

**CITY COUNCIL
ROCHESTER, NEW HAMPSHIRE
Nonpublic Session Minutes**

Date: September 5, 2023

Motion to enter Nonpublic Session

Made by: Lachapelle

Seconded by: Hamann

Specific Statutory Reason cited as foundation for the nonpublic session:

_____ RSA 91-A:3, II (a) *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) *The hiring of any person as a public employee.*

_____ RSA 91-A:3, II(c) *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) *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 averse to those of the general community.*

_____ RSA 91-A:3, II(e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against this board or any subdivision thereof, 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.*

Roll Call vote to enter nonpublic session:

(circle replies below)

Mayor Callaghan	<u>Yes</u>	No	Not Present
Deputy Mayor Lachapelle	<u>Yes</u>	No	Not Present
Councilor Fontneau	<u>Yes</u>	No	Not Present

Councilor Gilman	Yes	No	Not Present
Councilor Beaudoin	Yes	No	Not Present (No to 2 nd Session)
Councilor Hamann	Yes	No	Not Present
Councilor Malone	Yes	No	Not Present
Councilor Larochelle	Yes	No	Not Present
Councilor Desrochers	Yes	No	Not Present
Councilor Hainey	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Berlin	Yes	No	Not Present
Councilor de Geofroy	Yes	No	Not Present

Entered nonpublic session

Time: 6:00 pm (First Session) 7:20 pm (2nd Session)

Other persons present during nonpublic session:

City Manager Katie Ambrose, Superintendent Kyle Repucci, School Board Chair Paul Lynch, School Facilities Director Dave Totty, School Board Member Matt Pappas, School Board Vice Chair Sarah Harrington, Economic Development Director Michael Scala, Deputy Finance Director Mark Sullivan, and City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

School Department Proposed Land Purchase(1st Session)

Superintendent Repucci presented a proposal to buy land on Salmon Falls Road abutting the parcel just purchased for the proposed new school. Repucci explained that the new parcel would give the school more frontage on Salmon Falls Road and make the traffic in and out more safe. The new parcel would also alleviate costs for drainage and for wetlands mitigation. Totty said that

purchasing the abutting parcel. This means that the City would only need an AOT permit from NHDES and not a Dredge and Fill permit. Totty also said we would not have to do a wetlands crossing to accommodate the maximum hypothetical vehicle load.

Councilor Beaudoin proposed a potential purchase price of about \$350k based upon the assessed value and the current equalization ratio. Councilor Desrochers said the Council should consider not only the purchase cost, but the avoided construction costs. Councilor de Geofroy asked if any excess land could be subdivided and then sold after completion of construction. Totty said that a resale is a real possibility. Councilor Fontneau said the purchase is a “no brainer” because it makes the current location feasible. Fontneau also stated he believes the parcel is worth more than \$350k and that is tiny part of the overall \$30 million plus project. Fontneau said in the grand scheme of things, he’d rather not subdivide the parcel because he would not want a house on the front lawn of the city’s new premiere school. Councilor Hamann said he agreed with Fontneau to not subdivide the parcel after completion of construction, he’d rather see the “excess” land used for a field. Councilor Malone also agreed saying she’d like to see any “excess” land to be used for ballfields.

Totty said the seller appears to be motivated; he characterized the landowner as “begging” the Superintendent to purchase the property.

Mayor Callaghan said he supports this purchase because it puts a premium on safety. Totty said he believes this purchase will be a demonstrable response from the City to the concerns raised by the some neighbors regarding potential traffic issues.

Councilor Gray said that buying the abutting property is essential given the nature of the size and topography of the current parcel. However, Gray believes that the new school might not be necessary given the dropping student population in the city. He also questioned if the pupil size gets too big, it might require a gymnasium and a cafeteria as opposed to a combination

gym/cafeteria. Gray questions many land purchases made by the City for projects that might not ever happen, including the new Fire Department. Totty responded to Gray by saying the pupil number for the new school came from the State Department of Ed based upon a comprehensive survey.

Fontneau said if the price is between \$450-500k it is “worth every penny” and that the parcel would go fast on the open market. Councilor de Geofroy believes that the \$450k price should also factor in all the savings. Fontneau said the City got a great deal on the purchase of the current property. Beaudoin said that while he opposed the original land purchase, it would now be irresponsible to not buy the abutting parcel, but he’s still against using this location for a new school. Councilor Berlin said he did not see any excess space on the abutting parcel because he believes all or most will be used for traffic safety. Totty said that the abutting parcel could be used for green space and that the school could maintain the current garden on the parcel as a school garden or a community garden. Vice Chair Harrington addressed the issue of the lack of sidewalks. Councilor Larochelle asked that the Council return to the question of the price of the parcel.

Council Action: Motion made by Desrochers to negotiate up to \$500k to purchase the parcel, seconded by de Geofroy

Yea: Lachapelle, Hamann, LaRochelle, Fontneau, de Geofroy, Desrochers, Callaghan
Nay: Berlin, Malone, Beaudoin, Hainey, Gray, Gilman

Motion to leave nonpublic session and return to public session

Made by: Lachapelle

Seconded by: Hamann

Motion: **PASSED** / DID NOT PASS (circle one)

Public session reconvened

Time: 6:44 pm (1st Session)

Motion made to seal these minutes? ☒ Yes No (circle one)

Indefinitely? ☒ Yes No (circle one)

If yes, motion made by: Lachapelle

Seconded by: Desrochers

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 preparation or carrying out of actions regarding terrorism.

Roll Call Vote to seal minutes:

(2/3's vote of members present required)

Mayor Callaghan	<input checked="" type="radio"/> Yes	No	Not Present
Deputy Mayor Lachapelle	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Fontneau	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Gilman	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Beaudoin	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Hamann	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Malone	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Larochelle	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Desrochers	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Hainey	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Gray	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Berlin	<input checked="" type="radio"/> Yes	No	Not Present

Councilor de Geofroy

☒ Yes

☐ No

☐ Not Present

Motion: ☒ **PASSED** / **DID NOT PASS** (circle one)

Time: 6:44 pm

These minutes recorded by: Terence O'Rourke, City Attorney