

Gary Perrin ([00:00](#)):

Good evening. It is 5:00 PM on June 10th. This is a meeting called to order for the National Ethics Review Committee. I am the records administrator and the clerk for the Ethics Review Committee, and I will call a role for attendance. Mr. Thompson?

Adam Thompson ([00:16](#)):

Here.

Gary Perrin ([00:17](#)):

Mr. Juris?

Lou Juris ([00:18](#)):

Here.

Gary Perrin ([00:19](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([00:20](#)):

Here.

Gary Perrin ([00:21](#)):

Roger Wiseman? State for the record, I spoke to Mr. Roger Wiseman via telephone. He is not available for tonight's meeting for personal purposes.

([00:33](#)):

I do have some opening remarks as does Attorney Sullivan prior to going into this meeting. First and foremost, I would appreciate, myself included, if and when you speak, if you could just introduce yourself the first or second time so that when we do the transcription of the verbatim minutes I get your individual names, I don't get speaker one through six. That would be helpful. tonight, we're being audio recorded by the City of Nashua. Each one of you have a mic in front of you. Green is go, read is stop. The draft minutes have been provided and we'll get to that later in the meeting. If there's any administrative issues or concerns you have with me, you can bring them up, or you can wait till the end of the meeting for general discussion.

([01:21](#)):

At this time, those are my comments. I'd like to turn it over to Attorney Robert Sullivan.

Robert Sullivan ([01:29](#)):

As I said last week, it will be my preference to as much as possible, and I think the Right-to-Know Law requires you to do as much as possible in public session. However, some of the issues before you tonight, may give you rise to want to have, either a non-public session or a non-meeting with counsel. As I said, and the important difference between those two is if you want to make a decision in a non-public session, then you have to do it by means of the non-public session route contained in RSA 91-A.

(02:03):

But if you just wanted to discuss issues with myself tonight, then you can adjourn to a non-meeting with counsel so-called which is less formal. You do not keep minutes of that kind of session and we would just discuss privately whatever you wish to discuss privately, but you could not make any decisions. You would have to come back in a public session to make your decisions.

(02:30):

So, with that, I guess, where we are is it is now time for the committee, having reviewed the complaint that has been presented to you, to determine, quote, "If said complaint contains sufficient specific alleged facts to allege a violation of part five conduct regulations." We are s- at my recommendation actually we're we will have to nominate for this evening another chair pro tempore because the chairman, Mr. Wiseman, is not here. I would suggest that you pass over for the time being till the next meeting, the issue of whether you wish to appoint a vice chairman of that nature. The appropriate next step would be to nominate and vote on a chairman pro tempore.

Adam Thompson (03:44):

Can we just, make nominations for vice chair?

Robert Sullivan (03:53):

Vice chair of? Of the-

Adam Thompson (03:55):

The Ethics Review Committee.

Justin Gerstenfield (03:58):

Can we move to item number three on the agenda and then back to the comments?

Robert Sullivan (04:02):

Well, this-

Justin Gerstenfield (04:03):

Can we go out of order on the agenda?

Robert Sullivan (04:04):

The issue I have with that is that there is no provision in the ordinance for a vice chair. So, you know, you might be, you'd be creating a position that isn't described in the ordinance, which doesn't mean you can't have it, but it seems to me that these kind of things should be dealt with when you have a full board, if possible. So, the expedient approach that just gets you through tonight is the chairman pro tempore.

Adam Thompson (04:40):

Okay.

Justin Gerstenfield ([04:41](#)):

I make a motion to open the floor for nominations for a pro tem chair-

Robert Sullivan ([04:55](#)):

Chairman pro tempore.

Justin Gerstenfield ([04:57](#)):

Chairman pro tempore for this evening.

Adam Thompson ([04:58](#)):

Second.

Lou Juris ([05:00](#)):

Agreed.

Gary Perrin ([05:02](#)):

So, we have a motion on the floor to nominate pro tempore for discussion. We have a second by Mr. Thompson. And I will take a roll call. Mr. Thompson?

Adam Thompson ([05:15](#)):

Aye.

Gary Perrin ([05:18](#)):

Mr. Juris?

Lou Juris ([05:19](#)):

Yes.

Gary Perrin ([05:20](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([05:21](#)):

Yes.

Gary Perrin ([05:22](#)):

If I could be so kind to remind you to state your name first a couple times through the process, I'd greatly appreciate that. So now we're open for discussion.

Justin Gerstenfield ([05:32](#)):

And so, discussion, the floor is now open for nomination.

Gary Perrin ([05:35](#)):

Floor is open for discussion. Yeah, for nomination. [inaudible 00:05:36]

Lou Juris ([05:36](#)):

Okay. Lou Juris here. I nominate Justin Gerstenfield for chairman pro tempore.

Gary Perrin ([05:46](#)):

Will I have a second?

Justin Gerstenfield ([05:47](#)):

I'll second.

Gary Perrin ([05:52](#)):

No, you've been nominated.

Justin Gerstenfield ([05:52](#)):

[inaudible 00:05:55].

Gary Perrin ([05:52](#)):

Okay.

Justin Gerstenfield ([05:57](#)):

Justin Gerstenfield, I will second the nomination.

Gary Perrin ([06:02](#)):

We have a motion on the floor for Mr. Adam Thompson to be ...

Adam Thompson ([06:09](#)):

So that's Justin. I'm gonna-

Gary Perrin ([06:11](#)):

So, we have a motion on the floor for Mr. Thompson to be pro temp.

Adam Thompson ([06:16](#)):

No, we do not.

Justin Gerstenfield ([06:16](#)):

No.

Gary Perrin ([06:17](#)):

No?

Justin Gerstenfield ([06:18](#)):

For Justin.

Gary Perrin ([06:19](#)):

Oh, I'm sorry.

Justin Gerstenfield ([06:20](#)):

(laughs)

Gary Perrin ([06:21](#)):

I apologize. We do have a motion on the floor by Mr. Juris and Dr. Gerstenfield for a pro tempore chair. Do I have a second?

