

APPROVED not sealed
Nonpublic Minutes of the Milford NH Board of Selectmen
April 10, 2023

1 **Members Present:** Gary Daniels, Chairman X
2 Chris Labonte, Vice Chairman X
3 Paul Dargie, Selectman X
4 Tim Finan, Selectman X
5 Dave Freel, Selectman X
6

7 **Motion to enter Nonpublic Session** made by Selectman Finan. Seconded by Selectman
8 Dargie.
9

10 **Specific Statutory Reason** cited as foundation for the nonpublic session:
11

12 _____ RSA 91-A:3, II (a) Personnel. *The dismissal, promotion, or compensation of any public employee or the*
13 *disciplining of such employee, or the investigation of any charges against him or her, **unless** the*
14 *employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in*
15 *which case the request shall be granted.*
16

17 _____ RSA 91-A:3, II(b) Personnel. *The hiring of any person as a public employee.*
18

19 _____ RSA 91-A:3, II(c) Reputation. *Matters which, if discussed in public, would likely affect adversely the*
20 *reputation of any person, **other than a member of this board**, unless such person requests an open*
21 *meeting. This exemption shall extend to include any application for assistance or tax abatement or*
22 *waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*
23

24 _____ RSA 91-A:3, II(d) Land Acquisition. *Consideration of the acquisition, sale or lease of real or personal*
25 *property which, if discussed in public, would likely benefit a party or parties whose interests are*
26 *adverse to those of the general community.*
27

28 _____ RSA 91-A:3, II(e) Legal. *Consideration or negotiation of pending claims or litigation which has been*
29 *threatened in writing or filed by or against this board or any subdivision thereof, or by or against any*
30 *member thereof because of his or her membership therein, until the claim or litigation has been fully*
31 *adjudicated or otherwise settled*
32

33 _____ RSA 91-A:3, II(i) *Consideration of matters relating to the preparation for and the carrying out of*
34 *emergency functions, including training to carry out such functions, developed by local or state safety*
35 *officials that are directly intended to thwart a deliberate act that is intended to result in widespread or*
36 *severe damage to property or widespread injury or loss of life.*
37

38 X RSA 91-A:3, II (l) *Consideration of legal advice provided by legal counsel, either in writing or orally, to*
39 *one or more members of the public body, even where legal counsel is not present.*
40

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

41
42 **Remove public meeting tape** (if applicable).
43

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44 **Entered nonpublic session at 8:52 p.m.**

45
46 Other persons present during nonpublic session: Town Administrator, Lincoln Daley,
47 Executive Assistant, Tina Philbrick

48 _____
49 _____
50 _____
51
52 Description of matters discussed and final decisions made. **Note:** Any votes taken must
53 be recorded "in such a manner that the vote of each member is ascertained and
54 recorded":
55 _____

56
57 **(RSA 91-A:3, II(I)) Consideration of Legal Advice Provided by Legal Counsel** – Consideration of
58 legal advice pertaining to RTK complaint RKO 2023-004 Office of the Right to know Ombudsman. No
59 votes were taken on this topic.

60
61 Selectmen Dargie made a motion to approve the non-public minutes of March 27, 2023. Seconded by
62 Selectmen Finan. The motion passed 4/0/1 with Selectman Labonte abstaining. The minutes for March
63 27, 2023 were sealed at the meeting on March 27, 2023.

64
65
66 **Note:** Under RSA 91-A:3, III. *Minutes of proceedings in nonpublic sessions shall be kept and the*
67 *record of all actions shall be promptly made available for public inspection, except as provided in*
68 *this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within*
69 *72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, **taken in public***
70 ***session**, it is determined that divulgence of the information likely would affect adversely the*
71 *reputation of any person **other than a member of this board**, or render the proposed action of*
72 *the board ineffective, or pertain to terrorism. In the event of such circumstances, information may*
73 *be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer*
74 *apply.*

75
76 **Motion to leave nonpublic session** and return to public session by Selectmen Freel
77 Seconded by Selectmen Finan. All were in favor.

78
79 **Motion: PASSED 5 / 0 .**

80
81 **Nonpublic meeting tape removed, public meeting tape replaced** (if applicable).

82
83 **Public session reconvened at 9:12 p.m.**

84
85 **Motion made to seal these minutes? NO If so, motion made by**

86
87 **Selectman _____ seconded by Selectman _____, because it is**
88 **determined that divulgence of this information likely would:**

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

90 **Render a proposed action ineffective**

91 **Pertains to preparation or carrying out of actions regarding terrorism**

92 **Other: _____**

93

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94

95 **Roll Call Vote to seal minutes:**

96 **Gary Daniels N**

97 **Chris Labonte N**

98 **Paul Dargie N**

99 **Tim Finan N**

100 **Dave Freel N**

101

102

103 **These minutes recorded by: Tina M. Philbrick**