

APPROVED
MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING
TO LEGALIZE, RATIFY AND CONFIRM MARCH 2017 ELECTION
May 8, 2017

PRESENT: Mark Fougere, Chairman
Kevin Federico, Vice Chairman
Gary Daniels, Member
Mike Putnam, Member
Laura Dudziak, Member
Mark Bender, Town Administrator
Darlene J. Bouffard, Recording Secretary
David Bosquet, Videographer
Joan Dargie, Town Clerk
Pete Basiliere, Town Moderator (Via phone)

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING

INSTRUCTIONS: Chairman Fougere called the meeting to order at 5:30 p.m., introduced Board members and then led the audience in the Pledge of Allegiance. Chairman Fougere indicated that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.

2. PUBLIC HEARING ON HB 329 RATIFICATION BILL: After contact was made with Town Moderator Pete Basiliere via phone, the public hearing was opened for HB 329 for the ratification of the postponed election held on March 18, 2017. This House Bill went through the New Hampshire House and Senate. Town Moderator Pete Basiliere is present on the phone and Town Clerk Joan Dargie is also present. This public hearing is to follow statute. Moderator Basiliere stated the decision was made in accordance with RSA 40:4(II) which gives the Moderator the authority to postpone elections due to inclement weather. It was decided after talking with emergency personnel statewide at which time Moderator Basiliere came to the decision that it is in the best interest of everyone to postpone the election.

Chairman Fougere read the resolution as follows:

WHEREAS, the Town of Milford had the 2017 Town Meeting voting session scheduled for March 14, 2017 from 6 a.m. to 8 p.m. at the Milford Middle School located at 33 Osgood Road in accordance with the provisions of RSA 40:13; and

WHEREAS, on March 13, 2017 at 8:02 a.m. the New Hampshire Bureau of Homeland Security and Emergency Management provided a bulletin in which the National Weather Service issued a winter storm warning for all of New Hampshire warning of "Major Winter Storm." The prediction of the NWS was for 12-18 inches of snow with 1-4 inches of snow falling per hour possible. Blizzard conditions were possible with gusts of wind from 30-40 mph; and

WHEREAS, Governor Chris Sununu warned citizens not to travel on the roadways unless it was absolutely necessary and state offices and liquor stores were closed in anticipation of the winter storm; and

WHEREAS, on March 13, 2017 at approximately 3:00 p.m., and after consulting with town and school district officials, Town Moderator Pete Basiliere determined the forecasted weather would cause the roads to be hazardous or unsafe and would present an un-necessary risk to the safety of voters who would need to travel to the polls to vote and Mr. Basiliere therefore postponed the municipal election; and

WHEREAS, in making his decision the moderator acted in accordance with his reading of RSA 40:4(II) and with the concurrence of Town Counsel Attorney William Drescher regarding the authority of the moderator to postpone the voting day pursuant to RSA 40:4(II) those duties thus being:

NH RSA 40:4 Duties

**APPROVED MINUTES OF BOARD OF SELECTMEN MEETING - ELECTION
RATIFICATION - 05/08/2017**

- 1 I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions
2 of order, and make a public declaration of every vote passed, and may prescribe rules of proceed-
3 ing; but such rules may be altered by the town.
- 4 II. In the event a weather emergency occurs on or before the date of a deliberative session or voting
5 day of a meeting in a town, which the moderator reasonably believes may cause the roads to be
6 hazardous or unsafe, the moderator may, up to 2 hours prior to the scheduled session, postpone
7 and reschedule the deliberative session or voting day of the meeting to another reasonable date,
8 place and time certain. The date originally scheduled shall continue to be deemed the deliberative
9 session or voting day of the meeting for purposes of satisfying statutory meeting date require-
10 ments; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall
11 not delay the deliberative session more than 72 hours. The moderator shall employ whatever
12 means are available to inform citizens of the postponement and the rescheduled deliberative ses-
13 sion or voting day; and
14

15 **WHEREAS**, the moderator postponed the voting day from March 14, 2017 to March 18, 2017 with the
16 voting times and the location the same as originally planned; and
17

18 **WHEREAS**, notice of the postponement was posted on the town website and broadcast using the town's
19 Nixel service on March 13, 2017 and was also provided to the WMUR television station for posting with its scroll-
20 ing notices, the school Superintendent's office for notification on their Black Board Service System, and several
21 social media sites; and
22

23 **WHEREAS**, the Moderator and Town Clerk, Joan Dargie, were present at the voting location on March
24 14, 2017 from 5:45 a.m. to 8:30 a.m. and they provided information about the postponement to the eight voters who
25 came to the polling place during these times; and
26

27 **THEREFORE**, the Milford Board of Selectmen, as the governing body for the Town of Milford, NH, does
28 hereby resolve that the moderator acted within his authority and that he acted in the best interest of the voters by
29 postponing the voting session of town meeting in the interest of public safety, recognizing that safety of the citizens
30 of this town is of the foremost concern to its officials. The decision to postpone ensured the safety of citizens and
31 allowed for the processes of democracy to occur without unduly infringing upon the right to vote; and
32

33 **THEREFORE**, having held a properly noticed public hearing on this date in accordance with the provi-
34 sions of HB 329 (2017) which was passed into law on April 21, 2017, the Milford Board of Selectmen does hereby
35 ratify the 2017 Town Meeting and all actions taken by the legislative body by vote of the people on March 18, 2017.
36

37 The resolution was adopted by the Board of Selectmen on May 8, 2017.
38

39 Chairman Fougere asked if there were questions or comments. There were none. The public hearing was
40 closed at 5:39 p.m.
41

42 **3. DECISIONS.** Selectman Daniels moved to adopt the resolution, thereby legalizing, ratifying and confirming
43 the election held on March 18, 2017. Selectman Putnam seconded. All were in favor. Motion passed 5/0. Mem-
44 bers thanked Pete Basiliere for joining.
45

46 **4. ADJOURNMENT:** Vice Chairman Federico moved to adjourn this ratification meeting at 5:40 p.m. Selectman
47 Putnam seconded. All were in favor. Motion passed 5/0.
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49 _____
50 Mark Fougere, Chairman

Kevin Federico, Vice Chairman

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53 Gary Daniels, Member

Laura Dudziak, Member

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58 Mike Putnam, Member