Justin Gerstenfield ([06:33](#)):

I seconded it.

Gary Perrin ([06:34](#)):

Second your own?

Justin Gerstenfield ([06:35](#)):

Yes. You can do that.

Gary Perrin ([06:36](#)):

So we have a second. Call for roll call vote. Mr. Thompson?

Adam Thompson ([06:42](#)):

Aye.

Gary Perrin ([06:44](#)):

Mr. Juris?

Lou Juris ([06:45](#)):

Yes.

Gary Perrin ([06:45](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([06:46](#)):

Yes.

Gary Perrin ([06:47](#)):

We have a 3-0 vote confirming Pro Tempore Chairman Dr. Gerstenfield for this evening on May 10th.

Robert Sullivan ([06:56](#)):

So, you are now the chairman for the evening.

Gary Perrin ([06:56](#)):

[inaudible 00:06:57]. You are the chairman.

Justin Gerstenfield ([06:56](#)):

Okay.

Gary Perrin ([06:56](#)):

Now your agenda, sir.

Justin Gerstenfield ([06:59](#)):

All right. So, I would like to now open the floor for the discussion by the committee officers for discussion.

Lou Juris ([07:20](#)):

I second. Lou Juris, second.

Gary Perrin ([07:26](#)):

We have a second for open for discussion. Roll call vote. Mr. Thompson?

Adam Thompson ([07:32](#)):

So, he made the motion, he made a second, so now we go to the vote, right?

Gary Perrin ([07:35](#)):

We just called a roll call.

Adam Thompson ([07:36](#)):

Oh, roll ... Okay, yes.

Gary Perrin ([07:37](#)):

Yeah. Mr. Juris?

Lou Juris ([07:38](#)):

Aye.

Gary Perrin ([07:39](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([07:40](#)):

Yes.

Gary Perrin ([07:41](#)):

We're now open for discussion.

Justin Gerstenfield ([07:43](#)):

Okay. All right. So, discussion are of whether or not we feel there is warranted actions to move forward.

Robert Sullivan ([07:57](#)):

Maybe, I should say something.

Justin Gerstenfield ([07:58](#)):

Oh, yes.

Robert Sullivan ([07:58](#)):

Ordinarily, Robert's rules' order would require that there be a motion on the floor before there is discussion.

Justin Gerstenfield ([08:05](#)):

Oh.

Robert Sullivan ([08:06](#)):

However, these are special circumstances and it is not impermissible as long as the three of you agree to have a discussion prior to a motion. It is done by some public bodies that I know of. So ...

Adam Thompson ([08:23](#)):

So, as I understand it, we need to compare the complaint to 12-32 and 12-32, particularly 12-32D, to make sure that there are enough specified alleged facts to move forward.

([08:39](#)):

So, Adam Thompson, from what I understand, we need to compare the complaints with 12-32D to make sure that there are enough alleged specified facts to move forward to bring the complaint to a hearing.

Lou Juris ([08:59](#)):

Right. Lou Juris here, looking at the, what appears to be five complaints on page three, part three 5-95C through F. I am of the consideration upon reviewing the packet of information that the packet of messages from the complainant that at this point we should move forward with a hearing.

Adam Thompson ([09:45](#)):

Adam Thompson. So, if we would have to go by looking at specified alleged facts, I see, opinion, conjecture, and inference, but I do not see facts when I read the newsletter email from September 12th. I do not see facts. The only paragraph in that email that is referenced in the complaint, it does not appear to disclose any non-public information, which is at the crux of the complaint.

Lou Juris ([10:28](#)):

So, Lou Juris here. While there, there's certainly a body of information here that can be reviewed a little further and I tend to understand Board Member Thompson's reasoning, but as a body of as a committee doing all the thorough due diligence would warrant a hearing to work through the four complaints here on page three, part three.

Justin Gerstenfield ([11:16](#)):

Justin Gerstenfield. I do agree with Board Member Juris. I do think looking at the complaints, I would like to hear from the complainant to hear in more detail on where exactly the violations are stemming from, because looking at the newsletter and then the standards on page three, part three, I'm having some difficulty expressly seeing the connection. And so. I want to have a more detailed discussion on how those are exactly being violated and I can't see it from all of the evidence that's been presented here.

Adam Thompson ([12:18](#)):

Adam Thompson. I also don't see it, that's the issue, you know? When we look at the complaints, especially as it related to I think what 5-95C, 5-95D, 5-95E and 5-90F, that's not in the email, Nowhere, in the email do they talk about non-public information. We see conclusions but we do not see facts and the email was submitted by the complainant to back up her alleged facts, but they do not back up her facts. It's a number of assertions such as designed, to disparage, secure an advantage, improper influence, but, those are not alleged facts.

Lou Juris ([13:32](#)):

Lou Juris. While they may present themselves now, it's in my view, and it may seem like it's overkill, but we as Ethics Review Committee it's my sense that we should do some more due diligence.

Adam Thompson ([14:03](#)):

Adam Thompson. When we compare our task at hand based on Chapter 12 with our rules of procedure, we can only do that based on the specified alleged facts in the complaint according to 12-32D.

Lou Juris ([14:23](#)):

So, Lou Juris here again. Board Member Gerstenfield mentioned allowing the complainant and the defendant to, to make their case and make a presentation. This would maybe bring some more context to what we have in front of us. I understand again that this might seem like it might

seem like a lot of things, but until you flesh it out in a hearing, you know, the quasi-judicial part of what we do won't necessarily happen, I think.

Adam Thompson ([15:18](#)):

Adam Thompson. Burden of proof is on the claimant. The burden of proof has not been met. She has not provided any specified alleged facts. She has provided conjecture and inference. But according to 12-32D, which is what we need to adhere to she hasn't met the burden of proof.

Justin Gerstenfield ([15:41](#)):

I think, Justin Gerstenfield. I think where I'm confused based on the information and where I need more clarity, which is why I have suggested moving forward is because I don't, I can't tell whether or not the meeting in question was even a non-public meeting.

