

TOWN OF DUNBARTON
Ethics Committee
Minutes of the Hearing in Terragni case
11/17/05

Minutes of meetings are subject to final approval at the next scheduled meeting

Nick called the meeting to order at 7:30.

Committee members Present: Gayle Troy, Gary Maccubbin, Nick Holmes, and Brigitte Cook.

Also present: Complainants: Josh and Lynda Gagne, Respondent: Tim Terragni and the following witnesses: Ken Swayze, Brian Little, Harlan “Bud” Noyes.

A few members of the public were also present.

I. Preliminary review of Hearing

A. *The committee was introduced and all parties were present.*

B. *Recording devices are allowed and must be visible and disclosed but both parties stated that they did not intend to record the hearing.*

C. *There was a verbal reading of the three complaints.*

1. **Complaint #1 2005**
2. **Complaint #2 2004**
3. **Complaint #3 Slander**

D. *There was a verbal reading of Section I.H., Fair and Equal Treatment, of the Dunbarton Code of Ethics.*

E. There was quick review of the proceedings to date, specifically the Ethics meeting on 10/27/05 and the Prehearing Conference on 11/8/05.

F. The procedure for the hearing was stated based on the document entitled "Rules Regarding the Conduct of Hearing" and these rules were provided to both parties.

G. It was confirmed with both parties that all their witnesses were present. An E-mail message was passed out to both parties. The E-mail message was from John Herlihy, one of the witnesses for the Gagnes who could not attend tonight's hearing because of a prior commitment in his official capacity as a school board member.

H. Without further questions from the parties the Hearing was begun.

II. Hearing

A. Opening statements were heard from both parties.

- 1. Josh and Lynda. Gagne both spoke and handed out a folder containing information about their home.**
- 2. Mr. Terragni spoke briefly and also handed out information about himself and the Gagnes.**

III. Complainants started by calling witnesses.

A. Josh Gagne was sworn in and stated that he lives at 171 Stark Highway South, Dunbarton.

- 1. Josh discussed the series of events that has lead to this Ethics complaint. He primarily stated that there was breach of a verbal agreement not to reassess his home until the town wide assessment. He also felt that town personal personnel were mislead about the Gagnes not having the appropriate permits and the Gagnes not giving**

assess access to their home for inspection. Josh alleged that Mr. Terragni used his position on the Board of Assessors to break the verbal agreement and give out incorrect information to other town personal personnel.

B. Linda Gagne was sworn in and stated that she lived at 171 Stark Highway South, Dunbarton.

1. Linda discussed her experience with Mr. Noyes and Mr. Swayze. Linda expressed the opinion that Mr. Terragni sent Mr. Noyes and Mr. Swazey to her home unfairly and with false information.

C. Brian Little was sworn in and stated that he lived at 51 Stark Highway North, Dunbarton.

1. Brian was a member of the Board of Assessors when the Gagnes assessment was discussed. Brian spoke in favor of the Gagnes home assessment being too high and recalls calling the Gagnes to tell them of the verbal agreement not to reassess their home until the town wide assessment. This verbal agreement was agreed upon with all three members of the Board of Assessors at that time.

2. Brian stated that there was tension between the Gagnes and Mr. Terragni during Board of Assessor meetings.

3. Brian Brian stated that he did not normally, as a member of the Board of Assessors, go out to inspect homes but he did go out to the Gagne's home for a walk through.

D. Harlan "Bud" Noyes was sworn in and stated that he lived at 85 Stark Highway North.

1. Bud stated that he has been a Certified State Appraiser for 25 years and the Board of Assessors sent him to the Gagne's property in 2005. He stated that what he did was called a "pick-up" and the purpose is to reassess a house after improvements have been made. This "pick-up" was not unusual or different from other

“pick-ups” and Bud stated that he was not sent by Mr. Terragni but the Board of Assessors.

E. Ken Swazey was sworn in and stated that he lived at 105 Grapevine Road, Dunbarton.

- 1. Ken stated that on July 29th 2005, at 9AM he received a call from Line Cormone. Line is an administrative assistant for the building inspector and also works for the Board of Assessors. Line relayed a message to Ken to inspect at the Gagne residence because of activity at the house. Ken stated that he could not go to the house because of other commitments. He then received two more calls both communicating urgency in catching the work in progress.**
- 2. Ken was able to get to the house around 11:15 and met with Mrs. Gagne. All permits were in order.**
- 3. Ken did not know if Mr. Terragni was responsible for all three calls.**
- 4. Ken stated that it is very common for him to get urgent calls similar to this and over half of them are false.**

IV. Respondent called witnesses

A. Tim Terragni was sworn in and stated that he lives at 66 Long Pond Road, Dunbarton.

- 1. Tim read a prepared statement that outlined his involvement in the town of Dunbarton. He has served on the Board of Assessors for 12 years.**
- 2. He did want the Gagnes house reevaluated because it had been so long time since the verbal agreement (the town wide reevaluation was taking longer**

than anticipated) and other Dunbarton residents were being reevaluated because they did home improvements.

3. Tim stated that when he drove by the house on July 29, 2005 the backhoe was on the left side of the house (opposite the driveway) and he was concerned that work was being done. When asked why he did not call the Gagnes to ask about the backhoe he replied that he should have.

4. When asked why the Board of Assessors did not respond to the letter sent by the Gagnes, Tim stated that the Board did not respond to all letters that they receive.

(During all of the above testimonies all of the Parties, along with the Ethics Committee members, were able to cross-examine witnesses)

V. Josh and Lynda Gagne chose to not go forward with the Herlihy information.

VI. Closing arguments

A. Mr. Gagne reviewed the facts that the verbal agreement was broken and the building inspector was sent to the house under false information.

B. Mr. Terragni spoke to the fact that the Board of Assessors is not a pleasant Board to work on. And that "you should hear the phone calls I get". Mr. Terragni stated that this most recent reevaluation was the most objective assessment ever done.

VII. Deliberations

A. *Nick thanked everybody and moved to go into deliberations. Gary seconded this. All agreed. The deliberations were open to the public but no public comments were allowed.*

B. *Nick moved to dismiss the section of the complaint which alleged that Mr. Terragni made slanderous statements because no evidence had been introduced in support of this allegation. Gary seconded the motion and it passed unanimously.*

C. *After deliberating on the remaining allegations, the committee concluded that the Complainants had failed to prove by clear and convincing evidence that Mr. Terragni had violated the Dunbarton Code of Ethics. The committee's decision was unanimous. The committee will issue a written decision.*

VIII. Other Matters

A. *The committee decided to hold its next regular meeting in January 2006. The committee will schedule a meeting in December only if a new matter arises or if a citizen requests an opportunity to meet with the committee.*

IX. Meeting was adjourned at 10:12pm

Respectfully Submitted,

Brigitte Cook
For the Ethics Committee