

APPROVED previously sealed
Nonpublic Minutes of the Milford NH Board of Selectmen
March 27, 2023

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

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

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: Paul Dargie Y
Tim Finan Y
Gary Daniels Y
Laura Dudziak Y
Dave Freel Y

Remove public meeting tape (if applicable).

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Entered nonpublic session at 9:35 p.m.

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

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)) Legal – Ms. Noel said the purpose of this non-public was to discuss an abatement request that was filed in 2022 for a commercial property in town. The abatement was denied in 2022 and has since been appealed to the Hillsborough County Superior Court.

The Board reviewed the initial settlement offer. The company came back with a counter offer that includes both 2021 and 2022 because an abatement was filed for 2022. The number was slightly 10% higher from their values that they completed on April 1, 2021 with a supplemental April 1, 2022 value. We just received their final appraisal in February 2023.

The Town's appraiser gave Ms. Noel a verbal value that was close to what the Town's assessed value was. We can use this in court but we will need to provide an abatement of just over \$16,335 for 2021 and \$57,561 for 2022. We would then apply our equalization ratios. If we take their offer, we end up with a better value with the remainder of the three more years. Although we will pay a little more now but we will end up saving around \$60,000 over three years in the end. The town appraisal was about \$20,000.

Selectman Daniels made a motion to Authorized the Assessing Director to accept the settlement offer as presented. Seconded by Selectman Finan. All were in favor. The motion passed 5/0.

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 Daniels. All were in favor.

Motion: PASSED 5 / 0 .

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

Public session reconvened at 9:55 p.m.

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Motion made to seal these minutes? yes If so, motion made by

**Selectman Finan seconded by Selectman Dudziak, 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

x Render a proposed action ineffective

Pertains to preparation or carrying out of actions regarding terrorism

Other: That it would render the proposed action ineffective.

Roll Call Vote to seal minutes:

Paul Dargie Y

Tim Finan Y

Gary Daniels Y

Laura Dudziak Y

Dave Freel Y

These minutes recorded by: Tina M. Philbrick

Permanently unsealed by the Board of Selectmen 05/22/2023; 5/0.