

**OFFICE OF THE  
STRAFFORD COUNTY ATTORNEY**

COUNTY ATTORNEY  
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VICTIM ASSISTANCE  
Nancy L. Harris



October 7, 2022

Mr. Robert Russell  
99 Tolend Road  
Barrington, NH 03825

RE: Citizen Complaints of April and July, 2022

Mr. Russell:

I write to confirm that I have completed my review of your citizen complaints. You were kind enough to meet with myself, Chief Investigator Robert Frechette and Chief George Joy at the Barrington Police Department to explain your position and the contents of the sixty-two page initial complaint from April 2022 against the town administrator and the town treasurer, as well as the July 2022 complaint directed at a member of the Board of Selectmen.

The scope of my review of these complaints has been solely to determine whether any criminal law has been violated. By way of explanation please consider the following: I have no authorization to take disciplinary action against town employees. I have no constitutional authority to take action against a duly elected selectperson. I am also not an expert in municipal law. Therefore, for me to do anything other than review these matters for criminal violations, therefore, would be meaningless if not irresponsible. In addition, I cannot commit the limited resources of the County Attorney's Office to conduct a full civil investigation into the discretionary and ministerial acts of town employees, and then create a report to the Board of Selectmen for its further action. The limited scope of my review is often frustrating to persons making similar citizen complaints such as yourself, so I feel compelled to explain why my review is so limited.

The issues raised against the town treasurer seem to have been dealt with in July of 2021, namely, the appearance that the town treasurer blended his town position with his passion as a citizen. The town indicates that the town treasurer was given further guidance on making sure that appearance is not given to citizens in the future. This issue, while important and deserving of correction, does not involve the violation of a state criminal law.

The issues raised against the town administrator allege the spreading of misinformation, failing to forward information to the chief of police and concerns of selective parking enforcement. I do not find that any of these issues involves a violation of a criminal law. Assuming without deciding that these issues could have been handled by the two administrator in an alternative way, any action taken would be within the town administrator's discretionary scope of action as a town executive officer. If your complaint revealed that the town administrator should have acted in an alternative way, it would be for the board of selectmen to take disciplinary action to correct such action, as they did with the town treasurer.

The claims against the selectman include his failure to authorize and conduct a thorough review of your complaints, his violation of his oath, and a more generalized concern about the lateness of the town's responses to right to know requests. In regards to the selectman, it is a discretionary act to ask for a civil investigation into the actions of town employees. This decision does not trigger a possible violation for a criminal law. It also appears that town counsel was involved with the decision whether to hire a third party firm to conduct an inquiry into your complaints. If the selectman was consulting with his counsel and other selectmen, he would in turn seem to be upholding his oath of office. If he did not act in a way with which you or other citizens agreed with, the remedy is to replace him at the next election. There are particular remedies for alleged violations of the right to know law under RSA 91-A:7-8. Those rights may be exercised directly with the town if you believe you need to follow up on those claims, or the timeliness of answers to those claims.

Accordingly, I have arrived at the conclusion that the actions of the town employees and selectman do not trigger any violation of criminal law, as alleged by you in your complaints. Thank you for giving me the time to look closely at your complaints to conduct that review. Investigator Frechette, Chief Joy and I appreciated your candor that there is not likely any criminal issue with the actions of the town administrator, town treasurer or the selectmen. I fully support your right as a citizen to make this referral to make sure there was no criminal action by any town actor, and your request for a criminal review was made appropriately to confirm or dispel your questions of possible criminal wrong-doing.

It is obvious that a great deal of time and energy has been spent by you to pursue your claims. I assure you they have not been taken lightly by this office. I also believe that your complaints have revealed a weakness in how the town and the Department of Justice receives and processes citizen complaints. That is, the fact that such complaints would be directed to a county attorney office that does not have the authority to examine the discretionary acts of those involved. Perhaps this is something to be remedied in the future so that third party agencies with no authority to act, such as this one, are not called on to act on such complaints. I am sure this office's lack of action is adding to your frustration, and for that I am sorry. As I stated above however, the authority of this office to act can and must be confined to the realm of criminal law application, with the exception of the limited civil advice I am bound to give to my own Board of Commissioners when such is requested.

I wish you nothing but success going forward with your business, and my hope is that both you and the town will continue to advance together for the benefit of all.

Very truly yours,



Thomas P. Velardi  
Strafford County Attorney

cc. Chief of Police George Joy  
Laura Spector-Morgan, Esq.