE A GOOD BOARD MEMBER

#### Rules Every Board Member Should Live By

1. Attend every meeting possible. You volunteered to be on the board or put your hat into the ring to run for election so make the effort to attend and participate in as many meetings as possible. You are only human, and humans do get sick and have other things to do, so it is unrealistic to think that you will be at 100% attendance but if you can't attend at least 80-85% of the meetings, you should think about stepping down.
2. Create a good impression. You may have attended hundreds of meetings, but chances are there will be people attending each meeting who have never been to a board meeting before and probably never will again, so this is the first and only time they will see you in action. What you say and do and how the board acts will have a lasting and final impression on them about how their government functions. Keep them in mind.
3. Be prompt. If the meeting is scheduled to begin at 7:00, arrive well in advance to take your seat, remove your coat, organize your papers, say hello to fellow board members and be thoroughly ready to go at the exact hour. The meeting should begin just as advertised and if the board must wait for you to arrive, you've just wasted a lot of people's time.

## Rules Every Board Member Should Live By

4. Look good. Pay attention to how you look. You may not necessarily need a "power suit" but at least be presentable. Probably a tee-shirt, shorts and flip-flops are not appropriate. The business of the board is important, and your attire should reflect that.
5. Limit pre-meeting mingling. It is certainly fine to say hello to people as you enter the meeting room or in the lobby outside but don't spend too long in casual conversation. Though perfectly innocent, it may give the impression that you are somehow connected with an applicant or abutter and that something "fishy" is going on.
6. Limit ex-parte contacts. Ex-parte contacts are discussions that take place outside of the public meeting. You should avoid discussing any case with other members, applicants, abutters, neighbors, friends, or relatives (but it's OK to talk with your dog about it) and if someone buttonholes you and gives you information regarding an application, you are obliged to reveal that information to the entire board. Never say the board is leaning one way or another and strongly encourage the person to attend the hearings to voice concerns and ask their questions there.
7. Be prepared. Do your homework and read all the materials sent to you prior to each meeting. It is grossly unfair to the applicant and the board for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. Never try to read your materials during the meeting – you won't do a good job at either.
8. Remain impartial. Never say how you intend to vote during the applicant's presentation, abutter testimony or at any time during the hearing. Once the board closes the hearing and begins to deliberate, you can start to express your positions and begin to form an opinion about whether to approve the application or not. It is quite proper to raise questions and raise issues during the hearing but don't make pronouncements like "well then, I guess I'll just have to vote to deny this application" based on someone's testimony or the applicant's presentation. Remember, you are there to help all applicants, whether you agree with them or not. Be polite to everyone and "play fair" like you learned in kindergarten.
9. Consider recusal. You must step down (recuse yourself) if you have a direct personal or pecuniary interest in the outcome of a case that differs from the interest of other citizens or where you would otherwise be disqualified as a juror. [RSA 673:14, I] The board can even take a non-binding vote as to whether you should step down, but the ultimate decision is yours and yours alone. [673:14, II]

The "Juror Standard" (RSA 500-A: 12) calls for disqualification where a board member:

- a. Expects to gain or lose upon the disposition of the case;
- b. Is related to either party;
- c. Has advised or assisted either party;
- d. Has directly or indirectly given an opinion or has formed an opinion;
- e. Is employed by or employs any party in the case;
- f. Is prejudiced to any degree regarding the case; or
- g. Employs any of the counsel appearing in the case in any action then pending in the court.

## Rules Every Board Member Should Live By

If you do recuse yourself, go for a walk, grab a coffee, read the notices on the bulletin board, etc., and just step away from the proceedings – but make sure someone calls you back in when that case is finished so you can resume your duties on the board. Of course, you can always participate in the case as a private citizen – membership on the board does not strip you of that right – just be clear that you are speaking as a citizen and not as a member of the board.

But, if you firmly believe that you do not have a conflict and can impartially judge the application, don't be bullied into stepping down just because the applicant might think you'll vote against them. It's your decision. Always consider what is best for the board as a whole.

If you should be disqualified yet participate in the board's decision, you may have tainted the entire decision of the board, and it can be invalidated. [Winslow v. Holderness, 125 NH 262 (1984)]

10. Change seats. Consider sitting in a different chair at the board every few meetings. This is a good way to avoid forming little like-minded cliques or groups of members who regularly oppose other groups or oppose the chair.
11. Pay attention. Listen to what the applicant or abutters have to say whether you agree with them or not. This is likely their one time in front of the board even though it may be your 100board meeting. Don't read or shuffle papers, whisper to other board members or act disinterested in the proceedings. Again, "play fair" like kindergarten.
12. Don't interrupt. Allow presenters to speak and go through their presentations and only ask questions at the end except for very short and necessary clarifying remarks or queries. Things will probably progress faster if you allow the full presentation with questions at the end rather than peppering the presenter with questions while speaking and getting them off track.
13. Be humble. You don't know everything, even if you think you do. Be wary of trying to answer questions that might be better left for someone else to answer who really knows what they are talking about. This is another place where staff or circuit rider planner can help – rely on them. It is all too easy to answer something as your understanding, only to be corrected later, which can erode the public's overall confidence in the competency of the board.
14. Vote! There should be a roll call vote on every motion where each member's vote is clearly documented as part of the record. The board should never vote by a show of hands and only use the mass "all those in favor say aye, those opposed say nay" for things that are generally expected to be unanimous, like approving minutes or closing the meeting. Each board member should vote yes or no on every motion and rarely if ever abstain (i.e., "acquiesce to the will of the majority") from voting. Never abstain just to avoid the difficult task of voting, fearing the anger of friends and neighbors. This is the position you volunteered (or ran) for and it can come with some difficult moments. Lastly, under RSA 91-A:3, the board is required to have a roll call vote to enter a non-public session. [For more information on non-public sessions, see Legal Q and A: The Inside Scoop on Nonpublic Sessions, *New Hampshire Town and City*, June 2012]

## Rules Every Board Member Should Live By

15. **Keep your cool.** Keep your emotions in check and don't be a cheerleader for one side or the other. There really are no "winners or losers" so don't pump your fist at a denial or shout for joy at an approval. This can lead to the appearance that you have more at stake in the outcome of an application and raise doubts about your impartiality. You can certainly be glad or disappointed in a particular outcome but just don't show it.
16. **Self-assess.** Periodically take a step back and look at your participation on the board. How well do you know and understand local ordinances and regulations and state laws relating to your board? Have you been to any training lately? (OEP conferences, NHMA law lectures, RPC workshops, etc.) Do you make motions? Are they seconded? Do you feel like you're out in left field most of the time? Being on a local land use board just may not be your cup of tea. It's OK to recognize that and step down or complete your term and not run again or ask not to be reappointed.
17. **Use a Microphone.** Require the applicant, engineers, presenters and abutters to come up to a podium with a microphone to speak one at a time, or at least to stand and address the board and audience so that everyone can hear the speaker and see the plans and other documents being referenced. Not only will this will allow everyone in the room to hear what is said, it will be easier for the chair to control the meeting and keep track of who is addressing the board. And the board members should use microphones or at least speak so they can be clearly heard by all in attendance.
18. **Address the Chair.** ALL questions should be addressed to the chair, e.g., "Madame (or Mister) Chairman, I have a question." Once the person asks their question, the chair can then ask the applicant or appropriate person to respond. Do not allow direct back and forth discussions that can escalate out of hand. All questions must be germane to the subject and if not, the chair can so state and move to the next question.
19. **Be formal.** Don't use first names in addressing anyone during the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend. Always use "Mr." or "Ms.", never their first name. Calling on someone by their first name conveys an air of informality or friendship which could be viewed as something other than an impartial relationship. If you just can't bring yourself to call someone Mr. or Ms., use the third person form and call him/her "the applicant," or "the person who is objecting," or "the gentleman (or lady) who is appearing here in connection with this case."
20. **Be Respectful**
  - a. **Of the Chair.** Always address the Chairman as "Madame (or Mister) Chairman," "The Chairman," or "Chairman Jones," and wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward orderly proceedings.
  - b. **Of attorneys.** Attorneys sometimes give lengthy presentations on behalf of their clients; they are not there just to make your life miserable. Avoid the temptation to make matters as difficult as possible for them and remember they are there to advocate for their client's position.
  - c. **Of Everyone.** Don't indulge in personalities and don't permit anyone else to do so. Be respectful of everyone no matter how you feel about their positions.

## Rules Every Board Member Should Live By

21. Be courteous. There may be a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony, to make someone look foolish, but don't do it. If you must "expose" someone, do it as gently and kindly as possible. Don't be a bully—that is not part of your role as a board member.
22. Stick to the issues. The board is not there to solve all the problems of the world — you are not an equity board. If there is a neighborhood argument, don't try to referee the situation. Keep all comments and testimony focused on the application the board is reviewing and the relevant laws, ordinances and regulations.
23. Don't seek revenge or leverage. Each application to the board is unique and individual. Even if the applicant has appeared before the board on other occasions, it was for something else. Resist the temptation to "stick it" to the applicant on this application if you feel he or she "got away with something" on a previous occasion. Everyone has a right to a fair and impartial hearing on the merits of the present case, i.e., constitutional due process. Also, don't try to use their application as leverage to accomplish something else. Just because a land owner owes some parking tickets does not mean you can withhold their subdivision approval until they "pay up" — the two issues are unrelated.
24. Adhere to the ordinance and regulations. People may appear before the board in distressed situations, but you should remain objective, yet still be sympathetic to their situation. Don't try to be the hero and grant their relief by throwing the regulations or ordinance out the window. If the case comes back on appeal you may well have caused a disservice to the person, deepening their distress. If someone has become involved in bad business deals or other self-imposed difficulties, you are not necessarily there to bail them out.
25. Provide written decisions. RSA 673 is very clear that every local land use board decision to approve or disapprove an application must be in writing and made available to the applicant. If the application is denied, the board must provide the applicant with written reasons for the denial and similarly, if the application is approved with conditions, the board must include in the written decision a detailed description of all conditions necessary to obtain final approval (i.e., "conditions precedent") or all the on-going, binding conditions that the applicant must adhere to after obtaining a final approval (i.e., "conditions subsequent.") [For more on conditional approvals, see Attaching "Conditions" to Approvals in Land Use Boards, New Hampshire Town and City, November/December 2013.]
26. Carefully consider recommendations. If the board has utilized a consultant or is lucky enough to have municipal staff assistance, their recommendations should be seriously considered. These recommendations can come before, during or after a hearing on the application and this advice from professionals with years of experience should be given careful consideration by the board. On a similar vein, you should strongly heed unrefuted expert opinions, even if they disagree with your point of view. [For more on expert opinions, see Land Use Decisions: Expert Opinions and the Board's Personal Knowledge, New Hampshire Town and City, November/December 2009]
27. Use your staff (if you have any!) Staff can be a valuable asset and resource. Don't hesitate to use their services. They can help with research, statute review, procedural compliance, and drafting decisions just by way of example. The board should develop a good working relationship with local staff as well as regional planning commission staff. Some RPCs contract with municipalities to provide circuit riders as part-time staff to assist boards.

