

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

APRIL 19, 2021 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(THE RECORDING OF THIS MEETING CAN BE FOUND ON YOUTUBE)

Board of Selectmen Present via Zoom: Chairman OJ Robinson, Vice Chair, Tamra Ham, and Selectman Jack Daly

Staff Present via Zoom: Town Manager Burbank, Fire Chief, Ron Beard, Police Chief Chad Morris, Public Works Director, Nate Hadaway, and Administrative Assistant Jane Leslie.

Public Present via Zoom Video Conferencing: Sharon Nall, NHDES, Steve Bolles, NHDES, Process Energy Services, Bill Johnstone, NHEC Business Development Executive, Joe Lajewski, NHEC Energy Solutions Program Administrator, Luis Adorno, NHDES Drinking Water Asset Management Program Coordinator, Dennis Greene, NHDES Wastewater Design Review Coordinator, Dick Emberley, NHDES Wastewater Engineering Bureau Technical Advisor, Denise Heredeen, Kathy Cook, Mary Conn, and Paul Beaudin.

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:30 pm.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of April 12, 2021 as presented."

Motion: Jack Daly

Second: OJ Robinson

Motion carries.

Abstained: Tamra Ham

MOTION: "To approve the Non-Public BOS meeting minutes of April 12, 2021 as presented."

Motion: Jack Daly

Second: OJ Robinson

Motion carries.

Abstained: Tamra Ham

III. ENERGY AUDIT-NHDES (Process Energy Services)

Sharon Nall of NHDES greeted the board and explained that NHDES is presenting this follow-up presentation to the Board of Selectmen on an Energy Audit that they conducted last year at the Wastewater Treatment Plant (WTP), Pump Stations, and the Water Treatment Plant (WTP). Ms. Nall explained that the goals for this meeting were to go over each of the individual reports (*see attached*) (Wastewater Facility, pump stations, and, Water Treatment Plant) and provide a detailed explanation of the various recommended measures that the town can take as a result of their evaluations, as well as funding opportunities. Energy Auditor, Steve Bolles began his presentation with a brief overview of the Energy Evaluation for the WTP Report and Pump Stations. Bolles explained that once potential energy savings are identified, there are often multiple ways to improve equipment operations to realize the projected energy savings. Process Energy Services (PES) makes every effort to select the simplest, lowest cost solution for municipalities to ensure the projects are cost effective and potentially qualify for utility incentives. Bill Johnstone and Joe Lajewski also shared the NH Electric Co-op's cost incentives available to the Town of Lincoln.

Chairman Robinson noted that any loans that the town would be responsible for (and/or portion of a loan) for funding of any of these energy solutions, would most likely have to go before a Town Meeting vote or a *Special* Town Meeting (the Selectmen can call for a "special" meeting whenever they feel that there is a need for it – requires 50 voters' signatures on a petitioned warrant article submitted by the BOS). A

discussion ensued on the various funding scenarios and pre-application process details (applications *must* be submitted by June 1st). Chairman Robinson commented that he sees no reason for the town to *not* file a pre-application(s) at this time to at least get the ball rolling. Town Manager Burbank explained that he will coordinate with DPW Director Hadaway and begin the pre-application process immediately. The following motion was made:

MOTION: “To authorize Town Manager Burbank and DPW Director Nate Hadaway to submit the pre-application for the Wastewater Treatment Plant and Pump Stations.”

Motion: Jack Daly

Second: OJ Robinson

All in favor.

NHDES continued their presentation and review of their Energy Audit for the Water Treatment Plant (WTP). The presenters applauded the Town of Lincoln for being proactive and allowing NHDES to conduct this energy audit. Luis Adorno (DES) explained that any funding that will be available for an Energy Savings Program for the WTP will come in the form of a matching grant program. The board thanked all of the participants for their presentation, and Chairman Robinson explained that it appears that the town will need to look into the “unaccounted” electricity at the Water Treatment Plant that was identified in the audit, and to wait and see what NHDES has to offer through a matching grant program next year. Robinson also noted that the town’s engineer is currently reviewing the expected future growth of Lincoln and looking at the units that the Planning Board has already given approval for (but not built) which includes three (3) large hotels (Robinson feels this is important information that the town needs prior to purchasing new water pumps). Robinson noted that there are smaller projects that the town can do on their own (possibly with NHEC incentives) and then push up the more expensive project(s) (e.g., Pemi pump replacement) until next year when more grant opportunities may be available and the town has more information on the unaccounted electricity, as well as estimates on the expected growth of the community (relative to water usage). There was a brief discussion about the dredging of the sewer lagoons and the board thanked all of the presenters for attending this evening’s meeting.

