

**Shawn Joyce**  
**270 Washington Rd**  
**BOS Meeting 04.11.22**

Thank you for allowing me to speak tonight.

At the last BOS meeting on March 28<sup>th</sup>, I addressed the four Conservation Commission members that were on the agenda for reappointment when there was no public notice that any of these seats were up for consideration, no other Rye resident, including protected classes, were afforded the opportunity to apply and be considered by the selectmen regardless of their experience, expertise, diversity, and insight they may bring to the commission. A missed opportunity for the Town that allows discrimination.

The Committee Policy for the Town of Rye clearly states, "it is the intent of the selectmen to ensure that the widest variety of citizens participate in government by appointing members who represent the diversity of the community. How could the selectmen do that without allowing all residents an opportunity to be considered? The selectboard has a fiduciary responsibility to ensure there is fair and transparent process with appointment and choosing diverse members vs allowing a tight group of homogenous close friends to keep reappointing themselves.

The Committee Policy for the Town of Rye also clearly states that all openings or vacancies shall be posted 30 days in advance of the Board of Selectmen's meeting where the appointment is scheduled to be made. Fact is the members seeking reappointment to seats that were "open" in April. Nowhere in the Town's policy or website does it state that members are reappointed to as many terms as they like without other residents having an opportunity to be considered. If that were the case, it would be part of the written policy and there would not be a distinction between an "opening" and a "vacancy" in the Town's policy.

I looked back into past selectmen meeting minutes. The last time RCC member seats were coming up for reappointment was at the BOS meeting on March 23, 2020. I submitted this letter to the BOS that morning. At the April 13, 2020, BOS meeting, selectperson Roman, stated that, *"the letter was received a bit late for the last selectmen's meeting, so it was not officially addressed: however, the Board did talk about it. At the last meeting, the selectboard talked about whether there was time to advertise these positions now and wait on appointing anyone to those positions. There was a discussion on this because it was a fair point that people should know there are positions open. It was determined that given what is going on right now and the State of Emergency, the selectboard would move forward with the appointments and recommendations they had. The process would be corrected next year. Whenever there are openings on boards, committees or commissions, they will be advertised on the website and Facebook page. The Town will do a better job of advertising so people will know how to apply."* Let me point out, she was speaking about reappointments for open positions as there were only reappointments on the agenda. As you all know, selectperson Roman is a bright, engaging, well informed, respected, and ethical attorney. She did not try to play any games as to whether seats were considered open or not.

Two weeks ago, this selectboard totally disregarded the promises made in 2020 and reappointed four RCC members without posting the openings and any fair process for other residents to apply and be considered. The reason given was the seats were not considered open. This totally contradicts the discussion and promises made by the selectboard on March 23, 2020.

It seems to follow the selectmen's historical use and this board use of using conservation money to settle lawsuits and make acquisitions, waving all due diligence, appraisals or public hearings prior to deals being sealed with insiders. It allows people to question the use of \$300,000 of conservation money to acquire the TD building and the reappointment of the four RCC members who allowed that use of the funds. An objective appraisal would not have supported paying \$150,000 per acre for that land, especially considering its water table and limited use. If an acre of that kind of land was worth \$150,000, I am sure residents would line up to sell their excess unbuildable land to the Town.

In other communities, they have moved past using conservation money for unintended purposes as creates conflicts of interest. Their governments also have open, fair, public appointment processes so folks cannot stack the deck and discriminate against protected and non-protected classes. As Martin Luther King is famous for stating, "It is always the right time to do the right thing" The question for Rye's government is when will folks start doing right thing and place ethics before self-interests and insider deals?

If this selectboard now does not consider a seat to be open at the end of a member's three-year term, I ask that it be made clear and transparent in the Town's policy, *seats are only considered open every three years on April 1st if a seated commission member is not seeking reappointment. Commission members may seek as many consecutive terms as they like, providing then with an opportunity for a lifetime appointment.*

In summary, I ask that the BOS, request a Formal Opinion Letter from the EEOC and the New Hampshire Commission for Human Rights to ensure that the town's policy and procedures are not discriminating against protected classes by not allowing folks an opportunity to be considered by the selectmen in an open, fair, transparent process. I also ask that the BOS get an Opinion Letter from the NH Attorney General as to the BOS's use of conservation funds for unintended purposes, waving due diligence, appraisals, public hearings prior to deals being sealed with insiders and the perceived conflict of interest all this creates with the BOS and RCC members who allow this misuse of conservation funds. When voters are asked to support a bond to support the acquisition of conservation land, they are not being informed that the BOS uses that money with the RCC's consent without proper due diligence, waving of appraisals, and not having open public meetings before sealing deals to settle lawsuits.