

**ETHICS REVIEW COMMITTEE
MEETING MINUTES
April 3, 2025**

Tim Bush, Chairman ([00:02](#)):

I have the opening remarks, which I know is always the highlight of the meeting when

Lyndsay Robinson, Member ([00:04](#)):

Tim Bush, Chairman ([00:07](#)):

I always read my opening remarks.

Robert Sullivan of Counsel ([00:08](#)):

[inaudible 00:00:09] Mr. Chairman-

Tim Bush, Chairman ([00:11](#)):

Something.

Robert Sullivan of Counsel ([00:11](#)):

[inaudible 00:00:12] roll call just so it's in the record.

Tim Bush, Chairman ([00:14](#)):

We have a roll call starting with.

John Fisher, Member ([00:16](#)):

John Fisher, here.

Lyndsay Robinson, Member ([00:17](#)):

Lyndsay Robinson, here.

David Tencza, Vice Chairman ([00:17](#)):

Dave Tencza, here.

Tim Bush, Chairman ([00:17](#)):

Tim Bush, here.

Roger Wiseman, here.

Tim Bush, Chairman ([00:22](#)):

As counsel to this group.

Robert Sullivan of Counsel ([00:26](#)):

Robert Sullivan, here.

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Tim Bush, Chairman ([00:28](#)):

And as always, we thank, Mr. Sullivan for, coming back and assisting us with, the legal issues that [inaudible 00:00:36].

David Tencza, Vice Chairman ([00:33](#)):

Should also note for the record that Mr. Perrin is here as well, [inaudible 00:00:43].

Tim Bush, Chairman ([00:33](#)):

Thank you, Mr. Perrin.

Gary Perrin, Records Administrator ([00:33](#)):

My pleasure, sir.

Tim Bush, Chairman ([00:49](#)):

Tonight, is to review and approve the draft meeting minutes from March 20th, if anybody wants a chance to review those. Pretty self-explanatory.

David Tencza, Vice Chairman ([00:51](#)):

Vote to accept the minutes placed on file.

Tim Bush, Chairman ([01:10](#)):

I'll second. I guess I just do want to say briefly, I mean, briefly, that when we last were here, there was some discussion about circulating the opinion one on one to not violate the Right to Know law.

Robert Sullivan, Of Counsel ([01:22](#)):

I could address that.

Tim Bush, Chairman ([01:22](#)):

Yes, sir.

Robert Sullivan, Of Counsel ([01:28](#)):

It was actually my recommendation that evening that, once a draft of an opinion was ready it could be sent to each of the members of the committee, and, we could reach final approval that way, and then meet one more time to vote on that final proof. I took that idea back to Portsmouth method, discussed it with the lawyers in my office, all of whom are, put the right to know law every day.

([01:56](#)):

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There was concern that, that approach, could be seen and as, and have to just circumvent, potentially circumvent the right to know law by conducting a sham, really, is the term that the Supreme Court used when it described that in a case [inaudible 00:02:22]. that given the circumstances of this particular case, and the party to this particular case, which is to be sure to, to act in a way more purer than Cesar's way.

Tim Bush, Chairman ([02:41](#)):

I'll just say this for the record, none of us have seen any draft opinion. We've had no discussions on it because none of us have seen it, as of yet. I bet, I guess it's, it's in our folders and now we'll review it when we go into deliberation. So.

Robert Sullivan Of Counsel ([02:56](#)):

Like-

Tim Bush, Chairman ([02:56](#)):

Just for the record, there's no, there's no question about us being above board. We now have to, once we go into non-public review of written decision, and make sure the board is all right.

David Tencza, Vice Chairman ([03:09](#)):

So, I thought about the, this advice I was getting from, lawyers in Portsmouth and I came to, over the course of a weekend, to agree with that. I called the chairman of the committee, expressed my concern that if we didn't play strictly by order, there might be people in this situation who would raise that issue somewhere.

Tim Bush, Chairman ([03:34](#)):

Yeah. We, we'd rather err on the side of caution

Robert Sullivan Of Counsel ([03:35](#)):

[inaudible 00:03:36].

Tim Bush, Chairman ([03:36](#)):

We'd rather err on the side of caution. I think we all-

Robert Sullivan Of Counsel ([03:37](#)):

So-

Tim Bush, Chairman ([03:38](#)):

We all feel that way.

Robert Sullivan Of Counsel ([03:38](#)):

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So, I made the decision not to dis- distribute the document, but they have one more meeting. I'll review it at that time [inaudible 00:03:48] when it's that time.

Tim Bush, Chairman ([03:49](#)):

I guess at this point, I don't know how [inaudible 00:03:56] the tasks. We probably want to deliberate. I'm thinking non-public will probably make a motion. I do want to say, while we're still out here on the record, Mr. Wiseman is here. Mr. Wiseman has been away, in a much better place than Nashua, if that even exists. He's now back. My understanding from Attorney Sullivan, just with clarification, is he's allowed to serve and be here, while we read the opinion and deliberate. Obviously, not, having not been here on trial, [inaudible 00:04:24] deliberations, but he's certainly entitled to be here. Is that correct?

Robert Sullivan Of Counsel ([04:28](#)):

The Committee may invite into non-public session, any one whom it feels would be, helpful, to reaching the goal, for which you entered into non-public session.

Tim Bush, Chairman ([04:44](#)):

All right.

Lyndsay Robinson, Member ([04:45](#)):

Just for the record, though, we accepted the minutes, but we did not approve of them.

Tim Bush, Chairman ([04:49](#)):

Very well.

Lyndsay Robinson, Member ([04:49](#)):

There's [inaudible 00:04:51] items there.