## Rules Every Board Member Should Live By

28. Be decisive. Either grant what the applicant has applied for or deny it citing the specific reasons for denial. Don't try to appease an applicant by approving less than what they asked for to make them happy, unless of course, that is all that could possibly be approved. The board could find that a parcel of land could only support 20 house lots where the applicant applied for 25 and that can be justified if the board based its decision on the ordinance and regulations.
29. When it's over, it's over. Once the board acts on an application, move on to other business. Don't allow minority opinions or other post-decision observations or testimony. If someone really wishes to object, outline the formal appeal process and assist them with dates, deadlines and how to proceed. A board may reconsider its own decision if it is within the appeal period as outlined in 74 Cox Street LLC v. Nashua. [See more under *Decisions* on the Land Use Boards and Municipal Officials page.]
30. Avoid fights. Public meetings can be contentious and heated tempers may rise. Do your best to listen to what people have to say, thank them for their comments and move on to the next question or issue. Resist the temptation to engage with the speaker and argue why you're right and the speaker is wrong – that will only prolong and deepen the confrontation.
31. Make sure everyone can see what the board is looking at. If the applicant lays out plans on the table and begins to point things out and discuss the details, put the plan up on the wall so everyone can see what the applicant is pointing to. If that is not possible, allow interested parties to come up and look at the plans.
32. Have speakers introduce themselves. Ask everyone to state their name and address, the organization they represent, a summary of their concerns and any details or specifics that the board should know. As suggested previously, use a podium and microphone, if possible, and require everyone to speak and ask questions from that point. By having everyone speak from a common location (not from the audience seating), it puts all speakers on an equal footing and may lessen the chance of on-going back and forth arguments between abutters and a developer.
33. Maintain separation. Except in unusual situations, do not permit people to leave the podium and approach closer to the board table or dais unless they need to show a small exhibit or to explain some detail. This can break down into a small mumbling session at one end of the table that usually does not get recorded and cannot be heard by other board members or the audience.
34. Don't rush. There is no statutory requirement to decide on an application the same night you hold a public hearing. Especially at the end of a long night, it could be wise to continue the proceedings to a future meeting where the board can begin or continue deliberations and possibly reach a decision. The chair could assign a board member to draft a potential decision and bring it back to the next meeting for the full board to consider. Just be mindful that the planning board must act within 65 days of accepting an application unless the applicant has mutually agreed to an extension. (RSA 676:4, I (c)(1))
35. Rotate officers. RSA 673:9 limits the role of chairman and other officers to one year but they can run for reelection year after year. When considering a chair (or other officers as outlined in the board's rules) think of how well that person might be in such a role. Don't just automatically vote for a chair just because he or she has been on the board a long time or is a friend of yours - neither of which are necessarily qualifications for a good chairman. The vice-chair (if your

rules provide) might be a good training ground for someone who may become chair, especially if they occasionally run the meetings in the chair's absence. Or, heading up a sub-committee might be a good way to assess a member's potential as a future chairman.

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*All I Really Need to Know I Learned in Kindergarten<sup>1</sup>*

1. Share everything.
2. Play fair.
3. Don't hit people.
4. Put things back where you found them.
5. CLEAN UP YOUR OWN MESS.
6. Don't take things that aren't yours.
7. Say you're SORRY when you HURT somebody.
8. Wash your hands before you eat.
9. Flush.
10. Warm cookies and cold milk are good for you.
11. Live a balanced life - learn some and drink some and draw some and paint some and sing and dance and play and work every day some.
12. Take a nap every afternoon.
13. When you go out into the world, watch out for traffic, hold hands, and stick together.
14. Be aware of wonder. Remember the little seed in the Styrofoam cup: The roots go down and the plant goes up and nobody really knows how or why, but we are all like that.
15. Goldfish and hamster and white mice and even the little seed in the Styrofoam cup - they all die. So do we.
16. And then remember the Dick-and-Jane books and the first word you learned - the biggest word of all - LOOK.

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<sup>1</sup> Robert Fulghum, All I Really Need to Know I Learned in Kindergarten





## Conflicts of Interest

*C. Christine Fillmore, Esq.*  
March 18, 2014

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## How to Participate Today

- Open and close your Panel
- Submit text questions
- Q&A addressed at the end of today's session
- Raise your hand





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## Focusing on Conflicts

- Often considered as part of a larger issue of "ethics"
- Today, just conflicts of interest
  - What they are
  - The effects that may be felt
  - Statutes and ordinances regulating it
  - What to do about them
- Incompatible Offices



March 18, 2014

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**Focusing on Conflicts**

- In any situation involving a conflict of interest (or a perceived conflict), consider:
  1. Whether there is a conflict or not, &
  2. How it looks. Appearances count!
- Municipal officers and employees are there to serve the **public interest**, not their own interests.

NHMA March 10, 2013

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**Poll**

Who decides when a board member has a conflict and must recuse himself or herself?

**TAKE A POLL!**

NHMA March 10, 2013

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**Focusing on Conflicts**

- Existence of a true conflict depends on the specific facts involved.
- Initial determination is up to the individual – but a court may disagree.

NHMA March 10, 2013

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### Conflict of Interest Defined

- A conflict of interest arises when a local official has a direct personal or pecuniary (financial) interest in the outcome. The interest must be 'immediate, definite and capable of demonstration; not remote, uncertain, contingent or speculative.'

*Atherton v. Concord*, 109 N.H. 164 (1968)

NHMA March 20, 2013

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### Court Review of Conflicts

- Courts judge conflicts differently depending upon the type of action taken:
  - Legislative Capacity – court will only invalidate the action if the person with the conflict cast the deciding vote.  
*Michael v. Rochester*, 139 N.H. 734 (1979).
  - Judicial Capacity – court may invalidate the action when a person with a conflict participated, whether or not there is proof that the conflicted person influenced the outcome.

NHMA March 18, 2013

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### The Practical Things

- Assume there is a conflict of interest, and the person is disqualified from participating. What to do next?
- Person "recuses" himself or herself
- Step away from the table
  - Either sit with public or leave the room
- Don't participate in either discussion or voting

NHMA March 18, 2013

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### Court Review of Conflicts

- Legislative acts - setting policy, voting on procedural rules, other actions that do not directly affect the rights of a specific person.
- Examples:
  - Ordinances, Budget
  - Parking and traffic rules
  - Procedural Rules
  - Master Plan, CIP, subdivision regulations

NHMA      March 2013

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### Court Review of Conflicts

- An act is judicial in nature if officials are required to:
  - Notify and hear the parties; and
  - Make a decision only after weighing and considering the evidence and arguments put forth by the parties.
  - A municipal body acts in a judicial capacity when it decides matters that affect the rights of a specific petitioner with respect to a specific parcel of land.
    - *Ehrenberg v. City of Concord*, 120 N.H. 656 (1980).

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### Judicial Decisions

- Typically, potential conflicts arise in six situations:
  - Prejudgment
  - Abutters
  - Financial interest in the outcome
  - Employment
  - Family relations
  - Other relations

NHMA      March 2013

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### Prejudgment

- *Atherton v. Concord*, 109 N.H. 164 (1968). The mere fact that the planning board member voted in favor of the project, did not disqualify him from voting on the same project as a member of the city council.
- *Winslow v. Holderness Planning Board*, 125 N.H. 262 (1984). A member was disqualified where, prior to his position on the planning board, he had spoken in favor of a project at a public hearing on a subdivision application in his private capacity.



March 2013

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### Abutters

- The owner of land abutting property that is the subject of an application before a municipal board is disqualified from acting on that application due to the unavoidable personal and pecuniary interest in the outcome.

– *Totty v. Grantham Planning Board*, 120 N.H. 390 (1980)



March 2013

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### Financial Interest in the Outcome

- A public officer is disqualified if he or she has 'a direct personal and pecuniary interest' in the decision. *Preston v. Gillam*, 104 N.H. 279 (1962).
- The interest must be 'immediate, definite, and capable of demonstration; not remote, uncertain, contingent, and speculative, that is, such that men of ordinary capacity and intelligence would not be influenced by it'



March 2013

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**Statutes Governing Conflicts**

- Local conflicts of interest ordinances under RSA 31:39-a may:
  - Apply to elected and appointed officials as well as employees;
  - Require financial disclosures;
  - Establish incompatibility of offices stricter than state law; and
  - Require removal from office for certain violations through petition to the superior court.

 March 19, 2014

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**Statutes Governing Conflicts**

- Local conflicts of interest ordinances under RSA 31:39-a may not:
  - Be adopted by the governing body – it requires a vote of the legislative body (town meeting in most towns).
  - Authorize a local ethics committee to remove elected officials for violations
  - Declare that the operations of a local ethics committee are exempt from RSA Chapter 91-A
- A more useful role may be education of officials, employees and public about conflicts of interest.

 March 19, 2014

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**Statutes Governing Conflicts**

- Land Use Boards: under RSA 673:14, a member is prohibited from sitting on a case:
  - If that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.
- Any board member can ask for a non-binding vote on whether he or she, or any other member, is disqualified in a case.

 March 19, 2014

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### Statutes Governing Conflicts

- 'No Selectman or other officer shall act, in the decision of any such case . . . who would be disqualified to sit as a juror . . . in the trial . . . in which any of the parties . . . was a party.' RSA 43:6.
- Does the official have:
  - Independent knowledge of the facts;
  - Dealings with an interested party as part of its ordinary business; or
  - Prior opinion regarding the facts of the case?
- Can he/she be impartial anyway? If not, disqualified.



March 13, 2014

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### Statutes Governing Conflicts

- **Independent Knowledge:** A land use board member independently learned facts about an application. Did this knowledge disqualify him? *Dover v. Kimball*, 136 N.H. 441 (1992).
- **Ordinary Business Relationships:** A person regularly ran an ad in the Union-Leader. Could he sit as a juror on a case in which the newspaper was a party? *McLaughlin v. Union-Leader Corp.*, 99 N.H. 492 (1955).
- **Prior Opinion:** Judge formed an opinion prior to trial but said he could 'set aside' the opinion and 'decide the case on the evidence.' Was he disqualified? *State v. Aubert*, 118 N.H. 739 (1978).



