

Non-Public Session Minutes
Town of Nottingham – Board of Selectmen

Date: *January 8, 2024*

Members Present:	<u>Y</u>	<u>N</u>
Ben Bartlett	x	
Matt Shirland	x	
John Morin	x	
Steve Welch	x	
Tim Dabrieo	x	

Motion to enter Non-Public Session made by *Matt Shirland*, seconded by *Tim Dabrieo*

Specific Statutory Reason cited as foundation for the nonpublic session:

- X 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, lien 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.
- ___ RSA 91-A:3, II (m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

Roll Call vote to enter nonpublic session: Remove public meeting tape (if applicable).

Roll Call Vote:	<u>Y</u>	<u>N</u>
Ben Bartlett	x	
Matt Shirland	x	
John Morin	x	
Steve Welch	x	
Tim Dabrieo	x	

Entered nonpublic session at **8:23 p.m.**

Other persons present during nonpublic session:

Ellen White, Town Administrator

Description of matters discussed, and final decisions made:

Brief discussion regarding potential litigation that may be brought forward resulting from the well concerns presented by Mr. Gonsalves. Primex has already denied coverage for any potential claims resulting.

A recent termination resulting from a verbal and physical altercation between two employees was discussed and reviewed. A resignation from another employee with in the same department resulted. Discussion on how to proceed with filling two vacancies in the department and addressing other outstanding issues. Further discussion on recruitment and retention across all departments. Positions are to be advertised.

A request for a promotion in the Police Department along with an applicable wage increase was presented for review. The Board was in favor of proceeding with the promotion and pay increase as proposed.

An email received questioning the existence of nepotism in a department was discussed. A review of actual hire dates took place as well as the personnel policy section on nepotism. In addition, prior approval by the former Town Administrator and Board of Selectmen had been given. No conflict results.

A performance review is due for the Police Chief. Ellen will schedule this for a non-public session at the next meeting on 1/22/2024. Additionally, the Recreation Director is overdue for a performance review and this should also be addressed.

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 ***John Morin***, seconded by ***Tim Dabrieo***

Motion: PASSED / ~~DID NOT PASS~~

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

Public session reconvened at 9:27 p.m.

Motion made to seal these minutes? **No** If so, motion made by _____, seconded by _____ because it is determined that divulgence of this information likely would...

