
TOWN OF BROOKLINE, NEW HAMPSHIRE

Appointments Policy



Revised: November 26, 2012

TABLE OF CONTENTS

1.	PURPOSE.....	1
2.	REFERENCES.....	2
2.1.	NEW HAMPSHIRE RSAS	2
2.2.	POLICE POLICY AND PROCEDURES	2
3.	BOARDS AND COMMISSIONS.....	3
3.1.	NOTICE OF VACANCY	3
3.2.	RECOMMENDATION FOR APPOINTMENT BY VACATED BOARD OR COMMISSION	3
3.3.	NOTICE OF APPOINTMENT	4
3.4.	EXCEPTIONS	4
3.4.1.	Objections to Appointment	4
3.4.2.	At-large Recommendations/Self Nominations	4
4.	BOARD OF SELECTMEN	5
5.	EMPLOYEES - NON-POLICE PERSONNEL	6
5.1.	NOTICE OF DEPARTMENT VACANCY	6
5.2.	NOTICE OF APPOINTMENT	6
6.	EMPLOYEES - POLICE OFFICERS	7
6.1.	NOTICE OF POLICE OFFICER VACANCY	7
6.2.	RECOMMENDATION FOR APPOINTMENT	7
6.3.	NOTICE OF APPOINTMENT	7

<i>APPLICABLE RSAS</i>	8
<i>21-P:39 LOCAL ORGANIZATION FOR EMERGENCY MANAGMENT. –</i>	<i>8</i>
<i>31:112 MANAGEMENT.</i>	<i>9</i>
<i>41:27 APPOINTMENT.</i>	<i>9</i>
<i>41:56 POWERS OF SELECTMEN DURING VACANCY</i>	<i>9</i>
<i>43:7 APPOINTMENT BY BOARD TO FILL PLACE OF DISQUALIFIED OFFICER</i>	<i>9</i>
<i>105:1 APPOINTMENT</i>	<i>9</i>
<i>128:1 APPOINTMENT</i>	<i>10</i>
<i>197:26 VACANCIES</i>	<i>10</i>
<i>227-L:7 FOREST FIRE WARDEN APPOINTMENT</i>	<i>10</i>
<i>231:62-A TERMS OF 2 OR 3 YEARS</i>	<i>10</i>
<i>289:6 CEMETERY TRUSTEES</i>	<i>11</i>
<i>658:2 APPOINTMENT</i>	<i>11</i>
<i>658:5 ALTERNATES</i>	<i>12</i>
<i>669:62 MODERATOR</i>	<i>12</i>
<i>669:63 SELECTMEN</i>	<i>12</i>
<i>669:65 TOWN CLERK</i>	<i>12</i>
<i>669:69 TOWN TREASURER</i>	<i>12</i>
<i>669:73 TRUSTEE OF THE TRUST FUND</i>	<i>12</i>
<i>669:74 HIGHWAY AGENTS</i>	<i>13</i>
<i>669:75 VACANCIES IN OTHER OFFICES</i>	<i>13</i>
<i>671:33 VACANCIES</i>	<i>13</i>
<i>673:2 PLANNING BOARD</i>	<i>13</i>

1. PURPOSE

The purpose of this policy is to direct the Board of Selectmen in making appointments to other boards and commissions in the Town of Brookline. Such a policy is important for the following reasons:

1. Established policy affords credibility and expedience to process. ¹ An appointment policy sheds considerable light on the appointment process and ultimately encourages volunteerism.
2. An appointment policy allows citizens to have a clear notice that changes are imminent or have been made.
3. There may be issues with the appointment of a recommended candidate of which the recommending Board, department or the Board of Selectmen are not aware. A notice period is necessary so the public can comment.

There may be other willing and able volunteers for a position of which neither Board (or department) are aware.

It is not the intent of this policy to govern the processes of:

- Nominations or recommendations for appointments made by other jurisdictions²

¹ Expedience should be important to most Boards of Selectmen in this regard, as RSA 41:56 requires that the Board of Selectmen discharge duties of any of several offices should it (they) become vacant.