IV. DENISE HEREDEEN – PLEASANT STREET EASEMENT

Town Manager Burbank explained that he had a brief discussion with SAU Superintendent, Judith McGann who informed him that the school is moving forward with the drafting of the easement and their attorneys are currently working on it. Ms. Heredeen asked if this easement will be attached to her deed and transferrable. Burbank explained that once the Town of Lincoln receives their formal easement for the turnaround at the end of Pleasant Street, Ms. Heredeen’s easement will then be attached to her property regardless of who owns the parcel, and her driveway will have access into the turnaround in perpetuity. Ms. Heredeen had several questions relative to the unmerging of her lots, and Selectman Ham commented that she was under the impression that the town would *not* be issuing a driveway permit until Ms. Heredeen’s lots were unmerged so that there were not two (2) driveway permits being issued for one (1) lot. Ham explained that it is her understanding that the lots would *have* to be unmerged so that she has one (1) driveway permit for School Street, and one (1) permit for Pleasant Street into the town’s easement. Town Manager Burbank responded that he does not know when/if Ms. Heredeen plans on unmerging her lots, and right now he is focusing on the access from her property into the town’s easement. Ms. Heredeen commented that at the present time there are two (2) recorded deeds for each tract of land. DPW Director Hadaway agreed with Ham and explained that the town should not issue two (2) driveway permits for one (1) lot.

Kathy Cook asked the board why Ms. Heredeen is responsible for unmerging her lots when she had nothing to do with them being involuntarily merged in the first place? Chairman Robinson explained that he had the same experience with his own personal property years ago, and explained that lots were merged by municipal action decades ago for either a zoning, assessing, or taxation purposes without the consent of the owner [Note: RSA 674:39-aa – **Restoration of Involuntarily Merged Lots Section 6: ...involuntarily merged lots may be restored to premerger status upon the owner’s request. The request must be submitted to the governing body prior to December 31, 2021**] Cook responded that it doesn’t seem right that Ms. Heredeen has to incur the expense of the restoration of her lots to their pre-merger status and asked for clarification. Robinson responded that if these lots had been taxed as two

(2) separate lots for all of these years, it would have been an expensive tax bill. Ms. Heredeem explained that she purchased her property in 2001 as one (1) parcel and noted that it was listed on the tax maps as one (1) parcel, however, it was sold to her as a double lot (she holds two (2) separate deeds – Tract 1 & Tract 2). Robinson noted that he recalls having to fill out an application years ago to have his property restored to its pre-merger status and had submitted some documentation to the town (not sure which board/committee would handle this). Selectman Ham suggested that they follow-up with the Town Clerk who would know this information and get back to Ms. Heredeem on how to proceed with restoring her property to its pre-merger status. Paul Beaudin commented that Ms. Heredeem can also refer to RSA 674:39 Restoration of Involuntarily Merged Lots. Chairman Robinson commented that he will review this RSA and welcomed Ms. Heredeem to do the same. Ms. Heredeem asked that she be notified once the school has completed the easement process and it has been recorded.

V. JULY 4th FIREWORKS & PARADE

Selectman Ham explained that Kim Pickering of the Chamber has reached out to both Lincoln and Woodstock to see if there is an interest in holding a 4th of July Parade this year. Ham explained that Selectman Reardon will be discussing this with Woodstock BOS, and Ham wanted to have this discussion tonight as well because she feels that holding a 4th of July Parade is a great idea (with social distancing & mask recommendations). Ham explained that the Chamber of Commerce helps with the town's (Lincoln & Woodstock) sponsoring of the parade, and the town appropriates money to cover half the costs of the fireworks display (shared cost with Woodstock). Robinson commented that he feels that these are both outdoor events that easily allow for social distancing, and with 2020 being such a difficult year for all this is definitely needed. Selectman Daly made the following motion:

MOTION: “The Town will support the 4th of July Parade and Fireworks this year.”

Motion: Jack Daly

Second: Tamra Ham

All in favor.

