

TOWN OF BROOKLINE, NEW HAMPSHIRE

Rules of the Selectboard



Adopted August 20, 2001
Revised June 22, 2004
Revised July 2, 2007
Revised April 28, 2008
Revised April 26, 2010
Adopted April 2, 2012 (no changes)
Revised April 11, 2016

Rules of the Selectboard

These Rules are adopted, as revised, by the Selectboard on April 11, 2016 and are intended to guide in the operation of the Selectboard. No rule herein, other than those rules which are prescribed by law, are binding upon the Board, but instead are intended to act as a guide in the actions of the Selectboard. For good cause, as may be determined by the Board, the application of any rule herein may be waived except as otherwise provided by law.

ORGANIZATION

The Selectboard shall be comprised of five (5) members who shall, on its first regularly scheduled meeting after Town elections in March, appoint a Chair for the ensuing year who shall serve until the appointment of a new Chair the following year after Town elections. A Vice-Chair will also be appointed to serve in the absence of the Chair.

The Selectboard shall normally meet every other Monday commencing at 6:30 p.m. The Selectboard reserves the right to change the time of the meeting. Selectboard members shall attempt to review the files some time prior to the regularly scheduled meeting.

All meetings of the Selectboard shall be posted and held in a public place. All meetings of the Selectboard shall generally be held at the Town Hall in Brookline or at other public places designated in the Notice of said meeting.

The notice, which may include an approximate agenda for any meeting shall be posted at least 24 hours (excluding Sundays and legal holidays) in advance of said meeting as required by RSA 91-A: 2, II.

The notice for the regularly scheduled Monday meeting shall be posted by 2:00 p.m. on the Friday previous to said meeting. The agenda for the meeting shall be prepared by the Town Administrator and include any input from Selectboard members that is received by 9am on the Friday before the meeting. All special meetings shall also have a notice, which shall be posted pursuant to law (RSA 91-A: 2, II) and in a fashion similar to the regular meeting of the Selectboard.

DUTIES OF CHAIR

The Chair shall have the responsibility for:

- a.) Providing for the orderly administration of meetings of the Board
- b.) Making of Motions to go into non-public session after having obtained enough information to determine that the matter should be in a non-public session
- c.) Ensuring that any exempt or non-public information or documents be so maintained
- d.) Allowing for public input at regular meetings of the Selectboard
- e.) Refraining from making any other Motion other than those to go on to non-public session and request that other Board members make said Motions and to second the same

PRUDENTIAL AFFAIRS

The Selectboard is directed under RSA 41:8 to “manage the prudential affairs of the Town”. In addition, the Selectboard shall annually prepare the Warrant pursuant to RSA 39:2 and the budget of the Town pursuant to RSA 31:95 and 32:5. Meetings on the budget between the Selectboard and Finance Committee shall commence in September/October.

SEALED MINUTES OF NON-PUBLIC SESSION

All sealed Minutes of the Non-Public Session shall be kept separate and apart from the public Minutes of the Selectboard and shall remain sealed from the public until a Vote of the Board unsealing the Minutes. All votes to seal or unseal Minutes shall be done in public session. Typically, the Selectboard will review the prior year's Non-Public minutes at a regular meeting just before Town Meeting to determine what Minutes will be unsealed. The Town Administrator will review the minutes first and recommend which should be unsealed and advise the Board members that the Minutes are available for review a week prior to the meeting in which they will be reviewed.

VACANCY IN ANY OFFICE OF THE SELECTBOARD

Pursuant to RSA 669:63 a vacancy in the Selectboard shall be filled by appointment made by the remaining Selectboard members.

DISQUALIFICATIONS

Pursuant to RSA 43:6, no Selectboard member shall act in a decision of a matter if said member would be disqualified to sit as a juror for said cause, except exemption. This is known as the so-called Juror Standard. In any event, a Board member who believes that there is an issue of potential disqualification should reveal the same to the Board and to the parties, and when in doubt it is suggested that said Board member step down.