² *E.g.*, RSA 128:1, 227-L:7

2. ***REFERENCES***

2.1. *NEW HAMPSHIRE RSAS*

The following New Hampshire Revised Statutes Annotated were referenced in the writing of this policy:

21-P:39	Emergency Management
31:112	Management
36-A:6	Commissioner of Resources and Economic Development
41:27	Appointment
41:56	Powers of Selectmen during Vacancy
43:7	Appointment by Board to Fill Place of Disqualified Officer
105:1	Appointment
128:1	Appointment
197:26	Vacancies
227-L:7	Forest Fire Warden Appointment
231:62-a	Terms of 2 or 3 Years
289:6	Cemetery Trustees
658:2	Appointment
658:5	Alternates
669:62	Moderator
669:63	Selectmen
669:65	Town Clerk
669:69	Town Treasurer
669:73	Trustee of the Trust Fund
669:74	Highway Agents
669:75	Vacancies in Other Offices
671:33	Vacancies
673:2	Planning Board

2.2. *POLICE POLICY AND PROCEDURES*

The Policy and Procedures Manual of the Brookline Police Department, as approved by the Brookline Board of Selectmen April 6, 1998, and amended, is referenced by this document.

3. ***BOARDS AND COMMISSIONS***

This section applies to boards and commissions, other than the Board of Selectmen itself, to which the Board of Selectmen would normally make appointments. Specifically, this section applies to appointment of:

- Forestry committee (RSA 31:112),
- Town treasurer (41:27, 669:69),
- Emergency management director (21-P:39),
- Fire wardens (227-L:7),
- Town highway agent (231:62, 669:74),
- Cemetery trustees (289:6),
- Inspectors of election (658:2),
- Alternate inspectors of election (658:5),
- Moderator (669:62),
- Selectmen (669:63),
- Town clerk/tax collector
- Deputy town clerk (41:18),
- Deputy town treasurer (41:29-a),
- Trustees of the trust fund (669:73),
- Other offices per RSA 669:75,
- School board (671:33),
- Planning board (673:2).
- Police Chief (105.1)

No policy represented herein is intended to supplant existing law. Care shall be taken to make appointments only within existing law, especially the New Hampshire Revised Statutes. For temporary appointments to the Board of Selectmen under RSA 43:7, refer to Section 4, "Board of Selectmen".

3.1. ***NOTICE OF VACANCY***

A Notice of Vacancy shall be posted to the Board of Selectmen by any board or commission realizing a vacancy, including vacancies realized by expiration of term. Notices of Vacancy shall be posted no later than the next regular meeting of said board or commission after acceptance of a resignation or the vacancy of a departing member. Vacancies realized by expiration of term shall be noticed with sufficient lead time to allow a new appointment to be effected before the first meeting of the vacated board or commission after expiration of term. Notices shall be deemed public upon receipt in the Selectmen's Office. The Board of Selectmen shall notify the town at large during the next public session of the Board of Selectmen after the Notice of Vacancy is posted.

A Notice of Vacancy shall include:

- A brief description of the position that has been or will be vacated
- Term of appointment for any who would fill the vacancy

3.2. ***RECOMMENDATION FOR APPOINTMENT BY VACATED BOARD OR COMMISSION***

The board or commission realizing a vacancy shall post a Recommendation for Appointment for consideration to the Board of Selectmen for all vacancies.

A Recommendation for Appointment shall include:

- A brief description of the position to be filled by appointment
- Full name of the Candidate
- Term of appointment

-
- A brief statement certifying the Candidate's eligibility for appointment
 - A brief statement certifying that the recommending board or commission has duly nominated the Candidate

A recommendation may be made within the Notice of Vacancy. The Board of Selectmen shall acknowledge a Recommendation for Appointment during their next regular session after the Recommendation for Appointment is posted. Acknowledgment shall include an oral reading of the recommendation.

3.3. *NOTICE OF APPOINTMENT*

The Board of Selectmen shall notify the town at large of an intended appointment. Notice of an appointment shall be posted by the Board of Selectmen at least one week before or at the last regular session before any session in which an appointment is to be made, whichever is earlier.

