

Board members present: Chairwoman Dennis and Selectman LaCourse

Others present: Paul and Annie Gasowski, Roger Rice, Town Secretary Denise Duval and Town Administrator Julie Glover.

1. Selectwoman Dennis calls the meeting to order at **6:00 pm** and asks the Board members if it accepts the Agenda as presented. There is no opposition.
2. Chairwoman Dennis states that the meeting tonight is to discuss the allegations of a violation of the oath of office which prohibits disclosure to the public of any information which that office learned by virtue of his official position, or in the course of his official duties, during a non-public session held under NH RSA 91-A.
3. Chairman Dennis reads a statement that has been drafted with the guidance of Attorney Somers.

“It has come to our attention that a member of this Board may have violated the trust and confidence of the public by disclosing information that was learned in a non-public session to a member of the public.

We believe that Selectman Bugbee may have violated his Oath of Office by allegedly doing so. We need to be careful during tonight’s discussion not to disclose the same non-public information to the public audience, and although it is difficult, this must take place during a public session to ensure our citizens that this Board intends to faithfully maintain openness in the conduct of public business and to hold ourselves, and each other, accountable should we falter in that regard.

We want you to know that we find this type of behavior, if proven to be true, unacceptable and want to be on the record as stating that we believe in the principles of New Hampshire’s Right-to-Know law.”

4. Chairman Dennis asks TA Glover to share some information about the RSA and submit some information about why the Board might be in non-public.
5. TA Glover states that under NH’s Right-to-Know law aka RSA 91-A the only reasons that public bodies can go into non-public session are as follows:
 - (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 has a right to a meeting and requests that the meeting be open.
 - (b) The hiring of any person as a public employee.
 - (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person other than a member of the public body itself, unless such person requests an open meeting.
 - (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.

- (e) Consideration or negotiation of pending claims or litigation.
- (f) Consideration of applications by the adult parole board.
- (g) Consideration of security-related issues bearing on the immediate safety of security personnel.
- (h) Consideration of applications by the business finance authority.
- (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, etc.
- (j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A: 5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

TA Glover states that when a public body goes into a non-public session the law is quite clear and specific that the items that are discussed in non-public are not to be revealed to members of the public. It is considered so serious that there are two other statutes related to this. One is RSA 91-A:8 which covers both this and if any public body or public agency or officer, employee, or other official thereof, violates any provisions of the Chapter 91-A, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred, provided that the court finds that such lawsuit was necessary.... In other words if anyone of us or member of a public body is in violation of any of the provisions of 91-A the remedy is in Superior Court and the statute goes on to say that the court shall impose a civil penalty against the individual if the court finds that the person was in violation.

In addition, RSA 42:1-a Manner of Dismissal and Breach of Confidentiality. "The manner of dismissing a town officer who violates the oath as set forth in RSA 42:1 shall be by petition to the superior court for the county in which the town is located. The reasons for such dismissal is that it is a violation of a town officer's oath for the officer to divulge to the public any information which that officer learned by virtue of his official position, or in the course of his official duties if the Board properly voted to withhold the information from the public by the appropriate vote or if the officer knew or reasonable should have known that the information was exempt from disclosure."

This tells us that this is a serious matter if someone violates the provisions of 91-A and that RSA 42:1-a (the manner of dismissal) talks about how a publically elected official can be removed from office.

TA Glover states to the public that Mr. Bugbee elected not to be at this meeting. It was not at the direction of the Board. It was his choice.

Selectman LaCourse has no comments at this time.

6. Chairwoman Dennis motions to adjourn at 6:06 pm. Selectman LaCourse, seconds. All in favor. **Motion Carries.**

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Minutes transcribed by:

Denise Duval, Town Secretary

Date

6/26/15

Minutes accepted by The Lee Select Board:



Carole Dennis, Chairwoman

Scott Bugbee



John LaCourse