

Approved on: 20 Nov 19  
BOS Initial: pmr  
Rec'd by Town Clerk on: 11/26/19  
Town Clerk Initials: abm

**Non-Public Session Minutes**  
**1 of 2**  
**Thornton Board of Selectmen**

**Date:** 11/06/19

**Members Present:**

[Brad Benton]	X Selectman – Chairman
[Roy Sabourn]	X Selectman – Vice Chair
[Marianne Peabody]	X Selectwoman
[John F. Gaites]	X Selectman
[Joseph M. Monti]	X Selectman

**Motion to enter Nonpublic Session** made by Selectman R. Sabourn seconded by Selectwoman M. Peabody.

**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 against this board or any subdivision thereof, 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.*

**Roll Call vote** to enter nonpublic session:

[Selectman Brad Benton]	Yes
[Selectman Roy Sabourn]	Yes
[Selectwoman Marianne Peabody]	Yes
[Selectman John F. Gaites]	Yes
[Selectman Joseph M. Monti]	Yes

**Remove public meeting tape.**

**Entered nonpublic session at 4:36 pm.**

Other persons present during nonpublic session: Town Administrator Debra Shepard.

Description of matters discussed and final decisions made:

### **Legal**

**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 made to seal these minutes?** If so, motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, 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:**

Y or N

Y or N

Y or N

**Motion to leave nonpublic session** and return to public session by Selectman R. Sabourn seconded by Selectwoman M. Peabody

**Motion: PASSED**

**Public meeting tape replaced** (if applicable).

**Public session reconvened at 5:08 PM**

**These minutes recorded by:** Town Administrator Debra Shepard

Draft minutes posted 11/7/19 at Thornton Town Hall.