Notice of appointment shall include:

- Reading of any Recommendations for the intended appointment
- Statement of intended time and date on which the appointment is expected to be made

Appointments shall be noticed specifically by position on the agenda of any session in which appointments are to be made.

No appointments shall be made by the Board of Selectmen until known objections have been resolved between the Board of Selectmen and the recommending board or commission.

3.4. *EXCEPTIONS*

3.4.1. *Objections to Appointment*

It should be anticipated that objections to recommendations and subsequent considerations for appointment shall surface from time to time.

Any citizen may voice an objection to a specific appointment before the appointment is made. If the Board of Selectmen agrees that there is merit in an objection, The Board of Selectmen may forestall an appointment until the objection is resolved. The Board may request that such an objection be addressed to the board or commission realizing the subject vacancy. If the objector demonstrates cause, the Board of Selectmen may deal with the objection directly with the recommending board or commission. At their pleasure, the Board of Selectmen may deal with any objection directly with the recommending board or commission.

3.4.2. *At-large Recommendations/Self Nominations*

At-large recommendations and self-nominations to fill vacancies shall be sent to the board or commission with the subject vacancy and to the Board of Selectmen for further consideration.

4. BOARD OF SELECTMEN

This section applies to temporary appointments to the Board of Selectmen pursuant to RSA 43:7. For appointments to other boards and commissions, refer to Section 3, “Boards and Commissions”.

The place of a disqualified Selectman shall be supplied by appointment by the other members of the Board of Selectmen of a qualified person who has theretofore held the office of Selectman in the Town of Brookline.³ This shall be done in public session as required and may be effected without prior public notice.

³ RSA 43:7

5. ***EMPLOYEES - NON-POLICE PERSONNEL***

This section applies to departments of the Town of Brookline other than the Police Department. The Police Department and the Police Chief shall refer to Section 6, “Employees - Police ” when filling vacancies.

(Note that, in some cases, a “department” or “department head” may actually be the Board of Selectmen.)

5.1. ***NOTICE OF DEPARTMENT VACANCY***

A head of a department in which an employee terminates employment shall immediately notify the Board of Selectmen of the receipt of resignation from or involuntary termination of a departing employee.

A head of a department in which an employee terminates employment shall also post a Notice of Department Vacancy to the Board of Selectmen no later than ten days after the receipt of resignation from or involuntary termination of a departing employee. Notices of Vacancy by departments shall be deemed public only after review by the Board of Selectmen. The Board of Selectmen shall notify the town at large during the next public session of the Board of Selectmen after the Notice of Department Vacancy is posted.

A Notice of Department Vacancy shall include:

- A brief description of the position that has been or will be vacated
- Job description
- Statement of minimum requirements for candidates

Job openings created by department vacancies shall be posted according to the Hiring Policy set forth by the Town of Brookline Personnel Plan.

5.2. ***NOTICE OF APPOINTMENT***

A Candidate’s name or any other personal information is to be considered non-public until after an appointment has been accepted. The appointment will be announced publicly at the Board of Selectmen’s meeting at which the appointment is made.

6. ***EMPLOYEES - POLICE OFFICERS***

This section applies only to Police Officers of the Town of Brookline. Other departments and department heads shall refer to Section 5, “Employees”, when filling vacancies.

6.1. ***NOTICE OF POLICE OFFICER VACANCY***

The Chief of Police shall immediately notify the Board of Selectmen of the receipt of resignation from or involuntary termination of a departing police officer.

The Chief of Police shall also post a Notice of Police Department Vacancy to the Board of Selectmen no later ten days after the receipt of resignation from or involuntary termination of a departing police officer. Notices of Police Department Vacancy shall be deemed public only after review by the Board of Selectmen. The Board of Selectmen shall notify the town at large during the next public session of the Board of Selectmen after the Notice of Police Officer Vacancy is posted.

A Notice of Police Department Vacancy shall include:

- A brief description of the position that has been or will be vacated
- Job description
- Statement of minimum requirements for candidates

6.2. ***RECOMMENDATION FOR APPOINTMENT***

Because of the professional nature of police work, the Board of Selectmen will generally consider for appointment to the Police Department candidates who are recommended by the Chief of Police. This policy does not seek to supplant the work that the Chief of Police would do to secure a viable candidate for appointment to the Brookline Police Department. Rather, it is the intent of this policy to insure that the Board of Selectmen have a framework for diligent consideration of a candidate as a viable employee of the Town.

