

Town of North Hampton
Select Board Appointed by the Rockingham County Superior Court
Application of Kathleen Kilgore for Indemnification

DECISION and ORDER

On December 30, 2019 and February 26, 2020 , the North Hampton Select Board, appointed by the Rockingham County Superior Court, having been previously duly sworn in by the Town Clerk, heard Kathleen M. Kilgore's application for Indemnification (reimbursement) pursuant to RSA 31:105 for attorney's fees allegedly incurred defending against a complaint that she had violated provisions of the North Hampton Code of Ethics. The hearing was conducted pursuant to the procedures set forth in RSA Chapter 43. Notice of the hearing was provided to Ms. Kilgore as required by RSA 43:2 and notice was given to all other interested persons as required by RSA 43:3.

The Select Board heard testimony, under oath, from the following witnesses:

Kathleen Kilgore (Applicant), Bryan Kaenrath (Town Administrator), Laurel Pohl, Frank Ferraro and Casey O'Kane. The testimony of the witnesses is set forth in the minutes of the hearing which are incorporated in this decision by reference.

Following the close of the witnesses' testimony, the Select Board deliberated and, for the reasons set forth in the minutes of the hearing which are incorporated in this decision by reference, the Select Board made the following determinations:

1. That the provisions of RSA 31:105 "Indemnification For Damages" did not apply to this application as there was no evidence that the Board of Selectmen had voted prior to filing of the ethics complaint against Ms. Kilgore to indemnify members of the Select Board as required by the statute.
2. That Ms. Kilgore was acting within the scope of her duties as a member of the Select Board when she made the comments which gave rise to the ethics complaint filed against her.

3. That the amount of attorney's fees for which Ms. Kilgore sought indemnification was not reasonable.
4. The Select Board then considered whether it should review the request for indemnification under its authority to manage the prudential affairs of the town (RSA 41:8). The Select Board determined for the reasons set forth in the minutes of February 26, 2019, not to reconsider its decision pursuant to its authority under RSA 41:8.

For the reasons stated herein, Ms. Kilgore's application for indemnification (reimbursement) for attorney's fees incurred in defending against an ethics complaint is denied by this court appointed Select Board.

Date: 3/4/2020

Date: 3 MAR 2020

Date: 3/4/2020


Donald Gould, Chairperson


Richard Stanton, Member


Emily Creighton, Member