

APPROVED partially unsealed 9/11/23
Nonpublic Minutes of the Milford NH Board of Selectmen
August 14, 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 Dargie. Seconded by Selectman Freel.

Specific Statutory Reason cited as the foundation for the nonpublic session:

X 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.*

X 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.*

X 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.*

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 9:45 p.m.

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

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 (d)) Land Acquisition - Administrator Daley was approached by a Milford resident who wants to buy the Grenale Property. The property has contamination that needs to be addressed. The property needs to be tested. Thousands of dollars are owed in back taxes. The Town doesn't want this property and the owner won't clean it up or pay the taxes. Administrator Daley will reach out to the owner to let him know that there is an opportunity to get funding to help with the testing. The owner doesn't live on the property. There was additional discussion about what to do with the property as well as getting the state involved.

(RSA 91-A:3, II (e)) Legal – The contract for Milford Spartan Solar is due to expire in September. Administrator Daley asked the Board for input on what they want to do going forward. The owner of the property also dealing with Milford Spartan Solar is not interested in extending his contract and will be notifying Milford Solar shortly. The Town's portion for solar is 100 acres but Milford Spartan is only using 30 acres of the 100 which may change if the abutting property owner cancels his contract. Additional discussion included other options for the property. Additional parties are interested in the property in question. There were several options for extending the contract for 1 year with multiple clauses. The Board asked Lincoln to ask Milford Spartan Solar for any data on the property that they should have collected in the last several years.

Selectman Labonte doesn't think we should be in non-public under (RSA 91-A:3, II (e)) Legal. He feels it should be more under Reputation. Chairman Daniels will disclose the error when they go back into the public meeting.

Administrator Daley said he would like a vote by the Board about extending the contract by the next meeting. Selectman Labonte doesn't feel we need a vote, just let the contract run out.

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 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 .

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

Public session reconvened at 10:40 p.m.

Roll Call Vote to seal minutes: previously sealed

Gary Daniels	N
Chris Labonte	N
Paul Dargie	N
Tim Finan	N
Dave Freel	N

The motion passed 5/0.

These minutes were recorded by: Tina M. Philbrick

PREVIOUSLY NON-PUBLIC, PARTIALLY UNSEALED 9/11/23 BY A ROLL CALL VOTE
5/0