The Chief of Police shall post a Recommendation for Appointment for consideration to the Board of Selectmen for all candidates.

A Recommendation for Appointment shall include:

- A summary of the intended Appointee’s background
- A brief statement certifying the intended Appointee’s suitability for appointment

A Recommendation for Appointment may be made within the Notice of Vacancy. Unless extenuating circumstances do not allow for it, the Recommendation for Appointment will be provided to the Board of Selectmen at the meeting prior to actual appointment.

6.3. ***NOTICE OF APPOINTMENT***

A Candidate’s name or any other personal information is to be considered non-public until after an appointment is made. The appointment will be announced publicly at the Board of Selectmen’s meeting at which the appointment is made.

APPLICABLE RSAs

The following texts are included by transcription from the State of New Hampshire Revised Statutes Annotated, updated through July 2012. These texts are for the reader's convenience and are not intended to represent current law. Readers are warned and encouraged to seek updates to the referenced law. Future boards who would revise this policy are encouraged to update the RSA transcriptions herein.

21-P:39 LOCAL ORGANIZATION FOR EMERGENCY MANAGMENT. –

- I. Each political subdivision of the state shall establish a local organization for emergency management in accordance with the state emergency management plan and program. Each local organization for emergency management shall have a local director who shall be appointed and removed by the county commissioners of a county, the city council of a city, or board of selectmen of a town, and who shall have direct responsibility for the organization, administration and operation of such local organization for emergency management, subject to the direction and control of such appointing officials. Each local organization shall have jurisdiction only within its respective political subdivision, and the director appointed by that political subdivision shall be responsible to his or her appointing authority. The appointing authority may appoint one of its own members or any other citizen or official to act as local director and shall notify the state director in writing of such appointment. If a local director is removed, the state director shall be notified immediately. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized.
- II. Until a local director has been appointed, the chief elected official shall be directly responsible for the organization, administration, and operation of such local organization for emergency management.
- III. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision may exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds.
- IV. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may meet at any place within or without the territorial limits of such political subdivision and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary location or locations of such government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision, but shall be within this state.

Source. 2002, 257:7, eff. July 1, 2002.

31:112 MANAGEMENT.

- I. A city or town forest established under RSA 31:110 shall be managed by a forestry committee consisting of not less than 3 nor more than 5 members. In cities the members shall be appointed by the mayor and aldermen and in towns they shall be appointed by the selectmen. When a forestry committee is first established, terms of the members shall be for one, 2 or 3 years, and so arranged that the terms of approximately $\frac{1}{3}$ of the members shall expire each year, and their successors shall be appointed for terms of 3 years each. The committee shall include the city or town tree warden, if there is one. The committee shall choose its chairman, shall serve without compensation and shall make an annual report to the city or town and shall send a copy to the director of the division of forests and lands, department of resources and economic development. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.
- II. If a city or town has adopted RSA 36-A, a city or town forest may be managed by the city or town conservation commission, with the tree warden, if any, as an ex-officio member, as determined by the legislative body.
Source. 1975, 254:1, eff. Aug. 5, 1975.

41:27 APPOINTMENT.

If any town, at the annual meeting, shall fail to elect a treasurer and fail to adopt the provisions of RSA 41:26-e, it shall be the duty of the selectmen to appoint a Treasurer within 6 days thereafter, to hold office during their pleasure or until another is chosen or appointed and qualified in his stead; and they shall fix the appointed Treasurer's compensation and make a written contract with him or her in relation to it.
Source. 1850, 993:2. CS 36:6. GS 37:6. 1868, 1:9. GL 40:5; 42:8. PS 43:18. PL 47:22. RL 59:22. 2007, 35:5, effective July 13, 2007

41:56 POWERS OF SELECTMEN DURING VACANCY

If any town fails to choose agents, overseers of the public welfare, firewards or any of them, or there is a vacancy in any of such offices, the selectmen shall discharge the duties and have the powers of such offices until the same are filled by election or appointment, as provided by law.
Source. RS 34:4. CS 36:4. GS 37:4. GL 40:4. PS 43:40. PL 47:44. RL 59:50. RSA 41:56. 1957, 198:3.

