

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

Date: December 4, 2018

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.*

☒ 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	<input checked="" type="radio"/> Not Present
Deputy Mayor Varney	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Hutchinson	<input checked="" type="radio"/> Yes	No	Not Present

Councilor Keans	<input checked="" type="radio"/> Yes	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	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Walker	<input checked="" type="radio"/> Yes	No	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: 7:35 pm

Other persons present during nonpublic session:

City Manager Blaine Cox, City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

City Manager Cox presented an offer from C & G, LLC which proposed that it build a new fire station on a "no cost basis" to the City on a parcel on Route 125/Milton and then lease the building to the City in perpetuity. The City Council expressed no interest.

Motion to leave nonpublic session and return to public session

Made by: Lauteborn

Seconded by: Lachapelle

Motion: **PASSED** / DID NOT PASS (circle one)

Public session reconvened

Time: 7:43 pm

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.

___ 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 Lauteborn	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:

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)

Memo of 11/14/2018

To: Karen Pollard

From: Clyde Holland

Re: C & G Old Milton Road property


Karen:

This 23-acre site is perfect for the proposed fire station. It is located on the corner of Route 125 and Old Milton Road. It is within 100 yards of access and egress to Route 202, the Spaulding Turnpike and is within one-half a mile of Route 11 by way of the Route 202 / Spaulding Turnpike interchange.

It offers the opportunity to expand the new sewer and water services in an area that will offer new development opportunities.

The foundation of our proposal is a perpetual lease deal on a cost basis with no funding obligation from the city until the project is complete and that will be on an agreed to lease payment.

To ensure the integrity and quality of the project, we would invite SUR to be the General Contractor.



Clyde Holland, Manager/Member of C & G

cc: Karen Losordo

