

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

DECEMBER 9, 2019 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(MEETING VIDEO AVAILABLE AT WWW.LINCOLNNH.ORG)

Board of Selectmen Present: Chairman OJ Robinson and Jayne Ludwig

Excused Absence: Tamra Ham

Staff Present: Town Manager Burbank, Chief Ron Beard, Chief Chad Morris & Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:40 p.m.

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the Board of Selectmen meeting minutes of December 2, 2019 as amended."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

III. BOARD OF SELECTMEN'S BUDGET REVIEW DISCUSSION

The Board of Selectmen began their review of the 2020 budget. Town Manager Burbank explained that the Police Department and the Town are currently holding union negotiations, so there are no hard numbers available at this time for the Police Department. The Board began their review of the Executive Budget and discussed the paid officials' wages, and agreed upon proposing a 3% increase. There was also a brief discussion concerning the Assessing Clerk position (currently held by Finance Director Johnna Hart) and the overwhelming burden it has become due the volume of properties changing hands. Finance Director Hart simply does not have the time to keep up with the important clerical responsibilities that this job entails, and it is her hopes that one of the Town Hall Assistants (Brook Rose & Linda McIntyre) will be able to take over this position in an effort to keep up with the increasing volume of transfers etc. The Board continued their review of the Operating Budget (Tax Collector/Town Clerk; Elections, Legal, Personnel Administration, Planning & Zoning, Town Hall Building, Cemetery, and Insurance).

Several notable items of interest discussed were decreasing the proposed pay increase for the Trustee of the Trust Funds Recording Secretary [proposed increase from \$1k to \$2k] and keeping it the same as 2019 (\$1k).

The Proposed wage increase for town employees will be 3% across the board. Chairman Robinson questioned why the Town Clerk/Tax Collectors proposed wage increase was significantly higher than the 3%. Town Manger Burbank also noted that 2020 has a 53-week pay period which is why wages may appear to be higher, therefore, the wages will reflect an increase of 4.9% due to the additional week. Town Manager Burbank explained that the Town Clerk prepares her budget. The Board also discussed whether or not the Town Clerks window was going to be open on Tuesdays beginning in the new year. Burbank reminded the Board that statutorily the town does not have input on the Town Clerk's hours of operation (Town Clerk is an elected position and the Tax Collector is appointed). Selectman Ludwig asked if the Board should put this out to the voters to decide whether or not they would like the Town Clerk's window open on Tuesdays. Chairman Robinson feels in an effort to keep expenses down, the current hours of operation should remain the same.

Chairman Robinson commented that the 2020 Operating Budget (draft) is up 4.8% (without any amendments to the proposed budgets) and the debt payments are down \$83k. Town Manager Burbank explained that the Town Hall staff is extremely busy and handling increased work loads as the town grows. Costs are increasing on the state and local levels and there is no way around that.

Town Manager Burbank explained that the Town Planner Carole Bont is presenting her budget to the Planning Board on Wednesday night per their request. Whether or not the Planning Board decides to change anything remains to be seen. There was a brief discussion about printing costs associated with the Planning Department which are increasing annually. Town Manager Burbank is asking for guidance from the Planning Board as to exactly what they would like printed for meetings/hearings, as well as possibly considering raising the application fees (currently \$50).

The Selectmen asked what the status was of the building being constructed at the Cemetery. Town Manager Burbank was not certain, and said he would reach out to the Trustees to find out the status of the building project.

Chief Morris commented to the Board that the Police Department will be looking to hire a fifth (5th) dispatcher in an effort to avoid paying overtime to the current staff. At the present time, Police Department Admin., Kara Baker fills in when a dispatcher cannot fill a shift (certified dispatcher) and has saved the town a great deal of money, however, Morris does not feel this is fair to Kara as this is not part of her job description. Robinson suggested adding a new position for the fifth (5th) dispatcher into the 2020 budget.

Upon completion of the budget discussion, the Board agreed to continue their review during next Monday's Board meeting when Selectman Ham will be present.

