

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

Date: March 2, 2021

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 Lauterborn

Yes

No

Not Present

Councilor Hutchinson

Yes

No

Not Present

Councilor Belken	Yes	No	Not Present
Councilor LaChance	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 Hainey	Yes	No	Not Present
Councilor Rice	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

Entered nonpublic session

Time: 8:33 pm

Other persons present during nonpublic session:

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Director of City Services Peter Nourse, Engineer Richard Davee (Wright-Pierce), GIS Administrator Daniel Camara, and City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

Route 202A Water Tower/Highfield Commons

Director Nourse provided an overview of the City's Route 202A Water Tower project and how the City is required to work with the developer of the Highfield Commons subdivision. Nourse has been working diligently to craft an agreement with the developer to ensure that the City has all necessary rights and permissions to not only build the Water Tower, but to maintain it and the

infrastructure afterwards. Nourse went through the terms of the proposed Development Agreement.

Richard Davee provided an update on his workings with the developer's engineer/surveyor.

City Attorney O'Rourke explained the legal ramifications of the Development Agreement.

Motions made by Lachapelle and seconded by Walker.

Motion to Authorize Staff to present Development Agreement to developer passed unanimously.

Motion to Authorized Staff to begin eminent domain proceedings should Development Agreement fail passed unanimously.

DHHS Community Center Lease Renewal

Director Nourse presented the terms of DHHS's request to renew its lease at the Community Center.

Motion to Authorize Staff to negotiate terms of lease renewal with up to a 2.95% increase.

Motion made by Lachapelle, seconded by Lachance.

Passed unanimously.

Motion to leave nonpublic session and return to public session

Made by: Lachapelle

Seconded by: Walker

Motion: PASSED / DID NOT PASS (circle one)

Public session reconvened

Time: 9:59 pm

Motion made to seal these minutes? Yes No (circle 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.

☒ 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 Lauterborn	Yes	No	Not Present
Councilor Hutchinson	Yes	No	Not Present
Councilor Belken	Yes	No	Not Present
Councilor LaChance	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 Hainey	Yes	No	Not Present
Councilor Rice	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

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

Time: 10:01 pm

These minutes recorded by: City Attorney Terence O'Rourke