



# **Town of Hopkinton, NH**

## **Office of the Select Board**

330 Main Street, Hopkinton, NH 03229-2627

Tel: (603) 746-1005 E-mail: [selectmen@tds.net](mailto:selectmen@tds.net)

Fax: (603) 746-2952 Web: [hopkinton-nh.gov](http://hopkinton-nh.gov)

## **Nonpublic Session Minutes Board of Selectmen**

**Date:** November 5, 2012

**Members Present:** Jim O'Brien, Chair  
Bryan Pellerin, Vice Chair  
Tom Congoran  
Denis Goddard  
George Langwasser

**Staff Present:** Neal Cass, Town Administrator

**Motion to enter Nonpublic Session** made by Selectman Congoran seconded by Selectman Langwasser.

**Specific Statutory Reason** cited as foundation for the nonpublic session: 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*

<b>Roll Call vote</b> to enter nonpublic session:	Jim O'Brien	Yes
	Bryan Pellerin	Yes
	George Langwasser	Yes
	Tom Congoran	Yes
	Denis Goddard	Yes

**Entered nonpublic session** at 8:22 p.m.

**Description of matters discussed and final decisions made:** The Town Administrator reviewed the e-mail from Town Counsel concerning their conversation with Tanner Royce, our independent adjustor for the highway garage claim. Selectman Pellerin said that we have a contract to replace "in kind" and are not entitled to a windfall. After further discussion the Board decided to begin to prepare to go to arbitration. Chair O'Brien will call LGC Executive Director Maura Carroll and invite her to the next Board meeting. The Town Administrator will discuss payment with Tanner Royce for what they have done and we will continue without their assistance. We will pay them for additional time if they are needed to testify.

**Note:** Under RSA 91-A:3, III. *Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person **other than a member of this board**, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.*

**Motion made to seal these minutes:** Motion made by Selectman Langwasser, seconded by Selectman Congoran, because it is determined that divulgence of this information likely render a proposed action ineffective.

<b>Roll Call Vote to seal minutes:</b>	Jim O'Brien	Yes
	George Langwasser	Yes
	Tom Congoran	Yes
	Bryan Pellerin	Yes
	Denis Goddard	Yes

**Motion: PASSED**

**Motion to leave nonpublic session** and return to public session by Selectman Congoran, seconded by Selectman Pellerin.

**Motion: PASSED**

**Public session reconvened** at 9:00 p.m.

**These minutes recorded by:** Neal A. Cass