March 16, 2014

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### What to Do about Conflicts?

- Reveal any potential conflict to the parties:
  - Reveal at the first possible point. If nobody objects at that time, they have waived their right to object later.
- When in doubt, consider stepping down.
  - Is it worth going to court?
  - Alternatively, is a claim of conflict being used to "bully" someone off a board? Use common sense.



March 17, 2014

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### Alternate Members

- Land Use Boards:
  - Alternate members may fill in for a disqualified member.
  - So long as a quorum present, planning board does not lose jurisdiction.
  - ZBA requires a vote of at least three members to decide in favor of an application.
- Library trustees, conservation commissions
- Other boards – No alternates.

NHMA March 19, 2014

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### Removal of Members

- Land Use Board:
  - RSA 673:13 states that land use board members can be removed by selectmen for "inefficiency, neglect of duty, or malfeasance in office."
  - The conduct must be related to member's position on the board.
- Board of Selectmen and other elected officials
  - Generally, removal only for violation of oath of office under RSA 42:1.
  - By petition to the superior court.
  - Specific statutes provide for removal of a few other officials by Selectmen, but need statutory authority.

NHMA March 19, 2014

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### Statutory Incompatibility

- Under RSA 669:7, I, no person shall concurrently hold any of the two following offices:
  - Selectman, treasurer, moderator, trustee of trust funds, tax collector, auditor and highway agent.
  - Town treasurer, moderator, trustee of trust funds, selectman and head of any police department on full-time duty.
  - Town treasurer and town clerk.
  - Full-time employee and selectman.
  - No official handling funds of a town shall at the same time hold the office of auditor.

NHMA March 19, 2014

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### Common Law Incompatibility

- When two positions bear a "special relationship to each other"
  - One subordinate to and interfering with the other,
  - Inconsistent loyalties or responsibilities
  - Incompatibility would cause a loss of adequate internal financial controls or increase the chance of fraud



March 18, 2013

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### Questions?

- Thank you for your time!
- New Hampshire Municipal Association
  - 603-224-7447 x3408
  - 1-800-852-3358 x3408
  - [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)



March 18, 2013

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# memo

To: Planning Board  
From: Planning Dept.  
CC:  
Date: March 3  
Re: Meeting Updates

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Starbucks- Has to be re-noticed due to the lack of a quorum to vote to continue.  
Rescheduled for April 7<sup>th</sup>, 2022.

Pinard Waste- March 15<sup>th</sup>, 2022- Site walk open to both ZBA and Planning Board members. March 23<sup>rd</sup>, 2022@ 7:30- joint meeting with ZBA and Planning Board by request of applicant for a special exception.

603 Storage Subdivision Application- has been withdrawan.

1 Planning Board Draft Minutes  
2 February 17, 2022  
3 7:00 PM  
4 Media Center Raymond High School  
5

6 **Planning Board Members Present:**

7 Brad Reed  
8 Gretchen Gott  
9 Patricia Bridgeo  
10 Dee Luszcz (Alternate)(Seated)  
11 Paul Ayer  
12 George Plante (Selectmen ex officio)  
13

14 **Planning Board Members Absent:**

15 None  
16

17 **Staff Present:**

18 Madeleine Dilonno -Circuit Rider Planner, RPC  
19 Glenn Coppelman - Circuit rider  
20

21 Mr. Reed 0:28

22 I'd like to call the February 17 meeting of the Raymond Planning Board to order. Would  
23 you stand with me for the Pledge of Allegiance please? I pledge allegiance to the flag of  
24 the United States of America and to the republic for which it stands, one nation under  
25 God, indivisible, with liberty and justice for all.  
26

27 Okay, before we go to the first application, the last meeting, we had an applicant for an  
28 alternate position from Tom. And the question came up, is it possible to have two people  
29 from the same family serving on a board and we did get a reply from our legal that it is  
30 possible unless the town has a policy that prohibits it. Now, since then, Tom has pulled  
31 back his application. So, we do not have that issue at this time. But I just want to let  
32 everybody know that we did contact legal. We found out what legal said that the town  
33 has no current standing policy against it. So, it would have been allowed. But Tom has  
34 pulled back his application? So, thank you very much. Okay, so now I'm the TRC. On  
35 February 2, the TRC convened to continue application 2021 -019, which is the IC Reed  
36 app. The TRC voted unanimously to continue that application until March 29. And as  
37 asked the planning board to grant a continuance until April 21. So that the TRC will have  
38 time to provide both advisory comments and minutes to the meeting of March 29. For  
39 the planning board. So that is the request. So, we've been asked to continue application  
40 2021 -019 until April 21.

41  
42 Ms. Gott 2:42  
43 I would like to request, Brad, that you recuse yourself from this. Even the motion for  
44 continuance.

45  
46 Mr. Reed 2:49  
47 I am fine with that. I was just reading what we'd received. Mr. Reed left the Board table  
48 recusing himself.

49  
50 Just because this is your company. Retired or not? Thank you.

51  
52 Ms. Bridgeo 3:06  
53 I'm sorry, I didn't hear how far you read.

54  
55 Ms. Gott 3:16  
56 I'm going to make a motion.

57  
58 Motion:  
59 Ms. Gott made a motion that we grant a continuance until April 21, 2022. On behalf of IC  
60 Reed for application 2021- 019. Site Plan application at 7 o'clock. Here at the library.  
61 Media Center, Raymond High School. Ms. Bridgeo seconded the motion. The motion  
62 passed with a vote of 5 in favor, 0 opposed, 0 abstentions.

63  
64 Mr. Reed 4:01  
65 ( Mr. Reed returned to the discussion.)

66  
67 Okay, and before we talk about application 2021 -023 staff has some comments, they'd  
68 like to share with us.

69  
70 Mr. Coppelman 4:10  
71 So, without talking about the application itself, Maddie and I just need some guidance  
72 from the board to provide to the applicant. If you recall that application. They were here  
73 last month. They had a subdivision of a parcel that included a commercial use. And they  
74 were separating the residential use from the commercial and it was desired by the town  
75 by this board. That there should be an amended site plan as well as the subdivision of  
76 the parcel because it existed as a combined residential commercial site. And by  
77 subdividing it and separating the two and separating owners, you're really changing the

78 use of the parcel. And so, an amended site plan was deemed appropriate. The applicant  
79 left and since then has sought guidance from the Community Development Department  
80 on what exactly they need to supply. And because it's sort of a non-traditional situation,  
81 it's a long existing use, it's been there since the 80's, 89. We are not able to locate a  
82 paper plan file, have the site plan in the town office, although one probably existed, it  
83 perhaps still does somewhere, we do have a compliance letter from a firm that was  
84 probably acting on behalf of the town in the area of code enforcement. And so, and it  
85 refers to an approved site plan by the planning board, talks about things that comply  
86 with things that still need to be done and so forth. And that letter is from 1989. We do  
87 have that. So, before we get back to the applicant, I'm, we're going to make a  
88 suggestion of how we proceed and you folks tell us if it's okay with you, because what  
89 we don't want to do is give the applicant guidance, go through that effort. Have them  
90 come here, and you folks then say, oh, no, that's not what we want. So that's the reason  
91 for the question. Okay. So, what was proposed to us, was an engineered plan with a  
92 subdivision on it. Kevin, are we okay? And so, we have a good base plan to work with.  
93 Because if we had had a previous one, I would say we really should be working with  
94 that. But since we don't have it, I'm suggesting that perhaps we use the one that they've  
95 come up with for the subdivision and retitle it subdivision and amended site plan and  
96 have whatever's needed on it for the subdivision. And any of the items that were  
97 included in that compliance letter from 1989. And any changes they're planning on for  
98 commercial use as part of this change. So, things like the dumpsters, things like the use  
99 of the driveway and how it's divided between the residential use on the commercial and  
100 lighting and hours of operation. And basically, use the checklist for our site plan  
101 application, go through that have that compliance letter as well to work with and include  
102 that information on this plan. So, you basically have a combined site plan and  
103 subdivision plan, which can be done and then that will get recorded in the town will have  
104 a recorded plan at the Registry of Deeds because that's an engineered plan. It will be in  
105 a mylar, and it will be recordable. Can we do with it? What did we do with the  
106 application? When it came in? You mean back in 89?

107

108 Mr. Ayer 8:15

109 No, you said it was last month.

110

111 Mr. Reed 8:15

112 Yes, we asked them to come back with a plan showing the division between the  
113 commercial and the residential and show us how they were going to exactly show how  
114 they were going to separate how they were going to ensure that the residential had

115 adequate protections from the commercial. That's what I recall.

116

117 Ms. Gott 8:20

118 Well, I believe we agreed as a board that they had a site plan that we should have it  
119 amended. Before we proceeded with anything else. But the site plan, which we're  
120 supposed to amend, has apparently disappeared into the sunset. Is that correct?

121

122 Maddie Dilonno 8:57

123 We haven't located it yet. It doesn't seem to exist at town hall.

124

125 Ms. Bridgeo 9:01

126 But wouldn't it exist recorded though?

127

128 Mr. Coppelman 9:06

129 Back in 89, the plans might not have been recorded.

130

131 Mr. Reed 9:09

132 A lot of plans weren't.

133

134 Ms. Bridgeo 9:10

135 So, we don't know what year we started to record. Okay.

136

137 Mr. Coppelman 9:15

138 At this point, you know, it's very old anyway. There's very little documentation on it. And  
139 you have a new engineered plan now that you can work with and the applicant can work  
140 with and I think it's really trying to confirm what's on site, what their plans are and that  
141 everything's all in one sheet in one place.

142

143 Ms. Gott 9:38

144 The previous owner does not have the site plan for that piece of property.

145

146 Mr. Reed 9:48

147 Apparently not.

148

149 Ms. Gott 9:49

150 So, we haven't checked with them?

151

152 Maddie Dilonno 9:53

153 No, we haven't noticed this applicant. No, I haven't checked with this applicant.

154

155 Ms. Gott 10:01

156 I really think you've covered it not very nicely, but I find it very strange that the owner  
157 does not have a site plan. And the other thing, it just makes me a little bit uneasy, even  
158 though you've explained it very well. And I understand where you're going with this. I'm  
159 wondering as I, as you know, I take copious notes. Could I have the weekend to go  
160 through my papers? And see if I have a site plan? I may very well not. Because I've  
161 done a couple purges, more than a couple purges. And I still have my notebooks. So, I'd  
162 like to just see what's there ,89? No, never mind. 89 I was not on. Never mind.

