

APPROVED not sealed

**Nonpublic Minutes of the Milford NH Board of Selectmen
April 10, 2023**

Members Present: Gary Daniels, Chairman X
Chris Labonte, Vice Chairman X
Paul Dargie, Selectman X
Tim Finan, Selectman X
Dave Freel, Selectman X

Motion to enter Nonpublic Session made by Selectman Finan. Seconded by Selectman Dargie.

Specific Statutory Reason cited as foundation for the nonpublic session:

____ RSA 91-A:3, II (a) Personnel. *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

____ RSA 91-A:3, II(b) Personnel. *The hiring of any person as a public employee.*

____ RSA 91-A:3, II(c) Reputation. *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

____ RSA 91-A:3, II(d) Land Acquisition. *Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.*

____ RSA 91-A:3, II(e) Legal. *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled*

____ RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.*

X RSA 91-A:3, II (l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*

Roll Call vote to enter nonpublic session: Gary Daniels Y
Chris Labonte Y
Paul Dargie Y
Tim Finan Y
Dave Freel Y

Remove public meeting tape (if applicable).

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Entered nonpublic session at 8:52 p.m.

Other persons present during nonpublic session: Town Administrator, Lincoln Daley,
Executive Assistant, Tina Philbrick

Description of matters discussed and final decisions made. **Note:** Any votes taken must be recorded "in such a manner that the vote of each member is ascertained and recorded":

(RSA 91-A:3, II(I)) Consideration of Legal Advice Provided by Legal Counsel – Consideration of legal advice pertaining to RTK complaint RKO 2023-004 Office of the Right to know Ombudsman. No votes were taken on this topic.

Selectmen Dargie made a motion to approve the non-public minutes of March 27, 2023. Seconded by Selectmen Finan. The motion passed 4/0/1 with Selectman Labonte abstaining. The minutes for March 27, 2023 were sealed at the meeting on March 27, 2023.

Note: Under RSA 91-A:3, III. *Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, **taken in public session**, it is determined that divulgence of the information likely would affect adversely the reputation of any person **other than a member of this board**, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.*

Motion to leave nonpublic session and return to public session by Selectmen Freel
Seconded by Selectmen Finan. All were in favor.

Motion: PASSED 5 / 0 .

Nonpublic meeting tape removed, public meeting tape replaced (if applicable).

Public session reconvened at 9:12 p.m.

Motion made to seal these minutes? NO If so, motion made by

Selectman _____ **seconded by Selectman** _____, **because it is determined that divulgence of this information likely would:**

Affect adversely the reputation of any person other than a member of this board

Render a proposed action ineffective

Pertains to preparation or carrying out of actions regarding terrorism

Other: _____

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Roll Call Vote to seal minutes:

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Gary Daniels N

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Chris Labonte N

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Paul Dargie N

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Tim Finan N

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Dave Freel N

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These minutes recorded by: Tina M. Philbrick