

Note: Draft minutes are subject to corrections, additions and deletions.

DRAFT Minutes of Non-public Session on December 4, 2017 (Not Sealed)

8:21 PM Public session in the Selectmen's Conference Room

On MOTION of Selectman Barnes, SECONDED by Selectman Bridle, the Board of Selectmen voted unanimously by roll call (5-0) to go into a non-public session at 8:21 PM under RSA 91-A:3, II (e) [litigation].

PRESENT: Jim Waddell, Chairman
Regina Barnes, Vice-Chairman
Rick Griffin, Selectman
Phil Bean, Selectman
Rusty Bridle, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

1. Appeal from Administrative order in Water Council Docket No. 17-03 WC

Town Attorney Gearreald explained the terms upon which the Town's Administrative Appeal to the Water Council from the DES Administrative Order following the marsh pipe rupture was to be concluded. The Board had previously approved the settlement direction taken by outside counsel George Moore in dealing with the Attorney General's Office and based this morning's 2nd Pre-hearing conference, the resolution can be achieved. In return for DPW's implementation of an SOP involving additional monitoring efforts, DES will be withdrawing the Administrative Order without prejudice, and the Town will be withdrawing its appeal.

On MOTION of Selectman Bean, SECONDED by Selectman Barnes, passed unanimously (5-0), the Selectmen gave formal approval to this resolution of the case. The Town Attorney will communicate this approval to Attorney Moore.

2. Materials to be provided to Budget Committee on Litigation

Town Attorney Gearreald provided to the Board the materials on litigation that he has developed to provide to the Budget Committee on Thursday, December 7, 2017 when the Legal Department's budget is to be presented. As directed by the Board of Selectmen, there will not be a discussion of litigation in a non-public session with the Budget Committee and the cases will not be discussed with the Committee in the public session beyond what is public information. The Town Attorney also indicated that the Finance Department had updated a chart to be provided to the Budget Committee showing the history of Legal Department expenditures and budgets since its inception in 2003.

On MOTION of Selectman Griffin, SECONDED by Selectman Barnes, passed unanimously (5-0), the Selectmen gave formal approval to the Town Attorney's providing these materials to the Budget Committee.

At 8:30 PM, on MOTION of Selectman Barnes, SECONDED by Selectmen Bridle, the Board of Selectmen voted unanimously by roll call (5-0) to adjourn the non-public session and returned to their public session.

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On MOTION of Selectman Barnes, SECONDED by Selectman Bridle, the Selectmen voted unanimously to adjourn their public session at 8:31 PM.

Respectfully submitted,

James Waddell, Chairman
For the Board