

**Town of Raymond
Ethics Committee Meeting
October 25th, 2005
High School Media Center
Approved Minutes**

I. Call to Order

Chairman Pat Larney called to order a meeting of the Raymond Ethics Committee on October 25th, 2005, at 6:30pm, in the High School Media Center.

Committee members also present:

Frank Bourque
Sandra Ellis
Marilyn Semple
Pam Turcotte (late - arrived at 6:47pm)

Members of the Public present:

Joyce Wood
Richie Ladd
John Page

The meeting was televised by RCTV. The cameraman was Joe Lucafo.

II. Pledge of Allegiance

Mr. Larney led the attendees in reciting the Pledge of Allegiance.

III. Proof of Posting

The Proof of Posting was confirmed by Ms. Semple for the High School, the Town Hall, and the Fire Station.

IV. Public Forum

Mrs. Joyce Wood came forward with a written inquiry. Chairman Larney read the definition of an inquiry from the Code of Ethics and the process began. Mr. Bourque indicated that he was familiar with the situation that had caused Mrs. Wood to submit the inquiry; that it referenced a meeting that was improperly held and that it had been subsequently decided that the meeting never took place. As the meeting never actually took place, he felt that it was an ideal subject for an educational inquiry; he then recused himself and sat with the other members of the public. Ms. Semple felt the inquiry as presented was too specific and as such didn't meet the criteria for an inquiry, which is intended to be extremely general. It was decided to proceed with the inquiry by omitting any references to specific people or situations as much as possible.

Mr. Page asked for a clarification on the subject of recusals: what a recused board member can and cannot do. He posed this question at the latest meeting of the Wednesday Night Law Lecture series, which was on Ethics, and came away with the answer that although a recused board member may not attend deliberation or voting, you cannot prevent anyone from speaking at a meeting, whether they be a regular member of the public or said recused board member.

Mrs. Wood pointed out that the Board Member in question was supplying specific information which was supporting the application he had recused himself from. At this time Mr. Ladd, who identified himself as the subject of the inquiry, spoke up and indicated that as a Licensed Surveyor, he is hired to perform a duty and to provide the facts on surveying matters. He is also bound by a Code of Ethics. He does not benefit financially when an application is approved by the planning board, and as such there is no conflict of interest. Although he makes every attempt to have one of his associates present cases to the Planning Board, this is not always possible, and thus the recusal from the earlier meeting. As there was nobody else available, and the easel could not be found, he stood and held the applicant's flipchart during the presentation. He answered a question set forth by a seated Planning Board member on the subject of driveways because he knew the answer, nobody else did, and it would have been wasteful of the board's and applicant's time not to answer. He did not attend the deliberation or the voting, nor could he hear what was going on inside the room from his position in the hallway.

Mrs. Wood stated that she felt the Ethics Committee was fuzzing the line between an inquiry on what the Policy actually is, and what it could be or how it could be modified.

As the Committee was ready to deliberate, Mr. Bourque left the room.

No conclusion was reached on Inquiry #1, Letter A, which asked if the subject of the inquiry was in violation of the Code of Ethics as he had stood and held a flip chart rather than seating himself with other members of the public. The vote was two in favor and two against.

On Inquiry #1, Letter B, Bullet 1, which asked if the subject of the Inquiry was in violation by not prefacing every remark he made with the statement that he was speaking as a member of the public, the Committee voted unanimously that if the necessary statement was not made, that yes, that was a violation.

On Inquiry #1, Letter B, Bullet 2, which asked if the fact that a seated member of the board asked the recused member a question, did that relieve the recused member from stating that he was answering as a member of the public, the vote was unanimously no, that did not relieve the recused member from making that statement.

On Inquiry #1, Letter B, Bullet 3, which asked if the sitting member who asked the question of the recused member was in violation of any part of the Code of Ethics, the vote was unanimously no, but that it was perhaps in poor judgment to do so.

Mrs. Wood feels that the Code as originally written isn't effective now that Board meeting locations have been changed from Town Hall to the High School. She feels that a recused board

member being visible through the glass is intimidating to the seated board members and that board members should have nothing to do with applicants that come in front of boards. Ms. Semple said that the seated board members need to be responsible enough not to pay attention to what is going on out in the hallway.

Chairman Larney stated that he had issues with the possibility that a professional in the Town might be compelled to refuse business from Town residents due to the fact that he is a volunteer board member. He would hate to see a person with knowledge and expertise on a subject be unable to use it to benefit the town. Mrs. Woods stated that board members know before they run for a board that there may be a conflict of interest between their professional position and their board membership and could choose not to serve.

Mr. Bourque returned to the room, and the Committee moved on to *Agenda Item V, Approval of Minutes*.

V. Approval of Minutes

September 13th, 2005: Mrs. Semple moved that these minutes be approved as written; Ms. Turcotte seconded. There was no discussion. The vote was unanimous in the affirmative; so moved.

VI. Training Session - if necessary

There were no members of the public present for a training session, so the Committee moved on to *Agenda Item VII, Old Business*.

VII. Old Business

A. Budget Submission Process Update

Chairman Larney attended the Board of Selectmen budget process at Tarrant Hall. For some reason they reduced our line item for Office Supplies from \$200 to \$50, and he asked to have it restored. He sees no reason that our budget lines would not be approved.

B. Future Training Sessions

Chairman Larney has not received any dates from Town Manager Bates for the Town Employee Training Sessions. The first meeting every month of the Ethics Committee will be available for Training Sessions for the rest of the calendar year.

C. Code of Ethics/Raymond School District

The Committee has not heard from the Superintendent of Schools, David Sandmann, so this item will be tabled until the next meeting.

D. Revisions to the Code of Ethics

Mr. Wheeler ran out of time before he left Raymond and was unable to revise the portions of the Code of Ethics that deal with the "small cities program" and Housing & Urban Development. Although it was suggested that former Planning Board member Lynn Booth be approached to help with this, this action will not be taken. Mr. Bourque also thinks that the attorneys who originally drafted 225-1 should review the Code to make the necessary corrections. Chairman Larney will contact Town Manager Bates for his assistance. The Committee does have \$1k in Legal Fee monies that could be used for this matter. If the attorneys wish to change the wording, a warrant article will need to be drawn up to submit the changes to the Town. January 10th is the deadline for filing petitions.

VIII. New Business

A. Future Meeting Dates

No further meetings are planned for the month of October. The next meeting will be on Tuesday, November 8th, 2005, in Room 101.

B. Correspondence

Nothing has been received.

IX. Adjournment

Ms. Ellis moved to adjourn the meeting at 8:39pm; Mr. Bourque seconded. The vote was unanimous in the affirmative; so moved.

Respectfully submitted,
Debra H. Doda