

**Nonpublic Session Minutes - Unsealed 8/17/23**  
**TOWN OF DEERING, NEW HAMPSHIRE**  
**#1**

**Date:** 8/3/23

<b>Members Present:</b> Roy Watson	<u>X</u>
Jill Smith	<u>X</u>
Steve Diers	<u>X</u>

**Motion to enter Nonpublic Session** made by Chair Smith seconded by Selectman Watson

**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 adverse 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.*

X RSA 91-A:3, II (l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

<b>Roll Call vote to enter nonpublic session:</b>	Roy Watson	(Y)	N
	Jill Smith	(Y)	N
	Steve Diers	(Y)	N

**Remove public meeting tape** (if applicable).

**Entered nonpublic session** at 6:30 p.m.

**Other persons present during nonpublic session:** Peter Flynn, Town Administrator

**Description of matters discussed and final decisions made. Note: Any votes taken must be recorded “in such a manner that the vote of each member is ascertained and recorded”:**

Chair Smith presented correspondence from legal counsel regarding a letter of complaint dated July 24<sup>th</sup> signed by Bob Compton, Michelle Johnson, Ed Cobbett, JP Marzullo and Bob Carter.

The Board discussed the legal guidance received in regards to meeting rules pertaining to traveling to various town sites via bus.

The Board discussed legal guidance received regarding Codman Hill Road. The Board would like to get advice from NHMA as well as Captain Cavanaugh to discuss if there are any criminal violations occurring.

Chair Smith asked for TA Flynn to send a certified letter to Mr. Super in regards to his application payment fulfillment.

Chair Smith introduced discussion around a letter received from the five residents and talked about legal counsel’s recommended response.

**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, **taken in public session**, 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 Chair Smith, seconded by Selectman Watson.

**Motion:** PASSED / DID NOT PASS (circle one)

**Nonpublic meeting tape removed, public meeting tape replaced** (if applicable).

**Public session reconvened** at 7:00p.m.

**Motion made to seal these minutes?** If so, motion made by Chair Smith, seconded by Selectman Diers, because it is determined that divulgence of this information likely would

- X   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:**

Roy Watson  
Jill Smith

<u>Y</u>	N
<u>Y</u>	N

Steve Diers

Ⓨ

N

**Motion:** PASSED / **DID NOT PASS** (circle one)

**These minutes recorded by:** Selectman Watson