

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

Date: September 3, 2019

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 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

Entered nonpublic session

Time: 8:09 pm

Other persons present during nonpublic session:

City Manager Cox, Deputy City Manager Ambrose, Deputy Finance Director Sullivan, Economic Development Manager Scala, REDC Chairman Shapleigh, and City Attorney O'Rourke

Description of matters discussed, and final decisions made:

Index Packaging Land Sale:

Scala updated the Council on his negotiations with Index Packaging on the sale of a City-owned parcel within the Granite State Business Park. Scala proposed that the City sell the parcel for \$100,000.00.

Councilor Walker made a motion to sell for \$100k which was seconded by Councilor Varney. The motion passed unanimously.

LDI Solutions, Inc. Land Deal:

Scala presented a proposal along with Chairman Shapleigh in which the REDC would take out a \$3 million dollar loan from the NH Business Finance Authority (BFA) to construct a building on a lot within the City to be occupied and subsequently purchased by LDI. The loan would pay for the cost of acquisition of the property and for construction of the building. The REDC would enter into a lease-purchase agreement with LDI. Under the agreement, LDI's rent would pay for the loan payments on the BFA loan and, after 5 years, LDI would purchase the property from the City and pay off the remainder of the loan to the BFA. The City would act as guarantor.

Sullivan explained the financial ramifications of the proposal along with the strong financial position of LDI.

Several councilors suggested that the City could proceed with the project using fund balance rather than going through the BFA. City Manager Cox advised against this approach.

Mayor McCarley made a motion to conditionally approve of the plan proposed by Scala. Motion was seconded by Varney. Vote passed as follows:

Yea: McCarley, Varney, Gray, Abbott, Gates, Bogan, Lauterborn (7)

Nay: Hamman, Torr, Walker, Lachapelle, Keans (5)

East Rochester Firehouse:

Scala asked what terms under which the Council wanted to auction the East Rochester Firehouse, 19 Main Street. Scala presented some suggested restrictions based on previous Council meetings. Discussion regarding what price to set the reserve at.

Motion made by Hamman to set reserve price at \$75,000.00 with no property restrictions. Motion seconded by Torr. Vote passed as follows:

Yea: Gray, Abbott, Gates, Hamman, Torr, Lachapelle, Walker (7)

Nay: McCarley, Varney, Lauterborn, Bogan, Keans (5)

Proposed purchase of portion of 636 Columbus Avenue:

Deputy City Manager Ambrose presented a proposal from the owner of 642 Columbus Avenue to purchase a portion of the old rail trail owned by the City at 636 Columbus Avenue.

McCarley called a vote against the sale which passed unanimously.

Motion to leave nonpublic session and return to public session

Made by: *Lachapelle*

Seconded by: *Walke*

Motion: PASSED / DID NOT PASS (circle one)

Public session reconvened

Time: 10:03 pm

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

Indefinitely? Yes No (circle one)

If yes, motion made by: *Lauterburn*

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.

☒ 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: 10:04 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)