43:7 APPOINTMENT BY BOARD TO FILL PLACE OF DISQUALIFIED OFFICER

The place of a selectman or other officer so disqualified shall be supplied by appointment, by the other members of the board, of a qualified person who has theretofore holden the same office in the town, or, in the case of committees, by a new appointment.
Source. GS 233:8. GL 43:8. 1881, 16:1. 1883, 103:1. PS 45:7. PL 49:7. RL 61:7.

105:1 APPOINTMENT

The selectmen of a town, when they deem it necessary, may appoint special police officers who shall continue in office during the pleasure of the selectmen, or until their successors are chosen or appointed. The selectmen may designate one of the police officers as chief of police or superintendent and as such officer the chief of police or superintendent shall exercise authority over and supervise or superintend other police officers, police matrons, watchmen or constables appointed under the provisions of this chapter, and said police officers, police matrons, watchmen or constables shall be accountable and responsible to said

chief of police or superintendent. Nothing herein shall be construed to preclude or prevent a town from electing constables or police officers at an annual town meeting pursuant to the provisions of RSA 41:47.

Source. 1852, 1226:1. CS 120:1. GS 235:1. GL 253:1, 3. PS 249:1. 1897, 73:1. PL 363:1. RL 422:1. RSA 105:1. 1957, 206:1, eff. July 2, 1957.

128:1 APPOINTMENT

The commissioner of the department of health and human services shall appoint as health officer for each town such person as the selectmen of the town recommend, and the commissioner of the department of health and human services shall issue to the health officer a certificate of appointment; but, if no recommendation is made within 15 days after notice, the commissioner may appoint a health officer without such recommendation.

Source. 1915, 27:1. PL 126:1. RL 148:1. RSA 128:1. 1995, 310:182, 183, eff. Nov. 1, 1995. 1997, 200:4, eff. Aug. 17, 1997.

197:26 VACANCIES

The school board shall fill vacancies occurring on the board, and in other district offices, except that of moderator, until the next annual meeting of the district. In case of vacancy of the entire membership of the board, or the remaining members are unable to agree upon an appointment, the selectmen, upon application of one or more voters in the district, shall fill the vacancies so existing until the next annual meeting of the district.

Source. RS 70:9. CS 74:11. GS 79:13. GL 87:13. PS 90:23. 1921, 85, V:24. PL 120:24. RL 139:25.

227-L:7 FOREST FIRE WARDEN APPOINTMENT

- I. The selectmen of towns and the mayors of cities shall, and other citizens may, recommend to the director the names of such persons as may in their estimation be fit to fill the offices of forest fire warden and deputy forest fire warden in their respective towns and cities.
- II. After investigation the director shall appoint from the persons so recommended not more than one competent person in each town or city to be the forest fire warden for the town or city, and such deputy forest fire wardens as the director deems necessary. In such towns or cities where the fire chief is not the appointed town or city forest fire warden, the fire chief shall be appointed as deputy forest fire warden. The director may appoint a forest fire warden or deputy forest fire warden for 2 or more towns or parts of towns.
- III. In unorganized places, upon the recommendation of the forest ranger, the director shall appoint a forest fire warden and one or more deputy forest fire wardens, to have the same powers and the same duties as the town forest fire wardens.

Source. 1995, 299:1, eff. Jan. 1, 1996.

