

# Tilton-Northfield Fire & EMS Commissioners' Meeting

Meeting Called By: Commissioners

Date, Time: 01/24/2023, 5:30 PM

Transcribed By: Beth Joslin

Location: Tilton Town Hall  
Downstairs Meeting Room  
257 Main Street  
Tilton NH

## Call to Order

Commissioner Pyra called the meeting to order at 5:30 PM.

## Attendance

Commissioners Paul Auger, Eric Pyra; Deputy Chief Michael Robinson, Deputy Chief Sean Valovane and Administration Manager Kathy Tobine

Public: Kevin Waldron

## Elect Chair

Commissioners Paul Auger made a motion for Commissioner Eric Pyra to be chair for the rest of the term. Commissioner Pyra seconded the motion. There being no discussion, vote was taken. Motion passed.

## Public Comment

Kevin Waldron commented that there was an email regarding a meeting with the Building Committee and the Board. He would like the Board to change the meeting with the Building Committee from the 7<sup>th</sup> to the 9<sup>th</sup>. Discussion ensued regarding the date of the meeting.

## Correspondence

### Jon Cilley Resignation

Commissioner Pyra read Jon Cilley's letter of resignation into the record.

*Date: January 18, 2023*

*To: Commissioner Paul Auger*

*Commissioner Eric Pyra*

*Tilton-Northfield Fire & EMS*

*Address: 12 Center St., Tilton, NH 03276*

*Phone: 603-286-4781*

*Dear Commissioners,*

*This letter represents my official notice of resignation from my position of Fire Commissioner with the Tilton-Northfield Fire & EMS District. which is to be made final on the 19th day of January, 2023.*

*I regretfully announce this decision due to a changing location for our family's home of residence outside of Northfield, NH which is to happen in mid-March.*

*I have appreciated the opportunities I have experienced representing my community to the Fire District as a Commissioner and involvement in the potential future Tilton-Northfield Stationing plan. It is unfortunate that I am not able to complete my term, as I feel there are some*

*significant projects that I wanted to see through completion as well as transitioning to the next Fire Chief.*

*I hope the notice-period is enough for you to notify the public in time for upcoming elections to fill through voting two representative positions from Northfield.*

*I am interested in filling the position vacancy as an appointed member from the public through the annual district meeting, at which point the newly elected commissioners can be sworn in.*

*Sincerely,*

*Jon P. Cilley*

Discussion ensued regarding appointment. Commissioner Pyra made a motion to appoint Jon Cilley to fill the position of Commissioner until District Meeting on March 20<sup>th</sup>. Commissioner Auger seconded the motion. There being no discussion, vote was taken. Motion passed.

Discussion regarding commissioner representative on the building committee. Discussed again the meeting dates for the Commissioners and Building committee to get together for a meeting. Kathy to send out an email to the committee chairman, Paul Blaisdell, to verify that its ok to move their meeting from Thursday to Wednesday Feb 8<sup>th</sup>.

Paul Fitzgerald

Commissioner Pyra read Attorney Fitzgerald's correspondence into the record.

*January 18, 2023*

*Tilton -Northfield Fire Commission*

*12 Center Street*

*Tilton, NH 03276*

*Re: RSA 91-A*

*Dear Commissioners,*

*Chief Michael Sitar has made me aware that there have been recent claims that certain activities on behalf of the Fire District may have violated RSA 91-A, New Hampshire's Right-to-Know Law. After reviewing the matter with the Chief and reading a recent related press account, I am of the opinion that there was no violation of the statute as alleged.*

*As I understand it, the factual background of this matter is as follows:*

*The Fire Commissioners previously appointed a subcommittee to assist in the gathering of certain information regarding the design and building of a new fire station within the District. The committee was comprised of seven members: four residents of the District, a Career member representative, a Call member representative, and a representative from the Fire Commissioners. After some information had been gathered, the Chief spoke individually and separately with one representative and the committee Chairman in an effort to formulate additional questions to be posed to prospective consultants for the project. Based upon those consultations, the Chief edited and formulated the questions and then forwarded them on to the consultants for review and response.*

*To begin the analysis, RSA 91-A: 1(a) and RSA 91-A:2 make it clear that the statute applies to subcommittees and formal advisory groups and so in my opinion the subcommittee formed by the Fire Commission in this matter would need to follow the dictates of the statute including publishing notice of its meetings at least 24 hours in advance, retaining appropriate minutes, etc. However, for purposes of determining the legality of the conversations under review, it is important to note that subsection 1 of 91-A:2 defines a formal of the membership of a public body ... ", which in this case would mean the presence and participation of four (4) members of the six (6) person advisory committee. That did not occur. In this case two (2) individual members were consulted by the Chief and then he*

