

## MEMORANDUM

**To:** Selectmen  
**From:** Kim Hallquist, Town Administrator  
**Date:** May 11, 2022  
**RE:** Town Administrator comments and recommendations on governance initiatives submitted by Selectman Helm 4-14-2022

The following five governance initiatives were submitted by Selectmen Helm (see below). After reviewing information submitted by citizens, listening to the views of citizens who offered their opinions to me and my personal observations of the various boards, committees and commissions in town, I offer the following comments and recommendations prior to the public discussion when additional observations and recommendations may come to light.

1. Selectmen not on committees other than Budget and Planning
2. Budget Committee members not on other committees
3. Consider establishing time-limited, small advisory “panels” (2021 Fiscal Policy), such as:
  - Whipple / project management
  - Trash and solid waste
  - Future uses of Buker
4. Dissolve Building and Facilities and Solid Waste management committees as currently constituted
5. Revisit (with Planning Board) formation of separate CIP committee

### **1. Selectmen not on committees other than Budget and Planning**

The practice of appointing a “selectmen’s rep” on various boards/committees/commissions (committees) is fairly recent, from what I can see in the records. My impression of the earlier appointments was that they were made to address a specific need, such as to offer expertise in employee management, rather than the idea that the selectmen’s participation on various boards would be a good way for the entire Board of Selectmen to stay current on what other boards are doing or because qualified volunteers could not be found.

The 2013 Building Committee (Jim Wheeler, Bruce Parsons and Frank Anzalone) did not include a selectman as a member or as a liaison.

Now that we have some years of experience with the practice, the potential pros and cons that may exist can be more easily identified. Following are the pros and cons that I have identified:

#### **A. Pros and Cons of Selectmen appointed to other boards/committees/commissions**

##### **Pros**

- Gives committee members easy access to one selectman so they can hear of Board of Selectmen views, stated positions, and benefit from the institutional knowledge of the appointed member.
- Allows the Board of Selectmen to hear updates sooner than committee meeting minute posting.
- Allows each Selectman to participate more widely in areas they may have an interest in.
- Selectmen's participation lends legitimacy to committees.

##### **Cons**

- Debate in the committee less robust when the "selectmen's rep" (voting or nonvoting) views are known.
- Debate at the Board of Selectmen meeting less robust when the "selectmen's rep" announces his/her decision at the committee meeting.
- Non-member selectmen at a disadvantage when the issue comes before them not having heard the debate the "selectmen's rep" has participated in.
- "Selectmen's rep" decides issue before, and without input from, the other two selectmen.
- Hearing from one selectman and not the full Board subjects the committees to hearing only the part of the subject the "selectmen's rep" feels is relevant, not the full reasoning of the Board of Selectmen.
- Undue influence, even unintentional, is difficult to avoid given that the "selectmen's rep" is part of the Board of Selectmen, which has jurisdiction over the issue being debated (unlike Budget Committee and Planning Board issues where the selectmen have no jurisdiction over).
- "Selectmen's rep" takes the seat that could otherwise be filled by a nonofficial citizen.
- Appearance that Board of Selectmen are attempting to control what should be independent committees.
- The absence of a "selectmen's rep" to one committee, when appointments are made to other committees, could be interpreted as some committee being more important/influential than others.

**B. Can the benefits of the Pros be realized without Selectmen appointments to other boards/committees/commissions?**

If the Board of Selectmen discontinue the practice of appointing one of their members to the various town committees, the identified pros could be realized as follows:

***Pro: Gives board/committee/commission members easy access to a selectman, can hear of Board of Selectmen views, stated positions, institutional knowledge of assigned member.***

Committees without a “selectmen’s rep” (Energy, Conservation, Recreation, Zoning, Archives. Library) function very well by keeping the lines of communication open between the Selectmen and their group by contacting the Town Administrator (or other staff) or by scheduling a meeting with the full Board of Selectmen. Meeting with the full Board of Selectmen increases the transparency of the workings of the boards/committees/commissions. Those procedures would also be available to the committees that now have (or had) a selectman appointed to it: Building & Facilities, Housing Commission, Solid Waste and Firewards.

With regard to making the Selectmen’s stated positions known to the various committees, this should not be needed if members take an interest in reading meeting minutes, *Municipal Matters*, press coverage of Selectmen’s meetings in the *Intertown Record* or contact the Town Administrator for updates when needed.

Some have suggested that having the “selectmen’s rep” participate as a non-voting member will address the potential conflict but I disagree. I have observed selectmen as liaison members, or even just members of the audience, and when they participate (voting or non-voting) the impact is no different than when they are a voting member. The influence that a selectman brings to a meeting comes from their position as members of the governing body of the town; having a vote or not does not lessen the influence.

***Pro: Allows Selectmen to hear updates sooner than meeting minute posting.***

In some cases, having a selectman appointed to a committee will allow the full Board of Selectmen to hear an update prior to the meeting minutes being posted (when the report is given during committee updates at the Selectmen’s meeting).

If the practice of appointing selectmen to other committees is discontinued, the full board could find out what went on at other meetings by directing staff to attend and report back or to have staff contact the committee chair for a summary to be forwarded to the selectmen. This will be less of an issue when public meetings are broadcast on-line.

