

**ETHICS REVIEW COMMITTEE
MEETING MINUTES
March 20, 2025**

Tim Bush ([00:00](#)):

On- on my left.

David Tencza ([00:01](#)):

Dave Tencza present.

John Fisher, Member ([00:03](#)):

John Fischer present.

Tim Bush ([00:04](#)):

Tim Bush present.

Lyndsay Robinson, Member ([00:05](#)):

Lindsey Robinson present.

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

And as counsel for the committee?

Robert Sullivan, Of Counsel ([00:09](#)):

Robert Sullivan.

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

Thank you, Mr. Sullivan for being here. As always, the committee's grateful for your continued, service to this committee and to the City of Nashville. Review and approve the draft meeting minutes for March 13th, 2025. I do have a question for Mr. Sullivan, does that include going through the meeting minutes? and if there's any type of misspellings or anything correct in that.

Robert Sullivan, Of Counsel ([00:40](#)):

Yeah, I think you accept the minutes by separate motion and correct anything-

Tim Bush ([00:45](#)):

Okay.

Robert Sullivan, Of Counsel ([00:46](#)):

At that time.

Tim Bush ([00:47](#)):

Does anyone have any corrections off the top of their head of the meeting minutes?

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John Fisher, Member ([00:50](#)):

I misunderstood your, So one of the, attached to the minutes was the transcripts, if we have, there's a ton of corrections in the transcripts, but the transcripts are not technically part of the meeting minutes, right? The meeting minutes, were just like, I don't have any objections to what was in here for the business part of it, do you understand what I'm asking?

Robert Sullivan, Of Counsel ([01:10](#)):

There's no need to make corrections if you don't feel they're necessary.

John Fisher, Member ([01:13](#)):

Okay. I would make a first, to accept the minutes, as submitted.

Lyndsay Robinson, Member ([01:18](#)):

Second.

Tim Bush ([01:20](#)):

All in favor?

Robert Sullivan, Of Counsel ([01:21](#)):

Aye.

David Tencza ([01:21](#)):

Aye.

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

So, the meeting minutes for March 13th are approved, and now we're going go into the deliberations for the ethics complaint 20-24-2. It says here we're anticipating a non-public session. Do you feel with respect to.

Robert Sullivan, Of Counsel ([01:37](#)):

No. Sure. It occurred to me p- perhaps since you have somebody from the Telegraph here that, maybe before you go into the non-public session, we should discuss, really for his benefit as much as anything else, what the process is going to be and what you're going to do. I think I know from discussions with you what the plan is.

Tim Bush ([02:03](#)):

Sure, I mean, do you want to advise the committee as to how we should

Robert Sullivan, Of Counsel ([02:06](#)):

Yes

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Tim Bush ([02:06](#)):

To deliberate.

Robert Sullivan, Of Counsel ([02:07](#)):

Yes.

Tim Bush ([02:07](#)):

... [inaudible 00:02:08]

Robert Sullivan, Of Counsel ([02:08](#)):

I have some assumptions.

Tim Bush ([02:11](#)):

Okay.

Robert Sullivan, Of Counsel ([02:11](#)):

One assumption I have is that you do not want your opinion to become public until you release it to the public. Therefore, care needs to be taken not to create a public record until you are ready to create a public record. That's one assumption. Another assumption is you want to minimize the number of times you have to meet.

Lyndsay Robinson, Member ([02:35](#)):

Yes.

Robert Sullivan, Of Counsel ([02:35](#)):

So

Tim Bush ([02:36](#)):

I think that is a very good assumption.

Lyndsay Robinson, Member ([02:37](#)):

Yeah

Robert Sullivan, Of Counsel ([02:39](#)):

So, one idea I had that combines both of those assumptions is that, in a non-public session tonight, you can agree on the general parameters of what your opinion is going to be, but not actually write it, tonight. What you could then do is assign it to someone, some member of your group, to write it and then, using the parameters that you've agreed upon. And that person can then, write it and- and work individually with members of the committee until it's in a form that, the person thinks it's ready to be approved by the whole group. And, and then, you can either, by means of, by distributing a draft to everyone, which.

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Tim Bush ([03:46](#)):

One-on-one, right?

Robert Sullivan, Of Counsel ([03:48](#)):

Yeah. Well, that's what I'm saying, until-

Tim Bush ([03:50](#)):

Yeah.

Robert Sullivan, Of Counsel ([03:50](#)):

You decide you want to make it a public record, you should not distribute it.

Lyndsay Robinson, Member ([03:55](#)):

To the whole group.

