

Nonpublic Session Minutes

Town of Dalton

Date: July 22, 2024 # 2 Legal

Members Present: Jo Beth Dudley x

Thomas Dubreuil x

Eric Moore x

*Attach Typed
minutes from Jour.*

Motion to enter Nonpublic Session made by Eric seconded by Jo Beth

Specific Statutory Reason cited as foundation for the nonpublic session:

 RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

 RSA 91-A:3, II(b) The hiring of any person as a public employee.

 RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

 RSA 91-A:3, II(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

 RSA 91-A:3, II(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled

 RSA 91-A:3, II(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

Roll Call vote to enter nonpublic session:	Jo Beth Dudley	<input checked="" type="radio"/> Yes	No
	Thomas Dubreuil	<input checked="" type="radio"/> Yes	No
	Eric Moore	<input checked="" type="radio"/> Yes	No

Remove public meeting tape (if applicable).

Entered nonpublic session at 8:20 a.m./☒ p.m.

Other persons present during nonpublic session: _____

Description of matters discussed, and final decisions made: _____

Note: Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of this board, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Motion to leave nonpublic session and return to public session by Eric, seconded by Tom.

Motion: PASSED / DID NOT PASS (circle one)

Nonpublic meeting tape removed; public meeting tape replaced (if applicable).

Public session reconvened at 8:43 a.m./p.m.

Motion made to seal these minutes. If so, motion made by Tom, seconded by Eric, because it is determined that divulgence of this information likely would

____ Affect adversely the reputation of any person other than a member of this board

____ Render a proposed action ineffective

____ Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes:	Jo Beth Dudley	Yes	<u>No</u>
	Thomas Dubreuil	<u>Yes</u>	No
	Eric Moore	<u>Yes</u>	No

Motion: PASSED / DID NOT PASS (circle one)

These minutes recorded by: Jeanette Charon

unsealed 8/9/24

July 22, 2024

Executive session; Legal matters

Select board

Eric Moore, chair

Jo Beth Dudley

Thomas Dubreuil

Tom; requested that the SB meet without Jeannette.

Jo Beth requested A Reason,
NONE WAS PROVIDED.

Jo Beth; someone needs to take the minutes.

Tom; we can take our minutes.

^{YES}
Jeannette left the meeting.

Tom; I want to move to seek new council because the residents expressed their concerns to do with the town meeting and not happy they're not getting their questions answered. Also I'm sure our legal have done a great job for the select board before I came on. We do have a new select board now and I believe it's time for a new set of eye. With what has been going on I believe it is a conflict of interest.

Joe Beth; how is that a conflict of interest?

Tom; Just my opinion, I have nothing else to say on that.

Jo Beth; The Mitchell municipal group is one of the top municipal attorney firms in the state. Both Walter Mitchell (retired) and Laura Spector residing have provided excellent service to the town and that lawyer is not the attorney we usually use at town meeting.

Tom; But you told us that she fills in for the firm.

Jo Beth; She told them there is a special order to the articles that needs to be followed and she corrected that the voters can change the order of the warrant articles, including the Budget warrant article. Mr. Sweeney agreed to discuss his petition warrant article with the budget warrant article.

Tom; How come I was not included in the conversation? I've read the select board policy and it says to respect one another, what is your definition of respect? Since I've been on the board and then Eric came on the board, there has been no respect for either one of us.

Jo Beth; Why didn't you reschedule the appointment with our legal so you could talk with her? She is very good at what she does, even to the point where she even corrects me.

Tom; I did and asked her does everyone need to be here at the meeting. She told me that whole board needs to be present. Since I've been on the select board I have yet to be involved in any conversation for the past year and a half.

Jo Beth; the previous board delegated the chair, to work with legal as appropriate.

Tom; Right but for a year and a half, I've had enough of Mr. Swan undermining this select board.

Jo Beth; I don't think this is a board matter for non-public meeting.

Tom; Like hell, he has undermined both Eric and I, not once but twice. Frankly I'm tired of being on edge coming to the meeting wondering who is going to attack next.

Tom; I make a motion for Eric to seek new Legal for the town of Dalton.

Eric; second the motion.

Jo Beth; I'm going to push back; I think this meeting should have been held public.

Tom; I don't think so.

Eric; Called the vote.

Tom; voted I

Eric; voted I

Jo Beth; voted Na

Tom; Motion to seal the minuetts

Jo Beth; Said the minuetts need to be sealed back in public meeting.

Eric; Motion to go back into public meeting

Tom; Motion a second

Eric; Voted I

Tom; Voted I

Jo Beth; Voted I

Tom; Motioned to seal the minuetts

Eric; Motioned a second

Tom; voted I

Eric; voted I

Jo Beth; voted NA

Eric moved to adjourn, vote unanimous to adjourn.

mc, As

information on

statement as written THD

for the Select Board
to consider at our
next meeting

in

+ Again objected that this meeting was held
in non-public session and should have been held
in public session

SEALED MINUTES; for the protection of the legal reputation.