



**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
THE MUNICIPAL ETHICS COMMITTEE**

MAY 2, 2019 6:30 PM

NORTH HAMPTON TOWN HALL

Approved Minutes

MEMBERS PRESENT: Chairman Jonathan Pinette, Vice-Chairman Susan Leonardi, Timothy Harned, Mark L. Janos, Kathleen Kilgore, Phillip E. Wilson (Alternate)

ALSO PRESENT: Town Administrator Kaenrath

AGENDA

Chairman Pinette welcomed everyone to the May 2, 2019 Meeting of the Municipal Ethics Committee and called the meeting to order at 6:30 pm, followed by the Pledge of Allegiance.

Chairman Pinette said he first wanted to set some ground rules to be respectful during the meeting.

OLD BUSINESS – None

NEW BUSINESS

Approval of the Minutes of the April 25, 2019 Meeting

Changes/corrections: Chairman Pinette said the date at the top of the minutes needed to be corrected to April 25, 2019.

Motion: To approve the Minutes of the Municipal Ethics Committee Meeting of April 25, 2019 as amended.

Motioned: Mr. Harned

Seconded: Selectwoman Kilgore

Vote: Motion approved 4-0, with 1 abstention

Initial Review of Complaint Received April 24, 2019

Selectwoman Kilgore recused herself from the meeting, and was replaced by Alternate Member Phil Wilson.

Chairman Pinette said he would read the complaint filed by Mr. Jim Maggiore, and received in Town Offices on April 24, 2019. He said they would review the complaint and decide if they would be taking jurisdiction over this complaint or dismissing it if there was no merit.

Chairman Pinette read the complaint letter dated April 18, 2019 in full. It stated that Selectwoman and Library Trustee Kathleen Kilgore alleged that the vote of the Select Board to elect him (Jim Maggiore) as Chairman and Larry Miller as Vice Chairman was sexist. The accusations were printed in an article in the Hampton Union, the Portsmouth Herald, and Seacoast Online and were included as Exhibit A. Mr. Maggiore said he characteristically denied the accusations as permitted under Article 7, Section 7.04 of the Town of North Hampton Code of Ethics, and requested the Town of North Hampton Standing Ethics Committee to investigate the baseless claims of sexism.

Mr. Maggiore went on to say that when the Ethics Committee found sexism did not occur, he requested Ms. Kilgore retract her assertions and Seacoast Online remove the entire article of accusations. He also attached copies of the Select Board Meeting minutes of April 8, 2019 as Exhibit B, as well as the video of the meeting. He said he and Ms. Kilgore had worked together for two (2) years on the Select Board, and each member of the Select Board had the same rights, privileges and responsibilities, and said he always treated Ms. Kilgore with respect. He said sexism is discrimination and prejudice based on gender, and said he had never discriminated against anyone in his political, professional, or personal career. He said Ms. Kilgore's baseless claim could remain with him for the rest of his life and felt her accusation was a violation of the Code of Ethics

Mr. Maggiore included an opinion letter from Town Counsel Steve Bennett as Exhibit C. He said if Ms. Kilgore's statements against Mr. Miller and Mr. Maggiore were found to be baseless, they could be deemed to violate the code provisions requiring officials and employees to treat each other and the public fairly, equally and with respect. He said under Section 4.02 of the North Hampton Code of Ethics, the allegations constituted unjustified attacks on fellow Board Members. He said he felt that the alleged sexism by Mr. Kilgore was unjustified and a personal attack, and said he looked forward to a prompt response from the Standing Ethics Committee.

Chairman Pinette said meeting minutes were also provided. He said that he did approach Ms. Kilgore after the initial meeting, and regardless of how this played out, he favored some type of mediation between the two parties. Town Administrator Kaenrath said the Ethics Committee had a charge to take up the complaint, review it, and decide if there is merit or not and that should be the goal of the meeting tonight.

Chairman Pinette said if there was no merit for the complaint, no mediation would be needed. He said they also needed to decide if letters being circulated with regard to Attorney James Scully, who is representing Ms. Kilgore, should be made public. Town Administrator Kaenrath said he believed those documents were public documents and said the Committee needed to decide whether to allow all

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documents to be made public. Mr. Janos said they needed to look at the complaint and decide whether it had merit and the complaint could move forward. He said if Section 4.02 was alleged to have been violated, they needed to review that section in the Code of Ethics. He added that he thought they should make all documents public.

Motion: To make the contents of the packet distributed to the Ethics Committee today available to the public.

Motioned: Mr. Harned

Seconded: Mr. Janos

Vote: Approved 5-0

Mr. Janos read *Section 4.02* of the *North Hampton Code of Ethics* in full. He said based on the complaint filed, the Committee needed to decide if Section 4.02 rises to the level of the complaint filed by the complainant in this case. He said he read the section, the complaint, newspaper articles, and correspondence received from Counsel, and said in his opinion the complaint did not arise to the level of meeting the criteria of Section 4.02.

Mr. Wilson said he first felt this amounted to differences between 3 members of a board which they should resolve themselves. He said unfortunately that changed given what was said in the newspapers and online, and he then realized the impact of being charged with sexism publicly, as having done something that is sexist, for a person with a political position and aspirations who is also part of a State Committee. He said if he were in Mr. Maggiore's shoes he would want this matter to be taken seriously, and that given the potential seriousness of the case, the Committee had to take it seriously and find one way or another.

