

**Town of Hudson, NH
BOARD OF SELECTMEN
BY-LAWS**



By-Laws	Revision Number: 3
Approved By: Board of Selectmen	Revision Dates: See Below
Origination Date: 05/14/2019	Review Frequency: As Needed

A. PURPOSE:

These By-Laws describe the duties and methods of operation of the Hudson Board of Selectmen.

B. ORGANIZATION:

1. Responsibilities of Members:

All members shall make every effort to attend each scheduled meeting. Members shall make every effort to notify the Chairman if they are going to be absent from a meeting as soon as possible.

Members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound by any action or statement of any individual Board member, except when such statement or action is at the direction of the Board.

No official position, decision, opinion, etc. of the BOS and/or Town of Hudson shall be conveyed by any member of the Board without prior discussion and vote of the BOS.

2. Officers:

- (a) Election - A Chairman, and Vice-Chairman shall be elected at the first regularly scheduled meeting following the election of Selectman that are elected at the annual Town Meeting. Election shall be by a majority vote of those present at the Board meeting.

Vacancies created during the year shall be filled by special election of the Board as soon as practicable, ideally as soon as agreement can be reached on an appointee.

- (b) Duties - The Chairman shall :
 - 1 Review and approve the agenda before posting.
 - 2 Preside at all meetings of the Board and perform all duties required by law.

In the absence of the Chairman, the Vice-Chairman shall preside and assume all duties and responsibilities of the Chairman.

In the absence of both the Chairman and Vice-Chairman the next senior member of the board shall assume all duties and responsibilities of the Chairman for that meeting

- (c) Selectmen wishing to place an item on the agenda must notify the Executive Assistant to the Board of Selectmen before Thursday at 12:00 p.m. prior to a Tuesday meeting. Citizens wishing to place an item on the Selectmen's agenda and plan to make a presentation must provide a copy of all presentation material and documentation to be included in each selectman's "packet" before Thursday at 12:00 p.m. prior to a Tuesday meeting.

C. **OPERATION:**

1. **Meetings:**

- (a) Organizational Meetings - An organizational meeting to elect officers shall be held in accordance with B, 2(a). The Board may adopt the previous Board's policies and procedures, subject to amendment as provided in these by-laws. The Board shall establish a schedule for meetings.
- (b) Regular Meetings - A more formalized meeting of the Board generally conducted in accordance with the order of the "Agenda" contained herein.
- (c) Workshop Meetings - A formalized meeting of the Board that is generally conducted for the purpose of providing the Board the opportunity to meet with other committees and boards, department heads, and the School Board to get a better understanding of any issues that other committees and boards may be having and to work to help them resolve those issues. This meeting is not generally used to conduct regular business of the Board.

- (d) Non-Public Meetings - A meeting of the Board held for legal and personnel issues in accordance with RSA 91-A:3. All non-public meetings requested by a member of the Board of Selectmen will follow the Non-Public Meeting Requests & Rules of Procedure as adopted by the Board of Selectmen and will reference the specific portion of the RSA under which the non-public meeting is being requested.
- (e) Special Meetings - May be called by the Chairman in accordance with RSA 91-A: 2, II; upon demand of three (3) members of the Board; or at the request of the Town Administrator through the Chair. The Chairman shall notify each member in accordance with RSA 91-A: 2, II.
- (f) Attorney/Client sessions are not considered meetings and therefore do not have to be posted.
- (g) Remote attendance at Meetings – Remote attendance by an individual Member is allowed in the event that the Member cannot attend in person. When a member is attending remotely, voting may only be conducted by roll call vote. Notice of remote attendance must be received by the Executive Assistant no later than noon on the Thursday before the meeting.
- (h) During meetings, cell phones must be turned off or placed on silent mode. Members are prohibited from reading or sending e-mail or text messages to or from the public using their personal cell phones during meetings. **The exception is if the use is readily apparent to the public and pertains directly to that Board meeting, e.g. use of a cell phone to access the internet for information relative to a matter being discussed is permissible.** This policy shall not prohibit a Member from receiving calls, e-mail, or text messages, regarding urgent personal matters which require the Member’s immediate attention, in which case the Member shall excuse themselves from the meeting prior to responding.

2. Schedule of Meetings:

Shall be published annually. Each meeting shall be posted in accordance with RSA 91-A.

3. Reports of Liaisons’:

All members of the Board that are liaisons’ to any board, committee or commission shall give a report to the Board of Selectmen at the next regular meeting of the BOS or as necessary.

4. Review of Audit Reports:

The Board shall review the audit report as soon as the report is made available and take any action related thereto.

5. Water & Sewer Commissioners

As part of their responsibilities as Water & Sewer Commissioners, the Board shall conduct an annual review of the Unreserved Water and Sewer Funds with the Town Administrator and Finance Director each year. The Board shall then vote to set Water and Sewer Rates no later than April for billing the following July. A vote shall be recorded even if the determination is made that the rate(s) should not change.