IV. OLD/NEW BUSINESS

Town Managers Report

Water Rate Structure Study

Town Manager Burbank explained that a company (Raftelis) has been selected to conduct the Water Rate Study, and an agreement will be signed shortly.

Water Sources Update (US Forest Service)

Town Manager Burbank was able to speak with the U.S. Forest Service Supervisor concerning the Boise Brook Water Tank up on Route 3, and they appear to be amenable to this type of water storage project however, the supervisor noted that the project will be required to go through a U.S. Forest Service review process.

Levee Update

Town Manager Burbank received an email from the US Army Corp. of Engineers (USACE) who are in the final stages of writing their final decision for the levee review process. The USACE needed additional information concerning the town's emergency preparedness, and it appears that they are working diligently to wrap this process up.

Joint Budget Committee Meeting

The Lincoln-Woodstock joint Budget Committee meeting is scheduled for Tuesday, January 14th at 6:00

p.m. at Lincoln Town Hall. Chairman Robinson asked if Woodstock Board of Selectmen requested a meeting prior to the January 14th budget meeting. Town Manager Burbank did not believe so, however, both boards are welcome to be present during the joint budget meeting and could conduct budget discussions all at the same time.

Budget Committee Resignations

Two (2) Budget Committee members have submitted their resignations (Kelsee Beaudin & Bev Hall) to the Budget Committee. Town Manager Burbank asked who would be responsible for appointing members to the committee (BOS or Budget Committee). Selectman Ludwig researched this question online and noted it would be the responsibility of the Budget Committee to appoint members to fill vacant seats (appointee would then run in March elections). Chairman Robinson suggested the town post public notices advertising the vacancies and then forward the applicants to the Budget Committee Chairman.

Personnel Issues

Town Manager Burbank commented that he has two (2) personnel issues to discuss in non-public this evening.

Energy Committee

Selectman Ludwig commented that Budget Committee member Cindy Lloyd expressed interest in participating on the Energy Committee that is currently being formed. Town Manager Burbank explained that several residents have reached out to Jane Leslie expressing their interest in joining the committee as well.

Board of Selectmen's Meeting scheduled for December 23rd

Town Manager Burbank asked the Board if they planned on meeting on December 23rd because of the Christmas holiday. Chairman Robinson said that would be fine canceling that meeting, however, the Board will meet on the following Monday, December 30th.

Town Holiday Party

Selectman Ludwig explained that she handed out all of the invites to the Budget Committee for the Town's Holiday Party scheduled for Friday, December 13th.

Ethics Policy

Selectman Ludwig reviewed the draft Ethics Policy (*see attached*) and thinks it is great. Upon the Board of Selectmen's approval, the Town will formerly hold the two (2) public hearings and then adopt the policy. Chairman Robinson suggested that the Board hold a Public Hearing on December 16th (next Board of Selectmen's meeting) and the second hearing on December 30th.

Public Participation

There was no public participation this evening.

IV. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3:II(e) Personnel Issue*

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (e)

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

The Board went into non-public session at 8:00 pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion Carries.

The Board came back into public session at 8:30 p.m.

V. ADJOURNMENT

After reviewing the weekly payables and with no further business to attend to, the Board made the following motion.


MOTION: "To adjourn."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion Carries.

The meeting adjourned at 8:35 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 12 / 16 / 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

Town of Lincoln Code of Ethics

PREAMBLE

The citizens of Lincoln are entitled to a fair, ethical and accountable town government and the effective functioning of 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 has 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.

1. 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 Bristol, 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.

a. 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.

VI. Prohibited activities include any involvement in any matter after termination of employment with the Town in which employees and officials, whether elected, appointed or hired had a personal and substantial involvement while employed.

- a. For one year subsequent to termination of employment, employees and officials, whether elected, appointed or hired may not participate in any matter relating to their duties and responsibilities to the Town.

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 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 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 Bristol 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 Bristol 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 Bristol 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 Bristol 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 Bristol 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 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 Bristol 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 Bristol 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 Bristol.
- 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

Chair

Adopted:

