

**Unapproved  
Candia's Selectmen's Public Meeting Minutes  
August 9, 2013**

**Attendance:** Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Dick Snow, Selectman Amanda Soares, Selectman David DePuy, and Administrative Assistant Andria Hansen.

**5:00 P.M.** Chairman Kelley called the meeting to order. *Chairman Kelley motioned to seal the meeting minutes of August 6<sup>th</sup>, 2013. Seconded by Selectman Robie. Chairman Kelley, Selectman Robie, Selectman Depuy were in favor. Selectman Soares and Selectman Snow were opposed.* Selectman Snow and Selectman Soares said they were not in favor of sealing the minutes. Selectman Robie thought they just voted. Selectman Snow said the motion failed, because it needs a 2/3<sup>rd</sup> to seal the minutes and 3/5<sup>th</sup> voted yes. Selectman Snow reiterated it takes a 2/3<sup>rd</sup> vote to seal the minutes. Chairman Kelley didn't think this was right. Selectman Snow said it's what the statute says. He noted 2/3<sup>rd</sup> beats 3/5<sup>th</sup>. Selectman DePuy thought the minutes should be sealed, because if it's in the statute for a non public meeting and it involves personnel. Selectman Snow believed before the minutes go out, if there is any information in there that is confidential you just redact it. Sealing the entire minutes didn't make sense; they didn't make any decisions or a motion. Selectman Soares said you cannot change the minutes. There wasn't anything in the minutes that was confidential, that will cause any problems for anyone. It won't cause any harm to anyone involved. She can't just alter the minutes; they have to be written as it happened. Selectman Snow said if the minutes are not accurate for some reason the Board has the ability to change them by redacting stuff. There is statute that says it's confidential. Selectman Soares said she wanted the minutes to reflect what happened at the meeting if we weren't going to seal them. Selectman DePuy said they had a personnel issue that was involved and they had a non public meeting as a result of that. They had a discussion in a non public meeting and he thought it was appropriate for the benefit of the employee involved to have the minutes sealed. He felt that personnel matters and the benefit of the person involved the minutes should be sealed. Selectman Snow thought they could redact them without sealing them. He didn't think it was appropriate to seal them. Chairman Kelley felt that they should and personnel matters don't need to be out in the papers and all over town. He didn't think it was fair to the person who requested the non public. Selectman Snow noted the Board didn't make any decisions. Selectmen's Assistant Hansen pointed out that the office received a request for a copy of the non public minutes. So at 6:00 p.m. the minutes could be released to the public and they wouldn't have an opportunity to redact anything from the minutes. Selectman Snow replied you could say that the public can't have them yet and there is five business days to redact them. Selectmen's Assistant Hansen clarified that Selectman Snow was saying they have and additional five days after the 72 hours they have to be made available. Selectman Snow replied you don't have to hand out minutes to anyone right now, you can tell people they can't have them because we have to redact the information on them. Chairman Kelley didn't think you could do that. According to Town Counsel they should not go out because it involves personnel and they should be sealed. Selectman Snow disagreed with that. Chairman Kelley noted the person who asked for the non public didn't want the minutes going out either. Selectman DePuy suggested voting to seal the minutes this evening and then they can look at them. If the Board wants to they can unseal them at a later date they can, but for the protection of the employee they

should seal them now. They can seal them now, review them at our next meeting, and if there is something they think can be released they can redact what they think needs to be. Selectman Soares stated if you vote to seal them and then pick and choose what to release that is not acceptable. If you are going to release them, you should release all of the minutes as it happened. If you are going pick and choose you are not putting forward what really transpired. People want to know why we have had three non public meetings in a month and they are just getting little bits of what went on. They don't get the whole picture and it's not fair to the public. It's not an accurate representation of what really happened. She understood trying to protect the employee, but you can't pick and choose what you want to give the public. They should release them or seal them. Selectman DePuy noted between now and then they will have the opportunity to speak with Town Counsel to see if that is the case or not. Selectman Snow noted there could be confidential information in the minutes that could be illegal for us to release. Selectman Soares said this is why she is not voting to have them sealed and there is information in the minutes that should be release to the public. Selectman DePuy asked if they have ever unsealed minutes. Chairman Kelley said no it's never happened. Selectman Robie said he didn't understand why they had a non public on a personnel issue, spend an hour and half working things out for our community. They seemed to come to some resolve. It should be our business to work that out with the employee. Selectman Snow agreed there were some things said that should be redacted. Selectman Robie said this is why we had a non public meeting to resolve the issues. He thought they did and he didn't see why he spent over an hour working something out. They can let everyone work it out. They'll have one of their dog and pony shows that happen on Monday nights. If they are not going to take care of this in a proper manner he isn't going to do this anymore. Selectman Snow agreed it was a good meeting and they a good discussion, but they never made a motion or a decision. Selectman Robie said they made a decision and it is what it is. Selectman Snow said if they seal the minutes it could be a public relations problem. He noted that he will vote to seal them until they have a chance to review them and at that point in time they can unseal them. Selectman Robie said the Administrative Assistant Hansen's minutes are going to be thorough and they will be written like it was. Selectman Snow said he wasn't suggesting adjusting them, but they can redact them. Selectman Robie said that is why we had a non public. Selectman Soares said they need to remember to seal the minutes and no one goes to the newspaper telling them when we didn't seal the minutes. Selectman Robie wanted to how the newspaper reporter knows we are having a non public meeting and calling up the days after and asking for the minutes. He demanded them from our office help and questioned if someone on the Board called them. Selectman Snow said he didn't know how he found out. The meeting is noticed on the website and people want to know why we are having private meetings again. Chairman Kelley said stop saying a secret meeting, you sound like some citizens. Selectman Snow apologized and said he was quoting what he saw. Selectman Robie said just for public record the employee requested a non public meeting. This should be the Board's business to keep it non public. If the Board called the employee in it could be different. *Selectman Snow stated that he would change his vote to seal the non public meeting minutes of August 6<sup>th</sup>, 2013. Chairman Kelley, Selectman Robie, Selectman Snow, Selectman Depuy were in favor. Selectman Soares was opposed. Motion carried on a vote of 4 to 1.*