163

164 Mr. Reed 10:54

165 That's an old one, Gretchen.

166

167 Ms. Gott 10:55

168 It just makes me uncomfortable. I like to ask the question first.

169

170 Mr. Reed 11:00

171 Yes. Can we ask the applicant? They can ask the former owner if they have a plan,  
172 which back when this first one and I believe it was one of those typical storage places  
173 where the manager lived in the house. And I'm pretty sure that probably by the time the  
174 manager moved out all that disappeared would be what my guess would be, but we can  
175 check and see if it is available. And then if not, are we okay with the suggestion as an  
176 alternate?

177

178 Ms. Gott 11:28

179 Well, one more suggestion. I wonder if the abutters might have a site plan. Because I  
180 know they were very involved when this was going on.

181

182 Mrs. Luszcz 11:43

183 We can comment. You think adding the word amended to something that we didn't see  
184 the original doesn't hold true for me. Because when the word amended would mean,  
185 amended from what? The previous doesn't exist, I know the property does.

186

187 Mr. Coppelman 12:02

188 The engineer at our meeting last month indicated that he had taken the information for

189 that site from a plan.

190

191 Mr. Reed 12:17

192 Some sort of plan.

193

194 Ms. Gott 12:20

195 He couldn't find it either.

196

197 Maddie Dilonno 12:22

198 Not that I know of. I'll check again, though.

199

200 Mr. Reed 12:29

201 Right. We shouldn't be approving an amended plan when we don't have a plan from  
202 which it was amended.

203

204 Ms. Bridgeo 12:36

205 When he brought a plan for us originally, what did he do with the one that he had his  
206 data from?

207

208 Mr. Reed 12:42

209 Well, we don't know where he gathered it.

210

211 Mr. Coppelman 12:46

212 The other part of it is that the gentleman who was representing Bedford Design, was  
213 doing an on behalf of someone else at his firm. And so he was, you know, he was really  
214 at a bit of a disadvantage in his information.

215

216 Ms. Gott 13:02

217 Well, so maybe those kinds of questions can be resolved also. I appreciate the work that  
218 you've done in the thinking that you've done, but I am just a little unsure about the next  
219 step until we ask some of these other questions and get answers.

220

221 Mr. Reed 13:18

222 Well, can we? Can we do two things? Can we ask them to exhaust all possibilities to  
223 find the original plan? And then if that is not available? Can we ask them to develop a  
224 new plan that meets our requirements? Because that's what you're asking to put all this  
225 information onto a new plan

226

227 Ms. Gott 13:36

228 Who is they? The applicant?

229

230 Yes, the onus is on the applicant then. So, it's not new folks taking from the checklist  
231 and making up the amended site plan. It's the applicant,

232

233 Mr. Reed 13:50

234 It is the applicant doing the work. Can I make that suggestion that we asked them as  
235 Maddie to contact everybody and we'll see if there is a plan anywhere in existence? And  
236 if there is to give that to the engineer and have them modify, amend that if not to come  
237 back with an approved complete plan as will be the new conditions.

238

239 Mr. Coppelman 14:21

240 So, if you do that if you do that, and if the original plan is found somewhere, somehow. If  
241 it is not an engineered plan, then it would then need to be made into an engineered  
242 plan. So, we're going to record it.

243

244 Mr. Reed 14:46

245 Yeah, we're adding a step regardless here.

246

247 Mr. Coppelman 14:49

248 Yep. Well, I just want to make sure that we're in agreement or not an agreed, clear  
249 understanding of what the board here wants.

250

251 Mr. Reed 14:59

252 We want to exalt All possibilities to find the original plan. And then if that's not available,  
253 go ahead with your suggestion. And can somebody make a motion? And if you want to  
254 add to that.

255

256 Ms. Gott 15:11

257 I have a question to ask first. I am aware that it gets to the top of the second story of the  
258 Old Torrent Hall. There are boxes and boxes and boxes of stuff. In fact, I had offered the  
259 most recent to the recent town manager, some volunteer time to go through and try to  
260 organize some of that and was never taken up on it.

261

262 Mr. Reed 15:33

263 Are you saying some of the planning records are upstairs?  
264  
265 Ms. Gott 15:35  
266 They may very well be because there's a lot of town stuff up there.  
267  
268 Mr. Reed 15:39  
269 I've never been up there. I have no idea what's up there  
270  
271 Ms. Gott 15:41  
272 It has been years. But it's there, it's a storage place. When they moved a lot of things  
273 out of town, Paul, when the paperwork just got exploded, exploded? That's where things  
274 went.  
275  
276 Okay. I don't know, I don't I have not specifically looked through those boxes. But I know  
277 that there's stuff up there. That may be pertinent.  
278  
279 Maddie Dilonno 16:07  
280 Sounds good.  
281  
282 Ms. Gott 16:10  
283 And I will do the same. I'll volunteer if you want to go up there and we start looking  
284 through boxes? I have no problem doing that in organizing, especially the planning stuff.  
285  
286 Mr. Reed 16:21  
287 Motion:  
288 Can we make a motion that the staff make reasonable efforts to find and I'm going to  
289 encapsulate that with reasonable efforts? And I'm going to leave that onus on them to  
290 determine what is reasonable to find the old plans. And if the old plans are available,  
291 provide them to the engineer, ask him to amend it as we requested, if not available, then  
292 bring to us a new plan with all the information, all the notes that we do have from the  
293 original, and make sure that it's up to date to show everything the divisions that they're  
294 proposing are the thing we could rely on. Is that adequate?  
295  
296  
297 Mr. Coppelman 17:04  
298 I was just going to say, Part B, your second one there. I would think it could be done on  
299 the plan that was brought into us because that's an engineering plan. That information

300 could be put onto that.

301

302 Mr. Reed 17:19

303 I would agree with that. Okay, if the original plan is not available to amend, okay, then it  
304 could be added to the plan he had. I fully believe that.

305

306 Ms. Gott 17:28

307 So, we are not asking them to file an entirely new site plan we are willing to take.

308

309 Mr. Reed 17:36

310 I think when it's done, whether it's amended or brand new, it would have to be filed. That  
311 it would end up being filed. I believe either way we go with this. It's going to end up  
312 having to be filed. Recorded.

313

314 Mrs. Luszcz 17:52

315 And wouldn't this plan have to meet our current regulations.

316

317 Mr. Reed 17:56

318 It would have to meet our current reg because it's new and it's being amended to would  
319 have to meet the newest regulations. Yeah. And if it doesn't, then we'll have to, we'll  
320 have to rule on.

321

322 Ms. Gott 18:05

323 Well, if it doesn't, then they go to zoning.

324

325 Mr. Coppelman 18:07

326 Yeah. Well, unless it's a reg. At which point they can ask for waivers. Waivers here, if  
327 it's a zoning issue, then it could be ZBA.

328

329 Mr. Reed 18:15

330 Okay, we're good with that motion. Second. Mr. Plante seconded the motion. Any other  
331 discussion? All those in favor? The motion passed with a vote of 6 in favor, 0 opposed  
332 and 0 abstentions.

333

334 Motion:

335 Mr. Reed made a motion to continue application number 2021-023 until March 3, 2022  
336 at 7pm in the Media Center at Raymond High School.

337  
338 Does that give you enough time?  
339  
340 Mr. Coppelman 18:43  
341 Well, I was going to say you can do March 3 Because I believe that's what's requested,  
342 and you might have to do another continuance.  
343  
344 Ms. Gott 18:53  
345 Just do it on a date that we think is realistic.  
346  
347 Mr. Reed 18:56  
348 This was at the request of the applicant.  
349  
350 Ms. Gott 18:59  
351 But I hate putting people off.  
352  
353 Mr. Coppelman 19:01  
354 But we don't know. We don't know if stuff can be found quickly, and they could turn it  
355 around. They might be able to meet that.  
356  
357 Mr. Reed 19:10  
358 Okay, so that's the motion. Do I have a second? Yes. Mr. Plante seconded. The motion  
359 passed with a vote of 6 in favor, 0 opposed and 0 abstentions.  
360  
361  
362 Thank you. application number 2021-021. A site plan and conditional use application is  
363 being submitted by Joseph Coronati of Jones and Beach Engineers Inc. on behalf of  
364 Rye Harbor Realty, LLC. They are proposing a Starbucks restaurant on the end and the  
365 rest of the building for retail space with a tenant unknown at this time with associated  
366 parking and utilities. The property is represented as Raymond Tax Map 29-3/ Lot 42-1  
367 and located at Silver Fox Lane. And while Jones and Beach moves up here, I was  
368 asked before the meeting, and we've asked legal about this you will notice the  
369 application that I recused myself from as for a company that I own, and Jones and  
370 Beach Engineers does work for that company. That is not a conflict of interest,  
371 according to our legal department for me to sit on other cases that they represent. And if  
372 you have a problem with that than anybody that owns a business, and Raymond is  
373 pretty much going to be on unavailable to work on any cases involving anybody they

374 have any kind of business relationship with, but legal has told us that there's no problem  
375 with us.

376

377 Ms. Gott 20:31

378 I will respectfully disagree with that.

379

380 Mr. Reed 20:34

381 Well, then, I'll probably be resigning from the Planning Board.

382

383 Mr. Plante 20:37

384 I don't. I have no problem with that.

385

386 Mrs. Luszcz 20:39

387 I have no problem with that. I think you are fair minded.

388

389 Ms. Gott 20:49

390 Brad, all I'm saying is I really feel I should be speaking as just to as just me, not anybody  
391 not representing anybody else. Okay, I really feel that this has potential for conflict of  
392 interest, that it just has potential because there's potential for influence and the  
393 pecuniary influence and things I am concerned.

394

395 Mr. Plante 21:16

396 Why, why I'm very curious as to why.

397

398 Mr. Reed 21:20

399 Specifically. Because, you know, you realize how many different entities we do business  
400 with within the Town of Raymond.

401

402 Ms. Gott 21:28

403 How many of them are before the planning board?

404

405 Mr. Reed 21:33

406 Well, over the course of a year, if I told you every time somebody came here, we did  
407 business with. And that's why I stopped doing it every time because it would be pretty  
408 much like every other time we come here, literally.

