



Ad-Hoc Committee on the Quasi-Judicial Board Approval Process
Meeting Minutes
October 1, 2025
City Hall, Second Floor Conference Room
12:00 Noon

1. Call to Order

Chair Judith Kurtz called the meeting to order at 12:00 noon.

2. Roll Call

Present: Mayor Byron Champlin, Councilor Nathan Fennessy, Chair Judith Kurtz, Councilor Todd, and Deputy City Clerk Deborah Tuite

3. Discussion – Quasi-Judicial Board Approval Process

a. Review of Committee remit

Chair Kurtz stated that the Committee was present to discuss the approval process for members of the quasi-judicial boards, particularly the Zoning Board of Adjustment and the Planning Board. Chair Kurtz indicated the role of the Committee is to consider why the Committee was formed, what the charge is, and to provide any recommendations regarding the current approval process.

b. Overview of municipal data collected from NH cities

Chair Kurtz shared that as part of her research for this committee, she had asked the City Clerk's Office to reach out to all of the cities in NH to inquire as to their process and procedures for quasi-judicial board approval. She provided a brief collation of responses, indicating that some cities, such as Rochester, have a very well-outlined process, while others do not.

Chair Kurtz indicated that the Committee was formed after a recent appointment to the Zoning Board of Adjustment was met with much concern.

Councilor Todd complimented the City Manager for being “on the ball” with appointments to the City's various boards and commissions. He pointed out that, at the next Heritage Commission meeting, under New Business, the Commission will be providing a recommendation to the City Manager regarding a potential appointee, marking a new step in the process. He noted, ultimately, it is the City Manager's prerogative to make this part of the process, and wondered if this new process was related to the zoning appointment issue.

Mayor Champlin asked, for clarification, if the City Manager had requested for the Heritage Commission to review potential candidates and make recommendations.

Chair Kurtz indicated that would be a significant procedural change.

The Committee discussed the current structure of appointments to the quasi-judicial boards and whether guidance should be created to help City Council vet candidates more thoroughly, and what that would entail.

Councilor Fennessy expressed concerns about relying too heavily on the committees to provide input, noting that members may favor individuals that they already know, which could influence others to vote similarly. He also pointed out that potential bias, such as a committee member disliking a candidate, should not be a disqualifier. He emphasized the importance of the application form in the selection process, stating that after its submission, the City Manager or Mayor should conduct their due diligence to determine if the candidate is a good fit or not. Then, it would be up to the Council to do their own due diligence. Ultimately, he indicated that he is reluctant to give the committees too much influence, as he is concerned about the impact their recommendations may have on the Council, the Mayor, and the City Manager.

Councilor Todd indicated that City Council would still be the ones to ultimately make the determination. He also expressed concern that committee recommendations could carry significant weight, and emphasized that Council must still exercise its due diligence and provide a valid rationale if choosing to go against a recommendation.

Chair Kurtz asked Councilor Todd whether his conclusion was that referring these matters to the committees would result in more harm than good. She further inquired if it would place the Council in a weaker position to issue a denial.

Councilor Todd emphasized that the Council would never be in a weaker position. He indicated that, ultimately, the Council can override committee recommendations. However, since the Council would not know the extent of the committees' due diligence, it would, depending on the situation, still need to conduct additional due diligence on its own.

Mayor Champlin acknowledged the validity of the previous concerns, and noted that he shared similar concerns with Councilor Fennessy. He recalled making past appointments that others initially had concerns about, however, those appointments proved to be valuable additions, bringing important qualities and experiences to their respective committees. He also expressed concern about a potential chilling effect, noting that if the public perceives the process as a kind of public tribunal, qualified candidates might be discouraged from applying.

Councilor Fennessy indicated that his primary concern would be that public discussions could discourage individuals from applying. Referring to the recent Zoning Board appointment, he expressed that he had perceived bias in the process. He emphasized the importance of turnover on boards to ensure a diversity of viewpoints. Councilor Fennessy stated that the Council should be looking at the quasi-judicial boards very carefully. He also indicated, however, that the Council would be putting themselves in a bad position having such a public discussion, which could at times be conceived as political. He emphasized that ultimately, the role of the Council is to ensure the City has qualified individuals serving on its boards and commissions.