David Tencza, Vice Chairman ([04:53](#)):

[inaudible 00:04:53] say all those in favor.

Tim Bush, Chairman ([04:54](#)):

All those in favor.

Lyndsay Robinson, Member ([04:54](#)):

Aye.

David Tencza, Vice Chairman ([04:54](#)):

Aye.

Tim Bush, Chairman ([04:56](#)):

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All opposed. All right. The meeting that portion carries. [inaudible 00:05:03].

Lyndsay Robinson, Member ([04:59](#)):

It's okay.

Tim Bush, Chairman ([04:59](#)):

As opposed to the other lines [inaudible 00:05:05].

Lyndsay Robinson, Member ([04:59](#)):

Yeah.

David Tencza, Vice Chairman ([05:06](#)):

Clearly. So, Mr. Chairman, I'll, make a motion that [inaudible 00:05:10] turn to the non-public session in the RSA 91A: 3 II (c), 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. I'd make the motion into RSA 91A: 3 II (l), 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.

And that has to be done by roll call [inaudible 00:05:55].

Tim Bush, Chairman ([05:55](#)):

Give a second.

John Fisher, Member ([05:57](#)):

Second.

John Fisher, Member ([05:58](#)):

Oh, sorry. [inaudible 00:05:59].

David Tencza, Vice Chairman ([05:58](#)):

Lyndsay, Lyndsay has a second.

Gary Perrin, Records Administrator ([06:00](#)):

Okay, thank you.

John Fisher, Member ([06:00](#)):

Aye

Lyndsay Robinson, Member ([06:05](#)):

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Lyndsay Robinson, Aye

David Tencza, Vice Chairman ([06:06](#)):

Yes.

Tim Bush, Chairman ([06:06](#)):

Yes

David Tencza, Vice Chairman ([06:06](#)):

Go ahead.

Tim Bush, Chairman ([06:06](#)):

No, I guess no, no vote

John Fisher, Member ([06:06](#)):

Yes, no, No Vote

Tim Bush, Chairman ([06:14](#)):

No, So, the ayes have it, and we continue in non-public.

David Tencza, Vice Chairman ([06:16](#)):

Yes.

John Fisher, Member ([00:00](#)):

Thank you for printing the letter. not to be too picky, can I leave just my notes for

Tim Bush, Chairman ([00:15](#)):

Are we supposed to-

John Fisher, Member ([00:15](#)):

Starting, that I wrote all over?

Tim Bush, Chairman ([00:17](#)):

Are we supposed to share anything, like, if we have notes or anything? Are we supposed to keep that? No?

Robert Sullivan Of Counsel ([00:22](#)):

No, you do not, your notes are your notes.

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Tim Bush, Chairman

Okay. Alright.

John Fisher, Member ([00:24](#)):

Okay. Alright. back to you [inaudible 00:00:42].

Lyndsay Robinson, Member ([00:42](#)):

I did like a Control-F on the [inaudible 00:00:44]-

Tim Bush, Chairman ([00:44](#)):

Abstained or did not... Abstained or did not participate? Did not participate in the decision. Because abstained implies that he had the ability to participate in the decision, but chose not to. Right? Am I?

Robert Sullivan Of Counsel ([00:58](#)):

Does it? I just think it meant he chose not to vote.

Tim Bush, Chairman ([01:03](#)):

But he didn't choose not to, he couldn't vote. That's what I'm saying. Is it getting late?

Lyndsay Robinson, Member ([01:11](#)):

Yeah.

Roger Wiseman, Member ([01:12](#)):

Can I-

Robert Sullivan Of Counsel ([01:13](#)):

How about just write, "Did not vote."

Roger Wiseman, Member ([01:14](#)):

Did not vote and sign it?

Robert Sullivan Of Counsel ([01:14](#)):

Yeah.

Lyndsay Robinson, Member ([01:14](#)):

I just do. "Did not vote."

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Tim Bush, Chairman ([01:17](#)):

Did not vote.

Roger Wiseman, Member ([01:18](#)):

And no signature. (Laughs).

Tim Bush, Chairman ([01:18](#)):

Did not vote.

Roger Wiseman, Member ([01:18](#)):

I'll print as neatly as I can.

Lyndsay Robinson, Member ([01:26](#)):

We'll just leave Mike's line blank.

Tim Bush, Chairman ([01:28](#)):

Yeah, perfect.

Lyndsay Robinson, Member ([01:34](#)):

It is the same thing as abstained, right?

Tim Bush, Chairman ([01:38](#)):

I just have to throw one more thing in there. What do you want me to do, go home to my. You know?

Tim Bush, Chairman ([01:44](#)):

Thank you. Thanks everyone.

Robert Sullivan Of Counsel ([01:46](#)):

All right. I'll make a motion to adjourn.

Tim Bush, Chairman ([01:48](#)):

Second.

Lyndsay Robinson, Member ([01:51](#)):

All in favor?

Tim Bush, Chairman ([01:52](#)):

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All in favor?

Group ([01:52](#)):

Aye.

Group ([01:52](#)):

Aye.

Robert Sullivan Of Counsel ([01:55](#)):

Thank you all. I think it was actually excellent committee work.

DRAFT

NOTICE OF MEETING

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

THE

WILL MEET ON

AT

LOCATION

THE LOCATION OF THIS NOTICE IS POSTED:

Date of Posting:

☐ City Hall Bulletin Board (Elm Street/Rear Entry)

☐ Nashua Public Library Bulletin Board

☐ OTHER:

☐ Website:

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I, _____, the _____, of the _____
hereby certify that on this month number _____, day _____, 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-A:2, II.