6. Town Administrator

Annually, the Board of Selectmen are responsible for evaluating the job performance of the Town Administrator. It is the Chairman's responsibility to coordinate the evaluation, including obtaining input from the other members of the Board, aggregating that information, and presenting to the Board a comprehensive draft of the evaluation document. The current seated Board of Selectmen must complete the final evaluation document prior to the next annual election.

The final evaluation document shall remain on file in the Human Resources Department.

D. RULES OF ORDER:

1. **Quorum** - A quorum shall consist of three (3) members of the Board.
2. **Agenda** - Shall be published with meeting notice, and included in the minutes. A suggested agenda is provided below. It may be changed by the chair or by vote of the board.

AGENDA

- Call to Order
- Pledge of Allegiance
- Nominations and Appointments
- Public Input
- Consent Items
- Old Business
- New Business
- Remarks by Selectman
- Adjournment/Non Public Session RSA 91

Members that want to add an item to the agenda must do so in writing; providing a synopsis of the issue and including supporting documents, if any. All agenda

items must be received by the Executive Assistant no later than noon on the Thursday before the meeting.

3. Role of the Chairman:

The Chairman's duties are as follows:

- To open the session at the time at which the Board is to meet by calling the members to order;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;
- to maintain decorum during meetings;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if the Chairman thinks it advisable;
- to restrain the members by gaveling he/she out of order when engaged in debate within the rules or order;
- to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless he prefers to submit the question for the decision of the Board;
- to inform the Board on a point of order or practice pertinent to pending business;
- to authenticate by their signature, when necessary, all acts, orders and proceedings as directed by vote of the Board. This is when we are sending correspondence to an outside agency as a Board.

The Chairman shall vote as a member of the Board.

Discussions which are not addressing the business before the Board, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The

Chairman shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

4. Role of the Vice-Chairman:

In the absence of the Chairman, the role is identical to those set forth in Section 3 above.

5. Conduct of Meetings:

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters Robert Rules of Order shall serve as a guideline with a vote of the Board being the final deciding authority.

6. Recording of Votes:

Votes shall be verbal or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting. Roll call votes will be required:

- (a) When a member is attending remotely;
- (b) When entering Non-Public Sessions; or
- (c) When a roll call vote is called for by any Member.

7. Requests for Information:

- (a) Should it become apparent to the Chairman or an individual Board member, in the interim between meetings, that additional information relative to a specific item may be needed for the Board's use at the next regularly scheduled meeting, a request for this information shall be submitted to the Town Administrator before the agenda is set. All members of the Board shall receive copies of the information being requested.

E. EMPLOYEES:

1. Duties:

The Executive Assistant shall be the official recorder of the minutes of the Board of Selectmen and an official copy of the records are to be filed in the Selectmen's Office and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Executive Assistant to keep a roll of members present and to call the roll when required. The Executive Assistant shall record the essentials called "the minutes" of the proceedings as follows:

- (a) The kind of meeting - regular, special, work session, or recessed.
- (b) Time of meeting and place of meeting
- (c) The presence/absence of Board members
- (d) Whether the minutes of the previous meeting were approved or amended.
- (e) All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- (f) The time of adjournment.

The Executive Assistant shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second, and should enter the number and names of votes on each side.

F. AMENDMENT PROCEDURE:

An amendment to these By-Laws may be moved at one Board meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Town Clerk for inclusion in the Town Records.

G. APPOINTMENT TO BOARDS AND COMMISSIONS:

1. The Chair shall request from members their choices of committees, boards and commissions they wish to serve on as Selectmen's Liaison. The Chairman shall distribute to the Board all choices and set a meeting date as to when the Chair shall make appointments. The exception to the Chairman's appointments is that the Selectmen's Liaison to the Planning Board shall be elected by vote of the Board of Selectmen.
2. The term of all appointments of Selectmen's Liaisons, including the terms of any ex-officio members (voting members) of the Board of Selectmen serving on local land use boards (i.e., Planning Board, Conservation Commission, etc.) and the Budget Committee shall be for one (1) year, or until next Town Meeting, whichever is sooner.

H. E-MAIL COMMUNICATION

1. When sending correspondence to the entire Board, blind copy (bcc) all members of the Board. If any member replies to the e-mail, they will not reply to all the other members it will only go to the original sender and therefore avoid an open communication to the entire Board making the e-mail compliant with RSA 91-A.

I. EMPLOYEE PERFORMANCE REPORTING

1. Any Board of Selectmen member desiring to address an issue dealing with any aspect of a Town employee's job performance shall bring those concerns to the attention of the Town administrator, who will investigate the matter and advise the Board of Selectmen if Board action is necessary.
2. Any Board of Selectmen member contacted by a Town of Hudson employee or a member of the public regarding the job performance of a Town employee will advise the employee/member of the public to report the issue to the Town Administrator. If the employee raises an issue regarding the job performance of the Town Administrator, the employee should be advised to report the issue to the Board of Selectmen Chair.

Document History

Adopted May 14, 2019
Amended July 28, 2020
Amended July 27, 2021
Amended February 8, 2022
Amended March 7, 2023