APPOINTMENT BY BOARD TO FILL PLACE OF DISQUALIFIED MEMBER

A disqualified Selectboard member, pursuant to RSA 43:6, shall not deliberate in any manner on a matter from which he or she is disqualified and the place of said member may be supplied by appointment from the remaining members of the Board from a qualified resident who has theretofore held the office of a Selectman in Brookline pursuant to RSA 43:7.

APPOINTMENTS

See Appointment Policy established by the Selectboard.

PERSONNEL PLAN

The Selectboard shall annually review the Personnel Plan of the Town of Brookline and update and amend the same as necessary. This review should occur in November or December.

EMPLOYEE REVIEW

Two members of the Selectboard shall, on an annual basis, review the performance of all department heads, except the Fire Chief, who is under the supervision of the Fire Wards. Said review shall occur at the end of the calendar year. (See Town of Brookline Personnel Plan.)

PAY ADJUSTMENTS

The Selectboard shall annually determine pay adjustments, if any, of Town employees for the proposed budget for the following year and should make said determination by calendar year end, in consultation with the Finance Committee.

ELECTION DUTIES

Pursuant to RSA 658:9-a, the Selectboard shall, with the assistance of the Town Administrator, set up all polling places, booths, and the like for every election held within the Town of Brookline. For any State election, including a Primary, a quorum of the Selectboard shall at all times be present at the polling place

during said election. For other elections, the Selectboard members do not need to be present, but a quorum of the Board should be available for recall to the polls by the Moderator or Clerk, if needed.

ESTABLISH AND AMEND LOCAL WELFARE GUIDELINES

The Selectboard shall from time to time establish and amend local welfare guidelines in consultation with the Overseer of Public Welfare.

HEALTH REGULATIONS

The Selectboard and Health Officer, acting jointly, shall pass whatever health regulations they deem appropriate.

SETTING OF FEES

The Selectboard, pursuant to RSA 41:9-A shall establish all fees for regulatory programs provided that notice of the setting of said fees shall be by law.

MANAGE AND REGULATE USE OF ALL TOWN PROPERTY

The Selectboard shall manage and regulate the use of all Town property unless otherwise governed by RSA (such as RSA 36-A, for the Conservation Commission), granted by Town Meeting (such as to the Melendy Pond Authority for the Melendy Pond property), or as delegated to other entities (such as the Recreation Commission for management of the Grove and Ball Park).

FINANCIAL ACCOUNTING AND SAFEGUARDING

Pursuant to RSA 41:9 the Selectboard shall establish procedures preparing or authorizing the payment of all Town funds for the purpose appropriated by the voters and shall prepare financial reports and establish safeguarding procedures for all Town assets.

APPLICABLE RSAs

The following texts are included by transcription from the State of New Hampshire Revised Statutes Annotated, updated with legislation through the 2015 session of the General Court. These texts are for the reader's convenience and are not intended to represent current law. Readers are warned and encouraged to seek updates to the referenced law. Future boards that would revise this policy are encouraged to update the RSA transcriptions herein.

31:95 BUDGETS

Immediately upon the close of the fiscal year the budget committee in towns where such committees exist, otherwise the selectmen, shall prepare a budget on blanks prescribed by the commissioner of revenue administration; provided, however, that any full-time employee of the town, village district, school district or other associated agencies shall be ineligible to serve on the budget committee. Such budget shall be posted with the town warrant and shall be printed in the town report at least one week before the date of the town meeting.

Source. 1917, 129:8. PL 42:74. RL 51:93. RSA 31:95. 1973, 544:8. 1981, 282:1, eff. Jan. 1, 1982.

332:5 BUDGET PREPARATION

- I. The governing body, or the budget committee if there is one, shall hold at least one public hearing on each budget, not later than 25 days before each annual or special meeting, public notice of which shall be given at least 7 days in advance, and after the conclusion of public testimony shall finalize the budget to be submitted to the legislative body. One or more supplemental public hearings may be held at any time before the annual or special meeting, subject to the 7-day notice requirement. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental

session if the date, time, and place of the supplemental session are made known at the original hearing. Public hearings on bonds and notes in excess of \$100,000 shall be held in accordance with RSA 33:8-a, I. Days shall be counted in accordance with RSA 21:35.