231:62-A TERMS OF 2 OR 3 YEARS

- I. At any annual town meeting under an article in the warrant placed there by petition or by the selectmen, the voters may vote, by ballot, to determine if they are in favor of having a 2 or 3-year term for each town highway agent. If a majority of those voting on the question vote in favor of a longer term, at the next annual meeting after the vote of approval, the town shall choose, by ballot, or the selectmen shall appoint, one or more town agents for the designated term of years.
- II. After a 2 or 3-year term for town highway agent has been established, at any annual town meeting held the year before the end of the 2 or 3-year term, under an article in the warrant placed there by petition or by the selectmen, the voters may vote, by ballot, to determine if they are in favor of continuing to have a 2 or 3-year term for each town

highway agent. The voters may choose to return to a one-year term as provided in RSA 231:62 or to increase the term from 2 years to 3 years as provided in paragraph I or to reduce the term from 3 years to 2 years as provided in paragraph I.
Source. 1983, 164:2, eff. June 10, 1983.

289:6 *CEMETERY TRUSTEES*

- I. Every municipality shall elect a board of cemetery trustees consisting of 3 members, unless a town at an annual or special town meeting votes that the board shall consist of 5 members. In the initial election of cemetery trustees, they shall be elected by ballot at an annual town meeting. One shall be elected for a one-year term, one for a 2-year term and one for a 3-year term. In towns with a board of 5 trustees the 2 additional trustees shall be appointed by the selectmen, one for one year and one for 2 years. Subsequent trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. In cities the trustees shall be chosen and hold their office for such term as shall be provided by city ordinance. Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.
- II. Any town that has the town manager form of government may vote to not have cemetery trustees by delegating all of the duties and responsibilities of cemetery trustees to the town manager, as specified in RSA 289. This option may be adopted by a vote of the town meeting. The warrant article question to be voted shall be: "Shall we discontinue the board of cemetery trustees by delegating their duties and responsibilities to the town manager?" If the majority votes in the affirmative, then the discontinuance shall take effect 90 days after adoption.
 - a. Any town, with a traditional town meeting form of government, may adopt by a vote of the town meeting to have the board of selectmen serve for the term of elected office as the cemetery trustees. The warrant article to be voted shall be:
"Shall we delegate the duties and responsibilities of the cemetery trustees to the board of selectmen?"
 - b. If the majority vote in the affirmative then the delegation shall take effect 90 days after adoption and shall continue until rescinded by vote of the town meeting.
- III. At any subsequent town meeting, the town may vote to reinstate the board of cemetery trustees. A new board of cemetery trustees shall be elected at the town meeting next following the vote to reinstate the board of cemetery trustees.
- IV. Any town that has a municipal charter form of government may specify in its charter the procedure to be utilized for the election or appointment of cemetery trustees. Such procedure shall be adopted under the provisions of RSA 49-B.
Source. 1994, 318:2. 1995, 62:1, 2, eff. July 8, 1995.

658:2 *APPOINTMENT*

Each town and ward political committee of the 2 political parties which cast the largest number of votes for governor in the state at the last previous general election is authorized to appoint between September 15 and October 15 of each general election year 2 inspectors of election to act at each polling place. If the number of voters qualified to vote at a polling place shall exceed 2,000, said political committees may each appoint for such polling place one additional inspector for each 1,500 qualified voters or fraction thereof in excess of 2,000. The town and ward political committees may also appoint such additional inspectors, equally divided between said 2 political parties, as the moderator considers necessary for the efficient conduct of the election. On or before October 15, the chairmen of said political committees

shall notify the appointees and the town or ward clerk and city clerk concerned as to appointments made under this authority. If any such appointments are not made by said political committees and proper notification thereof given on or before October 15, then the appointments shall be made by the selectmen of the town or ward in equal numbers from said 2 political parties.

Source. 1979, 436:1. 1983, 426:7, eff. Aug. 23, 1983.

658:5 *ALTERNATES*

In making appointments of inspectors of elections as provided in RSA 658:2, town and ward political committees or town and ward selectmen may designate a list of alternates, who shall meet the same qualifications as inspectors of elections, to be called in numerical order to serve in case one or more of the principal appointees fails to accept the appointment or is otherwise unavailable to perform his duties.

Source. 1979, 436:1, eff. July 1, 1979.

669:62 *MODERATOR*

Vacancies in the office of town moderator shall be filled by appointment made by the supervisors of the checklist of said town, or by the town selectmen, where no board of supervisors exists.

Source. 1979, 410:1, eff. July 1, 1979.

