

APPROVED NOT SEALED
Nonpublic Minutes of the Milford NH Board of Selectmen
July 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 Dargie. Seconded by Selectman Labonte.

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.*

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 10:30 p.m.

Other persons present during nonpublic session: Lincoln Daley, Town Administrator

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 (e)) The Selectmen held an emergency meeting on Friday, August 12, 2022 in regards to a significant Town employee who terminating his employment. The meeting was posted in advance on the front page of the town website and in hard copy on the towns public bulletin boards where notices are normally posted. A citizen didn't like the way the minutes were written and filed a complaint with the state Ombudsman who rule in that citizens favor.

A discussion ensued about the public minutes that were written by former Chairman Dargie, versus the minutes that the town Attorney John Ratigan suggested. The current approved minutes are posted on the Town's website.

There were multiple suggestions to change the wording of the previous minutes.

Selectman Dargie said he would modify the suggestions and he and the Town Administrator meet with Attorney Ratigan to review the revised minutes for clarification.

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 Finan.
Seconded by Selectmen Dargie. All were in favor.

Motion: PASSED 5 / 0 .

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

Public session reconvened at 10:59 p.m.

Motion made to seal these minutes? n/a If so, motion made by

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Roll Call Vote to seal minutes:

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

The motion passed 5/0.

These minutes recorded by: Tina M. Philbrick