VI. CRVI ASSESSMENT

Chairman Robinson explained that the board had voted on reduced assessments for some of CRVI's lots back in March as a “good-will” pre-trial gesture (trial was scheduled for April) and an agreement had been reached on *some* of the lots that both sides had minimal issues with. Robinson went on to explain that last week in non-public session, the board reviewed the verbiage for the settlement agreement with town counsel, however, no vote was taken (vote must be made during public session). Robinson proposed voting on the revised assessments tonight which includes numerous lots. Robinson also outlined that they had agreed upon fair market values overall with all of the properties involved in the assessment case at \$14 million dollars. Robinson went on to explain that the fair market value then gets adjusted by the 2018 equalization rate for the Town of Lincoln (year the assessment was originally filed) and they then convert the fair market value to an assessed value based on that equalization ratio. Robinson proposed the following motion be made which will be all inclusive with all of the lots, including the ones that have already been voted on:

MOTION: “To set the assessment value for the so-called *Phase II Lots* at \$2,417,196. To set the assessment for Lot #118-040, an unimproved lot at \$2,265,772; the assessed value for Lot #119-003, and unimproved lot at \$82,225; the assessment for Lot #119-004 at \$132,712; the assessed value for Lot #118-039 at \$1,160,692; the assessment for the so-called *Mountain Home Lots* at \$5,288,700; to set the assessed value at Lot #121-021 at \$91,035; to set the assessment of Lot #126-020-000-BG at \$209,814; Lot #121-050 at \$69,360; Lot #118-039-001-05-0000D at \$420,495.”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

Selectman Daly questioned the total assessed value? Robinson responded that the total assessed value equals \$12,138,000. Robinson went on to explain that the goal of the Select Board is not to obtain the highest assessment they can get, but rather, the fairest assessment, and any assessment that is either unfairly high or unfairly low is unfair to the rest of the tax base.

Robinson explained that the board also has a settlement agreement that they have each reviewed, and it has been signed by CRVI and he will go in to Town Hall tomorrow to sign this as well.

VII. EMPLOYEE COVID-19 POLICY

Town Manager Burbank explained to the board that he has updated the Employee COVID-19 Policy to reflect the current travel guidelines. Robinson added that last week they had also discussed extending the Families First Coronavirus Response Act (the “FFCRA”) sick leave coverage which has been extended through September 30, 2021. Burbank recommended that they *not* continue the FFCRA as they had not budgeted for it, and employees can use their accrued sick time in the event that they need to. After a brief discussion, the following motion was made:

MOTION: “To approve the Town of Lincoln Employee COVID-19 Policy with the removal of the Families First Coronavirus Response Act (the “FFCRA”) and the *see addendum* for Department of Labor Issues Guidance on Families First Coronavirus Response Act out of the policy.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

Selectman Daly commented that the board received an email that detailed Dave Beaudin’s concerns (he was unable to attend tonight’s meeting) with unvaccinated employees who choose not to be vaccinated, that they should be required to wear a face covering when in the presence of other town employees who did choose to get vaccinated. Town Manager Burbank responded that although well-intended, the town cannot single out an employee and ask them if they were vaccinated or not. Selectman Ham thought that they could require all employees to wear masks while at work (where appropriate). Burbank noted that the mask mandate is still in effect for both visitors and staff at Town Hall. Ham asked that a memo be sent out to all department heads reiterating that all employees within 6-feet of one another must wear a face covering. Jane Leslie commented that Ivan Strickon had also reached out to Town Hall asking if the Board of Selectmen were considering a town-wide mandate that people must continue to wear face coverings when in public. Ham responded that this would be very difficult for the Police Department to try to enforce this type of mandate on a town-wide level. Daly asked if the board could just make the recommendation that people wear face masks and social distance when out in public. Robinson thought this was a great idea, and the following motion was made:

MOTION: “The Town of Lincoln strongly recommends the wearing of face masks and social distancing in all public areas of Lincoln.”

Motion: Tamra Ham

Seconded: Jack Daly

All in favor.

Selectman Ham thanked Ivan Strickon for his comments and for bringing this very important message to the board’s attention, and she wishes this was an easily enforceable mandate, however, it is not.

VIII. OLD/NEW BUSINESS

Town Manager’s Report

Summer BOS Meeting Schedule:

Town Manager Burbank asked the board if they would like to resume their *BOS Summer Schedule* (meet every other Monday) as done in previous years (prior to COVID). Selectman Ham commented that they can always schedule a meeting if something significant comes up (only requires 24-hour notice) and she thought that it would be fine. Selectman Daly agreed and the board decided that they will begin the summer schedule after Memorial Day weekend.

