# CITY COUNCIL ROCHESTER, NEW HAMPSHIRE Nonpublic Session Minutes

**Date**: August 20, 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

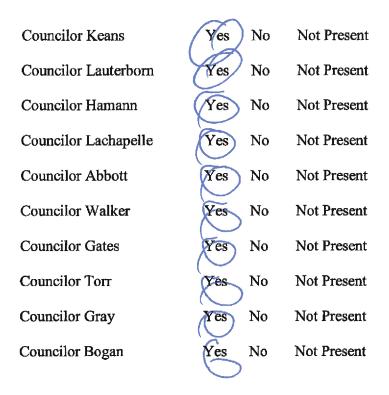
Ves No Not Present

Ves No Not Present

No Not Present

Councilor Hutchinson Yes No Not Present

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### Entered nonpublic session

Time: 7:57 pm

### Other persons present during nonpublic session:

City Manager Cox, Deputy City Manager Ambrose, Director of Public Services Nourse,

Economic Development Director Scala, Deputy Finance Director Sullivan, and City Attorney

O'Rourke

## Description of matters discussed, and final decisions made:

Scala gave an update on the City's sale negotiations with Index Packaging and whether the City wants to have a private driveway over the property or a City road.

Nourse explained the benefits/costs of building a City roadway and how it relates to sewer service.

Sense of Council: Negotiate deal with City road instead of private driveway.

Scala provided an update on the proposed sale of the East Rochester Firehouse.

Sense of Council: Have potential buyer make an price offer.

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Motion to leave nonpublic session and return to public session			
Made by: Lauterborn			
Seconded by: Lachapelle			
Motion: PASSED / DID NOT PASS (circle	one)		
Public session reconvened			
Time: 9:23 pm			
Motion made to seal these minutes?	es No (circ	ele 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 o	f 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	

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Councilor Walker Not Present Yes No Councilor Gates Yes No Not Present Councilor Torr Not Present Yes No Councilor Gray Not Present Yes No Councilor Bogan Yes Not Present No

Motion: PASSED DID NOT PASS (circle one)

Time: 9:23 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)