

**APPROVED**  
**Nonpublic Minutes of the Milford NH Board of Selectmen**  
**February 22, 2021 NOT SEALED**

**Members Present:** Gary Daniels, Chairman X  
Paul Dargie, Vice Chairman X  
Laura Dudziak, Selectman X  
Chris Labonte, Selectman X  
David Freel, Selectman X

**Motion to enter Non-public Session** made by Selectman Dudziak and seconded by Selectman Dargie.

**Specific Statutory Reason** cited as the 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.*

X 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.*

\_\_\_\_ 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.*

<b>Roll Call vote</b> to enter nonpublic	Gary Daniels	<b>Y</b>
	Paul Dargie	<b>Y</b>
	Laura Dudziak	<b>Y</b>
	Chris Labonte	<b>Y</b>
	David Freel	<b>Y</b>

**Remove public meeting tape** (if applicable).

**Entered nonpublic session at** 6:35 p.m.

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Other persons present during the nonpublic session: John Shannon

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":

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Selectman Dargie made a motion to approve the minutes of February 8, 2021 as amended, in accordance with (RSA 91-A:3, II(a)) Personnel. Seconded by Selectman Dudziak. A roll call vote was taken, Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.

**(RSA 91-A:3, II (b)) Personnel – Hiring of a new Town Attorney** – Selectman Dudziak said they interviewed four candidates over two days and everyone agreed that John Ratigan with Donahue, Tucker and Ciandella, PLLC from Exeter NH. was the top pick. The advantage with going with a bigger firm as opposed to staying with a single attorney is that everyone in his office would step up and help if he was indisposed. His hourly rate is \$190 per hour versus \$205 which is what we are paying now. If an associate is helping out, their rate is even less. John would be the main contact guy although he may delegate things to some people in his office. There are several attorneys who deal with municipal law.

Selectman Dargie asked, what other towns does he represent. Administrator Shannon said Peterborough, and their town Administrator said we would be smart to hire John. He drives through Milford all the time going to other towns that he represents.

Administrator Shannon said others in the interview process besides himself and Selectman Dudziak were Lincoln Daley, Community Development Director, and Dale White, Water/Wastewater Commissioner. He was asked a multiple variety of questions to include labor law for union negotiations.

Selectman Dudziak said Chris Drescher was their second choice but it's hard to go with someone that doesn't have any backup. Administrator Shannon said Chris still has several towns that are working with him. Selectman Dudziak said they have to do what is best for Milford.

Selectman Freel made a motion to accept John Ratigan with Donahue, Tucker and Ciandella, PLLC as our new Town Council. Seconded by Selectman Dudziak. A roll call vote was taken with Chairman Daniels yes, Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes and Selectman Freel yes. All were in favor. The motion passed 5/0.

Chairman Daniels asked if there was a contract that the Board is able to review yet. Administrator Shannon said yes. Calls will be made to the other candidates.

**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 a 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 pertaining 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.*

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Selectman Freel made a motion to leave the non-public session. Seconded by Selectmen Dargie. A roll call vote was taken, Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.

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

The public session reconvened at 6:50 p.m.

In non-public, the Board made two decisions.

**A motion was made to seal these minutes? N / A** 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 the preparation or carrying out of actions regarding terrorism
- \_\_\_\_\_ Other: \_\_\_\_\_

<b>Roll Call Vote to seal</b>	Gary Daniels	N
	Paul Dargie	N
	Laura Dudziak	N
	Chris Labonte	N
	David Freel	N

**Motion: PASSED**

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