409

410 Ms. Gott 21:46

411 My concern is this is a major business and a major business and a major plan that  
412 you've got coming up. And they are handling that for you. There is a major plan. A  
413 significant change. I'm saying nothing about the plan at all. Okay. It's the process about  
414 which I am concerned. It's because and I don't want to I don't want to accuse you or  
415 anyone else. of anything?

416

417 Mr. Reed 22:19

418 No, that's fine. And the reason I brought it up because I was asked. And I've been asked  
419 before and whenever I'm asked, I tell people, I started out when I joined the board every  
420 time somebody came on, that I knew, or did business with, I told everybody, but it was  
421 like every night.

422

423 Ms. Gott 22:38

424 Well, and that's okay. I would do that rather than not do it. But that's me. For example, if  
425 it has a potential, I'm not saying Jones Beach would do this, either. I mean, you guys got  
426 pulled into this discussion, I'm sorry.

427

428 Joe Coronati 22:56

429 Welcome it. Interesting.

430

431 Ms. Gott 22:58

432 I'm not sure that company would give you a break on the price because you brought  
433 business to them. And you and you're a member of the board that they do a lot of  
434 business in front of them. Okay, I'm not saying that that's happening. But there is a  
435 potential for appearance, a potential for a conflict of interest that an outsider might look  
436 at and say, Holy cow, they're representing him and them and he's there. And I think it  
437 has, he has a reason to be concerned for the appearance if nothing else.

438

439 Mr. Reed 23:37

440 Alright, then over the course of a typical year, they represent about a third 25 to 30% of  
441 our applicants. So, I mean, at that point, I might as well, you know, get off the Planning  
442 Board.

443

444 Ms. Gott 23:48

445 I think there's another way of looking at it. Okay, you right now, are in the middle of this.  
446 You're in the middle of an application, being represented by a firm that is now sitting  
447 here tonight. farther down the road farther away from your application. I think there's

448 less appearance and that's, that's a guess what I'm reacting to. I think, you know, it's  
449 your gut and your conscience that can say, this will not have any influence on my vote,  
450 but it is other people's appearance and other people's reaction that could impact that.  
451 Again, because of the nearness, the proximity next, you know, vote here, and you're  
452 coming up in a month. Do you understand what I'm saying?

453  
454 Mr. Reed 24:51  
455 I do and I will ask.

456  
457 Ms. Gott 24:54  
458 I'm not accusing you of anything.

459  
460 Mr. Reed 24:55  
461 No, no, no, and that's fine. And I can tell you I don't deal directly with this. My son  
462 handles the day-to-day business. But obviously we use this firm, we have used it. My  
463 company has been before this board long before I was ever involved with this board  
464 numerous times. And we have made a commitment to stay in Raymond to develop our  
465 business here.

466  
467 Ms. Gott 25:19  
468 That's all separate. That's all not pertinent, as far as I am concerned.

469  
470 Mr. Reed 25:23  
471 If the board, I'll gladly ask if the board members, you feel there's a conflict of interest? If  
472 there is, I'll step aside. I can go home, it's a quarter mile. My lights were off for four  
473 hours today, too, by the way.

474  
475 Well, and I don't have a problem with doing that, because I and that's why I wanted to  
476 make sure. If board members, do you feel that I should recuse myself from this  
477 application, because it's the same engineering firm representing my company, those  
478 that feel I should reach.

479  
480 Ms. Bridgeo 25:54  
481 But I think that Brad, that also goes back to whether or not and part of this is, legally if  
482 you, if this were two legal firms, you wouldn't be able to do this because legally, they  
483 would say that they cannot represent you as a client. If they're sitting there and you were  
484 sitting there, they would have to look through and they would look through their files and

485 say they couldn't represent you because of conflict on this. And it is the proximity when  
486 you go on. and you see the two applications above and below. And again, it's  
487 unfortunate that there is such a limited number of resources that are doing this type of  
488 work. But again, it's terrible to be sitting there because even saying that you aren't, and  
489 people don't believe you are doing anything. It's the fact that your company is  
490 unfortunately right now before as Jones and Beach is sitting before us, and this is all  
491 development at the same time. And quite frankly, it doesn't look good.

492  
493 Mr. Reed 26:55  
494 And if the board feels that it doesn't look good. That's why I brought it up. I mean, that's  
495 exactly why I brought it up. Because appearances can be important. And I don't want to  
496 do anything that appears improper. So, what I will do, folks I'm going to turn this over .

497  
498 Ms. Gott 27:11  
499 Finish asking, you've only spoken with two members.

500  
501 Mr. Plante 27:16  
502 I don't have a problem with it. I honestly don't. Well, I mean, you've said it before. I think  
503 Gretchen's asked me to recuse. And I think it was an application for

504  
505 Mr. Reed 27:27  
506 well, it was a competitor. And I recused myself because it was a relative not again, not  
507 because they were competitors. Right? I wouldn't recuse myself from sitting on this  
508 board, if a competitor came with a site plan, because again, there's two of us on this  
509 board that are competitors. On a daily basis. Okay. So, you know, and again, we live in  
510 a small town. We grew up in the same town. We grew up at the same time. I know we've  
511 known each other for a long time and went to school together.

512  
513 Ms. Gott 27:58  
514 I've only been here 42 years. That's not long enough.

515  
516 Ms. Bridgeo 28:00  
517 I think that's also the double-edged sword, right? As we all sit here.

518  
519 Mr. Reed 28:04  
520 Well, I don't want to hold up this application. That's the main thing, because if you know  
521 one thing about me, I like to keep things moving.

522

523 Mr. Coppelman 28:17

524 I mean, I just want to make sure that folks are clear that recusal is the responsibility of  
525 the individual. He can be asked, or an individual can be asked to, to consider recusal,  
526 but the ultimate decision is up to

527

528 Mr. Reed 28:35

529 Oh, no, I understand that. I understand that. But you know, I serve on this board. And I  
530 want to make this clear, I serve on this board. Because this board in a lot of ways  
531 represents our town. This represents our town in a lot of ways to a lot of people that do  
532 business in our town, and I want that to be legitimate above board. And to be an  
533 adequate representation of our town, I, I live in this town, I want to be proud of what  
534 happens here. I want to be proud of the way we do things. And that's why I take the time  
535 to do this. But tonight, I will turn this meeting over to Trish. I will repeat it. But if there's  
536 that kind of feeling, and potentially that kind of I haven't even asked the public about it.  
537 But I don't want I don't want people to think of this the wrong way or to think that I am in  
538 some way, helping Jones and Beach get applications through or that I'm somehow  
539 getting some kind of kickback if you think that you don't know me very well. But that's  
540 another issue. And again, I understand that, and I don't want anything that appears to be  
541 underhanded. So, I'm going to recuse myself, and I'm going to leave this meeting tonight  
542 and leave it to Tricia's hands. Because this application is going to take a considerable  
543 length of time. Trish, would you would it when you get the public comment? Would you  
544 make sure you call on Mr. Smith?

545

546 Ms. Gott 29:58

547 May I suggest that you don't need to leave the meeting that there is plenty of other stuff.

548

549 Mr. Reed 30:03

550 I don't need to Gretchen. But this is a very emotional thing for me as well. And at this  
551 point, it would be better if I left. And I apologize for the interruption.

552

553 Ms. Bridgeo 30:22

554 Brad, can you stay for a moment?

555

556 Mr. Reed 30:27

557 I can stay for a moment.

558

559 Ms. Bridgeo 30:28

560 Sit down for a moment, because I'm going to do something that's probably unorthodox,  
561 for this board and all our boards. And I want to say something for everybody that's sitting  
562 listening, we have become, as a town, not only unorganized, but quite dysfunctional,  
563 and our boards are not working properly. And to have somebody who is sitting here and  
564 giving your time to us, to the town. And the intention of how this meeting is turning was  
565 that nobody wanted to turn the attention to say that the feelings of how the meetings  
566 have to be conducted to have you in rightly so. Right. Because at the end of the day, it's  
567 whether or not you felt that your integrity is being questioned. There's no doubt about  
568 that Brad. And I apologize that that's how this comes off. But I'm going to say to the  
569 public who's sitting and watching this, this is all our boards, we have issues that need to  
570 be brought out to the public, we need to talk about them, we need to find ways to talk  
571 about them, because our boards are not functional. And I'm sorry that tonight, it's come  
572 down to how this has made you feel. And for all the people who are serving on our  
573 boards and all the people sitting at home, we need to fix this problem. And this problem  
574 isn't just sitting here. It's all of them. It is all our boards. We need to find a way to set to  
575 help our boards and the elections aren't going to just help that.

576

577 Mr. Plante 32:03

578 This is my take on that. All right. You have a gentleman over here in this town for his  
579 whole life. Myself, likewise, yeah. Okay. If you don't want conflict like this? Well, let's get  
580 people that haven't lived here that long. Why don't we do that? Because that's what you  
581 are saying.

582

583 Ms. Bridgeo 32:27

584 No, I'm not George.

585

586 Mr. Plante 32:28

587 And Gretchen saying the same damn thing. Yes, you are. And you said it. And I'll say it  
588 because when JCR was up here in front of this, you asked me to step down, because I  
589 was a competitor. I can't compete with them, and I can't compete with him. I can't. I'm  
590 a small business owner in Raymond. And for you to say that these boards are going in  
591 different directions. You know where it's coming from? You. It's coming from you.

592

593 Ms. Bridgeo 32:59

594 Well, I'm really sorry, you feel that way, George. But there's a lot of people in this town,  
595 and there are people who are trying to get us so that we can. Yes. And I'm not going to

596 have a complete because maybe at the end, George, if you want to have a public  
597 discussion, we can have a public discussion. We have public here. But I'm saying that I  
598 wanted to apologize to Brad, I apologized to Brad, if you want to stay afterwards for the  
599 public. I think that that would be great. If you want to go home, and you want to come  
600 back. Great. We would love to see you come back, Brad.

601  
602 Mr. Reed 33:33

603 I don't know if I will tonight, because once I get home, I'm usually there. But I appreciate  
604 what you said, Trisha, I just want everybody to know that I don't want to do anything that  
605 has any kind of appearance at all of being improper. And for that reason, I will recuse  
606 myself tonight. But I want to warn everybody, that every time a company like this comes  
607 to represent, if you are a businessman in town, and you're trying to be involved in these  
608 things, you're going to start tying people's hands. And so, if that's what it takes to look  
609 like it could be improper, then we have too really been careful. And then I have to ask  
610 myself, can I continue doing what I've been doing, if potentially 25/30% of the time  
611 during the year. I'm going to have to recuse myself, you know, for the very same reason.  
612 And again, you know, we could have a gas company come in here, we could have a  
613 local vendor come in here. We do business with almost everyone. You know, so I really,  
614 I'm really concerned about the direction this is taken. I understand the concern and it  
615 looks really obvious tonight; we're listed two things apart. I understand. I do understand  
616 I'm not upset about that.