Adam Thompson ([16:09](#)):

Adam Thompson. she did not provide any evidence to say that it was a non-public or not a non-public. Further, everything in the evidence, nothing there discloses, from her evidence that she submitted email from Alderman Thibeault newsletter dated September 12th, nothing in there appears to disclose any public information, non-public information, excuse me, I correct myself.

([16:48](#)):

And if we need to look at these from each alleged violation and compare it to her submitted newsletter, I'm fine to do that. We can do that right now. Let's take a look at her applicable standards violated, 5-95C, improper disclosure of confidential information. There is no disclosure in the email of any confidential information. She alleges that the September 9th non-public session was sealed rendering its contents confidential. There is nothing been disclosed from that section in the email, in the newsletter. Or at least there's no evidence of anything that was confidential.

([17:48](#)):

Her own materials submitted as part of the complaint do not support her allegations. If we need to move on to 95D, misuse of official position to secure unwarranted privileges. Again, there's nothing to back that up. There is no insider information. There is no personal narrative having knowledge of a sealed minutes, everybody has knowledge of the sealed minutes because it's public information.

([18:45](#)):

Do we need to discuss 95E and 95F as well?

Lou Juris ([18:52](#)):

Lou Juris here. Could it be that looking back at, and I don't mean to jump back, if you don't mind, 5-95C could mean that the claimants is mentioned in the email could that be considered disparaging?

Adam Thompson ([19:15](#)):

95C d

Lou Juris ([19:21](#)):

[inaudible 00:19:24].

Adam Thompson ([19:23](#)):

Discusses improper disclosure of confidential information. That's the standard she alleges was violated and mentioning her name does not meet that.

Lou Juris ([19:41](#)):

I'm looking at the last sentence. okay.

Adam Thompson ([19:50](#)):

Remember, we can only introduce material that has been provided to us by the claimant here tonight as we compare it to 12-32D.

Lou Juris ([20:09](#)):

All right. Why don't we look at E, Lou Juris. Why don't we look at 5-9, 5-95E?

Adam Thompson ([20:31](#)):

It says here, she the claimant alleges that creating an impression that he is unduly influenced by counsel. Again, that's not in the material that she submitted via the email, to me that the burden of proof hasn't been met.

Lou Juris ([20:57](#)):

Lou Juris, 5-95F conduct raising suspicion of breach of trust. [inaudible 00:21:09]. So again, these..

Adam Thompson ([21:16](#)):

Those are conclusions that she's coming to. Those are not specified alleged facts as discussed in 12-32D.

Lou Juris ([21:29](#)):

Lou Juris, so would ... This comes back to the claimant in my mind being given a period of time, like, you know, of however said period of time we agreed to make the case in front of this committee to perhaps see if there's something we are missing. And, refer back to Board Member Gerstenfield's comments earlier, I understand your position, but could there be more that we could determine from and the defendant would have the opportunity to make the case as well and to rebuff this to respond to this complaint.

([22:41](#)):

It's in my view it would just take some more time to pull, to get everybody back together in the same room within a reasonable period of time. I understand that people have schedules and people have, you know, they're in enough meetings as it is but to complete the ethics committee's purview that may be the best way to proceed. We could also do some more review of the information that's provided here. Or, we've done review, but we could certainly do a little more.

Justin Gerstenfield ([23:35](#)):

Justin Gerstenfield. I don't think that more review is needed. I think that when we're looking at F, I don't think it's as black and white as maybe we want to say things are in there and we have to look at the vantage point through which some people are looking. And when I look at these, these communications in the exhibits that were provided to us, I do see that information was requested through Right-to-Know, and it was not provided within the timely period, which is not part of a newsletter, but it was requested and it was not provided in, within the timeframes of that, and it was almost strung along through this period from, for over a month's timeframe.

([24:55](#)):

And so, I could see where the, one of the sentences in the newsletter could be seen as falling into, 5-95F, simply from that one sentence where it may fall into that area because at that point in time, that is what the complainant was having to do in order to get the city to comply with the law. Whether we agree with it or not, that is what was having to be done at that time. And I think that's kind of a, point where my head is thinking when I look at that and that's where I kind of fall, you know speaking out.

Adam Thompson ([26:08](#)):

Chapter 5-95F has to do with breach of trust because there was no breach of trust because there were no non-public information disclosed, that's not a breach of trust. So, we definitely should not be moving forward with, the 90 the 95F allegation.

Lou Juris ([26:43](#)):

Lou Juris here. We have four, we have four complaints. Could we, should we dismiss any of the complaints?

Robert Sullivan ([26:58](#)):

May I make a suggestion at this point?

Adam Thompson ([27:08](#)):

Always.

Robert Sullivan ([27:09](#)):

In order to make your decision [inaudible 00:27:09], you're going to have to address all four of each of the four complaints. Now, the only way that that could be done in one motion is if you found all of the four sections that alleged to be violated were violated, or none of them were. That's the only way you can do it in one motion. And therefore, what you probably are going to come down to is having to look at each of the alleged sections violated and make a specific motion on that section, as to whether sufficient facts have been pled in this complaint.

([27:48](#)):

Not only you led to that by just the logic that I just gave, but it also creates a much cleaner record after tonight is over to enable Mr. Perrin to figure out what he has to do and also to be available to any party that's interested in responding in any way your actions. So, I'm suggesting when

your discussion has reached a point where you feel it is appropriate, make a motion with regard to each provision of the ordinance that's alleged to have been violated.

Lou Juris ([28:27](#)):

Lou Juris here. So, it sounds like we have to, we would make four separate motions.

Adam Thompson ([28:40](#)):

We can also do one such as, I'd like to make a motion that, we do not move forward with any of these four alleged violations because the burden of proof has not been met. So, I'd like to make that motion that we do not move forward with a hearing. Is that an accurate motion?

