

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

Date: August 21, 2018

Motion to enter Nonpublic Session

Made by: Councilor Lauterborn

Seconded by: Councilor 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	<u>Yes</u>	No	Not Present
Deputy Mayor Varney	<u>Yes</u>	No	Not Present
Councilor Hutchinson	<u>Yes</u>	No	Not Present

Councilor Keans	Yes	No	Not Present
Councilor Lauterborn	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 Gates	Yes	No	Not Present
Councilor Torr	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

Entered nonpublic session

Time: 9:22 pm

Other persons present during nonpublic session:

City Manager Cox, City Attorney O'Rourke, Director of City Services Nourse, Economic Development Director Pollard, Jeremy Lougee from SELT

Description of matters discussed, and final decisions made:

Director Nourse and Mr. Lougee presented a plan to:

- 1) Place City water reservoir property in Farmington into a Conservation Easement
- 2) SELT to purchase fee ownership in one surrounding parcel and a Conservation Easement in another to protect the Watershed

Director Nourse was told to present the issues at the September 4, 2018 regular City Council meeting for a vote.

Director Pollard requested that the Council vote to sell tax deeded property known as the "Scenic Theater" by way of Request for Proposal (RFP) instead of by sealed bid or by public auction. She explained that it would be in the public interest to do so in order to control redevelopment of the downtown.

Council decided to vote on the RSA 80:80, III finding in Public Session.

Motion to leave nonpublic session and return to public session

Made by: Councilor Lauterborn

Seconded by: Councilor Bogan

Motion: PASSED / DID NOT PASS (circle one)

Public session reconvened

Time: 10:11 pm

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

Indefinitely? ☒ Yes ☐ No (circle one)

If yes, motion made by: Councilor Lauterborn

Seconded by: Councilor 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.

☒ 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

☒ Yes ☐ No ☐ Not Present

Deputy Mayor Varney	Yes	No	Not Present
Councilor Hutchinson	Yes	No	Not Present
Councilor Keans	Yes	No	Not Present
Councilor Lauterborn	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 Gates	Yes	No	Not Present
Councilor Torr	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

Motion: PASSED / DID NOT PASS (circle one)

Time: 10:12 pm

These minutes recorded by: City Attorney 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: 1/21/2019 (within six months of meeting)

The of second review: 1/21/20 (within 1 year of first review)
The date of third review: 1/21/21 (within 1 year of second review)
The date of fourth review: 1/21/22 (within 1 year of third review)