Robert Sullivan, Of Counsel ([03:56](#)):

to a quorum, right?

Tim Bush ([03:57](#)):

Yeah. my thought is we just want to get obviously everybody's input, whoever the writer is, gets everybody's input, but not in one email where all- where all of us are on it, but one email just to that person. Not even you're included in that email, correct?

Robert Sullivan, Of Counsel ([04:10](#)):

I'm not a member of the Public body.

Tim Bush ([04:11](#)):

Right.

Robert Sullivan, Of Counsel ([04:11](#)):

Public body. I can't see anything.

Tim Bush ([04:13](#)):

You, so you can see it, so it could, so you could get copies of the draft.

Robert Sullivan, Of Counsel ([04:16](#)):

Yes.

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Tim Bush ([04:17](#)):

You, so if Dave's writing it and he sends a copy to Lyndsay, Dave, Lyndsay, and you can see that email, just not, And that's not, that doesn't violate 91(a).

Robert Sullivan, Of Counsel ([04:27](#)):

As long as the quorum doesn't see it at the same time.

Tim Bush ([04:29](#)):

Okay.

Robert Sullivan, Of Counsel ([04:30](#)):

And as long as the discussions which occur amongst you-

Tim Bush ([04:33](#)):

Are about the deliberations.

Robert Sullivan, Of Counsel ([04:34](#)):

Right, and don't occur in such a way that they're the functional equivalent of a meeting.

Tim Bush ([04:38](#)):

Okay.

Robert Sullivan, Of Counsel ([04:39](#)):

In other words, you and I could talk, you and I could talk, you and I could talk, you three can't talk.

Tim Bush ([04:46](#)):

Which is why it's good to have you on those emails to make sure that everyone's just talking about.

Robert Sullivan, Of Counsel ([04:49](#)):

Sure, I'd be happy to do that. I have plenty of-

Tim Bush ([04:52](#)):

Yep.

Robert Sullivan, Of Counsel ([04:52](#)):

assistance.

Tim Bush ([04:53](#)):

Okay.

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John Fisher, Member ([04:53](#)):

Seems like pragmatically, like, if Dave's writing it, he would send it to Lyndsay and, you know, get Lyndsay's thoughts back, incorporate those, then it's a new and different document. Send it to Tim, back, and then send it to me, back.

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

I've done it this way before.

Robert Sullivan, Of Counsel ([05:07](#)):

Yeah.

John Fisher, Member ([05:07](#)):

And then we're good, right?

Lyndsay Robinson, Member ([05:09](#)):

Yep.

Robert Sullivan, Of Counsel ([05:09](#)):

Right, and draft-

John Fisher, Member ([05:09](#)):

And then-

Robert Sullivan, Of Counsel ([05:10](#)):

Right.

John Fisher, Member ([05:10](#)):

Attorney Sullivan is on each of those.

Robert Sullivan, Of Counsel ([05:14](#)):

And the drafts are not public records until they-

John Fisher, Member ([05:16](#)):

and then the drafts... Right.

Robert Sullivan, Of Counsel ([05:16](#)):

they get to a quorum of the whole.

Tim Bush ([05:17](#)):

Okay.

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John Fisher, Member ([05:19](#)):

And then do we have to meet to all sign it simultaneously, or can we... If say,

Robert Sullivan, Of Counsel ([05:23](#)):

It-

John Fisher, Member ([05:24](#)):

Mr. Tencza gets it last back from me, he's made all his corrections, then can he send it to all of us and go, "This is it"?

Robert Sullivan, Of Counsel ([05:33](#)):

I there's a way around that.

Lyndsay Robinson, Member ([05:33](#)):

Then it's public.

Robert Sullivan, Of Counsel ([05:34](#)):

I think there is a way around that, which is, if you determine tonight to give somebody, Mr. Tencza or whatever, whoever the authority to write it, when he believes it's in a form that accurately reflects the principles that you've agreed upon-

John Fisher, Member ([05:55](#)):

Yep.

Robert Sullivan, Of Counsel ([05:55](#)):

then I believe Mr. Tencza could write it and release it.

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

Okay.

Robert Sullivan, Of Counsel ([05:58](#)):

And you would not have to meet again.

John Fisher, Member ([06:01](#)):

Okay.

Tim Bush ([06:03](#)):

I have one other question.

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John Fisher, Member ([06:04](#)):

I would've seen it last, sent it back to him, and unless, like, some crazy thing I said like, "Oh my gosh, that really flies in the face of what Lyndsay said and what Tim said," and wants to restart the whole.