Chair Kurtz indicated that she too has the same concerns, however, she emphasized that with the Zoning Board of Adjustment and the Planning Board, there needs to be opportunities for greater scrutiny, as they have a great responsibility in the community. Chair Kurtz also questioned the lengths that City Council could take in their efforts of due diligence for a candidate. She asked if the Committee could create a safety-net, offering guidance on the process. She noted that with the zoning situation, more information came out after the appointment was approved. She felt that this was not a profound failure of Council.

Councilor Fennessy noted that there is no perfect process, pointing out that the application is a great addition, along with the important role of the City Manager and the Mayor's participation. He stated that each councilor should have their own process for due diligence, however, he does not feel that there should be a process that they have to follow.

Mayor Champlin cautioned that qualifications should not be overlooked in favor of whether a person is well-liked.

Councilor Fennessy indicated that efforts should be made to seek information from more than one source as part of the fact checking process. However, he reemphasized his concerns with creating a process.

Mayor Champlin added that the Council goes through the most scrutiny in the City. He shared that he is concerned that there may be people who would have the life experience and skills to serve on a committee, but they may feel uncomfortable to apply. He went on the record to say that there are not that many vacancies on the committees within the City, pointing out that some vacancies have requirements and that is why they remain unfilled.

Chair Kurtz also shared concerns of whether the process would become subjective, as well as her concerns about the chilling effect it could have. However, she noted that she did not share that same concern when it came to quasi-judicial boards, as there needs to be a certain level of experience necessary to serve in order to adjudicate the questions brought before them. She indicated that a clearly written process would be necessary specifically for quasi-judicial boards.

Councilor Todd added that cover letters would be an important component in order to understand the qualifications individuals hold. He mentioned that some committees look for a different point of view, however, they do not necessarily want someone coming in with a specific agenda.

Mayor Champlin indicated that the first approach typically taken for quasi-judicial board recommendations involves having a conversation with the chair of the respective board.

Councilor Fennessy shared that he has represented and appeared in many communities in the State, noting that one does not need to be a professional to be a good planning or zoning board member. The individual would need to be able to review proposals, understand ordinances, and have an open mind. He pointed out that the City of Concord has had the luxury of having very qualified individuals.

Chair Kurtz drew a distinction when it came to quasi-judicial boards, recommending that board applicants must submit a cover letter, as well as at least one reference, in order to arm the Council

with as much information as possible on the candidate's background and qualifications. She felt the situation on the Zoning Board could have been prevented with more guidance, and suggested that the Committee develop a guide to help Council better understand the candidate review process, and reinforce that the Council has the liberty to make public inquiries.

Councilor Fennessy indicated that he was open to the first two recommendations, however, he struggled with how the guidance would be created, noting that discretion is very important.

Chair Kurtz agreed that full discretion is important and noted that there are currently no policies outlining what is acceptable in the due diligence process. She asked whether the Committee would consider holding a work session to explore the development of such guidance and indicated that she would begin drafting a proposal.

The Committee agreed that developing guidance would be worthwhile, however, the language should consist of simple suggestions, emphasize reasonable efforts, and provide general direction.

Councilor Fennessy made a motion to recommend as part of the process for approval for a quasi-judicial board application, an applicant would need to provide the application, in addition to a letter of interest, and at least one community recommendation. The motion was duly seconded by Councilor Todd. The motion passed unanimously. Mayor Champlin did not vote.

4. Setting of Future Meeting Dates

The following dates were proposed for a future meeting date: October 22nd, October 29th, and November 12th. Date TBD.

5. Adjournment

At 12:54 p.m., and there being no additional business, Chair Kurtz moved to adjourn the meeting.

A true copy; I attest:

*Deborah Tuite
Deputy City Clerk*