

Handbook



Town of Lyme, NH

April 2023

GENERAL PROCEDURES FOR ALL BOARD, COMMISSION AND
COMMITTEE MEMBERS

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General Policies for all Boards, Commissions and Committees

This **Handbook** is for the use of all Town committee chairs and members. It sets out the basic requirements of how meetings and discussions between members may be conducted. It is not, in any way, intended to be an alternative to “Roberts Rules of Order” or any other protocol established by a specific committee. Rather, it is to ensure that town governmental committees all comply with the basic requirements of State legislation. The main State law covering this is RSA 91-A, generally known as the ‘Right-to-Know’ law <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-VI-91-A.htm>. This law was revised effective July 1, 2008. It now has some very specific requirements **with respect to** electronic communications. If you are in doubt, you should refer directly to **the law** for resolution of any specific question. * Please note that these requirements **also apply** to sub-committees.

The Handbook also covers the Town’s standards to be followed in publishing minutes.

In this document, ‘committee’ is used as an **all-encompassing** word to cover all the different groups of official town government organizations and ‘email’ is a similar **all-encompassing** word covering all forms of electronic communication including telephone, fax, email, instant messaging, text messaging, twitter, web pages and blogs.

**As a general rule the State’s RSA website lags behind the legislation and is generally not updated until October each year. If checking the website for a specific RSA please ensure that there have not been revisions in the current legislative session.*

Public Meetings

With a few specific exceptions, every meeting must be held in public. The exceptions are covered in RSA 91-A:3. Meetings must also be properly warned in advance. In general, warning is done by posting on the town notice boards (located in the front hall at the Town Offices, and the hall at the Lyme Post Office) and on the Town web site <http://www.lymenh.gov>. Those meetings that have regular schedules are warned by virtue of standard notices posted on the notice boards specifying a regular day, time and location. These regularly scheduled meetings are also noted on the last page of this handbook. Committees that have irregular meetings MUST ensure that the date, time and location are given to Selectboard staff with sufficient advance notice that the staff may properly warn the meeting. Unless there is an emergency, staff should be given 5 working days to publish the notices.

Emergency meetings may be held with shorter warning notice, but the chair of the meeting must ensure that it is a genuine emergency and must take care to give as much notice as possible (emergency meetings require 24 hours' notice). In such a circumstance, means other than the regular notice boards may also be used to notify the public.

There is a difference between meetings and public hearings. Hearings generally require more specific notices, and may include town-wide or district-wide mailings. At public hearings all members of the public are allowed to speak. At public meetings, the public may only speak when recognized by the Chair of the Board, Commission or Committee.

Recording devices are allowed at both meetings and public hearings. It is a courtesy to advise the meeting Chair of the intent to record.

If one or more members of a Board, Commission or Committee cannot physically be present at the meeting, they may participate electronically provided a quorum of the members are present at the meeting; and provided that the remote person can communicate with everyone physically present at the meeting. The remote member(s) must participate in the entire meeting.

Non-Public Session Meetings

If you must have a non-public session, then you need to specify which specific section of RSA 91-A:3 II applies. There must be a motion to enter the non-public session with a majority roll-call vote. The commonly used reasons for holding a non-public session are:

- **91-A:3 II(a)** Dismissal, promotion, compensation, disciplining, investigation or hiring of any public employee
- **91-A:3 II(b)** Hiring of any public employee
- **91-A:3 II(c)** Matters that would adversely affect the reputation of a non-board member
- **91-A:3 II(d)** Buying, selling or leasing property if public discussion would give someone an unfair advantage over the town
- **91-A:3 II(e)** Lawsuits either filed or threatened in writing against the town.
- **91-A:3 II(g)** Preparation and carrying out of emergency functions

The minutes of a Non-Public session are to be made available within 72 hours of the meeting. In most cases, any action taken

during a **Non-Public session** should be included in the public session minutes.

The minutes of a **Non-Public Session** may be sealed (not available to the public) with a two-thirds majority roll-call vote, **and the specific reasons for sealing the minutes must be noted**. The **sealed** minutes must **be delivered** to the **Board Administrator** to be filed appropriately.

Meeting Minutes

The requirements for making meeting minutes public have changed and, with these changes, the town has revised its method for ensuring the minutes are available to the public in a timely fashion. This procedure is applicable to both **Public** and **Non-Public session** minutes. The difference is in the time limits within which minutes must be made available. For regular **public meeting** sessions, the draft minutes must be available within five business days; for **Non-Public session meeting** minutes, they must be available within seventy-two (72) hours.

For conformity, all minutes should be submitted electronically in Word format. Please do not submit minutes embedded in an email; this requires additional **staff** work to re-format.

Draft minutes **should be sent** to all **Board, Commission or Committee** members. Members should respond only to the **Chair, Secretary, Clerk or Board Administrator** with any changes in a timely fashion. Once revised, the **Clerk, Secretary, Chair or Board Administrator** may resend to all members of the **Board, Commission or Committee**, so all can see everyone's corrections to the draft minutes.

