

TOWN OF MILFORD
NEW HAMPSHIRE



PLANNING BOARD RULES AND
PROCEDURES

Revised: March 15, 2022

- G. The Board shall refrain from making decisions on an application while on a site walk. Any comments, motions or direction to an application should be made at the public hearing.

XII. Standards of Conduct:

- A. The primary obligation of Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
- B. Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
- C. To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public planning board decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table and podium area when the Board members deliberate and vote on a matter. Further, the Board member may not discuss the matter privately with any other Board member voting on the matter or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said question.
- D. In circumstances where the number of Board members who may not participate as a result of the provision in XII.C results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" although they are not allowed to participate in anyway other than abstaining. A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the table provided that he/she not participate, comment, or make any indication of his/her position.
- E. A Board member must not disclose or improperly use confidential information obtained in the course of his/her duties for financial gains or to further a personal interest.
- F. Notwithstanding the above restrictions, a Board member who has an interest in a plan before the Board may, after recusing himself/herself from the Board, exercise his/her rights as a citizen and address the Board on the issue under review.
- G. **All** Ex parte communications (written, verbal, electronic communications from or to a Board member concerning a pending application) impair the procedural due process rights of interested parties and undermine public confidence in the Planning Board. Board

members shall refrain from initiating ex parte communications on any application. Any incidence of Ex parte communications shall be immediately reported by the Board member to the appropriate town staff and reported to the Planning Board Chair at the next scheduled Planning Board Meeting. Any requests or inquiries on an active (pending) case by Board members should only be made during public hearings or through the Planning Board Chair and appropriate town staff. Any Board Members receiving ex parte communications ~~should~~must refrain from responding (citing this section) and refer the party initiating the communication to the appropriate Town Staff. In appropriate circumstances, the Town Staff shall advise interested parties of the inquiry or attempted ex parte communication.

- H. Complaints received from residents of the Town of Milford by individual Planning Board members that are unrelated to pending applications should be forwarded to the appropriate Town Staff and should be treated similarly to ex parte communications related to pending applications outlined in Section G above. Town Staff may provide the Planning Board at its next regularly scheduled meeting, a report concerning any actions taken toward the complaint depending upon its circumstances. The Planning Board Chairperson may at his/her discretion add an agenda item under Other Business to discuss the complaint.
- I. All Board members share a responsibility to enforce adherence to the standards or conduct herein. If a member believes that one or more members may either by intention or inadvertence is in violation of these standards, he/she shall call that fact to the attention of the Chairman who shall in turn call it to the attention of the member in question. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such a vote shall be advisory and non-binding and cannot be requested by other than Board members.
- J. All Board members are subject to the Town wide email policy.