- II. All purposes and amounts of appropriations to be included in the budget or special warrant articles shall be disclosed or discussed at the final hearing. The governing body or budget committee shall not thereafter insert, in any budget column or special warrant article, an additional amount or purpose of appropriation which was not disclosed or discussed at that hearing, without first holding one or more public hearings on supplemental budget requests for town or district expenditures.
 - III. All appropriations recommended shall be stipulated on a "gross" basis, showing anticipated revenues from all sources, including grants, gifts, bequests, and bond issues, which shall be shown as offsetting revenues to appropriations affected. The budget shall be prepared according to rules adopted by the commissioner of revenue administration under RSA 541-A, relative to the required forms and information to be submitted for recommended appropriations and anticipated revenues for each town or district.
 - IV. Budget forms for the annual meeting shall include, in the section showing recommended appropriations, comparative columns indicating at least the following information:
 - (a) Appropriations voted by the previous annual meeting.
 - (b) Actual expenditures made pursuant to those appropriations, or in those towns and districts which hold annual meetings prior to the close of the current fiscal year, actual expenditures for the most recently completed fiscal year.
 - (c) All appropriations, including appropriations contained in special warrant articles, recommended by the governing body.
 - (d) If there is a budget committee, all the appropriations, including appropriations contained in special warrant articles, recommended by the budget committee.
 - V. When any purpose of appropriation, submitted by a governing body or by petition, appears in the warrant as part of a special warrant article:
 - (a) The article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee;
 - (b) If the article is amended at the first session of the meeting in an official ballot referendum municipality, the governing body and the budget committee, if one exists, may revise its recommendation on the amended version of the special warrant article and the revised recommendation shall appear on the ballot for the second session of the meeting provided, however, that the 10 percent limitation on expenditures provided for in RSA 32:18 shall be calculated based upon the initial recommendations of the budget committee;
 - (c) Defects or deficiencies in these notations shall not affect the legal validity of any appropriation otherwise lawfully made; and
 - (d) All appropriations made under special warrant articles shall be subject to the hearing requirements of paragraphs I and II of this section.
- V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article, the governing body may do so on its own initiative.

- V-b. Any town may vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The determination of the estimated tax impact shall be subject to approval by the governing body.
- VI. Upon completion of the budgets, an original of each budget and of each recommendation upon special warrant articles, signed by a quorum of the governing body, or of the budget committee, if any, shall be placed on file with the town or district clerk. A certified copy shall be forwarded by the chair of the budget committee, if any, or otherwise by the chair of the governing body, to the commissioner of revenue administration pursuant to RSA 21-J:34.
- VII. (a) The governing body shall post certified copies of the budget with the warrant for the meeting. The operating budget warrant article shall contain the amount as recommended by the budget committee if there is one. In the case of towns, the budget shall also be printed in the town report made available to the legislative body at least one week before the date of the annual meeting. A school district or village district may vote, under an article inserted in the warrant, to require the district to print its budget in an annual report made available to the district's voters at least one week before the date of the annual meeting. Such district report may be separate or may be combined with the annual report of the town or towns within which the district is located.
- (b) The governing body in official ballot referenda jurisdictions operating under RSA 40:13 shall post certified copies of the default budget form or any amended default budget form with the proposed operating budget and the warrant.
- (c) If the operating budget warrant article is amended at the first session of the meeting in an official ballot referendum jurisdiction operating under RSA 40:13, the governing body and the budget committee, if one exists, may each vote on whether to recommend the amended article, and the recommendation or recommendations shall appear on the ballot for the second session of the meeting.
- VIII. The procedural requirements of this section shall apply to any special meeting called to raise or appropriate funds, or to reduce or rescind any appropriation previously made, provided, however, that any budget form used may be prepared locally. Such a form or the applicable warrant article shall, at a minimum, show the request by the governing body or petitioners, the recommendation of the budget committee, if any, and the sources of anticipated offsetting revenue, other than taxes, if any.
- IX. If the budget committee fails to deliver a budget prepared in accordance with this section, the governing body shall post its proposed budget with a notarized statement indicating that the budget is being posted pursuant to this paragraph in lieu of the budget committee's proposed budget. This alternative budget shall then be the basis for the application of the provisions of this chapter.