Code of Ethics Policy (*see attached*):

Town Manager Burbank informed the board that the Code of Ethics Policy will be re-circulated to all staff, boards, and committee members as NHMA feels it is good practice to update the policies circulation after Town Meeting for newly elected officials and other town committees/boards and employees.

OLD BUSINESS

Appointment of Trustee to the Trust Fund Committee:

Chairman Robinson commented that the board appointed a new member to the Trustee of the Trust Fund Committee and asked if he has been notified. Burbank responded that he has been notified and is working on getting into Town Hall to get sworn in.

Short-Term Rental Mailing

Chairman Robinson discussed putting a short-term rental letter together to be mailed out with the Spring Tax Bills. Selectman Ham questioned whether or not this could even be done, as she recalls there had been major issues over this years ago when attachments were sent out with the tax bills and suggested that the Town Clerk research this prior to putting *anything* in with the tax bills. Robinson offered to draft a letter to accompany the Short-Term Rental Ordinance when/if it can be mailed out with the tax bills in June.

Kanc Parking Lot

Selectman Ham asked if the discussion about the Kanc parking lot was being postponed because they are now addressing the snowmaking lines instead. Selectman Daly responded that he has met with Rec Director Tower and Ryan Smith (Kanc Groomer) and recently walked the property over at the Kanc. Daly noted the he also spoke with an abutter, Mr. Allan Patterson and feels it would be wise to obtain an “opinion of value” (not a full appraisal) on the piece of land that the town owns near the Kanc, and then offer it for sale to one of the two (2) abutters (or anyone interested) as this money could be utilized to defray costs for the additional parking near the sledding slope.

Ham explained that currently vehicles are parking up and down Forest Ridge Road when there is an event or a busy weekend which is a longer walk and far more dangerous to the public, and feels that by cutting down some trees and clearing the town land for occasional “overflow parking” would be much cheaper for the taxpayers opposed to cutting into the sledding hill and moving it back; re-grading the parking lot, and then dealing with the drainage underneath all of that.

Robinson suggested that they should do a public forum on this issue, and also obtain estimates on costs to cut trees (on the town-owned land); grade the land, bring in gravel, and put up a fence, and then obtain an estimate to cut into the sledding hill, re-route the hill in another direction and expand the parking lot as well as dealing with any drainage issue that arise due to all of this work. Once this information is in hand, the Selectmen can then compare costs and possibly hold a public meeting up at the Kanc for a more comprehensive community discussion.

Town Manager Burbank explained that with respect to the existing sliding hill and the excavation work that would be involved, DPW Director Hadaway feels that his Public Works crew could do this work and make it happen, as well as resolve any drainage issues that may arise by adding a catch basin among other things. Burbank will get more definitive cost estimates on additional items such as materials, labor, and equipment rental and then follow-up with the board.

Department Head Staff Meetings:

Selectman Ham asked Town Manager Burbank if he planned on resuming regular Department Head meetings now that Town Hall is re-opened. Burbank explained that the meetings were more sporadic than held on a weekly basis, and he would be resuming them shortly. Ham explained that there is one (1) employee that did an extensive amount of research on a particular subject only to find out that it had already been done. Selectman Ham agreed to discuss this further during a non-public session. Robinson suggested that once the Selectmen resume their in-person meetings on May 3rd the Department Head

meetings resume as well.

NEW BUSINESS

Solid Waste Facility:

DPW Director Hadaway updated the board on a recent change at the Transfer Station. Hadaway explained that they are transitioning the way that they handle the scrap steel stock pile and are going to begin putting the scrap steel into a roll-off container and contracting with Gilpatricks Recycling out of Bridgewater (they will be providing the roll-off container). Hadaway further explained that all of the scrap steel will be placed in the roll-off container until it is full; and then Gilpatricks will come and pick up the container empty and return the container with a one-day turnaround (and pay the town for whatever the value of the steel is). Hadaway noted that he has discussed this change with DES Solid Waste who is fine with this transition, particularly because DES did not like where the stock pile was originally stored due to it not being in plain sight of the facilities attendants (way down back behind the building).

