

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

**Date:** April 5, 2022

**Motion to enter Nonpublic Session**

Made by: Lachapelle

Seconded by: Rice

**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 Callaghan	<u>Yes</u>	No	Not Present
Deputy Mayor Lachapelle	<u>Yes</u>	No	Not Present
Councilor Fontneau	<u>Yes</u>	No	Not Present

Councilor Gilman	Yes	No	Not Present
Councilor Beaudoin	Yes	No	Not Present
Councilor Hamann	Yes	No	Not Present
Councilor Malone	Yes	No	Not Present
Councilor Larochelle	Yes	No	Not Present
Councilor Desrochers	Yes	No	Not Present
Councilor Hainey	Yes	No	Not Present
Councilor Rice	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Berlin	Yes	No	Not Present

**Entered nonpublic session**

Time: 7:08 pm

**Other persons present during nonpublic session:**

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Fire Chief Perry Plummer, Assistant Fire Chief Tim Wilder, and City Attorney Terence O'Rourke

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

181 Highland Way

Chief Plummer provided the Council with an update on 181 Highland Way as a preferred site for the proposed third fire station. According to Plummer, this site is clearly superior for fire purposes above the other potential locations. The seller is seeking \$299k and does not want to negotiate the price. Plummer stated that the City is conducting a Phase I environmental assessment and a wetlands survey on the parcel.

Deputy Mayor Lachapelle asked Councilor Fontenot his opinion on the difference between the assessed value of \$250k and the offer price of \$299k. Fontenot stated that in the current atmosphere, parcels are selling for 30-40% over assessed value.

Councilor Beaudoin asked Plummer questions about specific site conditions on the parcel.

Councilor Rice asked what the asking price for the so-called VFW property is and Plummer stated that the price is \$150k, but that the owner owes considerable back taxes (over \$30k) which would need to be waived. Plummer also stated that the building on the VFW property would need to be knocked down and that would be at least another \$30k in costs.

Councilor Gray provided details about the neighborhood surrounding the parcel and stated that we should not have any basement in the building due to the water table.

Fontenot stated that the letter is heavily-weighted toward the seller. Attorney O'Rourke stated that he will amend the LOI to be more favorable to the City. O'Rourke stated that the City will only enter into an eventual Purchase and Sales Agreement once the Seller and Property meets all of the City's conditions.

**Council Action:** Motion to Authorize Staff to negotiate Letter of Intent and P & S with Seller of 181 Highland Street by Lachapelle, Seconded by Malone.

**Yea:** Unanimous

**Nay:** None

**Motion to leave nonpublic session** and return to public session

Made by: Lachapelle

Seconded by: Rice

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

**Public session reconvened**

Time: 7:30 pm

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

Indefinitely? **Yes** No (circle one)

If yes, motion made by: Rice

Seconded by: Malone

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 Callaghan	<u>Yes</u>	No	Not Present
Deputy Mayor Lachapelle	<u>Yes</u>	No	Not Present
Councilor Fontneau	<u>Yes</u>	No	Not Present
Councilor Gilman	<u>Yes</u>	No	Not Present
Councilor Beaudoin	<u>Yes</u>	No	Not Present
Councilor Hamann	<u>Yes</u>	No	Not Present
Councilor Malone	<u>Yes</u>	No	Not Present
Councilor Larochelle	<u>Yes</u>	No	Not Present
Councilor Desrochers	Yes	No	<u>Not Present</u>
Councilor Hainey	<u>Yes</u>	No	Not Present
Councilor Rice	<u>Yes</u>	No	Not Present
Councilor Gray	<u>Yes</u>	No	Not Present
Councilor Berlin	<u>Yes</u>	No	Not Present

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

Time: 7:31 pm

**These minutes recorded by:** City Attorney Terence O'Rourke