

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

Date: April 7, 2020

Motion to enter Nonpublic Session

Made by: Lauterborn

Seconded by: Lachapelle

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 McCarley	Yes	No	Not Present
Deputy Mayor Lauterborn	Yes	No	Not Present
Councilor Hutchinson	Yes	No	Not Present

Councilor Belken	Yes	No	Not Present
Councilor LaChance	Yes	No	Not Present
Councilor Hamann	Yes	No	Not Present
Councilor Lachapelle	Yes	No	Not Present
Councilor Abbott	Yes	No	Not Present
Councilor Walker	Yes	No	Not Present
Councilor Hainey	Yes	No	Not Present
Councilor Rice	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

Entered nonpublic session

Time: 8:42 pm

Other persons present during nonpublic session:

City Manager Cox, Deputy City Manager Ambrose, Chief Planner Creighton, Economic Development Director Scala, and City Attorney O'Rourke

Description of matters discussed, and final decisions made:

104 Crow Hill Road

Creighton presented to the City Council that the Conservation Commission wanted to put this parcel into conservation. Its 38 acres and the asking price is \$175k. Parcel had previously been on the market for over \$300k. City would also receive another 20 acres from neighboring land owners to put into conservation if, and only if, the City conserves 104 Crow Hill Road.

Council Action: Voted unanimously in favor.

LDI

Scala presented the Council with a suggested amendment to the City's current deal with LDI: Instead of the City financing the manufacture of the new building, LDI would like to take ownership of the property and pay to manufacture the new building itself. Essentially, the City would no longer be a middle-man in its financing scheme. However, LDI wants the parcel for free. Scala explained that this will add substantially to the assessed value and would add huge money to the TIF account necessary to pay for the water loop.

Councilor Gray asked if the cost for the parcel could be a debt of the TIF owed to the General Fund. City Attorney O'Rourke said yes and that the TIF would be able to carry this as a debt. Cox agreed.

Council discussion with City Attorney and Scala regarding details of Development Agreement and Reverter clause in deed.

Council Action: Unanimous vote to authorize Scala to negotiate sale of land with LDI.

Motion to leave nonpublic session and return to public session

Made by: Lachapelle

Seconded by: Lachance

Motion: PASSED / DID NOT PASS (circle one)

Public session reconvened

Time: 9:10 pm

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

Indefinitely? Yes No (circle one)

If yes, motion made by: Lauterborn

Seconded by: Lachapelle

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 McCarley	<u>Yes</u>	No	Not Present
Deputy Mayor Lauterborn	<u>Yes</u>	No	Not Present
Councilor Hutchinson	Yes	No	<u>Not Present</u>
Councilor Belken	<u>Yes</u>	No	Not Present
Councilor LaChance	<u>Yes</u>	No	Not Present
Councilor Hamann	<u>Yes</u>	No	Not Present
Councilor Lachapelle	<u>Yes</u>	No	Not Present
Councilor Abbott	<u>Yes</u>	No	Not Present
Councilor Walker	<u>Yes</u>	No	Not Present
Councilor Hainey	<u>Yes</u>	No	Not Present
Councilor Rice	<u>Yes</u>	No	Not Present
Councilor Gray	<u>Yes</u>	No	Not Present
Councilor Bogan	<u>Yes</u>	No	Not Present

Motion: PASSED / DID NOT PASS (circle one)

Time: 9:11 pm

These minutes recorded by: City Attorney Terence O'Rourke

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, 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.

Review of Sealed Minutes:

If these minutes were sealed, the Council will be requested to review these minutes within six months and annually thereafter to make a determination as to whether unsealing these minutes is required per RSA 91-A:3.

The date of first review: _____ (within six months of meeting)

The of second review: _____ (within 1 year of first review)

The date of third review: _____ (within 1 year of second review)

The date of fourth review: _____ (within 1 year of third review)