

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

Date: July 16, 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	<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	<input checked="" type="radio"/> No	Not Present
Councilor Lauterborn	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Hamann	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Lachapelle	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Abbott	Yes	No	<input checked="" type="radio"/> Not Present
Councilor Walker	Yes	No	<input checked="" type="radio"/> Not Present
Councilor Gates	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Torr	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Gray	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Bogan	<input checked="" type="radio"/> Yes	No	Not Present

Entered nonpublic session

Time: 7:39 p.m.

Other persons present during nonpublic session:

City Manager Blaine Cox, Economic Development Manager Michael Scala, City Attorney

Terence O'Rourke

Description of matters discussed, and final decisions made:

EDM Scala presented a draft term sheet for a potential purchase and sales agreement for 19 Main Street (East Rochester Firehouse).

Councilmember discussed with Scala the state of repair/disrepair of the building. Scala stated both the potential buyer's contractor and the City's building inspector stated that the building has "good bones." City building inspector stated that the building will need a new heating system and new plumbing system and that both could be potentially costly.

CM Cox stated that there have been no inquiries or responses to the City's public notices (at the location and in the paper) regarding the sale of the building.

Deputy Mayor Varney suggested that the building be put up for auction.

Councilor Gates suggested that the City hire a consultant to evaluate the value of the building.

Consensus of Council reached: Hire a consultant to evaluate the value of the building to be used as the basis to set the reserve amount for the auction.

Scala offered an update on the potential sale of the City's property at 40 Elmo Lane. Scala has asked DPW to provide him with an estimate on the cost of running water service to the buildings and the cost of getting the entry roadway up to City's standards.

Scala provided an update on Waterstone Phase II.

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: 8:10 p.m.

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

Indefinitely? Yes No (circle one)

If yes, motion made by:

Seconded by:

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 Varney	<u>Yes</u>	No	Not Present
Councilor Hutchinson	<u>Yes</u>	No	Not Present
Councilor Keans	Yes	<u>No</u>	Not Present
Councilor Lauterborn	<u>Yes</u>	No	Not Present
Councilor Hamann	<u>Yes</u>	No	Not Present
Councilor Lachapelle	<u>Yes</u>	No	Not Present
Councilor Abbott	Yes	No	<u>Not Present</u>
Councilor Walker	Yes	No	<u>Not Present</u>
Councilor Gates	<u>Yes</u>	No	Not Present
Councilor Torr	<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: 8:10 p.m.

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)