Source. 1993, 332:1, eff. Aug. 28, 1993. 1996, 214:2, eff. Aug. 9, 1996. 1997, 41:1, eff. July 11, 1997. 2001, 71:2, eff. July 1, 2001. 2002, 61:1, eff. June 25, 2002. 2004, 68:1, eff. July 6, 2004; 219:2, eff. Aug. 10, 2004; 238:5, eff. June 15, 2004; 238:12, eff. Aug. 10, 2004 at 12:01 a.m. 2007, 305:1, eff. Sept. 11, 2007. 2009, 2:1, eff. Feb. 20, 2009. 2010, 90:1, eff. July 24, 2010. 2012, 6:1, eff. May 21, 2012; 217:1, eff. July 1, 2013. 2014, 190:7, eff. Sept. 9, 2014.

41:8 *ELECTION AND DUTIES*

Every town, at the annual meeting, shall choose, by ballot, one selectman to hold office for 3 years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent in all cases.

Source. RSA34:2. CS 36:2. GS 37:2. GL 40:2. PS 43:5. 1921, 9:1; 17:1. PL 47:12. RL 59:11.

41:9 *FINANCIAL DUTIES*

- I. The selectmen shall pay all sums of money received by them in behalf of the town to the town treasurer immediately after receipt, and state to him from whom and for what received.
- II. They shall draw orders upon the treasurer for the payment of all accounts and claims against the town allowed by them, and take proper vouchers therefore.
- III. They shall keep a fair and correct account of all moneys received, all accounts and claims settled and all orders drawn by them, and of all their other financial transactions in behalf of the town.
- IV. They shall publish in the next annual report, or post at the annual meeting, the general fund balance sheet from the most recently completed audited financial statements or from the financial report filed pursuant to RSA 21-J:34, V.
- V. In the case of an accumulated general fund deficit, the selectmen shall insert an article in the warrant recommending such action as they deem appropriate, which may include, but is not limited to, raising a sum of money for the purpose of reducing that deficit.
- VI. The selectmen shall be responsible for establishing and maintaining appropriate internal control procedures to ensure the safeguarding of all town assets and properties.
- VII. The selectmen shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies.
- VIII. The selectmen shall be responsible for establishing procedures to ensure that all funds paid to the town from any department shall be remitted to the treasurer at least on a weekly basis or daily whenever such funds total \$500 or more. Remittances to the treasurer from the tax collector shall be in accordance with RSA 41:35 and remittances from the town clerk shall be in accordance with RSA 261:165.

Source. 1869, 26:3. 1874, 85:1. GL 40:9. PS 43:7. PL 47:14. RL 59:13. RSA 41:9. 1993, 181:1. 1994, 147:2. 2007, 246:2, eff. Aug. 27, 2007.

43:6 *DISQUALIFICATIONS*

No selectman or other officer shall act, in the decision of any such case, who would be disqualified to sit as a juror for any cause, except exemption from service, in the trial of a civil action in which any of the parties interested in such case was a party.

Source. GS 233:7. GL 43:7. PS 45:6. PL 49:6. RL 61:6.

43:7 *APPOINTMENTS BY BOARD TO FILL PLACE OF DISQUALIFIED OFFICER*

The place of a selectman or other officer so disqualified shall be supplied by appointment, by the other members of the board, of a qualified person who has theretofore holder the same office in the town, or, in the case of committees, by a new appointment.

Source. GS 233:8. GL 43:8. 1881, 16:1. 1883, 103:1. PS 45:7. PL 49:7. RL 61:7.

669:63 *SELECTMEN*

Vacancies in the Selectboard shall be filled by appointment made by the remaining selectmen. Whenever the selectmen fail to make such appointment, the superior court or any justice thereof, on petition of any citizen of the town, and after such notice as the court shall deem reasonable, may appoint a suitable person to fill the vacancy; provided, however, that if the town has adopted the provisions of RSA 669:61, IV, and a petition thereunder is submitted before the submission of a petition under this section, the provisions of RSA 669:61, IV shall apply.

Source. 1979, 410:1, eff. July 1, 1979. 2008, 267:2, eff. Aug. 25, 2008.