

**Town of Raymond
Ethics Committee Meeting
September 26th, 2006
High School Media Center
Approved Minutes**

I. 6:30pm Call to Order

Chairman Marilyn Semple called to order a meeting of the Raymond Ethics Committee on Tuesday, September 26th, 2006, at 6:38pm, in the High School Media Center.

Committee members also present:

Frank Bourque
Sandra Ellis
Pat Larney (departed at 7:51pm)
Pam Turcotte

Members of the Public present:

Gretchen Gott
Jonathan Wood
Joyce Wood

The meeting was recorded by RCTV. The cameraman was Chester Goguen.

II. Pledge of Allegiance

Chairman Semple led the attendees in reciting the Pledge of Allegiance.

III. Proof of Posting

The Proof of Posting was confirmed by Chairman Semple and Vice-Chairman Larney for the High School, and Chairman Semple for the Fire Station.

IV. Public Forum

No Members of the Public wished to be heard at this point, so the Committee moved on to *Agenda Item V, Approval of Minutes*.

V. Approval of Minutes

July 25th, 2006: It was noted that the meeting originally scheduled for September 12th, 2006, was cancelled and rescheduled to September 26th, 2006. It was also pointed out that a member of the public could merely ask a Board to vote on whether or not a member of said Board should be disqualified from sitting on a particular matter; not that they could ask that the person recuse himself. Mrs. Ellis moved that the minutes be accepted as amended; Vice-Chairman Larney

seconded. The vote was four in favor with Ms. Turcotte abstaining due to her absence from the referenced meeting; so moved.

VI. Old Business

A: Discussion of spouses sitting on same/related Boards

Mr. Bourque brought forth a query about whether or not a spouse should be allowed to vote on a subject that was previously voted on by his or her spouse's Board. Ms. Turcotte asked if either spouse was related to the applicant - the answer was no. Chairman Semple asked if there was an RSA restricting spouses from sitting on the same Board - the answer was no. Mr. Bourque believes that it is a conflict of interest to have spouses sit on the same Board.

Vice-Chairman Larney stated that he understood Mr. Bourque's point but that he believes that there can be stronger alliances between members of the same Board than there are between spouses on different Boards. He stated that the Public elected these Board members to do a job and they should be trusted to do it. Ms. Turcotte agreed. Ms. Ellis stated that she has worried about this issue before, but that the Committee cannot dis-elect elected positions. She also pointed out that most Board members are volunteers and are showing a commitment to the Town. Volunteers can be hard to come by.

Chairman Semple stated that if there is no RSA restricting the practice, who is the Committee to restrict it? She would like the Committee's response to be clear prior to anything happening. She pointed out that if one person sits on two different Boards that vote on the same subject, though, that they cannot vote twice. She believes that most people are independent thinkers and won't be influenced by their spouse's opinion.

Mr. Bourque stated that he did not think that he could be objective, if he were the spouse. It would be a personal call and each Board member has the right to recuse himself if they don't think they can be objective. That is why Boards have alternates. Vice-Chairman Larney stated that one should expect a Board member to be objective until they prove you wrong.

As the Committee had finished discussing the issue, the floor was opened up to comments from the Public.

Ms. Gott was recognized. She stated that a few years ago, a married couple had served on the Planning Board.

Mr. Wood was recognized. He stated that there was a married couple on the Conservation Commission once. He does not see a difference between one person serving on two Boards, and spouses serving on the same Board. He states that if one knows he can be objective, that's fine - if not, one should step down.

Mrs. Wood was recognized. She agreed that relationships between Board members can be more troublesome than those between spouses. She stated that in her case, the function of the Zoning Board is rigorously defined; issues are usually not considered simultaneously with the

Planning Board, which Mr. Wood sits on. They do not discuss cases at home, as they have better things to do.

Mr. Bourque asked what happened when one Board's decision was appealed to the other Board? He would like awareness raised about this issue. It all comes down to perception.

Mrs. Wood, who was a member of the Code of Ethics Drafting Committee, stated that the Ethics Committee is not prevented from adding rules to the Code that are more stringent than the RSAs. Chairman Semple stated that the role of the Ethics Committee is to interpret the Code; Mrs. Wood agreed, but stated that this was not done in a vacuum.

Mr. Bourque stated that his intent was to come up with examples that could be used during training sessions. He has more than just this one.

Chairman Semple stated that as the Code exists now, the Ethics Committee does not see a conflict of interest with a husband and wife serving on separate Boards that handle the same cases. Mr. Bourque interjected that he believes that this is so, except in appeals situations.

Mr. Bourque then read a sample query asking if it was ethical for a soon-to-be-terminated employee on contract to pursue employment with someone doing business with the Town. (This was not intended to refer to an employee-at-will.)