Mr. Harned said there was a lot going on these days under the umbrella of "me too", which caused him to be very concerned about the prospects of what is on the internet. He said he felt they needed to consider it more carefully and look at it more closely. Ms. Leonardi felt with the amount of discourse and disrespectfulness happening in Town they all needed to look at the Code of Ethics. She said it was disappointing for everyone involved and it was upsetting to see their Town displayed in the newspapers like this. She said she was torn and felt she had no way of knowing how the parties felt or how to judge the situation. She said this was very serious to Mr. Maggiore and that was where she stood.

Chairman Pinette said in his view it was a valid complaint, and said they all needed to be very aware of how they conduct themselves and how they treat each other. He said his personal view was that people basically in a leadership role, regardless of the position, were held to a higher standard that would be heavily scrutinized. He reiterated that he would prefer this be dealt with behind closed doors between the 2 parties, but said they needed to see if the complaint has merit or not.

Chairman Pinette stated that this meeting was closed to Public Comment because this was something the Ethics Committee needed to decide as a board. He said his recommendation was to take jurisdiction over this complaint as it merited Ethics Committee review, and said he was going to heavily push resolving the matter behind closed doors. He said if that did not work they would have to move forward with the proceedings and steps and make their recommendation as the Ethics Committee.

Motion: For the Ethics Committee to take jurisdiction over this complaint received April 24, 2019.

Motioned: Chairman Pinette

Seconded: Mr. Wilson

Discussion: Mr. Janos read Section 7.05 of the Code of Ethics in full to make sure he understood the process. It said that the Committee should consider taking jurisdiction over the complaint, and dismiss it if there was no merit. If they voted that the complaint had merit, a preliminary investigation would begin, and the steps of the preliminary investigation were outlined. Mr. Jonas asked for the time frame for the investigation. Town Administrator Kaenrath felt they should schedule a follow-up meeting tonight.

Vote: Motion approved 4-0, with 1 abstention

Chairman Pinette stated that the Ethics Committee would be taking jurisdiction over the complaint. He said he did not know the procedure for getting both parties together to see if they could reach some type of mediation. Mr. Wilson said they should follow the steps under Section 7.05 and said the issue had to be decided based on 91-A. Mr. Jonas again raised the issue of a timeframe, and Town Administrator Kaenrath said they would get that information from Town Counsel.

Chairman Pinette asked for a possible date for the next meeting. Mr. Wilson said he would be unavailable after today until Monday, May 13th. Town Administrator Kaenrath said that was a Select Board date and said the Town Hall was usually free on Thursday, and Chairman Pinette suggested May 16, 2019.

Chairman Pinette asked if they had other Alternates to the Ethics Committee in case one was needed. Town Administrator Kaenrath said he could ask boards or committees who had not appointed an Alternate to do so. Chairman Pinette recommended that they have at least two (2) other Alternates for the Committee and said he would work with the Town Administrator on that.

Mr. Harned asked if they needed to make sure as a Standing Committee what their homework assignments were for the next meeting. He asked if they wanted to give the parties another opportunity to submit something in writing, or how they wanted to go forward from the aspect of getting more information. Chairman Pinette said he was under the impression that they would be reviewing the articles and videos on their own. Town Administrator Kaenrath said the only thing they could not do independently was interview witnesses.

Mr. Wilson said he thought mediation would be a good thing, but that it had to be decided by the 2 principals themselves. Chairman Pinette said typically in court proceedings both parties are asked to sit down together in a closed room with a mediator to see if they could work out their differences, because the judgement may not be what either party wants. He said the agreement would be signed by both parties who would then be obligated to act on that agreement. Mr. Harned felt that was a good message, but said if it did not come to a concrete goal, they would still have to be prepared to do the job. Town Administrator Kaenrath said mediation was a fine idea but the Committee had a list of things they needed to do in the interim.

Mr. Janos said if they indicated to undertake their preliminary investigation there might be more information out there that needed to be investigated. He suggested encouraging participants to provide

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the Committee with any appropriate supplemental information so they would have a full and complete record, and come to a conclusion when they meet again on May 16th. Mr. Harned asked that anything that was going to be supplied to the Committee be received by the end of the day on May 13, 2019. Mr. Wilson said except having direct comments by the two people involved, all of the information relevant to this was already out there.

Chairman Pinette said it would have to pertain to this complaint, and he did not want to receive floods of emails. Mr. Wilson said he also did not think either of the principals should be submitting arguments for or against. Mr. Jonas said he did not agree, and Mr. Wilson said he did not want to request new documents that would require rebuttal. Ms. Leonardi said she had questions about the interviewing, and Town Administrator Kaenrath said he would speak with the Town Attorney about whether it would be a public or a non-public meeting.

Chairman Pinette thanked everyone for coming to sit down and take a step for a role that was difficult. He said they would hold off interviewing as a Committee and make that decision at the next meeting.

Mr. Janos said he thought transparency was essential for everyone there. He said everyone needs to understand what their charge is and understand their decision, making the process so no one is left to question why they did or said what they did, or how they ultimately voted. Chairman Pinette said his advice would be to probably not speak to anyone about this before their next meeting.

Adjournment

Mr. Janos made a motion to adjourn the meeting which was seconded by Ms. Leonardi.

Chairman Pinette polled the Committee and the motion was approved by a vote of 5-0, and the meeting was adjourned at 7:20 pm.

Next Meeting: The next Municipal Ethics Committee Meeting is scheduled for Thursday, May 16, 2019 at 6:30 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary