

## UNAPPROVED

### **Minutes from Non-Public Session on 5.6.24**

Following the pledge of allegiance during the regularly scheduled Town Council meeting on 5.6.24, a motion was made by Vice Chairman Combes to enter a non-public session pursuant to RSA 91:A-3 II(f) for the consideration of legal advice provided by legal counsel. It was seconded by Councilor Dunn and a roll call vote was taken, with each member of the Town Council voting in favor.

All 5 members of the Council left the Moose Hill Room and moved to the TM Conference room on the second floor of Town Hall along with the Town Manager and Assistant Town Manager.

Attorney Megan Carrier indicated she had reviewed the Code of Ethics complaint made by Kristine Perez against Councilor Farrell, which had been received by the Town Manager and Chairman Franz on May 3, 2024 and referred by them to Attorney Carrier. She stated she reviewed the Code of Ethics, which requires complaints to be investigated. For purposes of her analysis, Attorney Carrier assumed the truth of the allegations. Having done so, she concluded that Ms. Perez's complaint does not allege conduct that would violate the Code of Ethics or fall within the scope of the Code of Ethics. She provided a list of prohibited conduct, including conflicts of interest, a failure to recuse in quasi-judicial actions, a failure to disclose, unfair personal use of town property, misuse of confidential information, improper gifts, and failure to cooperate with an investigation. Attorney Carrier indicated that Ms. Perez does not allege such prohibited conduct in her complaint.

Chairman Franz entertained a motion made by Vice Chairman Combes to close this matter with no further action based on the findings and advice supplied by Attorney Carrier. Councilor Faber seconded the motion. The motion carried unanimously, with Councilor Farrell abstaining. Chairman Franz asked the Town Manager what the next steps are? The Town Manager indicated the minutes would be unsealed unless the Council makes a motion to seal them upon returning to public session. A discussion followed whether to seal Attorney Carrier's advice. The Council determined that neither the minutes nor Attorney Carrier's advice should be sealed.

At approximately 7:10 p.m. the Councilors returned to the Moose Hill Chambers and the meeting.

A motion was made by Vice Chair Combes to end the non-public session and return to the public meeting. The motion was seconded by Councilor Faber and all voted in favor by roll call vote.

Minutes taken and prepared by: Mike Malaguti