***Pro: Allows Selectmen to participate more widely in areas they may have an interest in.***

I see this pro as at least part of the reason that Janet offered to be appointed to the Recreation Commission and Nancy offered to be the liaison (non-voting) member of the Housing

Commission. While it is important to remember that selectmen are citizens of the town and are thus eligible for participation in other activities, by running for selectmen they understand that what they participate in outside of a Selectmen's meeting may impact their official duties and thus they may not (or should not) do it. That is not an unusual position for elected or appointed officials, or even some town staff, to find themselves in. It is a tradeoff one makes when they accept an official position (or job).

***Pro: Selectmen's participation lends legitimacy to group.***

Having a "selectmen's rep" on a committee could be interpreted by some as giving more importance, or legitimacy, to the group than those where there is no selectman appointed.

The legislature has determined that selectman participation in the Planning Board (RSA673:2, II (a)) and Budget Committee (RSA 32:15, I (b)) is required, likely because those two boards act independently of the Selectmen. The Planning Board does not need the approval of the Board of Selectmen to approve/deny applications for subdivision or site plan or to adopt the Master Plan as its authority comes from state law. Similarly, the Budget Committee's authority comes from state law and does not require the approval of the Selectmen to perform its function. Requiring a selectman to be seated as a voting member to the Planning Board and Budget Committee gives the governing body some input into areas they would not otherwise have.

Hopefully, town committees do not feel that their value to the town is based on whether the selectmen deem it appropriate to assign a "selectmen's rep" to their group and instead see it as confidence by the selectmen in their ability to be independent.

**C. Recommendation**

In my opinion, any one of the cons, by itself, is enough to discontinue the practice given that (1) other steps are available to reap the identified benefits of the pros and (2) none of the identified pros are compelling enough to outweigh the cons. Therefore, in my opinion, the practice should be discontinued. Boards/committees/commissions should be encouraged to meet with the Selectmen in a regular Selectmen's meeting to discuss issues in public and should be encouraged to contact the Town Administrator for direction when needed.

This recommendation would change if the town began to have difficulties attracting citizens to serve on its various boards/committees/commissions. There are some towns where positions on the ballot are empty because no one would sign up to run for office, and where selectmen cannot find people who will agree to serve on various town committees. This has not been the case during my ten years here. I recall Jessie Levine telling me when I started that New London has a very active group of volunteer citizens who want to serve their town. I have found that to be true. If we continue to value our volunteers and promote an atmosphere where committee membership is a positive experience, I believe that we will continue to attract quality volunteers and we won't need to 'double-up' membership by having the selectmen also serve on other committees.

## **2. Budget Committee members not on other committees**

This recommendation is along the lines of (although more restrictive) that the statutory restrictions placed on Planning Board members pursuant to RSA 673:7. Planning Board members are restricted by statute from serving on other town boards and committees: there cannot be more than one Planning Board member serving as a selectman, ZBA, Conservation Commission, Housing Commission, or other land use board, and there cannot be more than two serving on any other town board/committee/commissions. There are no similar statutory restrictions placed on Budget Committee members.

Having Budget Committee members on other committees that come before the Budget Committee for funding requests could result in the same drawbacks (cons) identified under the examination of selectmen serving on other committees. Budget Committee members have influence due to their positions as decisionmakers on funding levels that will be voted on at Town Meeting. This influence may impact the other committees they sit on and result in less robust debate; it may also inhibit robust discussion at the Budget Committee level as some members have already made their decisions (during the committee discussions). In this case, Budget Committee members start out with less information, and have not formed decisions on, items that the dual Budget Committee/Other Committee member have due to their multiple committee membership.

The positive side to this issue is that Budget Committee members can get more detailed information from their fellow member(s) (who serve on the committee being discussed) without having to wait until the committee chair or entire committee is invited to appear before the Budget Committee, saving time.

My recommendation would be to follow the restrictions of the Planning Board serving on other boards by limiting Budget Committee appointments to other committees to one or two members. Again, because New London does not have difficulty finding qualified, willing volunteers, limiting the numbers of Budget Committee members will reduce the potential conflicts and open up seats to expand opportunities for volunteering.

## **3. Consider establishing time-limited, small advisory “panels” (2021 Fiscal Policy), such as:**

- **Whipple / project management**
- **Trash and solid waste**
- **Future uses of Buker**

This recommendation speaks to the importance of citizen input and participation by having groups that study one particular issue, as opposed to a broad range of issues, which will encourage a more focused effort and possibly more timely results. This procedure may even result in more citizen participation as citizens may agree to service for a specified amount of time as opposed to a three-year commitment the Selectmen currently request of appointees.

The 2021 Fiscal Policy panel was effective and a prudent use of town resources and its success supports the panel model envisioned in this initiative.

**4. Dissolve Building and Facilities and Solid Waste management committees as currently constituted**

If the small advisory panel model discussed above is adopted, then having standing advisory committees like the BFC and Solid Waste Committees will not be needed; the work of those committees will be handled by specific subject matter panels.

If there are topics where time-limited small panels are not appropriate, then the standing advisory committee model currently in place should be established as citizen committees can be very effective to research topics and advise the selectmen and the community.

**5. Revisit (with Planning Board) formation of separate CIP committee**

Development of a Capital Improvement Program (CIP) is a complex and time-consuming task. The Planning Board is an extremely busy board already, so if assistance in the way of additional expertise is possible, then it should be considered and will likely be welcomed by the Planning Board and support staff. Also, on the topic of CIP, consideration should be given to investigating software that will aid in this effort. This has been discussed in the past but has not been acted on.