Director Hadaway and Town Manager Burbank publicly thanked John MacKay for the wonderful job that he and his crew (Russ Clark, Joe Peltier, and Scott Christianson) have been doing cleaning up and organizing the Transfer Station. Hadaway noted that the Transfer Station is getting compliments on the facility on a daily basis from both Lincoln and Woodstock residents. Paul Beaudin commented that the crew at the Solid Waste Facility has done a great job, and added that they used to have a dumpster for the scrap steel back when he worked there, however, at that time, the state had told him that they didn't like it because some of the items being dumped may have contained oil or other hazardous materials which is also why the state had requested that the container be moved down back. DPW Director Hadaway also informed the board that he is working with Jonathan Adams on the installation of cameras at the Transfer Station similar to the camera system at the Kanc.

April 26th Board of Selectmen's Meeting

Chairman Robinson noted that he will not be available for next week's BOS meeting, and it would be up to the board whether or not they still want to meet. Selectman Ham responded that they can see how the week goes and make that decision later on in the week. Selectman Daly commented that he is available either way.

CIP Committee:

Robinson explained that the CIP Committee needs a representative from the Budget Committee to be appointed and asked if Mike Simon was aware of this. Burbank responded that he would follow-up with Mike to let him know as they are scheduled to meet next week.

Planning Committee Business:

Robinson explained that Myles Moran has reached out to him concerning a friend of his (Mark Galant) who works with online website development, and has offered to take the town's Land Use Planning Application for single-family residential homes and make that an application that can be filled out online. Robinson explained that he would like to take him up on this offer, and Lisa Peluso would be the liaison between Mr. Galant and the town. Daly was concerned with privacy/confidentiality issues and who would be accessing this information. Burbank noted he would be running this by Certified Computers (the town's IT) to make sure that the proper safeguards are in place to protect the town's website/computers.

Muffy Copenhaver (Gordy's Steakhouse)

Robinson shared that he received an unsolicited phone call from Muffy Copenhaver who had come before the Planning Board and wanted Robinson to let the Board of Selectmen know how wonderful and super

helpful both Lisa Peluso and Carole Bont were to work with when obtaining her permit to get it approved. Muffy noted that she knows that they are working hard and not getting appropriately commended for it, and she wanted to let the board know how she feels. The Board thanked Muffy for the positive feedback!!

Public Participation

There was no public participation

IX. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c) (3) Separate Personnel Issues

MOTION: “To go into Non-public session pursuant to RSA 91-A:3 (III) (c)”

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The BOS went into Non-public session at 8:45 p.m.

MOTION: “To re-enter public session.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

The Board reconvened public session at 9:43 p.m.

X. ADJOURNMENT

With no further business to attend to, the Board made the following motion:

MOTION: “To adjourn.”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

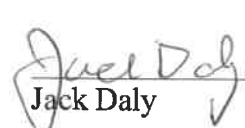
The meeting adjourned at 9:45 p.m.

Respectfully Submitted,
Jane Leslie

Approval Date: April 26, 2021


Chairman O.J. Robinson

Tamra Ham


Jack Daly



Town of Lincoln, NH Code of Ethics

PREAMBLE

The citizens of Lincoln are entitled to a fair, ethical and accountable town government, and the effective functioning of a democratic government requires that:

- All of its employees and officials, whether elected, appointed, or hired, comply with both the letter and the spirit of the laws;
- All of its employees and officials, whether elected, appointed, or hired, be independent, impartial, and fair in their judgment and actions;
- Public Office be used for the public good, not for personal gains; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Lincoln Board of Selectmen have adopted a Code of Ethics for all of its employees and officials, whether elected, appointed, or hired.

PURPOSE

The purpose of this code is to establish guidelines for the ethical standards of conduct for employees and officials, whether elected, appointed or hired.

- We expect our public servants and volunteers to act in the best interest of the town.
- We expect employees and officials, whether elected, appointed, or hired, to disclose any personal, financial, or other interests in matters affecting the town that come before them for action.
- We expect town employees and officials, whether elected, appointed, or hired, to remove themselves from decision making if they have a conflict of interest.
- We expect town employees and officials, whether elected, appointed, or hired, to be independent, impartial, and responsible to their fellow townspeople in their actions.
- We expect that the town's official decisions and policies be made through the proper channels of government.
- We expect that public office or a volunteer position in our town not be used for personal gain. It is important that the public has confidence in the integrity of its government and that town officials, board members, volunteers, and employees have an opportunity to protect their personal reputation.