*moved forward with further gathering of information based on those two consultations. It is important to note that even though they were separate and individual conversations, if four (4) members of the committee had been involved then under the statute and case law a violation would have occurred because sequential conversations or "phone trees" cannot be used to circumvent the statute's requirements. In this case, there was no convening of a quorum nor was a quorum consulted either as a group or sequentially. Consequently, in my view, there has been no violation of the statute relating to these communications as described above.*

*I am also aware that it has been suggested that an appropriate remedy to the situation would be the resignation or removal of the two contacted members from the advisory committee. In my view, the statute does not call for that step even if a violation had occurred. I believe that the appropriate remedy, and the one most likely to be imposed by a reviewing court if judicial review was ever sought, would be to enjoin the participants from future violations and perhaps have the process repeated as a public session. However, where no violation occurred in this instance, no such remedial steps are necessary.*

*Please feel free to contact me should you have further questions on this matter.*

*Sincerely,*

*Paul T. Fitzgerald  
Westcott Law*

Commissioner Auger asked Kevin if that information answered his concerns. Kevin replied that he didn't believe him and feels the district needs a new lawyer. Regardless of what the lawyer says it looks bad and is highly immoral. Commissioners commented that they want the committee members' opinions. Discussion ensued regarding committee members who expressed their opinions from the previous meeting.

#### Summons

It was agreed that this would be discussed in non-public session.

#### **Old Business**

##### DRA Pre Review Comments

The changes and recommendations made by the DRA regarding the Warrant Articles were reviewed.

#### **Meeting Minutes**

##### January 12, 2023

Commissioner Auger made a motion to accept the minutes of January 12, 2023, as corrected. Commissioner Pyra seconded the motion. There being no discussion, vote was taken. Motion passed.

#### **Any Other Business**

#### **Meeting Dates**

The next regular meeting will be February 7<sup>th</sup> at Tilton PD in the Conference Room beginning at 5:30 PM.

#### **Public Hearings February 15, 2023**

Kathy commented they will be holding a public hearing on amending the purpose of the Apparatus & Equipment Replacement Fund. This will be immediately followed by public hearings on the Budget then the Warrant. These will start at 6:00 PM at Tilton PD in the Conference Room.

**Nonpublic Session per RSA 91-A:3, II(e)**

Commissioner Pyra made a motion to go into non-public session per *RSA 91-A:3, II(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled.* Commissioner Auger seconded the motion.

Roll call vote to enter nonpublic session: Paul Auger, Yes; Eric Pyra, Yes.

Motion passed.

Nonpublic session was entered at 6:22 PM.

Motion to leave nonpublic session and return to public session was made by Commissioner Pyra and seconded by Commissioner Auger.

Roll call vote to exit nonpublic session: Paul Auger, Yes; Eric Pyra, Yes.

Motion passed.

Public session reconvened at 6:32 PM.

Commissioner Pyra made a motion made to seal these minutes. because it is determined that divulgence of this information likely render a proposed action ineffective. Commissioner Auger seconded the motion.

Roll call vote to seal the minutes: Paul Auger, Yes; Eric Pyra, Yes.

Motion passed.

Commissioner Pyra commented they discussed a pending litigation that they have referred to their attorney, Paul Fitzgerald, at Wescott Law.

**Nonpublic Session per RSA 91-A:3, II(I)**

Commissioner Pyra made a motion to go into non-public session per *RSA 91-A:3, II(I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.* Commissioner Auger seconded the motion.

Roll call vote to enter nonpublic session: Paul Auger, Yes; Eric Pyra, Yes.

Motion passed.

Nonpublic session was entered at 6:35 PM.

Motion to leave nonpublic session and return to public session was made by Commissioner Pyra and seconded by Commissioner Auger.

Roll call vote to exit nonpublic session: Paul Auger, Yes; Eric Pyra, Yes.

Motion passed.

Public session reconvened at 6:42 PM.

Commissioner Pyra made a motion made to seal the minutes of January 12, 2023, Nonpublic Session III. because it is determined that divulgence of this information likely render a proposed action ineffective. Commissioner Auger seconded the motion.

Roll call vote to seal the minutes: Paul Auger, Yes; Eric Pyra, Yes.

Motion passed.

Commissioner Pyra commented they reviewed the minutes of January 12, 2023, Nonpublic Sessions I & III. They have released Nonpublic Session I minutes.

