

**Tilton-Northfield Fire & EMS
Commissioners' Meeting
Special Meeting – NON PUBLIC SESSION
January 26, 2007**

Meeting called by:	Commissioners	Date, Time:	January 26, 2007 at 16:02 to 16:09
Note taker:	Janine Vary	Place:	Center Street Station
Attendees: Comm. Tom Gallant, Comm. Bob Watson, and Clerk Janine Vary. Absent: Comm. Harold Harbour, Treasurer Roland Seymour			

Both commissioners reviewed the correspondence from Atty. Chandler. Discussion was led by Comm. Gallant: Janine had carried on discussions with the Sec. of State's office and all of those were verbal conversations. It was brought to her attention that there might be some misinterpretations and therefore she emailed the Mr. Scanlon at the Sec. of State and Joyce Fulweiller also emailed him. Janine received an email from Mr. Scanlon stating that we should get clarification from legal counsel. Comm. Gallant read Item #1 from Atty. Chandler's Opinion of Counsel.

"1. I absolutely agree with Deputy Secretary of State Scanlon who, on 1/19/07, said it was acceptable to have your business meeting on 3-5-2007 and the election of officers on 3-13-2007. Secretary Scanlon is a preeminent election expert and, while I do not question his advice, I want you to know that I have confirmed its accuracy. Thus my opinion is that he is correct."

Comm. Gallant motioned to accept Atty. Chandler's opinion confirming Dep. Secretary Scanlon's statement that the annual business meeting will be on 3/5/07 and the election of officers on 3/13/07. Comm. Watson seconded. No more discussion. Commissioners unanimously accepted the opinion and will abide by it.

Comm. Gallant read Item #2 and the following paragraph from Atty. Chandler's Opinion of Counsel.

"2. I am of the opinion that you may not, must not, in your voting process declare, in any way, that a Commissioner must be from either Tilton or Northfield. You are a District being made up of two towns. Elected officials simply must come from within the district without regard to town boundaries.

"Much is made of the 3-7-2005 District Meeting vote on Article 4 where there appeared to be a vote mandating a representative from each town. That vote and the motion leading to it, in my opinion, are not valid. Such a motion needed to be a separate warrant article and not somehow tagged on to Article 4. The body politic simply had no "warning" of such a position and as such should never have gone forward. Thus my opinion of invalidity."

Comm.. Gallant discussed this. If the district wishes to have representation by each town, then a warrant article would have to be forwarded in that regard. The Fire District would have to put forth warning, then voters would have proper notice. Comm. Gallant motioned to accept Atty. Chandler's opinion of the makeup of commissioners as outlined. Comm. Watson seconded. No more discussion. Accepted unanimously. Comm. Gallant stated this was a privileged communication and was not to be shared with anyone before voted on by the commissioners. Now that vote has been taken the communication can be made public.

Comm. Gallant motioned to come out of nonpublic session at 4:09 and Comm. Watson seconded. Commissioners came out of nonpublic session and members of public invited to rejoin the meeting.