617  
618 Ms. Gott 34:42

619 This is the first time I've had this concern Brad in all the years that you've been on the  
620 board that I've been at, this is the first time.

621  
622 Mr. Reed 34:51

623 And that's fine, that's fine. And I understand and if you feel that Gretchen then there are  
624 probably other people that feel that, but I also think that if you have a chance to talk  
625 about it later. You just need to be careful with who you're pushing away.

626  
627 Ms. Gott 35:06

628 That's not the intent in any way.

629  
630 Mr. Reed 35:08

631 I know it's not the intent. It's not the beginning intent, but it can be the end result. So  
632 good luck with your meeting this evening.

633  
634 Mr. Plante 35:18  
635 I'm also going to join here I am because I dealt with Jones and Beach before. It is what it  
636 is.  
637  
638 Mr. Ayer 35:33  
639 You don't have a quorum, so we have to come back.  
640  
641 Mr. Coppelman 35:35  
642 Oh, yes, you do.  
643  
644 Mr. Ayer 35:40  
645 Who said I was staying?  
646  
647 Mrs. Luszcz 35:42  
648 Are you leaving too?  
649  
650 Ms. Gott 35:45  
651 Now, this is not fair that we don't have a quorum. And that's not fair.  
652  
653 Mr. Ayer 35:48  
654 It is fair. I talked to him about this, but I did it in private. So, I don't think that was fair.  
655  
656 Joe Coronati 36:36  
657 Three still a quorum?  
658  
659 Mr. Coppelman 36:38  
660 No.  
661  
662 Joe Coronati 36:39  
663 No alternates.  
664  
665 Ms. Gott 36:42  
666 I'm very sorry.  
667  
668 Joe Coronati 36:45  
669 Just want to say one thing. Being a board member doesn't take away your rights as a

670 landowner, or as a land developer. I've been on boards where there's land developers,  
671 on the boards. They work with all engineers. They come before the board the same  
672 town. You know, Frank Catapano, is a member of the Greenland Planning Board. He's  
673 one of the biggest developers in the Seacoast. and as he goes, he goes in front of  
674 Greenland and does projects, steps down, gets back up and sits on other people doing  
675 competitors doing projects. So, we've worked for a lot of people, Richie Ladd. Gretchen,  
676 how many times has Richie Ladd been here? He had 100% of the jobs. Before, you  
677 know before we bought his firm in 2008. He did literally 100% of the jobs in town just  
678 about and work for every landowner, all the people on the boards. So, it's typically don't  
679 have to step down. But that's up to Brad. First, you have to continue ourselves.

680

681 Mr. Coppelman 37:53

682 Yes, you're going to have to continue this meeting.

683

684 Joe Coronati 37:58

685 I think there's a meeting in two weeks, right?

686

687 Ms. Gott 38:01

688 Yes, sir. There is.

689

690 Ms. Bridgeo 38:05

691 We don't have an alternate if George isn't going to sit in. If George doesn't sit in, we  
692 don't have an alternate.

693

694 Ms. Gott 38:21

695 Actually, he has an alternate.

696

697 Mrs. Luszcz 38:24

698 Chris Long is an alternate.

699

700 Ms. Gott 38:26

701 He is the Selectmen's alternate. He can only sit in George's seat.

702

703 Mrs. Luszcz 38:32

704 I did mention then yes. I was going to call in for the meeting. On the third, or you're on  
705 vacation? No, I can call in. It's in the 91A. As long as the phone is accessible, I can hear  
706 the meeting. And people can hear me. I can call in so I will be calling in for the meeting.

707  
708 Ms. Bridgeo 38:51  
709 And we would have to ask for Chris to come.  
710  
711 Mrs. Luszcz 38:58  
712 Right now, I know he's talking about. Is Paul recused from the application? I just left for  
713 the night. As I said I didn't. I didn't hear his recusal. I didn't hear  
714  
715 Ms. Gott 39:06  
716 They didn't they recuse themselves or they'd refuse to stay, or I don't know what they  
717  
718 Ms. Bridgeo 39:11  
719 I didn't hear.  
720  
721 Mrs. Luszcz 39:12  
722 George recused himself because he has done business with or knows the applicant.  
723 Engineers.  
724  
725 Ms. Bridgeo 39:19  
726 I didn't he didn't hear. I didn't hear the word recused.  
727  
728 Mr. Coppelman 39:22  
729 I don't know why Paul left.  
730  
731 Ms. Bridgeo 39:24  
732 I didn't hear what he said.  
733  
734 Mrs. Luszcz 39:26  
735 I don't know why.  
736  
737 Mr. Coppelman 39:28  
738 I don't. I don't feel like it was recusal, I think he just left.  
739  
740 Mrs. Luszcz 39:31  
741 Correct. So, I don't think it was a recusal to the application. Right, I didn't hear that.  
742  
743 Ms. Bridgeo 39:35

744 I did not hear him say recused.  
745  
746 Mr. Coppelman 39:38  
747 What we don't know is whether he would sit at the next meeting or not. I don't know.  
748  
749 Mrs. Luszc 39:45  
750 But that's something we would definitely want to let the applicant know before they make  
751 another appearance.  
752  
753 Mr. Coppelman 39:54  
754 Well, as long as you have the three of you, and the alternate and George's alternate  
755 You'd have your quorum, but you probably should confirm that.  
756  
757 Mrs. Luszc 40:05  
758 A quorum has to be here for me to call in. . Oh, it has to be a physical quorum.  
759  
760 Mr. Coppelman 40:10  
761 That's for the March 3 meeting.  
762  
763 Mrs. Luszc 40:14  
764 We have to have a quorum present.  
765  
766 Mr. Coppelman 40:17  
767 I wasn't sure which meeting it was that you were.  
768  
769 Mrs. Luszc 40:19  
770 March third.  
771  
772 Ms. Bridgeo 40:19  
773 He didn't say recuse. He did not.  
774  
775 Mrs. Luszc 40:29  
776 He did not.  
777  
778 Ms. Bridgeo 40:30  
779 He did not use the word recused.  
780

781 Joe Coronati 40:36  
782 You don't have a full board?  
783  
784 Ms. Gott 40:37  
785 He also said something about having talked with somebody in private that we should  
786 have talked in private, and he had done that, dealt with somebody. That's why he was  
787 leaving.  
788  
789 Mr. Coppelman 40:50  
790 Will you be here for the third Thursday, March 17, 2022?  
791  
792 Joe Coronati 40:59  
793 I won't be.  
794  
795 Mr. Coppelman 41:02  
796 How about your colleague? I can be. Well, trial by fire.  
797  
798 Ms. Gott 41:13  
799 Yeah, that's up to you, folks.  
800  
801 Mr. Coppelman 41:15  
802 That's up to you guys.  
803  
804 Ms. Bridgeo 41:18  
805 Because the election is on the 8th.  
806  
807 Ms. Gott 41:21  
808 And we can't meet that week. Because of those.  
809  
810 Joe Coronati 41:29  
811 Can we continue to March 3? And see if you do have a quorum?  
812  
813 Mr. Coppelman 41:32  
814 Yes.  
815  
816 Mrs. Luszcz 41:35  
817 And hopefully, we'll know before. You have to come out.

818  
819 Ms. Gott 41:41  
820 So then, could they ask Maddie to contact members to see if they're willing to come in  
821 and sit, please.  
822  
823 Maddie Dilonno 41:50  
824 I'll coordinate with Chris on that.  
825  
826 Mrs. Luszc 41:54  
827 I mean, worst case, the 17. Presumably, there'll be at least one new member for the  
828 one-year seat.  
829  
830 Ms. Gott 42:06  
831 Will you be here on the 17th?  
832  
833 Mrs. Luszc 42:08  
834 Yes. Providing Yeah. I get either voted in or get chosen as an alternate. I don't get vote.  
835 Kind of a precarious situation.  
836  
837 Ms. Gott 42:18  
838 You're still an alternate no matter what.  
839  
840 Mrs. Luszc 42:21  
841 They said until the March vote. So, you would have to revote me in. And I don't know  
842 how that would work. You have to get sworn in again. Or is it continuance?  
843  
844 Ms. Gott 42:32  
845 Yeah. I remember that.  
846  
847 Mrs. Luszc 42:36  
848 Just too muddy the waters,  
849  
850 Mr. Coppelman 42:37  
851 muddy the waters. I mean, usually, a position can continue.  
852  
853 Ms. Gott 42:44  
854 She was appointed as an alternate. and I have forgotten why we even did that.

855  
856 Mrs. Luszcz 42:51  
857 It was your recommendation?  
858  
859 Mr. Coppelman 42:53  
860 I think it was to give her the flexibility. And the choice.  
861  
862 Ms. Gott 42:59  
863 I know I made that motion. I can't remember.  
864  
865 Ms. Bridgeo 43:04  
866 So, can we tentatively let Joe know, can we say we will make everyone notify you?  
867 We're going to save but we're going to continue the application until March 3. And we  
868 will try to coordinate beforehand to make sure that we have a quorum and will notify  
869 you, Maddie will notify you?  
870  
871 Joe Coronati 43:27  
872 Yeah, it sounds fine.  
873  
874 Mrs. Luszcz 43:29  
875 The problem being sir, is I am actually going to be on vacation. So, I am allowed to call  
876 in for the meeting, that there has to be a physical quorum for me to call in. So, you're still  
877 going to need four bodies here. And then I would be the fifth I'd be a call in. I can't make  
878 the quorum from a call in. And that's what's making this a little bit more difficult.  
879  
880 Mr. Coppelman 43:52  
881 In order to get four here if you two continue to come if you're here next time. Paul would  
882 need to be here. And George's alternate. So those two would need to be confirmed.  
883  
884 Ms. Gott 44:06  
885 And clarify that. George definitely has recused himself and will not serve and Brad will  
886 not serve.  
887  
888 Mr. Coppelman 44:13  
889 Well, he recused himself tonight so there's no reason to think that he would change his  
890 mind for the next meeting. And he could, but it could happen that could be confirmed as  
891 well.

892  
893 Ms. Gott 44:31  
894 Motion:  
895  
896 Ms. Gott made a motion that we continue hearing application 2021-021 until March 3,  
897 2022 at 7 o'clock here at the High School.  
898  
899 Mrs. Luszcz 44:45  
900 Can we even take a vote as a non-quorum? Don't we just continue the meeting?  
901  
902 Mr. Coppelman 44:50  
903 I think at this point, the chair can just declare it.  
904  
905 Ms. Bridgeo 44:57  
906 Just do it and we're going to continue application until March 3, 2022 at 7pm in the  
907 school in the Media Room.  
908  
909 Mr. Coppelman 45:05  
910 This location 7 o'clock, March 3. Sounds good.  
911  
912 Mrs. Luszcz 45:09  
913 Second, all in favor.  
914  
915 Mr. Coppelman 45:17  
916 so, there's really nothing else  
917  
918 **Public comment:**  
919  
920 Mr. Coppelman 45:26  
921 You just can't vote on anything.  
922  
923 Ms. Bridgeo 45:32  
924 Did you want to come up with public comments?  
925  
926 Keith Smith 45:33  
927 Keith Smith speaking as a resident. Hello. And I just wanted to clarify that what I had  
928 asked the board of selectmen in regard to the video was to put it in as a supplement to

929 the minutes. So, we could go and just call up, you can call up the agenda, the minutes,  
930 the video, and it would just be a supplement, he was actually spoken to by the attorney,  
931 Brad read a letter here. And she says in her letter, and I agree with this, and this was  
932 what I was trying to do in her letter was, the minutes shall be the minutes, the videos  
933 should be the videos, and we can supplement the minutes with the videos. That's what  
934 I'm looking to do. Kingston does it, a lot of towns. So 91A is the minimum of what we  
935 have to keep our records. This is over and above. It's kind of like a belt and suspenders  
936 if you will, for lack of a better word, but it's got nothing to do with the minutes.

937

938 Ms. Gott 46:42

939 Didn't you say in that, though, that it should be just pieces, bits, and pieces. I don't have  
940 that with me.

941

942 Keith Smith 46:49

943 What I did was, for example, if we look, if you go historically, and look at the minutes  
944 and try to correlate them to the video, there are pieces missing. So, they could  
945 supplement the minutes, the minutes don't have to be verbatim under 91A, it would just  
946 be a supplement to the minutes. So, if it went to court, you could say, Your Honor, could  
947 you look at 27 minutes and 30 seconds into the video just and to this section of it like  
948 you would with the minutes you wouldn't read all the pages of minutes, he would just go  
949 to where you direct him to or her. And the same thing with the video, it would be a  
950 supplement, it would be something like a belt and suspenders type thing to cover, you  
951 know, just for archival information, for hearings for conditions or other things that had  
952 come up that may have gotten misplaced. You know, I'm not going to speak any how or  
953 why or that's not the intent of this. It's just a supplement. And that's what I'm asking a  
954 policy and it's only the policy that will only pertain to the boards that are making  
955 decisions, not advisor commissions or committees or things of that nature. So, because  
956 well, so no, I'm not asking for a vote. I'm just here to clarify, because it seemed to go off  
957 kilter a little bit and discussion about other things where it just went off on a different  
958 tangent than I was intending it to go. And this is the only meeting you guys are going to  
959 be meeting prior to the board of selectmen hearing on it, they are going to hear it, it's  
960 going to be on the agenda on the 28th. So, if you had any concerns, or anything that I  
961 could address for you on the back of the handout, I had a couple of little questions that I  
962 had come up with but any input aggregate I'd greatly appreciate. I'm not going to speak  
963 to the logistics of it. That would be up to the IT people in the town and others who do  
964 have the infrastructure.

965

966 Mr. Coppelman  
967 It might require an amendment or a change to your rules of procedure.  
968  
969 Keith Smith  
970 I've read the rules procedure. I have them with me planning, it doesn't speak to the  
971 video at all.  
972  
973 Mr. Coppelman 49:13  
974 Well, it doesn't speak to the video, but it does say that after the meeting minutes have  
975 been approved by the planning board. The planning technician shall destroy all means  
976 employed to prepare the minutes and if the video was used to help prepare the minutes,  
977 then that means it goes out the window unless you change this which would require the  
978 change. The board just needs to vote.  
979  
980 Keith Smith 49:39  
981 The next paragraph down speaks to how they can change it.  
982  
983 Mr. Coppelman 49:43  
984 These say these rules of procedure may be amended by a majority vote of the members  
985 of the board provided that any amendments are read at a regular meeting of the Board.  
986 Amended Rules of Procedure shall be placed on file with the town clerk.  
987  
988 Keith Smith 49:58  
989 So, something to the effect that she not being destroyed because the otter.ai if I  
990 understand it correctly, they use the audio portion. And it transcribes through that.  
991  
992 Mr. Coppelman 50:13  
993 I don't know what's being used. I don't know if they use video or not.  
994  
995 Keith Smith 50:16  
996 I did a little research on similar programs, Dragon Speak and other things over the  
997 years. And Rockingham County Courthouse uses Dragon Speak or they did. So, it's a  
998 very similar program to otter, Ai.  
999  
1000 Mrs. Luszcz 50:30  
1001 But if this was favorable, and the board wanted it, having that procedure change would  
1002 be vital.

1003

1004 Keith Smith 50:36

1005 Yeah, if the board of selectmen decided to do a policy, could they still go forward and  
1006 say, because they do the policies, which is the town? I believe that's what I found out.  
1007 And then it would come to you guys to amend or change that section. So, it's not  
1008 destroyed, maybe. I don't know what she's using as a media for That's why I wasn't  
1009 speaking to the minutes or who was doing it or what doing it. I'm just saying, as a  
1010 supplement as an addition to, so you would go to, if you go to Kingston sites, and you  
1011 call up for their archival information, it says agendas, meetings, video, it's beautiful. You  
1012 can go back in history and call out anything you want on this site. That's an ideal  
1013 situation. And they actually archived a couple of different ways, I think, via YouTube,  
1014 and there are local,

1015

1016 Mr. Coppelman 51:35

1017 We recorded it on the local cable channel and the video that gets archived on the  
1018 website. And then you can also go to the Kingston YouTube channel, Kingston, NH,  
1019 YouTube. And there's a chronological archival of all the YouTube videos, which are  
1020 identical to, they are theoretically identical to what was broadcast because they capture  
1021 the same meeting. It's, are there a couple of different ways to get to the video?

1022

1023 Keith Smith 52:05

1024 Yeah, but that the logistics would have to be that's up to the administration, the IT  
1025 support people, that's their job. So, if anybody has input that was great on that, because  
1026 I didn't know if it did affect that. I'm going by Laura Specter, if you read her letter, the last  
1027 sentence in her letter says, it can be added as a supplement. You got the minimum or  
1028 just doing a little over and above, Just, you know, so it's there in case something comes  
1029 up at a later date.

1030

1031 Ms. Bridgeo 52:51

1032 Anyone else?

1033

1034 Tara Campbell 53:00

1035 Tara Campbell, I just had a couple of questions about meetings for conceptual, where  
1036 they go first, if they're public, nonpublic, not posted. I've watched plenty of planning  
1037 board meetings and the conceptual normally would come here, like it did a few weeks  
1038 ago, and then it would go to TRC for their review. I'm just trying to find out, you know, as  
1039 a citizen of exactly what it is, if somebody doesn't want to go to a board for their

1040 conceptual is a meeting done in private or is that okay? Or is it something that normally  
1041 it would either be a posted or non-public posted meeting.

1042

1043 Mr. Coppelman 53:56

1044 Applicants can work with town staff, as they're developing their thoughts, and when they  
1045 have questions, perhaps about how it meets zoning or doesn't meet zoning. As they get  
1046 ready to make an application once they're once they reach a point of completeness in  
1047 their thoughts and so forth. And they're ready to put them into a formal application to  
1048 come to the board. Then with a community development department, they file an  
1049 application for either a preliminary consultation or a design review or a formal site plan.

1050

1051 Tara Campbell 54:34

1052 So, and then the same people that are sitting on that review committee, with this  
1053 applicant that wants to keep his application or her application, somewhat quiet or  
1054 private, then they go, and they sit in front of the same board members to the TRC. So, it  
1055 feels like it's those same people are sitting in that meeting, and then going to they're the  
1056 same people that represent TRC.

1057

1058 Mr. Coppelman 55:01

1059 Okay, well, you might be referring to something that I'm not even aware of. You might  
1060 not be. What I'm saying is that applicants can meet with staff. I'm not saying board  
1061 members, I'm saying town staff. So, with Maddie and with Chris, and with the building  
1062 inspector or the code enforcement officer or staff, not board members

1063

1064 Tara Campbell 55:21

1065 As a whole, your TRC committee, correct, because you have the fire chief, the building  
1066 inspector, so if they're meeting with that staff, I would think maybe I'm wrong, would that  
1067 be considered a TRC meeting, non-posted are not properly posted.

1068

1069 Ms. Gott 55:48

1070 The way it has always worked in my understanding, since I've been around doing this, is  
1071 that the town staff is there as from the hospital, my term, there an assistive device, like a  
1072 crutch, or whatever, some sort of assistance, you all provide to a person who is  
1073 interested. And we can't even call them an applicant because they're not, an entity who  
1074 is interested in doing something in our town can work preliminary and even say the word  
1075 preliminary, a preliminary fashion. No, I can't speak tonight. Okay, in a preliminary  
1076 fashion, they can meet with groups, they could meet with two, three at the same time.

1077 That is not TRC. That's not a formal thing. And I understand how it looks like it could be  
1078 a conflict. I think it's made very clear that the person who was meeting with them that  
1079 this is just advisory, they're just asking questions. They're answering questions, they're,  
1080 they're exploring possible ideas. It's not any kind of formal thing. It's our obligation as a  
1081 town is a group of knowledgeable people, like these folks. It was coming to us. That's a  
1082 whole different ball game. Different it was if it was coming in an organized TRC meeting,  
1083 that this is an informal discussion. It's like, you know, are we allowed to do this?

1084

1085 Tara Campbell 57:22

1086 Is this your same TRC committee meeting with these people?

1087

1088 Ms. Gott 57:25

1089 It's not a TRC meeting. It's not a notice meeting. It's not supposed to be a notice  
1090 meeting. It's exploratory?

1091

1092 Tara Campbell 57:42

1093 Okay, this was, let me be clear. This happened. All members, except the building  
1094 inspector because absolute position is vacant, was in that meeting. So, I'm just that's  
1095 what I was just trying to figure out how, what the, you know, what,

1096

1097 Ms. Gott 58:00

1098 I wasn't there. I don't know, it was a chain, it was supposed to be exploratory. It's  
1099 supposed to be advisory; it's supposed to be a thought process. It's not supposed to be  
1100 any decision making of any kind. It is to provide information to a person who wants to do  
1101 something. That's the only purpose of meeting together as far as I'm aware, and it's ever  
1102 been. That's correct. And that's an advance that comes to the planning board, and then  
1103 we send it to the TRC then it becomes a formal process. Unless it comes to us.

1104 Because if it comes to us conceptually, as a conceptual plan, as we have had recently,  
1105 some conceptual plans, that does not go to TRC. First it comes to us, then we accept it  
1106 as an application, then it goes to TRC. It's all for then it's a very formal process and  
1107 notices and all the rest of the stuff. But as far as this advisory I, I don't know about the  
1108 aspect of everybody meeting together. I guess that would be a question I would have. I  
1109 think that's probably not the smartest thing to do is that everybody meets together. I  
1110 think it's harder to work individually with different departments. That's just a personal  
1111 opinion. Let me be very clear. That's a personal opinion.

1112

1113 Tara Campbell 59:21

1114 It just seems like you even if it's in an advisory, you know, for this business or somebody  
1115 rebuilding or something like that, then you're meeting with them for advisory, and then  
1116 you're meeting with them over here at TRC.

1117

1118 Ms. Gott 59:39

1119 It has to be the same people because there aren't many other people for it to be. So, I  
1120 think that the people who are meeting have to be very clear that we're just exploring this  
1121 together. I do personally, again, personal opinion, believe that it probably should not  
1122 everybody all together. That's just me. But there's nothing wrong with meeting  
1123 everybody.

1124

1125 Ms. Bridgeo 1:00:09

1126 I have another concern. And that would be TRC is the financial responsibility of the  
1127 applicant. But if we have meetings before, pre conceptual, how do we and also, other if  
1128 that's not a meeting and minutes aren't captured? How do we make sure if suggestions  
1129 and people have spent their time that that's captured?

1130

1131 Ms. Gott 1:00:37

1132 There are people. Let me use you folks, as an example, you are doing the business of  
1133 the town, someone if I have an idea for, you know, a craft store here on Main Street,  
1134 okay. The business of the town is for me to come to these folks and say, hey, I have this  
1135 really fabulous idea. I want to put a craft store in. I really do. Okay, I have this idea. So,  
1136 what do you think, tell me about what in these guys, we'll go over all of the stuff? And  
1137 then I might go to Dave Frederickson and say, Hey, what about parking? Tell me about  
1138 this. And although these guys talk about parking, too, but I might say, you know, traffic,  
1139 you know, tell me about what this is.

1140

1141 Tara Campbell 1:01:22

1142 That's their job. But not a gathered meeting at Torrent Hall on a certain day with  
1143 everybody RPC and the TRC Committee. I feel it's wrong. I feel it's not transparent.

1144

1145 Ms. Gott 1:01:35

1146 That is something that if you have a complaint, I will talk to the acting town manager  
1147 about that. You have a concern. It does. It's nothing this board has anything, any  
1148 authority over. Okay. But so, we have that concern. I understand it. I think, again,  
1149 personal opinion, you know, the town to support. This part's not personal this is this is  
1150 stated, the town is supposed to help people who want to do business in our town,

1151  
1152 Tara Campbell 1:02:03  
1153 And I can understand walking into town hall to talk to A, B or C about bringing a  
1154 business in.  
1155  
1156 Ms. Gott 1:02:08  
1157 Be careful about how to do it. And if you have a concern, then I think the next step is not  
1158 here. That we can't, we can't do anything about that. That has to go to the town  
1159 manager. Again, that part's my opinion. I don't know what other people have to say. But  
1160 I would say that would be a route that you should take. We as our town should do  
1161 everything, we can assist people. In developing a business, establishing a business,  
1162 changing a business, whatever, you know, or subdivision or whatever it is, that's our job,  
1163 that's their job and the other professionals in the town before it ever comes to us as a  
1164 planning board before it ever goes to TRC. They do it.  
1165  
1166 I might suggest that you probably copy the Selectmen on that as well.  
1167  
1168 Can I ask you folks here? Am I accurate in what I'm saying?  
1169  
1170 Maddie Dilonno 1:03:06  
1171 I think you explained it well.  
1172  
1173 Ms. Bridgeo 1:03:07  
1174 Can I interject something? I think though that we need your, sometimes, what we have  
1175 learned from bad experiences going to different people and not getting it formalized that  
1176 it is captured, the information may not be consistent and the same. And that is also a  
1177 concern of that if it's not all, how do we capture it? If we're sending somebody, maybe  
1178 we have a procedure in the town hall. I don't know if that information is captured  
1179 because otherwise, they are given advice.  
1180  
1181 Mrs. Luszcz 1:03:47  
1182 My personal opinion, it all started to fall apart when the Planner left, and we did not  
1183 replace the Planner.  
1184  
1185 Ms. Gott 1:03:52  
1186 I agree with you on that. But I'm not sure Trisha, I understand what you're saying?  
1187 Explain, help me out. I'm not sure I understand.

1188  
1189 Ms. Bridgeo 1:04:03  
1190 I am saying that I think from some people's personal experiences, they did not, the  
1191 consistency of the information. They ended up having. I don't want to use the word  
1192 errors, but they had some issues occur because of that. I'm saying that if we don't have  
1193 it that procedurally and that it goes in and that you went to each individual person that is  
1194 to help you that that information isn't captured somehow. And then they go further down  
1195 the road and all of a sudden there's a contradiction. That also is someplace that we get  
1196 in trouble. And you're saying that, well, if there isn't a legitimate process that you say, on  
1197 January 1, you went in to talk to somebody and this is they give you that information.  
1198 Maybe it's in writing, but that person then gets a contradictory piece of information from  
1199 a different person. I think that we've seen firsthand that that can be an issue.  
1200  
1201 Ms. Gott 1:05:06  
1202 Again, I think it has to be taken up within the town hall, town office with, you know, the  
1203 chain of command that kind of justice. The Selectmen.  
1204  
1205 Mrs. Luszcz 1:05:17  
1206 We don't have jurisdiction.  
1207  
1208 Ms. Gott 1:05:18  
1209 I don't think we can. But I understand what you're saying. It cannot be a formal process.  
1210 It can't be. It can't be minutes. It can't be a formal process.  
1211  
1212 Ms. Bridgeo 1:05:28  
1213 I wasn't saying that.  
1214  
1215 Ms. Gott 1:05:31  
1216 Anything written, it can't be, it has to be just an informal process. Hey, I want to do my  
1217 craft store on Main Street. helped me out, please.  
1218  
1219 Tim Cahill 1:05:47  
1220 You know, I'm Tim Cahill, 31, Old Manchester Road. And I came to this meeting tonight,  
1221 because, you know, well, So I came to this meeting, because, you know, I sit on the  
1222 zoning board. And obviously, I'm running for Selectmen. And I think that one of the  
1223 observations I've seen in Raymond over the last few years is, you know, lack of  
1224 professionalism at our meetings, and I just think that there might have been a better way

1225 to handle what happened this evening. With Jones and Beach, whoever I don't know  
1226 them, I don't work with them. But it was a poor representation of our town, how they got  
1227 treated by sitting here, during all of that, and I don't know the better way for that to have  
1228 been handled, I actually agree that Brad should have recused himself. I think that was  
1229 the right thing to do. But I don't think he should have had to have been asked, I think he  
1230 should have done that, without being asked just based on the way it looked with, we  
1231 have a responsibility to not present even the possibility of an ethics violation. And he  
1232 should have known that as a good businessman, and a member of multiple boards in  
1233 town. And I just wanted to address that I thought that it really represented poorly on our  
1234 town, how this potential customer, I don't even know anything about this case, because I  
1235 don't sit on your board. I just think there has to be a better way for us to communicate. I  
1236 actually agree that I think your right spot on that we have to find a way for our boards  
1237 and our people to be working together. And thank you for the work that you're doing. I  
1238 think you guys always every time I've heard you guys speak. You guys both are very  
1239 professional and are diligent at the work that you do. And it's very obvious when you're  
1240 speaking and presenting information. And thank you guys for volunteering for your time.

1241

1242 Ms. Bridgeo 1:08:08

1243 Okay, thank you. Anyone else?

1244

1245 Mr. Coppelman 1:08:20

1246 So, we should probably table the minutes.

1247

1248 Ms. Bridgeo 1:08:25

1249 Yes. We will table the minutes.

1250

1251 Mrs. Luszcz 1:08:32

1252 Let me three next time.

1253 **Staff Update:**

1254

1255 Maddie Dilonno 1:08:36

1256 I do have some updates. But I think I'll wait for a whole board.

1257

1258 Ms. Bridgeo 1:08:44

1259 Dee, do you have an update?

1260

1261 Mrs. Luszcz 1:08:46

1262 I just don't know if anybody heard, I think we did. We discussed it openly. I will be calling  
1263 in as long as there's a quorum. A physical quorum on March 3, because I cannot  
1264 feasibly physically be here. Will you connect with that?  
1265  
1266 Maddie Dilonno 1:09:07  
1267 Did you already work it out?  
1268  
1269 Mr. Coppelman 1:09:10  
1270 Well, you don't, you don't want to be calling in if you don't have to. Because if there isn't  
1271 a quorum, right?  
1272  
1273 Mrs. Luszczyk 1:09:14  
1274 If there's not going to be a physical quorum.  
1275  
1276 Maddie Dilonno 1:09:16  
1277 I meant like logistically with the phones or if you were just planning...  
1278  
1279 Mrs. Luszczyk 1:09:21  
1280 I think we're just going to do what we did with Paul.  
1281  
1282 Mr. Coppelman 1:09:23  
1283 Do a cell phone on a speaker and just put it right in front of the Chair.  
1284  
1285 Mrs. Luszczyk 1:09:27  
1286 Everybody else is fine with that.  
1287  
1288 Mr. Coppelman 1:09:29  
1289 As long as you can hear and then long as people here can hear you.  
1290  
1291 Ms. Gott 1:09:44  
1292 Motion:  
1293  
1294 Ms. Gott made a motion to adjourn. Mrs. Luszczyk seconded the motion.  
1295  
1296 Respectfully submitted,  
1297  
1298 Jill A. Vadeboncoeur

1299

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1301