Robert Sullivan, Of Counsel ([06:16](#)):

Then the only way to fix that would be to meet again , I think.

John Fisher, Member ([06:19](#)):

Okay. I'm not anticipating that happening-

Lyndsay Robinson, Member ([06:22](#)):

Yeah.

John Fisher, Member ([06:22](#)):

... but I want to do it right.

Tim Bush ([06:23](#)):

Yeah.

John Fisher, Member ([06:24](#)):

And I don't, I do not want to violate any rules, and I'm not trying to do the

Robert Sullivan, Of Counsel ([06:26](#)):

You know, my

John Fisher, Member ([06:27](#)):

smoky back room, I just really want to

Robert Sullivan, Of Counsel ([06:29](#)):

Obviously I have been watching you act (laughing)-

John Fisher, Member ([06:31](#)):

Right.

Robert Sullivan, Of Counsel ([06:32](#)):

Your committee act, and I am very complimentary of what you've done, in particular your review of the original petition, which, was kind of thoughtful and I thought sophisticated, and a lot of public bodies that are not experiencing in doing these things would've got that wrong, but I believe you got it right. It was, we, the way you handle this is exactly what is required by that ordinance, and I commend you on it.

Lyndsay Robinson, Member ([07:04](#)):

[inaudible 00:07:06]

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Tim Bush ([07:06](#)):

I just have one follow up before we went into a non-public, because I don't want to go into non-public, because, we're supposed to go into non-public for the specific reason to deliberate, right? So, if as part of the deliberations we talk about, you know, we obviously come to a verdict and then we make a decision as to how we want to write the decision, what the tone of the decision would be, is that appropriate as part of the deliberations?

Robert Sullivan, Of Counsel ([07:30](#)):

I think it is because, one of the reasons you can go into a non-public session, under the state law is for legal advice, and I'm going to be offering you legal advice at every step of the way, to help you make you know, reduce your thoughts into, an opinion that can be released.

Tim Bush ([07:50](#)):

So when we go into the non-public session, should we go in for two reasons? One, to deliberate on the decision, and two, to get legal advice from counsel as to.

Robert Sullivan, Of Counsel ([08:01](#)):

No, actually simple, the deliberation alone is not one of the reasons.

Tim Bush ([08:05](#)):

Okay, so,

Robert Sullivan, Of Counsel ([08:06](#)):

[inaudible 00:08:06]

Lyndsay Robinson, Member ([08:06](#)):

It's just legal advice.

Robert Sullivan, Of Counsel ([08:06](#)):

Legal advice.

Tim Bush ([08:08](#)):

Just legal advice?

Robert Sullivan, Of Counsel ([08:08](#)):

Yes.

Tim Bush ([08:09](#)):

Okay. So, I guess before we go into that, do we want go, I guess the preliminary question is do we want to go into non-public to deliberate?

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Robert Sullivan, Of Counsel ([08:18](#)):

Totally your decision.

John Fisher ([08:21](#)):

It's, I mean, this is a personal preference that, I would like to, not that I feel like anything, outlandish would be said, but I think that, it's a much freer exchange of information, and I need to make sure that I understood some of the, the things and the way they were.

Tim Bush ([08:51](#)):

Yeah.

John Fisher ([08:51](#)):

it'd be my preference to do that in non-public.

Tim Bush ([08:55](#)):

I agree with that. We've, I think we've all kind of been on the same wavelength that we want to do as much in public as possible, because we're really not looking to hide anything. Um, but by the same token, I do want to, I want the five of us to have kind of a free exchange as to what we're going to do. I think that will cut down on later on the draft deliberations going back and forth if we're all pretty much on the same wavelength as to how we want to do this. So, I'm in favor of it.

David Tencza, Member ([09:22](#)):

I, yeah, no, I agree too. So, if we're- if we're ready, I'm happy to make the motion.

Tim Bush ([09:26](#)):

Yeah.

David Tencza, Member ([09:26](#)):

make the motion. Just one- just one correction to one, news article I saw on this-

Tim Bush ([09:31](#)):

David Tencza, Member ([09:31](#)):

to put on the record, the news article I saw said that Mr. Sullivan was at council's table with Ms. Ortolano and Ms. Colquhoun, and in fact, he's acting on behalf of the committee. So just to make that clear that he was not there representing, the petitioners, so.

Robert Sullivan, Of Counsel ([09:49](#)):

Definitely not.

