

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

Date: February 7, 2023

Motion to enter Nonpublic Session

Made by: Lachapelle

Seconded by: Desrochers

Specific Statutory Reason cited as foundation for the nonpublic session:

 X 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	Yes	No	<u>Not Present</u>
--------------------	-----	----	--------------------

Councilor Gilman	Yes	No	Not Present
Councilor Beaudoin	Yes	No	Not Present
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 Hailey	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: 8:30 pm

Other persons present during nonpublic session:

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Superintendent Kyle Repucci, School Board Chairman Paul Lynch, School Board Vice Chair Sarah Harrington, School Board Member Matt Beaulieu, School Grounds Director David Totty, School Department Attorney Jerry Grossman, Recreation and Arena Director Lauren Krans, Assistant Recreation and Arena Director Steve Trapenier, Economic Development Director Michael Scala, Human Resources Director Kimberly Conley; and City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

Proposed P & S for 753 Salmon Falls Road (School Department)

Attorney Grossman presented an update on his negotiations to purchase the property. Attorney Grossman has drafted a P & S reflecting a purchase price of \$250k with 5% deposit and 60 days Due Diligence (Totty has confirmed that 60 days is adequate time for the due diligence) amongst other things. Attorney Grossman is seeking approval of the Council to agree to the P & S, including the sale price and the deposit amount. Mr. Totty presented information on the current

state of the wetlands and the requirement for a new stamped plan at the other one in the City's possession is from 2011.

Councilor Beaudoin asked about the P & S including a provision regarding the need for a public hearing to use unassigned fund balance to approve the \$250k.

Councilor Berlin asked about if we agree to the P & S could we just void the contract if we do not secure the financing. Attorney Grossman said that it probably would not hold up in court.

Councilor Gilman said he thinks the public should have a say on whether we buy this property for the school prior to buying the land.

Superintendent Repucci said that the school has everything ready to file for School Aid Grant with the State except for ownership of the land.

Chairman Lynch said there is a timeline during which the School Department can disperse any funds received from a School Aid Grant.

Mayor Callaghan asked if Repucci was satisfied with this property and Repucci stated, "Yes."

Councilor Gilman asked about design concerns and Repucci explained the process the School and the City will undergo in order to finalize the plans for the new school.

Councilor Beaudoin advocated for a parcel on Franklin Street that the City and School had also considered for this project. Member Beaulieu responded by saying that the School considered several parcels, including the one on Franklin Street, and concluded that 753 Salmon Falls Road is the appropriate parcel for the new school.

Council Action: Motion made by Berlin to enter into P & S as presented by Attorney Grossman,

Seconded by Desrochers

Yea: Berlin, Desrochers, Hainey, Fontneau, Lachapelle, Larochelle, Hamann, Gray, Callaghan

Nay: Beaudoin, Gilman

Collective Bargaining Status and Proposed CBAs (HR and Finance Departments)

HR Director Conley brought forth three Tentative Agreements: Rochester Managers, Rochester Municipal Managers, and Communications. Conley explained the difference between the new TAs and the current CBAs.

Council Action: Motion to Approve TAs made by Lachapelle, Seconded by Berlin

Yea: Hainey, Gray, Gilman, Desrochers, Lachapelle, Larochelle, Berlin, Hamann, Callaghan

Nay: Beaudoin

Motion to leave nonpublic session and return to public session

Made by: Lachapelle

Seconded by: Hainey

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

Public session reconvened

Time: 9:46 pm

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.

X 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	Yes	No	Not Present
Deputy Mayor Lachapelle	Yes	No	Not Present
Councilor Fontneau	Yes	No	Not Present
Councilor Gilman	Yes	No	Not Present
Councilor Beaudoin	Yes	No	Not Present
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	<u>Yes</u>	No	Not Present
Councilor Berlin	<u>Yes</u>	No	Not Present
Councilor de Geofroy	Yes	No	<u>Not Present</u>

Motion: PASSED / DID NOT PASS (circle one)

Time: 9:47 pm

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