

Board of Selectmen Minutes 02/12/2015

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Board of Selectmen	February 12, 2015
Regular Meeting	Selectmen's Hearing Room, Town Hall

Present:	David Nelson, Chairman
	Philip Crawford, Selectman
	Thomas Terranova Jr., Selectman

Chairman Nelson called the meeting to order at 8:15 a.m. He announced that the meeting was being taped for cable television transmission and led those assembled in the Pledge of Allegiance.

Delegation of investigation of and response to Open Meeting Law complaint

Town Administrator James Boudreau said that the Board received an Open Meeting Law complaint filed by Selectman Terranova alleging a violation by Chairman Nelson and Selectman Crawford on January 5, subsequent to the Board's meeting.

Chairman Nelson said the Board has in the past delegated the investigation of and response to such complaints to Town Counsel Thomas Mullen.

Selectman Crawford offered a motion to delegate the investigation of and response to this complaint to Town Counsel Thomas Mullen. Selectman Terranova noted that town counsel is hired by the Board and questioned his independence as a result. Mr. Boudreau said town counsel represents the Board and will investigate without prejudice or bias. Selectman Terranova asked whether an ethical issue arises out of town counsel investigating a complaint when he is hired by the Board. Mr. Boudreau said that town counsel must rule in every case in which the Board is involved.

Selectman Terranova asked if it is different in this case because it involves one selectman against two others. Mr. Boudreau said town counsel's job to represent the Board and make an investigation. He and Chairman Nelson said if there were an ethical issue, Mr. Mullen would have advised the Board of it. Selectman Terranova asked whether Mr. Mullen had been asked about this issue. Mr. Boudreau said he did not ask him specifically about this issue. He said that town counsel's job is to represent the Board as an entity and that he is charged with making a fair investigation. Selectman Terranova said he would like to see Mr. Mullen explore this question with the Board of Bar Overseers to ensure there is no ethical issue. Mr. Boudreau said if there is an ethical issue regarding Mr. Mullen handling this complaint, there would be with his handling the complaint of Selectman Crawford against Selectman Terranova, as the Board voted last week, as well.

On the motion of Selectman Crawford, duly seconded by Chairman Nelson, the Board voted 2-1 (Selectman Terranova opposed) to delegate the investigation of and response to this complaint to Town Counsel Thomas Mullen.

Selectman Terranova said he opposed the motion because Mr. Mullen will not be required to ask the Board of Bar Overseers about the ethical issue raised.

Mr. Boudreau said he will ask Mr. Mullen about the issue raised by Selectman Terranova.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to adjourn at 8:20 p.m.