Unknown Speaker ([09:50](#)):

If- I may speak, that was what I figured, but then I figured you'd-

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John Fisher, Member ([09:55](#)):

[inaudible 00:09:56]

Unknown Speaker ([09:55](#)):

you'd be sitting with the mayor and Mike Pignatelli, but is it just, like, that's a seat you decide to sit in kind of thing?

John Fisher, Member ([10:04](#)):

Unknown Speaker ([10:04](#)):

That's what it boils down to.

John Fisher, Member ([10:07](#)):

Well, the- the other thing you-

Unknown Speaker ([10:07](#)):

So,

John Fisher, Member ([10:09](#)):

the other thing you missed us pull a table up for them so it'd be easier so they, Ms. Ortolano and Ms. Colquhoun did not have to speak from the audience in the midst of-

Unknown Speaker ([10:20](#)):

Right. Okay.

John Fisher, Member ([10:21](#)):

So that was more a matter of convenience.

Unknown Speaker ([10:23](#)):

yeah.

John Fisher, Member ([10:23](#)):

I know the perception probably, I could see how you would gather that, but-

Unknown Speaker ([10:27](#)):

Yeah, and I stopped short of, I knew you weren't representing them, so I stopped short of saying that. So all- all I could think of was he sat at the table.

John Fisher, Member ([10:34](#)):

Yeah.

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Unknown Speaker ([10:37](#)):

And it, you know, it's kind of sloppy really.

John Fisher, Member ([10:38](#)):

Yeah.

Unknown Speaker ([10:38](#)):

But it-

Robert Sullivan, Of Counsel ([10:39](#)):

We had actually explained it at the first meeting. There was pretty substantial proceedings that occurred before that meeting that you were at.

Unknown Speaker ([10:47](#)):

Oh, Yeah.

Tim Bush ([10:49](#)):

But I think we, and I can speak for all the committee members when we say how wonderful it's to have you here. And-

Lyndsay Robinson, Member ([10:54](#)):

David Tencza ([10:55](#)):

Yeah. Yeah.

John Fisher, Member ([10:56](#)):

I agree. I do.

Tim Bush ([10:57](#)):

Yeah. And-

John Fisher, Member ([10:58](#)):

It actually brings a level of professionalism as a whole.

Tim Bush ([10:59](#)):

Yes. Yes.

John Fisher, Member ([11:02](#)):

as you always-

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Tim Bush ([11:02](#)):

We appreciate it.

John Fisher, Member ([11:03](#)):

... as you always have.

Tim Bush ([11:04](#)):

And we- and we, it, it's actually kind of an important case. It really is.

Unknown Speaker ([11:09](#)):

It is. and, you know, there's a lot of feeling on both sides, and it comes up at virtually every meeting, somehow you know, with the history and everything. So, you know, it's important to get it out there. So if you, when you people going to non-public, I mean, it's, you know, there's no, it's not contentious in the least. It's a, you know, professional relationship where, I know that you'll be forthcoming when you can be.

Tim Bush ([11:49](#)):

Right.

Unknown Speaker ([11:49](#)):

As far as-

Tim Bush ([11:49](#)):

That is our intent. Yes.

Unknown Speaker ([11:51](#)):

... once you do what you need do, if it takes a couple extra days, you know, that's fine. It So that's my position anyway.

Tim Bush ([12:02](#)):

Thank you.

Unknown Speaker ([12:02](#)):

Okay.

David Tencza ([12:04](#)):

Mr. Chairman, I'd like to make a motion that the committee enters non-public session, as a result of RSA 91-832, I believe L, in that the consideration of legal advice provided by legal counsel either in writing or orally to one or more members of the body of this public body, even where legal counsel is, not present, which he is tonight. and that's by roll call vote. Mr. Chairman, I'll call the roll if you're-

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Tim Bush ([12:32](#)):

Okay.

David Tencza ([12:32](#)):

okay with that?

Tim Bush ([12:32](#)):

Certainly, certainly.

Lyndsay Robinson, Member ([12:32](#)):

Could I... One second.

David Tencza ([12:32](#)):

Sure.

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

... public right now, and so your decision will be made public if somebody asks you. And the minutes will show it.

Chairman Bush ([00:10](#)):

I think we're back in public.

Vice Chairman Tencza ([00:13](#)):

We're back in public now-

John Fisher, Member ([00:13](#)):

But we didn't actually vote to go back in public.

Vice Chairman Tencza ([00:15](#)):

Right.

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

So maybe we shouldn't, and vote.

John Fisher, Member ([00:18](#)):

Sorry.