Lou Juris ([29:04](#)):

Sure, the motion-

Robert Sullivan ([29:07](#)):

As I explained, I think I tried to explain that works as long as everybody has the same feeling on each of the four complaints. Therefore, if a person felt that maybe on section of the ordinance deserves having a hearing, they would vote no to this motion.

Justin Gerstenfield ([29:29](#)):

And I still am on 5-95F, the threatening of the lawsuit, if she was not given the information, that's not public information of threatening that and so-

Adam Thompson ([29:45](#)):

I'm sorry. I don't want to get a Can you say that again so I can ...

Justin Gerstenfield ([29:50](#)):

In the newsletter-

Adam Thompson ([29:52](#)):

Yeah.

Justin Gerstenfield ([29:52](#)):

... it says that the respondent threatened a lawsuit. That is not public information.

Adam Thompson ([29:57](#)):

I would assume, and it's an assumption that RTK's, So how do ...

Justin Gerstenfield ([30:06](#)):

Threatening, sending an email to the board and the city saying, "I'm going to sue you if you do not give me something," is not public information.

Adam Thompson ([30:17](#)):

I would as, I think it would be because it's going to the city. I think we'd have to ask counsel that.

Lou Juris ([30:22](#)):

I-

Justin Gerstenfield ([30:27](#)):

It's n- It is you who have said-

Adam Thompson ([30:28](#)):

Yeah.

Justin Gerstenfield ([30:28](#)):

... it is not presented here in this packet.

Adam Thompson ([30:30](#)):

Oh, then we shouldn't, we should ignore it. No. If it's not in the packet, then we should just-

Justin Gerstenfield ([30:35](#)):

No one filed a Right-to-Know request saying it's a-

Adam Thompson ([30:40](#)):

Well, what is public ... Attorney Sullivan, would you please continue?

Robert Sullivan ([30:46](#)):

I'm not sure I'm understanding the question, so if you just say it again a little slower.

Justin Gerstenfield ([30:51](#)):

So, I'm sticking on 5-95F and in this statement, I'm looking here and it's the sentence that I'm stuck on is the threatening to sue if we don't get, if the information that she that the respondent or the, the complainant was asking for. That.

Robert Sullivan ([31:25](#)):

So in order to find sufficient facts to be alleged, for a violation of section, 5-95F, you would have to find that sufficient facts are alleged in this complaint for you to find that it is alleged that the person against whom the complaint is made has pursued a course of conduct which will raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust. So that's the test.

Justin Gerstenfield ([32:08](#)):

Okay. Thank you.

Adam Thompson ([32:12](#)):

Again, I don't think, saying that somebody's going sue is a violation of trust.

Lou Juris ([32:22](#)):

We have, Lou Juris here. We have a motion on the floor to dismiss. Do we have a second?

Justin Gerstenfield ([32:34](#)):

I will second. Justin Gerstenfield.

Lou Juris ([32:36](#)):

Okay.

Gary Perrin ([32:42](#)):

[inaudible 00:32:41] We have a motion from Adam Thompson that the ERC does cannot move forward with the complaint. It does not have standing. We have a second by Dr. Gerstenfield. I will now call a roll call. Is that correct?

Robert Sullivan ([33:00](#)):

Yes.

Gary Perrin ([33:01](#)):

Mr. Thompson?

Adam Thompson ([33:02](#)):

Aye.

Gary Perrin ([33:03](#)):

Mr. Juris?

Lou Juris ([33:06](#)):

No.

Gary Perrin ([33:08](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([33:09](#)):

Yes.

Gary Perrin ([33:13](#)):

We have a 2-0, 2-1 ... Strike that. We have a 2-1, so the motion passes. The complaint does not move forward with a two-to-one vote that the complaint does not rise to the standing as stated in the violation of the chapter.

Robert Sullivan ([33:33](#)):

So, the actions which should now get taken are taken by Mr. Perrin, and you have no further obligations with regard to this matter.

Gary Perrin ([33:47](#)):

If I may, Mr. Chairman?

Justin Gerstenfield ([33:48](#)):

Mm-hmm.

Gary Perrin ([33:51](#)):

As to the agenda is, is yours and we've acquiesced, made note to, move around it is okay to go back to other items that are still open?

Justin Gerstenfield ([34:02](#)):

Yes.

Gary Perrin ([34:03](#)):

Okay. So, item number six, as it relates to the previous meeting, draft minutes. I'm hopeful you received the US mail copy of those draft minutes. It is your obligation to review, edit, and approve those. If you have edits that you have made, I can take them either verbally now or I can take them in hand. We can do that is if you have them handwritten out on your copy. I can take them or we can itemize through the draft minutes and make those corrections. Then we will bring them back as approved minutes. They are now posted as drafts on the website according to RSA 91.

Justin Gerstenfield ([34:45](#)):

Okay.

Gary Perrin ([34:47](#)):

So, if you have taken the time with this short recess we've had from past meeting to getting them back, basically this week due to the quick turnaround, if you have any need for additional time, we can certainly leave them as drafts and bring them forward to the next meeting.

Adam Thompson ([35:08](#)):

Adam Thompson. I have some edits. I'll do that. I'll bring them to your office.

Gary Perrin ([35:11](#)):

Thank you. Mr. Juris?

Lou Juris ([35:17](#)):

Lou Juris. I don't have any edits at this point and I'll let Justin Gerstenfield take maybe see if he wants to add any edits.

Justin Gerstenfield ([35:32](#)):

I don't have any edits myself either.

Lou Juris ([35:33](#)):

Okay. With that said, can I make a motion to accept the minutes from the last meeting?

Gary Perrin ([35:39](#)):

no, because we have-

Lou Juris ([35:39](#)):

Oh, already made the edit?

Gary Perrin ([35:39](#)):

[inaudible 00:35:40].

Lou Juris ([35:39](#)):

Okay, per the edit.

