

Exeter All Boards/Committees/Commissions
NHMA 91-A (Right-to-Know) Training
October 18, 2023
6:30 pm
Exeter Public Library

Minutes

The meeting opened at 6:33 pm.

Attendees: Niko Papakonstantis, Select Board Chair; Nancy Belanger, Select Board Member; Russ Dean, Town Manager; Richard Huber, River Advisory Committee; Martha McEntee, Communications Advisory Committee; Pam Gjettum, Exeter Housing Authority, Historic District Commission, Heritage Commission; Theresa Page, Zoning Board of Adjustment; Lindsay Sonnett, Housing Advisory Committee; Peter Lennon, Trustees of the Trust Funds; Laura Syskiel – Library Trustees; Dwane Staples, Swasey Parkway Trustees; Langdon Plumer, Planning Board, Rockingham Planning Commission; Boyd Allen, Exeter Housing Authority; Renay Allen, Energy Committee; Kate Miller, Moderator; Corey Stevens, Finance Director; Steve Baily, Network Administrator; Hope Godino, Library Director; Pam McElroy, Sr. Executive Assistant to the Town Manager.

Welcome Attorney Stephen Buckley, NHMA Legal Services Counsel

Review Right-to-Know Law – Governmental Meetings & Records slides:

Meetings Among Public Body Members Outside of Public Meetings:

Regarding emails – suggest use of “bcc” – do not “reply all”.

“Public Body”:

Renay Allen asked if there is a committee member that attends less than ½ the meetings, is there a discipline? Attorney Buckley said it depends on the Board/Committee/Commission – a Land Use Board is different from a Budget Committee. Suggested going to the Select Board to decide.

Martha McEntee asked how to explain to volunteers and the public that the meeting cannot be held due to not having a quorum. Attorney Buckley suggested the members of the committee check in before the meeting and the Chair of the committee stay in contact with the members of the committee.

Dick Huber asked if there is not a quorum, but there is a presenter and the meeting is being videoed, is it ok to hold the meeting? Attorney Buckley said no.

What are the Requirements of a Public Meeting?:

Public notice:

Date, Time, Location – must be posted with in 24 hours (not holidays/weekends) and in 2 public places – website counts as 1 location.

Open to the public:

ANY member of the public – not only residents.

NO secret ballot (ie texting each other).

Public has the right to record meetings, but their recording can not interfere with the meeting itself. Dwane Staples asked if a member of the committee can request a copy of the recording. Attorney Buckley said that might not be a good idea. Theresa Page asked what open to the public means (open meeting? physically open location?) Attorney Buckley said a publicly accessible building and ability to participate when appropriate.

Meeting Minutes:

The following must be included in minutes: who is present (physical and on video or phone), subject of the meeting, decisions made, names of participants and their legal address, motions made by who and who seconded the motion.

“Posting Requirements”

Website: either notice on the website cover page or where to find meetings/agendas. Exeter’s landing page is the upper right hand corner.

Emergency Meeting: If less than 24 hours, minutes must state emergency – may refer to RSA.

What is an Emergency? & Notice Requirements:

May use “Reverse 911” to inform residents. Must post outside Town Hall/Offices.

“Electronic Communications”:

Nancy Belanger asked how long emails should be preserved. Attorney Buckley said there are 156 categories regarding retention schedules. Administrative is usually 1 year. Welfare 4 years. Transitory (TM email to Dept Heads) – could be deleted after the meeting.

Public Comment:

Chair of Board/Committee/Commission may set rules/order.

Time to speak (3-4 minutes)

Sign-up prior

Limit to agenda

Public Comment: Some Observations:

Suggest having rules in writing.
Be careful of viewpoint discrimination.
Suggest having Police Officer in room to observe.

Public Meeting Minutes 91-A:2:

Martha McEntee asked about availability of minutes to the public. Attorney Buckley said a hard copy must be available at the Town Office for public viewing. If the copy is a draft, make sure it's marked as such.

Richard Huber asked if the minutes must be posted within 5 days if the meeting video has been posted for public access. Attorney Buckley said yes, minutes MUST be available within 5 days in a public place (suggested Town Clerk Office). Richard Huber suggested the draft form be minimal and the final version be detailed.

Attorney Buckley said minutes don't have to be posted on the Town website, but the website should state where minutes can be obtained (ie Town Clerk Office).

Peter Lennon asked about minutes not available until the next meeting, which could be 1 month later? Attorney Buckley said minutes must be posted within 5 days (use draft form).

Nonpublic Sessions RSA 91-A:3

Nonpublic session is held within a meeting – not it's own meeting. The Board/Committee/Commission must motion to move to Nonpublic Session and receive a second to the motion. They then excuse themselves or excuse the non-Committee members to leave the room for the nonpublic session.

RSA 91-A:3, II (a) dismissal, promotion, compensation, discipline, investigation of charges concerning a public employee:

Niko Papakonstantis asked if this is appropriate for wage information regarding wages and classifications. Attorney Buckley said if the nonpublic session is not about a single employee, it is not a nonpublic session.

New Law: HB 108 – Maintain List of Nonpublic Meeting Minutes:

Required to keep a list of nonpublic sessions (in addition to other requirements listed in the slide presentation).

RSA 91-A:4, I: Any Citizen Can Request Records

Attorney Buckley suggests the requestor make an appointment to view records.

Mandated Access to Certain Records:

Attorney Buckley suggests keeping the “raw” materials until the meeting minutes are approved.

Basics of Record Production:

Corey Stevens asked if it's reasonable to suggest someone requesting minutes look on the website. Attorney Buckley said yes, but if they want hard paper copies, let them know the cost and that payment is expected in advance of production of said copies.

Meeting adjourned: 8:35 pm