

# TOWN OF HILL SELECTMEN'S MEETING

August 9, 2023

**Selectmen Present:** Shaun Bresnahan Chairman, Frank Razzaboni, Stephen Thomson & Lisa Seymour (Administrative Assistant)

**Selectmen Absent:** None

**Public:** David Thomson

Shaun Bresnahan brought the meeting to order at 5:30 pm.

Emergency Meeting to discuss RSA 91A in reference to right to know request and how best to comply with Mr. Estes request.

Shaun Bresnahan discussed the email we all received from Mr. Estes requesting the Emergency Meeting schedule for August 8<sup>th</sup> at 5:30 be recorded via audio/video and included as part of the RTK request for production of documents. Shaun stated that the selectmen have no town equipment available to record the meeting which means someone's personnel device would be needed to record and store the media file. No one wished to volunteer to do this.

Stephen Thomson said that we don't need to record the meeting because we have a secretary that can take the minutes.

The RSA 91a requires at a minimum the requester receives notification the request has been received and when the materials will be available within 5 business days. Business days are the days that the office is staffed for business. For our purposes this would be M-Thurs confirmed with town counsel. *91-A:2 IV b If a public or agency is unable to make a governmental record available for immediate inspection and copying the public body or agency shall, within 5 business days of a request: (1) make such record available; (2) Deny the request; or (3) provide a written statement of the time reasonably to determine whether the request shall be granted or denied and the reason for the delay.*

There was discussion on what is being requested and the work that is ongoing with the town audit. A motion was made by Stephen Thomson to notify Mr. Estes that we have received his request and will need additional time to prepare all of his documents. Frank Razzaboni seconded the request and there was a unanimous vote of YES.

Shaun Bresnahan stated that the process of pulling documents together has begun and those documents are in a purple folder. Shaun has also put together a checklist and when all documents have been completed Shaun would like all three of the selectmen to review the information. Frank Razzaboni that sounds like a reasonable request.

Stephen Thomson said where do we begin, he doesn't agree with the emergency meeting because RSA 91A is very clear and why are having this meeting. The office is where documents are stored. He asks Shaun and Frank if they have official documents at home. Both answer NO. So why are selectmen asked to fulfill this request. Stephen Thomson said frankly we are in this position because of Shaun's reply. To which Shaun replied yes and that was a mistake.

Stephen makes the case that since official documents for the sake of 91a are stored in this office it should be handled by the office and the Admin. Assistant that physically files them.

Stephen Thomson asked why are we as the board of selectmen involved in this request? Under RSA 33A the clerk of each board is the one responsible for keeping and providing documents. Stephen asked why are the selectmen fulfilling the request again? And after discussion the is agreement that yes, the Admin Assistant should be the one to pull the requested documents that are available and covered under RSA 91a.

Stephen Thomson reads the following: *Exemptions under RSA 91-A:5 The following governmental records are exempted from the provisions of this chapter: VIII any notes or other materials made for personal use that do not have an official purpose, including but not limited to, notes and materials made prior to, during, or after a governmental proceeding. IX preliminary drafts, note, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body.*

Stephen Thomson stated the ZBA and Planning Board minutes and documents are retained by the secretary.

Frank Razzaboni stated that the information that was presented to Mr. Estes last Friday was not close to being acceptable. We should be involved to ensure his request is complete. Stephen Thomson replied WE shouldn't be involved. The Board is not the one who maintains the documents. Shaun Bresnahan said this doesn't mean that Lisa couldn't ask one of us a question for guidance? Stephen agreed this would be reasonable as long it was asked to more than one selectman. Frank Razzaboni said he concerned the request isn't fulfilled to Mr. Estes satisfaction.

David Thomson asked why are we letting people look at personal communications? People have become accustomed to just complying with anything they are requested to do.

Stephen Thomson stated that he started researching this heavily to see why the selectmen are involved. It's a simple process a request was made and the secretary should produce the request the Selectmen are not following the RSA 91A request at face value this just got out control. Shaun Bresnahan said the Mr. Estes tends to elaborate on things outside of his request for documents which can make it difficult to determine what is requested. Stephen Thomson this a mountain of madness for nothing. Stephen Thomson's position is he objects to this request being fulfilled by The Selectmen. Stephen Thomson doesn't want any part of fulfilling this request. No private notes should be part of this request which is clearly stated in RSA 91-A:5. Stephen asked Frank if he had shared his notes, Frank; Frank NO. Did you share yours with me; Frank NO. Did anyone share notes with Shaun? No; personal notes were never disclosed to the quorum of the board they are not relevant.

Stephen Thomson reviewed the record retention RSA 33-3A and stated that we should have a policy.

Frank Razzaboni mentioned that there is bad blood between Mr. Estes and the selectmen. Stephen Thomson said the he is trying to stop the bad blood.

David Thomson asked if he wants a 91A request he should contact Lisa Seymour? Stephen Thomson said yes, she if the buffer between the Selectmen and the requester.

Stephen Thomson has been receiving and reading the emails and text messages but doesn't respond because it would constitute a meeting and it's not posted per RSA 91A.

Going forward if a selectman needs to contacted it will be done via email from the Admin Assistant to just that person.

Frank Razzaboni has removed town email from his personnel devices and all correspondence will go through the Selectmen's office and he will access email from the web browser.

Shaun Bresnahan said that I messed up and take responsibility for that.

Shaun Bresnahan envisions fulfilling Mr. Estes request will take some time which we don't have enough of. Stephen Thomson mentioned two things in reference to the 91A request. The reply needs to come from this office ([hillselectmen@comcast.net](mailto:hillselectmen@comcast.net)) and that a response be sent tomorrow, that the request was received and we will have the information in a time frame that the Admin. Assistant can accomplish up to 30 days.

Frank Razzaboni made a motion that for a right to know request the Selectmen's office is the primary location for the 91A request. Stephen Thomson seconded the motion. All in favor.

Lisa Seymour asked for clarification on quorums. If the board has three members and two are having a conversation outside does this constitute a possible meeting? Shaun Bresnahan, Frank Razzaboni and Stephen Thomson replied yes. But there is a grey area, is this a chance meeting? Are they actually discussing and deliberating town business or just talking about non-business things?

Lisa feels the information being requested will take a minimum of two more weeks to gather with the audit in progress. Stephen replies we can't set that you need to determine what is possible.

With no further business to conduct, Stephen Thomson made the motion to adjourn the meeting and Francis Razzaboni seconded the motion. Motion passed unanimously motion at 6:15 pm.

Respectfully Submitted,

Lisa Seymour

Shaun Bresnahan, Chair

Frank Razzaboni

Stephen Thomson

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