Gary Perrin ([35:40](#)):

We have some of them that has edits and revisions. So, the appropriate thing to do under, 91A is to leave them in the draft form. If you do not have any edits or drafts, you can just simply date and sign that and hand it over to me, Mr. Thompson will date and sign and hand in his redlined edits. I will then convert them over to the official minutes and forward those back to the committee.

Adam Thompson ([36:05](#)):

Can say what my edit is just so they are aware?

Gary Perrin ([36:08](#)):

By all means.

Adam Thompson ([36:08](#)):

Yeah. So, when we were discussing officers last meeting Lou you, nominated Justin, and the minutes attribute that motion to me.

Lou Juris ([36:20](#)):

Okay.

Adam Thompson ([36:20](#)):

And I just want to get the reset that,

Robert P. Sullivan ([36:22](#)):

So, if that's the only suggested editing, and if everyone agrees, then you can approve the minutes right now.

Adam Thompson ([36:30](#)):

Yeah, you could.

Gary Perrin ([36:30](#)):

Okay.

Adam Thompson ([36:33](#)):

If it's okay, I'd like to go through them again.

Gary Perrin ([36:37](#)):

Fine.

Lou Juris ([36:38](#)):

Lou Juris, as the board member wishes.

Justin Gerstenfield ([36:41](#)):

Yeah, I agree.

Gary Perrin ([36:41](#)):

So, the current minutes for May 28th, 2026 will remain in draft, posted according to RSA 91-A. Mr. Thompson will make his edits. He will date and sign them accordingly, bring them to the records administrator, who will then bring the formal final official minutes to your attention for approval or opposing.

Lou Juris ([37:03](#)):

Thank you.

Justin Gerstenfield ([37:03](#)):

Perfect.

Gary Perrin ([37:13](#)):

Mr. Chairman, I do have one other thing, if I may.

Justin Gerstenfield ([37:15](#)):

All right.

Gary Perrin ([37:16](#)):

I'm on number nine, review of email correspondence from the complainant. Over the course of this time period of this hearing, the previous committee had received emails direct from the

complainant. At present, the complainant is now sending emails direct to the records administrator, i.e. Gary Perrin and Attorney Robert P. Sullivan. I have copied all those out, as we are still misaligned with the connection on our email process and our communications with the committee. So, what I have done is I've copied out all of those email communications, which are all public record, and I brought them here for your attention and to and for your review so that you are made aware.

(38:03):

To that point, as they do come in, I do seek guidance and advice on how you want them turned out, US Mail until we get an offered-up agreement on how the email process is going to work. I do have a concern of delay, quite frankly, I don't want to wait till the next meeting. If I get them, I'd like to keep you up to speed as, as soon as possible. The only caveat I have with these five emails that I'm going to provide to you the topic is from the previous committee, but it is then sent to the Ethics Review Committee to which you are obligated for notice.

Justin Gerstenfield (38:47):

Okay.

Gary Perrin (38:48):

So, I'm not in full panic as of yet, as far as being under my obligation for notice, but I just want to make you aware. So, until we have that email situation, if I do receive them, I'll put them out into Mail, US Mail that day.

Justin Gerstenfield (39:04):

Okay. I think what we can do is we can also follow up with Director Cummings. I believe he spoke with general counsel-

Gary Perrin (39:13):

Okay.

Justin Gerstenfield (39:14):

... about what we were going be doing with the emails so that maybe we can get that remedied-

Gary Perrin (39:22):

Okay. Yeah.

Justin Gerstenfield (39:22):

... quickly.

Gary Perrin (39:22):

Certainly. I would-

Justin Gerstenfield (39:24):

Yeah.

Gary Perrin ([39:24](#)):

... I would feel a lot more comfortable if we had a better process.

Adam Thompson ([39:27](#)):

And if there is something that time sensitive, give us a call and we can come down and pick it up.

Gary Perrin ([39:32](#)):

Certainly. [inaudible 00:39:33]

Lou Juris ([39:33](#)):

Lou Juris, agreed.

Robert Sullivan ([39:35](#)):

We can do that as well.

Adam Thompson ([39:37](#)):

Yeah.

Robert Sullivan ([39:37](#)):

[inaudible 00:39:38]

Gary Perrin ([39:38](#)):

I know this, it did kind of work out this week. Left them at the clerk's office.

Lou Juris ([39:42](#)):

Lou Juris. I already picked a copy of a packet up at the clerk's and Dr. Gerstenfield, is that is agreeable with you to-

Justin Gerstenfield ([39:52](#)):

Yeah.

Lou Juris ([39:53](#)):

... call in clerks or-

Justin Gerstenfield ([39:54](#)):

Yeah, we can pick up at the city clerk's office. If you want to do that, we can swing by and do that. But I'll also, like I said, I'll follow up with Director Cummings.

Gary Perrin ([40:01](#)):

As I will.

Justin Gerstenfield ([40:02](#)):

Yeah.

Gary Perrin ([40:03](#)):

I'll insert myself with both departments. It is a priority for this committee, have open communication. And the purpose of using the city clerk's office is because there's someone there present 8:00 to 5:00. There's never a loss of staff.

Adam Thompson ([40:17](#)):

And that's why I picked up the most recent packet myself. I went to the clerk's office and I was right there.

Gary Perrin ([40:21](#)):

I hope that was fine.

Lou Juris ([40:25](#)):

[inaudible 00:40:25]. Lou Juris, again. You will notify us via phone or text that we can go to the clerk's office?

Gary Perrin ([40:31](#)):

Yes.

Lou Juris ([40:31](#)):

Okay. Thank you.

Gary Perrin ([40:32](#)):

Yes, I will. Once, a packet is at, I will-

Lou Juris ([40:34](#)):

Okay.

Gary Perrin ([40:34](#)):

I will ... Priority will be to contact you by telephone.

Lou Juris ([40:39](#)):

Thank you.

Adam Thompson ([40:44](#)):

This could be one of those that I forget the term for it where you remember it was something one way, but in actuality it was a different way, the Mandela Effect, I believe it's called. I swear I've

seen vice chair before in the 3.4 pounds of material that we have regarding the ethics review committee. 3.4 pounds of paper. I swear I've seen vice chair once or twice. Are we 100% sure there's-

Robert Sullivan ([41:09](#)):

I looked at the ordinance just before the last meeting.

Adam Thompson ([41:13](#)):

Okay. Just-

Robert Sullivan ([41:13](#)):

And didn't find it, but I only looked at the ordinance.

Adam Thompson ([41:16](#)):

Okay. And I-

Robert Sullivan ([41:16](#)):

That doesn't mean that somewhere in the three pounds stuff ... there might be some reference to it.

Adam Thompson ([41:24](#)):

Okay. Yeah. it was really ... I was surprised at about how much paperwork there was. I got on my scale this morning to weigh myself and it said one at a time, please, so I had to go get the other scale. All right.

Gary Perrin ([41:34](#)):

I have just a little historical fact on that, it was the previous board that brought in the vice chairman.

Adam Thompson ([41:45](#)):

Okay, so they were able to kind of, that's exactly right because there was a named vice chair, so that's another ... So there's precedent for having a vice chair.

Justin Gerstenfield ([41:59](#)):

It was likely due to some conflicts of interest so that somebody could run [inaudible 00:42:03] not.

Adam Thompson ([42:02](#)):

I'd like to make a motion to discuss, the possibility of having a vice chair, a standing vice chair.

Justin Gerstenfield ([42:08](#)):

Was Gary finished with his updates?

Adam Thompson ([42:10](#)):

I'm sorry.

Robert Sullivan ([42:11](#)):

My only suggestion on that would be to make that motion at the next meeting when the chairman's here.

Adam Thompson ([42:19](#)):

Noted.

Lou Juris ([42:26](#)):

Lou Juris here. I tend to that way the full board will be present and we'll have more input. Thank you.

Gary Perrin ([42:38](#)):

The only thing I have would be, section nine. I will issue those to you. They are public record. Mr. Chairman, do you want them placed in the meeting minutes as part of the meeting minutes packets, or you just want as general information?

Justin Gerstenfield ([42:56](#)):

The emails?

Gary Perrin ([42:57](#)):

The packet that I'm going to give you each. Yeah, the emails, correct.

Justin Gerstenfield ([43:03](#)):

I believe in the minutes is fine.

Gary Perrin ([43:04](#)):

Okay.

Justin Gerstenfield ([43:08](#)):

They're public record.

Gary Perrin ([43:09](#)):

Correct.

Justin Gerstenfield ([43:10](#)):

Yeah.

Gary Perrin ([43:10](#)):

It's in the ruling. It's power of the chair to put them into the minutes.

Adam Thompson ([43:14](#)):

I'd like to make a motion to move into general discussion.

Lou Juris ([43:18](#)):

Second.

Justin Gerstenfield ([43:19](#)):

[inaudible 00:43:23].

Adam Thompson ([43:25](#)):

General discussion?

Robert Sullivan ([43:26](#)):

Was a second?

Gary Perrin ([43:28](#)):

There was a second. So, we have a motion by-

Adam Thompson ([43:30](#)):

[inaudible 00:43:30].

Gary Perrin ([43:30](#)):

... Mr. Thompson to go into general discussion, seconded by Mr. Juris. Roll call. Mr. Thompson?

Adam Thompson ([43:34](#)):

Aye.

Gary Perrin ([43:35](#)):

Mr. Juris?

Lou Juris ([43:36](#)):

Yes.

Gary Perrin ([43:36](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([43:37](#)):

Yes.

Gary Perrin ([43:38](#)):

So, we are in discussion.

Adam Thompson ([43:39](#)):

I was looking through 12, 30 ... I forget the chapter. The procedures, I think it's 12-37. I forget. and the name of the chapter doesn't matter. But, for hearings it discusses the order in which hearings should be presented, but I noticed that there were no time limits given, because we are trying to be fairly expeditious as far as a quasi-judicial governmental body, perhaps we should consider implementing time limits, or is that something that should be done during the meeting?

Robert Sullivan ([44:13](#)):

My suggestion on that would be to make the decision during the meeting. [inaudible 00:44:18] if you have a room [inaudible 00:44:19], during the meeting at which the hearing is to be held.

Adam Thompson ([44:23](#)):

Okay.

Robert Sullivan ([44:24](#)):

Because if you have a room full of people all lining up to talk, then you're going to want to limit the amount of time each one has. If you have two people here, you might want to let them go much longer. So, it's a decision which could be more-

Adam Thompson ([44:37](#)):

But-

Robert Sullivan ([44:37](#)):

... reasonably made on a case by case basis.

Adam Thompson ([44:40](#)):

It would be less constrictive to leave it the way it is?

Robert Sullivan ([44:42](#)):

Yes.

Adam Thompson ([44:43](#)):

Okay. Okay.

Gary Perrin ([44:45](#)):

If I may-

Adam Thompson ([44:47](#)):

That satisfies me. Okay.

Gary Perrin ([44:48](#)):

That does satisfy seven in your agenda, Mr. Chairman.

Justin Gerstenfield ([44:53](#)):

Okay. Yeah, because we,

Adam Thompson ([44:54](#)):

And, [inaudible 00:44:55] I apologize.

Justin Gerstenfield ([44:56](#)):

That's why I was giving you a weird look, because I was like, we have items seven and eight, and you jumped to 10.

Adam Thompson ([45:03](#)):

Yeah, I apologize.

Justin Gerstenfield ([45:03](#)):

(laughs)

Adam Thompson ([45:03](#)):

because we were just

Justin Gerstenfield ([45:05](#)):

You're running my agenda. (laughs)

Adam Thompson ([45:06](#)):

Well, [inaudible 00:45:08] had the joined on the review email correspondence from complaints, so I assumed we were on nine, so that's my error for a second assumption tonight.

Justin Gerstenfield ([45:12](#)):

(Laughs)

Adam Thompson ([45:12](#)):

I didn't mean to make an ass out of [inaudible 00:45:16] including myself.

Justin Gerstenfield ([45:14](#)):

Um ...

Gary Perrin ([45:17](#)):

Just as a point of interest, eight has already been discussed and voted on.

Justin Gerstenfield ([45:22](#)):

Oh, eight has al-

Gary Perrin ([45:22](#)):

Yeah, that's

Justin Gerstenfield ([45:22](#)):

... also already been discussed.

Gary Perrin ([45:23](#)):

Yeah.

Justin Gerstenfield ([45:23](#)):

Great.

Gary Perrin ([45:24](#)):

So, we're still in general discussion. Is there any further [inaudible 00:45:27]

Justin Gerstenfield ([45:27](#)):

Fantastic. we took care of four and five.

Adam Thompson ([45:32](#)):

Seeing nothing else on the agenda, I make a-

Justin Gerstenfield ([45:34](#)):

Um-

Adam Thompson ([45:34](#)):

... motion for adjournment. Oh, sorry.

Justin Gerstenfield ([45:36](#)):

No.

Gary Perrin ([45:36](#)):

If I may add one other item under general discussion.

Justin Gerstenfield ([45:39](#)):

Yeah.

Gary Perrin ([45:39](#)):

The previous committee chose to have consistency in their meeting and date time. We weren't sure if this committee was going to do the same and to kind of clarify that, they chose to meet on the third Thursday of the month at 6:30, kind of standard time, whether there were complaints or not complaints to try to get ahead of reservations. It may be the wish of this board not to do that unless another complaint comes in and then, then move forward only to the point of it, it was a

scramble for space, to place this committee in room 208 or any other smaller confinement is just, it's inappropriate. So, I just wanted to, we met on a Thursday night. [inaudible 00:46:29] It's surely the decision of the board I was asked to discuss that.

Adam Thompson ([46:33](#)):

I think that's pretty fair. Plus, it might also help us work some kinks out.

Gary Perrin ([46:38](#)):

I know it worked for the previous board. They just kept the standard calendar time and if there was a meeting, fine if there was not, it was just removed off the reserve and it helps me internally.

Adam Thompson ([46:48](#)):

Yeah. if we were to have a vote on that, I would agree to it.

Gary Perrin ([46:51](#)):

It's just for general discussion. You can think about it bring it up.

Lou Juris ([46:56](#)):

Lou Juris here. So are we saying that we reserve a date and a time on a monthly basis. And if there's, we do have physical meeting?

Gary Perrin ([47:12](#)):

No, no.

Lou Juris ([47:14](#)):

Unless there's something to review.

Gary Perrin ([47:17](#)):

Yeah, just on the back end of it, I would reserve this room for the third Thursday of the month under my name. And if something came in, great I would then notice-

Speaker 6 ([47:26](#)):

[inaudible 00:47:28].

Gary Perrin ([47:29](#)):

Yeah. We ... I-

Speaker 6 ([47:29](#)):

[inaudible 00:47:31].

Gary Perrin ([47:32](#)):

I have spoken to them and we've kind of worked out a ...

Speaker 6 ([47:34](#)):
[inaudible 00:47:36].

Gary Perrin ([47:35](#)):
No, we-

Speaker 6 ([47:35](#)):
Excuse me, Mr. Chairman.

Gary Perrin ([47:35](#)):
Yeah.

Justin Gerstenfield ([47:35](#)):
(laughs)

Unknown Speaker ([47:36](#)):
We just didn't want you to-

Gary Perrin ([47:43](#)):
No, I know. I

Unknown Speaker ([47:43](#)):
... start have a meeting and then [inaudible 00:47:44] is coming in at 7:00.

Gary Perrin ([47:43](#)):
Yeah.

Justin Gerstenfield ([47:43](#)):
Yeah.

Gary Perrin ([47:44](#)):
I certainly understand that. We've had that, we've already had that backroom conversation. No, Mr. Juris, I'm not saying that you are specified in your certain date to that. I'm just saying that ...

Lou Juris ([47:59](#)):
Lou Juris here, uh-

Gary Perrin ([48:01](#)):
It may or may not work.

Lou Juris ([48:01](#)):

Perhaps, reserving this space, the Wednesdays work, and if there's nothing on the docket, then maybe 48 hours prior or three days prior the records administrator can release their time for the room just to another for another event.

Gary Perrin ([48:28](#)):

Trying to be forward-thinking to, eliminate,

Adam Thompson ([48:32](#)):

Scrambles. Yeah.

Robert Sullivan ([48:33](#)):

Otherwise, we're scrambling.

Gary Perrin ([48:34](#)):

It's very strong, it's a very strong concern, internally administrative where this committee meets, and this is the space of choice and my directive, so I'm not just asking if in time.

Adam Thompson ([48:49](#)):

As long as it's cool in the summer and colder in the winter.

Lou Juris ([48:51](#)):

So, it's Lou Juris here. So, so it's a standing reservation on the calendar-

Gary Perrin ([49:01](#)):

For administrative services. It would not be reserved for Ethics Review Committee. It would be reserved for administrative services.

Lou Juris ([49:07](#)):

Okay.

Justin Gerstenfield ([49:07](#)):

It would only change to the

Gary Perrin ([49:08](#)):

It would only change [inaudible 00:49:10].

Justin Gerstenfield ([49:09](#)):

... the Ethics Committee if we had a hearing-

Gary Perrin ([49:09](#)):

Correct.

Justin Gerstenfield ([49:09](#)):

... or if we had something-

Gary Perrin ([49:12](#)):

We get a certified complaint.

Lou Juris ([49:12](#)):

Right.

Gary Perrin ([49:13](#)):

You are noticed according to RSA 91, the meeting is called within the 30-day requirement, then I would turn that over from reserve from, for our office to your committee.

Justin Gerstenfield ([49:24](#)):

Okay. I think that having a standing meeting date would be good. I would steer away from, Personally, I would steer away from a Thursday because, that's just personally, that is already very busy day for me and I think for some other board members it's going to be a it is already a busy day and so I think another day of the week would be more ideal.

Adam Thompson ([49:54](#)):

I absolutely agree.

Justin Gerstenfield ([49:55](#)):

Monday or Wednesday would be a little bit easier-

Adam Thompson ([50:01](#)):

At the risk of being absolutely hated, how about Fridays at 4:00 PM?

Gary Perrin ([50:07](#)):

You'll need a new clerk.

Adam Thompson ([50:12](#)):

Forgive me for making that. Please,

Justin Gerstenfield ([50:15](#)):

I think Wednesdays at 6:30 seems appropriate if that's available on the calendar, Gary.

Gary Perrin ([50:23](#)):

And it's a moving target. Yeah.

Justin Gerstenfield ([50:24](#)):

Okay.

Adam Thompson ([50:24](#)):

That, yeah, that's, works for [inaudible 00:50:25]

Gary Perrin ([50:25](#)):

Yeah, that'll be a moving target, so.

Justin Gerstenfield ([50:29](#)):

Yeah.

Gary Perrin ([50:30](#)):

That's, that's all I have.

Justin Gerstenfield ([50:31](#)):

I'll say the third, the third. And if we can go ahead and put that on so that we can try and get the chair here, because I would say we definitely want to meet in July so that we can hammer out some of the other details that we are trying to establish with the rest of the committee and just be as prepared as possible for whenever another complaint comes in.

Gary Perrin ([51:00](#)):

Understood. That's all I have. Thank you.

Justin Gerstenfield ([51:03](#)):

Awesome. Thank you, Gary.

Gary Perrin ([51:05](#)):

Thank you, sir.

Lou Juris ([51:06](#)):

Just to continue briefly, is 6:30 PM a good timeframe or would 6:00 be ... Does it ...

Justin Gerstenfield ([51:17](#)):

6:00 would be fine.

Lou Juris ([51:18](#)):

Was that ...

Justin Gerstenfield ([51:20](#)):

I'm not married to the time.

Lou Juris ([51:23](#)):

[inaudible 00:51:22] back. If the board's agreeable the committee's agreeable to state, so that way if things do someday move, I mean, if there's a I guess we could adjust the time. If there's a bigger [inaudible 00:51:36] the agenda is lengthy. And,

Adam Thompson ([51:40](#)):

And if something comes up where we have a something in front of us, we definitely will need to, discuss an appropriate meeting time if we need to adjust, change to that-

Lou Juris ([51:51](#)):

Yeah.

Adam Thompson ([51:51](#)):

... to make sure that we can ...

Lou Juris ([51:59](#)):

Understood.

Gary Perrin ([51:59](#)):

[inaudible 00:52:00]

Justin Gerstenfield ([51:59](#)):

Well, some of us have to pay for parking.

Robert P. Sullivan ([52:00](#)):

[inaudible 00:52:00] I understand. So, I understand my instructions from the Office of Corporation counsel to be, if you have a meeting and you want me to be here, I will be here. otherwise, I would not. So just, somebody let me know. And, to that end, I would invite any of you to call me at any time for any reason, no limitation.

Gary Perrin ([52:23](#)):

Right. Thank you.

Adam Thompson ([52:23](#)):

Thank you very much, and we appreciate your counsel. Thank you. And, Gary, we appreciate your steadfastness in putting all of this together. Thank you.

Gary Perrin ([52:31](#)):

My pleasure.

Lou Juris ([52:32](#)):

And I'll agree, like to voice the same want to thank Gary and the attorney and the staff here at City Hall for all their usual work and then all this business of gathering of collecting this data

and making the copies and doing the emails and taking the messages, I guess, from, and the emails, if you will, from ...

Gary Perrin ([52:58](#)):

Certainly, you're welcome. It's a privilege.

Lou Juris ([53:00](#)):

Got it.

Adam Thompson ([53:00](#)):

And in the-

Robert Sullivan ([53:05](#)):

Just, kind of following up on what he said, if I may. So, the city of Portsmouth has an Ethics Review Committee, similar responsibilities to yours. I don't believe they've met in five years. not once.

Adam Thompson ([53:20](#)):

Interesting.

Justin Gerstenfield ([53:21](#)):

I do remember you saying that at our last meeting.

Robert Sullivan ([53:23](#)):

(laughs)

Adam Thompson ([53:23](#)):

Interesting.

Robert Sullivan ([53:25](#)):

But this committee meets rather regularly, so ...

Adam Thompson ([53:29](#)):

As we continue the proud traditions that those below us have established, I'd like to move forward with a little bit of the Ethics Review Committee's free for all, and also thank Clerk Dan Healey for all the work he does for the city, too. Thank you and with that, I'd also like to make a motion to close general discussion.

Lou Juris ([53:51](#)):

Second.

Gary Perrin ([53:53](#)):

We have a motion to close general discussion. Roll call. Mr. Thompson?

Adam Thompson ([53:56](#)):

Aye.

Gary Perrin ([53:56](#)):

Mr. Juris?

Lou Juris ([53:56](#)):

Yes.

Gary Perrin ([53:56](#)):

Dr. Gerstenfield?

Justin Gerstenfield ([54:00](#)):

Yes.

Gary Perrin ([54:03](#)):

We are, discussions are closed.

Adam Thompson ([54:06](#)):

I'd like to make a, make a motion to adjourn.

Lou Juris ([54:09](#)):

Second.

Gary Perrin ([54:10](#)):

We have a motion to adjourn by Mr. Thompson, seconded by Mr. Juris. All in favor say aye.

Adam Thompson ([54:14](#)):

Aye.

Lou Juris ([54:14](#)):

Aye.

Justin Gerstenfield ([54:14](#)):

Aye.

Gary Perrin ([54:18](#)):

Thank you, Mr. Juris.

Lou Juris ([54:19](#)):

Thank you.

Gary Perrin ([54:19](#)):

Meeting is adjourned at 6:00 PM.

DRAFT