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 of the parties involved.

PROHIBITED ACTIVITIES

- I. All of its employees and officials, whether elected, appointed or hired shall accept no assignment that could reasonably be construed as being in conflict with their responsibility to the Town of Lincoln, or in which there is an unrevealed personal interest or bias or which they are not qualified to perform.
 - a. All employees and officials, whether elected, appointed, or hired, must report in writing to their immediate supervisor or Board or Committee Chairperson those assignments in which they have a personal interest or bias. A personal interest or bias includes any current, or any prospective, or any contemplated interest or bias in the matter. A personal interest includes any ownership interest in property, employment, agency (such as an independent contractor), or business affected by the matter of the assignment. A personal bias includes a personal interest or a familial relationship to a person having a personal interest.
 - b. This restriction is not intended to prohibit activities in which employees or officials, whether elected, appointed, or hired, have a personal interest or bias. It is intended to require disclosure of a personal interest or bias.
- II. Prohibited activities shall include those activities specifically identified by state law limiting acts of public employees:

RSA 95:1	Public Officials barred from certain private dealings
RSA 640:2	Bribery in official and political matters
RSA 640:3	Improper Influence
RSA 640:4	Compensation for Past Action
RSA 640:5	Gifts to Public Servants
RSA 640:6	Compensation for Services
RSA 641:7	Tampering with Public Records or information
RSA 643:1	Official Oppression
RSA 643:2	Misuse of Information
- III. Prohibited activities include violation of any federal, state, or local law.

Prohibited activities include any felonious criminal act, regardless of whether such act was committed while the employee or official, whether elected, appointed, or hired, was on duty with the Town.
- IV. Prohibited activities included inducing another to commit an act violative of the law or these cannons of ethics.
- V. Prohibited activities include sexual harassment.

2. **REPRESENTATION OF PRIVATE INTERESTS BEFORE TOWN AGENCIES**

No employee or official, whether elected, appointed, or hired, shall appear in behalf of private interests before any Town Board. Officials however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided that the retainer is not for the purpose of appearing before the agency, and provided further that the compensation, in whole or in part, is not contingent or dependent upon the action of such agency.

3. **REPRESENTATION OF PRIVATE INTERESTS IN LITIGATION**

No employee or officials, whether elected, appointed, or hired, shall represent private interests in any action or proceeding against the interests of the town in any litigation to which the town is a party.

4. **DUTY TO DISCLOSE**

All employees and officials, whether elected, appointed, or hired of the Town of Lincoln 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
- And possible conflicts

which may exist between the employee or official, whether elected, appointed, or hired, and their family and the principals of the issue(s) under consideration.

5. **DUTY TO RECUSE IN QUASI-JUDICIAL ACTIONS**

A “quasi-judicial action” is any action where a Board or Committee is acting like a judge or jury. For example, when the 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 or Committee, then it is involved in a quasi-judicial action. The work of the planning and zoning boards is largely quasi-judicial action. Not only do officials, board members, and employees of the Town of Lincoln have a duty to recuse themselves as outlined in the section above, they must recuse themselves in a quasi-judicial action if they would not be qualified to sit as a juror in that case. For example, jurors are not qualified to sit in on 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 Lincoln, all employees and officials, whether elected, appointed, or hired, are expected to hold themselves to this same standard.

6. **CONFLICT OF INTEREST**

In order to assure their independence and impartiality on behalf of the common good, all employees and officials, whether elected, appointed or hired of the Town of Lincoln shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Employees and officials, whether elected, appointed or hired of the Town of Lincoln shall not participate in any matter in which he/she, or a member of his/her family, have a personal interest, which may directly or indirectly affect or influence the performance of his/her duties. In such instances, he/she shall recuse themselves from discussion and decision-making.

Recusal means to remove oneself completely from all further participation in the matter in question.

All employees or officials, whether elected, appointed or hired of the Town of Lincoln who have been recused shall immediately leave the room or seat themselves with the other members of the public who are present. When recused, the employee or official, whether elected, appointed, or hired, shall not participate in further discussions, unless he/she clearly state for the record that he/she is doing so only as a general member of the public. As a recused person, he/she shall not deliberate or vote on the matter in question.