669:63 *SELECTMEN*

Vacancies in the board of selectmen shall be filled by appointment made by the remaining selectmen. Whenever the selectmen fail to make such appointment, the superior court or any justice thereof, on petition of any citizen of the town, and after such notice as the court shall deem reasonable, may appoint a suitable person to fill the vacancy; provided, however, that if the town has adopted the provisions of RSA 669:61, IV, and a petition thereunder is submitted before the submission of a petition under this section, the provisions of RSA 669:61, IV shall apply.

Source. 1979, 410:1, eff. July 1, 1979. 2008, 267:2, effective August 25, 2008.

669:65 *TOWN CLERK*

Vacancies in the office of town clerk shall be filled by appointment made by the selectmen except in towns in which pursuant to RSA 41:18 the selectmen have previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election, unless the deputy does not have his or her domicile in the town, in which case the vacancy shall be filled by appointment made by the selectmen.

Source. 1979, 410:1, eff. July 1, 1979 2000, 308:4, eff. 12:01a.m., Jan. 1, 2002.

669:69 *TOWN TREASURER*

Vacancies in the office of town treasurer shall be filled by appointment made by the selectmen except in towns in which, pursuant to RSA 41:29-a, the treasurer has appointed a deputy treasurer, in which case the deputy shall serve as town treasurer until the next annual town election.

Source. 1979, 410:1, eff. July 1, 1979.

669:73 *TRUSTEE OF THE TRUST FUND*

Vacancies in the office of trustee of the trust fund shall be filled by appointment made by the board of selectmen for the remainder of the unexpired term.

Source. 1979, 410:1, eff. July 1, 1979.

669:74 *HIGHWAY AGENTS*

Vacancies in the office of elected highway agents shall be filled by appointment made by the board of selectmen for the remainder of the unexpired term.

Source. 1979, 410:1, eff. July 1, 1979.

669:75 *VACANCIES IN OTHER OFFICES*

Vacancies in the offices of constable, sewer commissioner, town assessor, overseers of public welfare, library trustee, and any other optional offices where no other method of filling a vacancy shall be provided by vote of the town shall be filled by appointment made by the board of selectmen.

Source. 1979, 410:1, eff. July 1, 1979.

671:33 *VACANCIES*

Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term. The school board shall fill vacancies occurring on the school board and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator. Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the budget committee, or by the chairperson of the cooperative school board if the vacancy is that of a member appointed from the school board.

Source. 1979, 321:1, eff. Aug. 21, 1979. 1997, 176:9. 2005, 49:1, effective July 22, 2005.

673:2 *PLANNING BOARD*

- I. [Omitted for brevity]
- II. In other towns, the planning board shall consist of 5 or 7 members as determined by the local legislative body. The membership shall be filled by one of the following procedures:
 - (a) The selectmen shall designate one selectman or administrative official of the town as an ex officio member and appoint 4 or 6 other persons who are residents of the town, as appropriate; or
 - (b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA 673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c). The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:
 - (1) The selectmen shall choose one selectman or administrative official of the town as an ex officio member and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II; or
 - (2) The selectmen shall choose one selectman or administrative official of the town as an ex officio member and the remaining planning board positions

shall be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member expires, until each member of the board is an elected member. The maximum number of elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member is an elected member, such member shall be elected for the term provided in RSA 673:5, II.

- (c) A local legislative body which has voted to elect planning board members may, by majority vote at town meeting, decide to rescind that action and have the planning board appointed in the manner set forth in subparagraph (a). The vote to have planning board members so appointed shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint members in accordance with RSA 673:5. The planning board shall, however, continue in existence, and the elected members in office at the time of the town meeting vote to appoint members may continue to serve until their successors are appointed and qualified.

III. [Omitted for brevity.]

IV. [Omitted for brevity.]

Source. 1983, 447:1. 1987, 255:1. 1989, 266:9. 1991, 377:4. 1992, 89:1, 2. 1993, 69:1, eff. June 22, 1993. 1996, 42:1-4, eff. June 23, 1996; 181:1, eff. Aug. 2, 1996. 2000, 107:1, eff. July 7, 2000.