

BOARD OF SELECTMEN
Minutes of July 29, 2015

MEMBERS PRESENT: Chairman Al Letizio called the meeting to order at 3:00 PM. Selectmen Bruce Breton and Joel Desilets were present; as was Town Administrator David Sullivan. Mr. Letizio advised that Selectmen Ross McLeod and Roger Hohenberger would also be participating in the meeting via conference call. Mr. Letizio opened with the Pledge of Allegiance.

Mr. Letizio advised that at the Board's meeting on July 27 a matter had been undertaken in non-public, which ultimately should not have been. He went on to explain that the issue was time sensitive, due to it relating to a significant matter which could have been impacted by a lack of response. Mr. Letizio explained there was a potential for a large, \$30M development in the Route 111/I-93 area which would need sewer. He indicated that the developer is willing to bear the full cost of tying into the Salem line and that Mr. Sullivan had sought the Board's support of his attending a meeting with officials of the Town of Salem to gather information regarding same. Mr. Letizio advised that four (4) members of the Board had been present in the non-public, and although no vote had been taken, the consensus regarding Mr. Sullivan's attending had been split 2-2.

Mr. Sullivan explained this matter had come to his attention via the Community Development Director, and that he had brought it to the Board both to advise them and to see if the members would support he and Ms. Scott meeting with Salem to gather information on the process to implement such a sewer agreement. He noted that he would then have returned to the Board with that information before going any further; adding that Ms. Scott needs to advise the developer if the Town has any interest and, given the significance of the project, he thought it best to advise the Board.

Mr. McLeod noted that he did not believe this afternoon's meeting was necessary, and Mr. Sullivan should exercise his independent judgement unless he intends to represent the position of Board; in which case he should seek their input. He indicated that this meeting did not constitute an emergency as the matter had already been discussed on Monday evening within the timeline of the project, and noted he felt this discussion had been scheduled in attempt to garner a different result. Mr. Letizio disagreed, noting that the discussion in non-public had been inappropriate and clarifying that this meeting had not been posted as an "emergency" but rather a regular meeting.

Discussion ensued regarding the posting of this meeting, the appropriateness of the non-public discussion on Monday evening, and the lack of action taken by the Board at that time. Mr. McLeod noted that all the discussion had been on Monday was about construction of a 4-story hotel that needed sewer, and that he had no issue with Mr. Sullivan gathering information regarding same. He indicated that whether or not the Town takes over the sewer in the future is a different discussion. Mr. Sullivan reiterated that his intent on Monday had been to advise the Board that he was going to Salem to gather information; adding that a discussion had ensued in which members of the Board had expressed the feeling that he should not proceed in light of prior negative Town meeting votes regarding sewer.

Mr. Hohenberger expressed his agreement with Mr. McLeod; adding that on Monday evening he had jumped to a conclusion that Mr. Sullivan's meeting with Salem was regarding affecting a hook-up to their sewer to facilitate this development. He noted that he had no issue with Mr. Sullivan gathering information, however, no message can be sent to the developer without another Town meeting vote. Mr. McLeod concurred, and Mr. Sullivan noted that the goal is to get information as to the logistics of implementing an agreement, such as what Salem's expectations would be, so that the information is available for Ms. Scott. He stressed that nothing is being negotiated.

Mr. Letizio polled the members for a consensus, and the response from all was in the affirmative to support Mr. Sullivan meeting with Salem officials.

Mrs. Betty Dunn, Woodvue Road, approached noting that her concern was not that Mr. Sullivan speaks with anyone; but rather she was disturbed that this was discussed in non-public session on Monday evening. She indicated that the public trusts that when the Board enters into non-public under RSA 91-A it is appropriate and that, when the Board realizes they should not be discussing a matter in non-public, they get out. Mrs. Dunn asked that the Board make sure the minutes of the non-public in question are not sealed and the discussion is recorded; adding that the NH Attorney General has issued a memo regarding the right-to-know law which is available on their website.

Mr. Letizio noted that today's meeting was being held in case anything was misconstrued about Monday evening's non-public and to provide total transparency to the public. He then asked Mrs. Dunn if she had been made aware from anyone, in advance of this meeting, what had occurred in the non-public session on Monday evening; particularly from any Selectman. Mrs. Dunn responded that she had made some guesses regarding the non-public session; to which Mr. Letizio replied that was not what he had asked. He inquired again whether Mrs. Dunn had been made aware from anyone, in advance of this meeting, what had occurred in the non-public session on Monday evening; particularly from any Selectman. Mrs. Dunn then declined to answer whether anyone or any Selectman had spoken to her regarding the specifics of the non-public session.

Mr. Letizio pointed out that there were only four Selectmen in the non-public on Monday, and that specifics of that session had since been discussed publically. He indicated that should a similar occurrence take place, he will poll the Board members as to who revealed the information; clarifying that Mrs. Dunn was not required to answer his inquiry as to who had provided her the information.

Mr. Karl Dubay approached noting he had learned of this meeting, which had been properly noticed, via the Town website. He then indicated that the discussion regarding sewer is a good thing, particularly when same will be paid for privately; noting it would allow the Town to move forward in a quality way regarding Economic Development.

Mr. Breton moved and Mr. Desilets seconded to adjourn. Passed unanimously.

Meeting was adjourned at 3:25 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.