Vice Chairman Tencza ([00:19](#)):

Sorry.

([00:19](#)):

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Vice Chairman Tencza ([00:20](#)):

Yeah.

Robert Sullivan, Of Counsel ([00:21](#)):

Rather than vote to go back in public, I prefer that-

Tim Bush, Chairman, Member ([00:05](#)):

Okay, we're back in public session. Mr. Tencza?

David Tencza ([00:10](#)):

John Fisher, Member ([00:10](#)):

Should we make, one of us make the motion because he's-

David Tencza ([00:13](#)):

So, first I'm going to make a motion to seal the minutes.

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

Oh, I'm sorry.

David Tencza ([00:16](#)):

Of the non-public session. Because it's determined that divulgence of this information would likely, affect adversely the reputation of any person other than a member of this board and, render a proposed action, or in- ineffective, which we just talked about in non-public session.

Lyndsay Robinson, Member ([00:36](#)):

Second.

Tim Bush ([00:38](#)):

Agree.

John Fisher, Member ([00:40](#)):

Agreed.

David Tencza ([00:41](#)):

Okay. And that has to be a roll call vote, so I'll call the roll. Ms. Robinson.

Lyndsay Robinson, Member ([00:43](#)):

Aye. Yes.

David Tencza ([00:44](#)):

Mr. Bush.

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

Aye.

David Tencza ([00:46](#)):

Mr. Fisher.

John Fisher, Member ([00:46](#)):

Aye.

David Tencza ([00:47](#)):

And, Mr. Tencza votes aye as well. Alright.

Robert Sullivan, Of Counsel ([00:51](#)):

Now, can I ask a question not of you, but of her. So, the city of Nashua is supposed to be keeping a list of everything that has been sealed. Do we, the fact that you know about the list, is that, will that get this onto it? Or do we need to do something else?

Diane Veino ([01:13](#)):

It should get onto it, but we, Gary will be in tomorrow and I can make sure, find out by him.

Chairman Bush ([01:20](#)):

Okay.

([01:26](#)):

John Fisher, Member

So, I would like to make a motion that, we empower Mr. Tencza to prepare, a document, regarding our findings, that we, deliberated on. And that when we have all signed that document, that it then becomes, a public document, a public record, and that we, forward it to the Alderman as is our duty.

Lyndsay Robinson, Member ([02:03](#)):

Second.

Tim Bush ([02:04](#)):

Agreed.

John Fisher, Member ([02:06](#)):

Do you need to call roll call or do we have to.

David Tencza ([02:08](#)):

You can just voice vote.

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Tim Bush ([02:08](#)):

Voice vote. All in favor?

David Tencza ([02:10](#)):

Aye.

John Fisher, Member ([02:10](#)):

Aye.

Tim Bush ([02:14](#)):

And, and just so, I guess we'll just do it on public record. The, the way in which we anticipate doing this, that attorney Tencza will send the draft to Attorney Sullivan. And Attorney Sullivan will then deal with each of us individually. There will be no-

Robert Sullivan, Of Counsel ([02:28](#)):

Sure. I'll be happy to facilitate, put in a document.

Tim Bush ([02:31](#)):

Perfect.

David Tencza ([02:35](#)):

All right, I make a motion to adjourn. There's no other business.

Lyndsay Robinson, Member ([02:38](#)):

Second.

Tim Bush ([02:40](#)):

Agreed.

David Tencza ([02:41](#)):

You have to say all in favor.

Tim Bush ([02:42](#)):

All in favor.

David Tencza ([02:43](#)):

Aye.

John Fisher, Member ([02:43](#)):

Aye.

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David Tencza ([02:46](#)):

You guys have it, the meeting's adjourned.

Robert Sullivan, Of Counsel ([02:47](#)):

You know, this was a, a really interesting experience. I mean

Lyndsay Robinson, Member ([02:50](#)):

John Fisher, Member ([02:52](#)):

Tonight?

NOTICE OF MEETING

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

THE Ethics Review Committee

WILL MEET ON

March 20, 2025

**AT
6:30 PM**

LOCATION

**City Hall Room 208 2nd 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)

3/17/2024

☒ Nashua Public Library Bulletin Board

3/17/2024

☐ OTHER:

☒ Website: <https://nashuanh.portal.civicclerk.com/>

3/17/2024

AFFIDAVIT OF POSTING

I, Gary Perrin, the Records Administrator, of the Administrative Services Division
hereby certify that on this month number 3, day 17, 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-A:2, II.