All employees and officials, whether elected, appointed, or hired, of the Town of Lincoln shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

7. **GIFTS AND FAVORS**

Officials, board members and employees of the Town of Lincoln shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts (or allow acceptance of such gift by a family member), favors or promises of future benefit which might compromise their independence of judgment or action, or give the appearance of being compromised.

Prohibited Conduct shall include knowingly accepting a gift with a value in excess of fifty dollars (\$50.00), or allowing acceptance of such a gift by a family member from any individual, group, or corporation knowingly dealing with an area of city government in which the employee or official, whether elected, appointed, or hired, has an interest or jurisdiction. The foregoing does not apply to gifts from family members.

This provision is not meant to apply to gifts traditionally exchanged between family members—at holidays or birthdays for example.

The prohibition against gifts and favors shall not apply to an occasional non-pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service, or any gift which would have been offered or given to him or her if he or she was not an Official,

board member, or employee of the Town of Lincoln, or unsolicited advertising or promotional items or materials of nominal intrinsic value.

It shall not be a violation for an Official, board member, or employee of the Town of Lincoln to accept donations for the expressed purpose of financing a political campaign, provided that such contributions are reported in accordance with all local, state and federal laws pertaining to such donations or services and/or financial value.

The mere purchase of goods or services from a person or business in the ordinary course of that person's or business's retail or service business, shall not prevent an Official, board member or employee of the Town of Lincoln from introducing, discussing, approving or voting upon a matter which relates to that person or business.

8. **CONFIDENTIAL INFORMATION**

Officials, board members, and employees of the Town of Lincoln shall respect the confidentiality of information concerning the property, personnel or affairs of the town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

9. **USE OF PUBLIC RESOURCES**

Officials, board members, and employees of the Town of Lincoln shall not use public resources not available to the public in general, such as town staff time, equipment, supplies or facilities, for private gain or personal purposes.

10. **EDUCATION**

I. At the time that an employee or officials, whether elected, appointed, or hired, takes the oath of office, they shall receive a copy of this code and acknowledge in writing that they have received a copy of this code.

II. It shall be the responsibility of the Supervisor of any new employee to ensure that the new employee familiarizes themselves with the provisions of this code.

11. **INQUIRIES**

The Board of Selectmen shall establish a mechanism by which employees and officials, whether elected, appointed, or hired, and residents of the Town of Lincoln may obtain advice and counsel from the committee regarding ethical issues that may arise from time to time. Upon request of an employee or officials, whether elected, appointed, or hired, the Board of Selectmen may issue a written advisory opinion in response to such an inquiry. Such written advisory opinions will become permanent amendments to this Code of Ethics as addendum.

12. **DEFINITIONS**

- **Board** – Any board, committee or commission, permanent or special, established by the Town or the Selectmen under New Hampshire law.
- **Complainant** – A resident of the Town of Lincoln who has submitted a petition to the Board of Selectmen requesting an inquiry or alleging a violation of the Code of Ethics.
- **Conflict of Interest** – A situation, circumstance, or financial interest, which 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 Lincoln for his/her services, but who is not an independent contractor.
- **Family** – Any person who is related to the employee or official, whether elected, appointed or hired of the Town of Lincoln in one of the following ways: spouse, 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 Official, board member, or employee of the Town of Lincoln in question, regardless of whether they are related by blood or marriage.
- **Interest** – Any legal 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 a claim to land.
- **Official** – Any elected or appointed officer, board member, or agent of the Town of Lincoln.
- **Principals** – Those people who are the subject of the action or application, which is before the Board.
- **Quasi-Judicial Action** – Any action where the board, commission or committee has a duty to notify the potential parties, hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.

13. **EXCLUSIONS**

The provisions of the Code of Ethics shall not be interpreted so as to bar:

- A. Employees and officials, whether elected, appointed, or hired, who are residents of the Town of Lincoln from fully participating in any Town Meeting.
- B. Acceptance of donations for the expressed purpose of financing a political campaign provided such contributions are reported in accordance with all local, state, and federal laws that pertain to such donations.
- C. Participation in a matter that relates to a person or business from which an employee or official, whether elected, appointed, or hired, has merely purchased goods or


services, if the individual in question has no other conflict of interest relating to that person or business.

- D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and
- E. Supervisors of Town employees from appropriately carrying out personnel policies.

14. ADOPTION

Adopted by the Board of Selectmen on January 6, 2020


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

Adopted:

This 6th day of January, 2020

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