There was a brief discussion about the definition of a contracted employee, a subcontractor, and an employee at will.

The Committee used Vice-Chairman Larney, a contracted employee, as an example. How can the Town prevent anyone from looking for a job in their own field? Vice-Chairman Larney pointed out that everything in his department is bid out and above board and that he would not be able to purchase equipment from Hobart, for example, in exchange for a job. Mrs. Ellis asked about terminated employees who go elsewhere and then attempt to lure Town Employees away. Ms. Turcotte stated that one needed to think for themselves if this was or was not ethical. Vice-Chairman Larney pointed out that it is not ethical to use inside information.

Mr. Bourque stated that he would pick simpler examples next time.

As the Committee had finished discussing the issue, the floor was opened up to comments from the Public.

Ms. Gott stated that she liked the idea of having examples during the training sessions. Chairman Semple stated that the only risk would be that when a single committee member is doing the training, they are interpreting the examples on behalf of the entire committee. Ms. Gott stated that in that case, the Committee should come up with the correct answers beforehand. Mrs. Wood stated that she is concerned with people thinking they should come up with the one correct answer while discussing these issues. They are merely to generate discussion.

B: Anonymous Complaints

Mr. Bourque believes that these complaints should be referred to as private; Ms. Ellis stated they should be referred to as confidential. In any case, they are not intended to be anonymous to the Committee, but only to the Public. Mr. Bourque stated that many people are concerned that another person's reputation could be damaged when a complaint against them is made publicly. He suggested that perhaps the Complainant could meet with the Committee in a non-public session. Mrs. Ellis agreed with that idea. She was concerned about a Complainant potentially slandering a person who turned out in the end not to have broken the Code. Chairman Semple stated that the Committee should re-review the Susan Slack tape that dealt with confidentiality. Ms. Gott stated that she would like to see it broadcast on Channel 22.

Mr. Bourque asked how a Complainant could "go up the chain" and still remain anonymous? How could a Citizen complain about a Board? He stated that a Board does not have to talk to a Citizen. He read 673:14 (II) in the Land Use Book, to wit:

II. When uncertainty arises as to the application of paragraph I to a Board member in particular circumstances, the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

He stated that a citizen cannot even approach a Board; that the Chairman can refuse to put said Citizen on the agenda. At that point, the person should contact the Ethics Committee.

Mrs. Wood stated that the drafting committee had anticipated Mr. Bourque's question. She stated that the Board Chairman should take the citizen's input under advisement in order to protect the Town. She stated that the Citizen must challenge the Board, or else he loses his right to challenge. Mr. Bourque stated that they could not; the remainder of the Committee stated that they must.

Ms. Gott stated that the whole point of the Code was transparency. She stated that complaints must "go up the food chain" and that a procedural complaint is not relevant to anything else that happened during the meeting. She stated that there is a process for complaints in the Code of Ethics; Mr. Bourque stated that the Code was in error.

Mrs. Wood stated that if someone has a vested interest in a Planning Board matter, they should attend the meeting. If they think the decision could be affected, they should appeal. She disagrees with Mr. Bourque that the Chair cannot talk to a Citizen. She stated that this is the only time a Citizen can affect the decision.

Chairman Semple stated that there is no expiration date to bring a Complaint before the Ethics Committee.

Mr. Bourque stated that a citizen with a complaint against a Board has no path other than straight to the Ethics Committee.

Chairman Semple stated that all Committee members should read the appropriate section of the Code for the next meeting.

C: Police Ethics Training

The Police Department was available for Ethics Training on any Wednesday night in October. Torrent Hall is only available on Wednesday, October 18th, at 6pm. Chairman Semple would like volunteers to conduct the Training to email her, as she is not likely to be available.

VII. Any Other Business

Ms. Turcotte asked why the Ethics Training took place every single year. Realtors, of which she is one, have a very stringent code of ethics but their training is only every other year. She believes that every year is just too much. Chairman Semple agreed, but stated that the Code would need to be revised in order to effect that change. Mr. Bourque stated that the Drafting Committee chose yearly training in order to keep awareness of the Code of Ethics high; he believes that training yearly is a good thing. The Committee will discuss this subject at the next meeting. Chairman Semple will canvass Board and Committee chairs, asking if they prefer that the Ethics Committee continue to come to the Board being trained, or if they'd prefer that their members come to the Ethics Committee instead.

VIII. New Business

A: Future Meeting Dates

The next meeting will be on Tuesday, October 24th, 2006.

B: Correspondence

No correspondence was received.

IX. Adjournment

Ms. Turcotte moved to adjourn the meeting at 8:07pm; Mrs. Ellis seconded. The vote was unanimous in the affirmative; so moved.

Respectfully Submitted,

Debra H. Doda