ETHICS REVIEW COMMITTEE
MEETING MINUTES
January 30, 2025

A meeting of the Ethics Review Committee was held on Thursday, January 30th at 6:30 p.m. in the 3rd floor City Hall Auditorium.

The meeting was called to order at 6:30 pm.

Chairman Bush called for a roll call of Committee Members.

Roll Call: Each member stated present verbally

Committee Members present:	Timothy E. Bush, Chairman David Tencza, Vice Chairman John C. Fisher, Member Lyndsay Robinson, Member Roger Wiseman, Member
Other City Staff present:	Robert P. Sullivan, Outside Counsel Gary Perrin, Records Administrator

Opening Remarks: Chairman Bush informed the committee of Member Tabacsko absence form the meeting and assigned Alternate Member Fisher as a voting member.

- Chairman Bush sought a Motion to approve meeting minutes of April 25, 2024.

Member Robinson stated her name is spelled Lyndsay with a “y” not “i”.

Member Wiseman stated the year of the meeting was inaccurate as 2023 and must be changed to 2024.

Motion by Member Wiseman second by Member Robinson
Unanimous vote to accept the meeting minutes of April 25, 2024 with proposed revision.

Chairman Bush informed the committee of email communications from Ms. Ortolano to Chairman Bush, Office of Corporate and Mayor Donchess requesting the recusal of Vice Chairman Tencza and Member Tabacsko.

Chairman Bush discussed and cited **Section 12-31-B7 – Recusals.**
Attorney Sullivan advised Vice Chairman Tencza that recusal is a personal ethical decision. Vice Chairman Tencza informed the committee he will not recuse himself and states he will be fair and impartial.

Chairman Bush discussed docketed complaint ERC 2024-2 with citation to Section 12-31.

Member Wiseman sought clarification to Chairman Bush and Attorney Sullivan as to the committee's role and purpose for the meeting.

Chairman Bush discussed and cited Section 12-32-B and Section 12-32-D.

Attorney Sullivan advised the committee their role on January 30, 2025 is whether the committee moves forward with a hearing and whether the committee is allowed to seek additional information from the complainant.

Attorney Sullivan advise the committee that allowing the complainant to answer question was acceptable and recommended such discussion take place in public session.

Chairman Bush sought approval of the complainants to discuss and answer question from the Board.

Complainant Ms. Ortolano and Ms. Colquhoun agreed to discuss and answer questions of the board.

Chairman Bush instructed Attorney Sullivan to swear in Ms. Ortolano.

Chairman Bush asked questions of Ms. Ortolano with responses answered by Ms. Ortolano.

Chairman Bush instructed Attorney Sullivan to swear in Ms. Colquhoun.

Chairman Bush asked questions of Ms. Colquhoun with responses answered by Ms. Colquhoun.

Vice Chairman Tencza sought advice from Attorney regarding entering Non-Public Session under RSA 91-A:3. II. (c) and RSA 91-A:3 II (l) as separate sessions.

Attorney Sullivan advise the committee they should enter and exit Non-Public Sessions separately and independently for each specific statutory reason under RSA 91-A:3. II. (c) and RSA 91-A:3 II (l).

Chairman Bush sought a motion to enter into Non-Public Sessions under RSA 91-A:3 II (l).

Motion by Vice Chairman Tencza for the committee go into non-public session for the purpose of consideration of the matter; 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, pursuant to RSA 91-A:3, II (l). Seconded by Member Robinson.

A roll call vote was taken on the motion:

Roll call
Mr. Bush - yes
Mr. Fisher – yes
Ms. Robinson – yes

Mr. Wiseman – yes
Mr. Tencza - yes

Motion carried.

The committee entered non-public session at 7:00pm.

The committee came back into public session at 7:40pm.

Public session reconvened at 7:43pm

Vice Chairman Tencza notified the public that the committee would be entering Non-Public Session for deliberations with notice the committee will be voting on the complaints in Public Session.

Chairman Bush sought a motion to enter into Non-Public Sessions under RSA 91-A:3. II. (c)

Motion by Vice Chairman Tencza for the committee go into non-public session for the purpose of consideration of the matter; matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant pursuant to RSA 91-A:3, II (c). Seconded by Member Robinson.

A roll call vote was taken on the motion:

Roll call
Mr. Bush - yes
Mr. Fisher – yes
Ms. Robinson - yes
Mr. Wiseman – yes
Mr. Tencza - yes

Motion carried.

The committee entered non-public session at 7:44pm.

The committee came back into public session at 8:12pm.

Public session reconvened at 8:13pm.

Chairman Bush notified the Public that the committee will vote on each complaint in Public Session.

Chairman Bush noted the committee will conduct a vote on Complaint 1 under Chapter 12 §12-32 Complaint D determine the complaint is sufficient.

Chairman Bush called an individual verbal vote:

An individual verbal vote was taken on the motion:

Mr. Bush - yes
Mr. Fisher – yes
Ms. Robinson - yes
Mr. Wiseman – yes
Mr. Tencza – yes

Chairman Bush notified the Public that the committee will vote on each complaint in Public Session.

Chairman Bush noted the committee will conduct a vote on Complaint 2 under Chapter 12 §12-32 Complaint D determine the complaint is sufficient.

Chairman Bush called an individual verbal vote:

An individual verbal vote was taken on the motion:

Mr. Bush - yes
Mr. Fisher – yes
Ms. Robinson - yes
Mr. Wiseman – yes
Mr. Tencza - yes

Chairman Bush notified the public the ERC determined the complaint is sufficient for a hearing.

Chairman Bush sought the will of the board to set a meeting date with committee discussing dates.

Chairman Bush sought the timeline requirements of the statute from Attorney Sullivan.

Member Fisher sought advice from Attorney Sullivan related to a meeting time in March 2025.

Chairman Bush sought approval of a March 2025 from Ms. Ortolano and Ms. Colquhoun.

Attorney Sullivan opined the committee is required to have both parties agree on a hearing date.

Member Wiseman discussed if the committee can tentatively set a meeting due to the need to have all parties in agreeance.

Attorney Sullivan opined the statute requires to have a hearing within thirty days, unless both parties agree outside the statutory parameter.

Chairman Bush states the committee will set a tentative meeting date of March 6, 2025 and confirmed with parties agree with the tentative meeting date.

Chairman Bush sought a motion to adjourn with a second of by Member Robinson.

REC'D CITY CLERK DEPT
JAN 28 '25 AM8:42

NOTICE OF MEETING

In accordance with the requirements of NH RSA 91-A:2, II

THE
Ethics Review Committee

WILL MEET ON

January 30, 2025

AT

6:30pm

LOCATION

City Hall Auditorium, 3rd Floor
229 Main Street, Nashua NH 03061

The meeting may include a nonpublic session

THE LOCATION OF THIS NOTICE IS POSTED:	Date of Posting:
■ City Hall Bulletin Board (Elm Street/Rear Entry)	01/28/2025
■ Nashua Public Library Bulletin Board	01/28/2025
☐ OTHER:	
■ Website: NashuaNH.gov/agendacenter	1/28/2025

AFFIDAVIT OF POSTING

I, Gary Perrin, the Records Administrator, of the Administrator Services Division hereby certify that on this month number 1, day 28, 2025, the attached Notice of Meeting was posted in the two places indicated on the notice, including an internet website, in accordance with the requirements of NH RSA 91-A2, II.

Send to Clerk's Office Version 072624

THE CITY OF NASHUA

"The Gate City"

Ethics Review Committee meeting of January 30, 2025

Agenda

These minutes were sealed at the 1/30/2025 Ethics Review Committee meeting.