Prior to **the five-day minute submission deadline**, the secretary should send a copy of the finalized draft to assessing@lymenh.gov. Once minutes are approved, send **the** final document to assessing@lymenh.gov. Final minutes will be

posted on the Town web site. A paper copy of both the public and non-public session minutes will also be on file in the Select Board office.

The Town asks that all minute-takers sign the minutes. We now accept either a /s/ or a scanned copy of your signature inserted in the finalized minutes. If you wish, you may physically sign and submit a hard copy, but please make sure that a final electronic copy is always submitted to the Clerk.

Communication between Members

Chance meetings or social gatherings of members are allowed. However, when there is a quorum of members together, be very careful not to have discussions concerning committee, commission or Board business or be perceived by others to be making decisions.

The Board, Commission, Committee or Trustee secretary or assigned minute taker may originate information and send it to all members of the Board, Commission or Committee. Individual members may respond back to that person only; you must not do a 'reply all'. You should not add notes to the information and forward it to anyone else. In effect, this means that there is very little that is permissible to be communicated electronically between members other than setting a meeting, confirmation of an agenda, confirming attendance at a meeting and forwarding draft documents to be reviewed at the meeting.

Warning! Every member needs to be aware that there is an explicit ban on any attempt to circumvent the requirements of the law. Thus, A writing an email to B with the explicit (or implicit) proposal of B adding comments to the email and forwarding it to C is against the law.

The town cannot emphasize strongly enough that the risks involved in ignoring this law are very high. At the very minimum,

an aggrieved party can, under the law, demand copies of emails, but if an issue develops to the point that there is a strong suspicion of unauthorized communication, then the courts may demand that users' computers be seized for inspection.

Communication with Legal Counsel

The Select Board is ultimately responsible for any legal issues affecting the Town. As such, they are initially responsible for all contact with Town Counsel. Any Board, Commission or Committee needing to obtain legal advice must first obtain authorization from the Selectboard via their Select Board representative. The Board Administrator, Planning and Zoning Administrator and Chair of the Select Board are authorized by virtue of their positions to consult with Town Counsel at any time. **Note that a recent ruling of the NH Supreme Court impacts how information from Town Counsel may be imparted to Town Officials and Board, Commission and Committee members. In the past, legal advice on threatened or filed lawsuits could be reported to Board, Commission or Committee members, without counsel being present. The new ruling requires that, Counsel must be present, either in person or by speaker phone, for legal advice to the Board, Commission or Committee.**

Communication from Boards, Commissions and Committees

Email announcements and notices from officials, Boards, Commissions and Committees should be sent out on the official "@lymenh.gov" email address. Send your public notices to assessing@lymenh.gov and the clerk will post them for you.

Lyme ListServ

Apart from the formal tools for noticing meetings and the use of mailings to provide additional information to the public, there is a private, unofficial on-line e-mail service/discussion group, the *Lyme Listserv*. This has approximately 600 subscribers and enables subscribers to post general community notices and have email conversations of general issues. This listserv is operated by a private party and is not an official Town listserv.

The Town will use the Lyme Listserv to publish information to residents, as appropriate. Official notices and announcements should be sent to the clerk to be sent to the Lyme Listserv on matters of public interest in order to reach a broader constituency.

Individual Board, Commission and/or Committee members that are members of the Lyme Listserv are able to use the Lyme Listserv at their discretion.

Town Website Email Notification

You may subscribe to the Town email facility whereby you receive notices and public agendas by completing the form under the *Email Subscriber* option of the Town's home page. This is a read-only option. Out of a population of some 1700, there are approximately 250 subscribers to the Town email service. We encourage all committee members to subscribe to this free service.

Because we also endeavor to send notices to the *Listserv*, it is likely that you will get duplicate copies of town notices; this is not an error, it is to ensure that information is disseminated as widely as possible. You should be aware that the Town Website notification is the official notice, the Listserv posting is a courtesy notice to residents.

Any and all communications sent out in e-mail form from Departments, Committees, Commissions and Boards must be made through an official e-mail address account. The Town has e-mail accounts ending in lymenh.gov. This is the e-mail to be used for list serve postings and official communications. If your department, commission, committee or board does not have a lymenh.gov e-mail address, please send your official message to assessing@lymenh.gov and it will be posted on the web site and sent to the list serve.

Board, Committee, Commission and Trustees meeting information

- **Budget Committee:** October thru March-Meetings will be posted
- **Cemetery Trustees:** Check the web page calendar for meeting information
- **Conservation Commission:** First Monday of the month located at the Lyme Center Academy Building
- **Energy Committee:** Check the web page calendar for meeting information
- **Heritage Commission:** Check the web page calendar for meeting information
- **Lyme Electric Aggregation Committee:** Check the web page calendar for meeting information
- **Planning Board:** 2nd and 4th Thursday at 7:00PM located at the Town Office conference room.
- **Recreation Commission:** 4th Monday of the month 6:00PM located at the Town office conference room
- **Select Board:** Every other Thursday 9:00AM located at the Town Office conference room.
- **Trustees of the Trust Funds:** Check the web page calendar for meeting information
- **Zoning Board of Adjustment:** 3rd Thursday at 7:30PM located at the Town Office conference room.