

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

Date: December 6, 2022

Motion to enter Nonpublic Session

Made by: LaChapelle

Seconded by: Hamann

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 Yes No Not Present

Deputy Mayor Lachapelle Yes No Not Present

Councilor Fontneau Yes 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 Gray	Yes	No	Not Present
Councilor Berlin	Yes	No	Not Present
Councilor de Geofroy	Yes	No	Not Present

Entered nonpublic session

Time: 6:55 pm

Other persons present during nonpublic session:

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Director of City Services Peter Nourse, and City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

324 Blackwater Road Proposed Sale

City Manager presented the Council with a proposal from a property owner to sell 324 Blackwater Road to the City. Director of City Services Nourse explained the proximity of the property to the City's Old Dump and the City's obligations to the same. Nourse explained that certain elements dangerous to humans have been detected in the groundwater on site. The well water in an neighboring mobile home park is tested and has not been found to have elevated levels. The City received a proposal from the owner of Villages at Clark Brook to run a city water line to 324 Blackwater Road, but it wanted the City to take ownership of Constitution Way that Director Nourse does not recommend. Councilor Gray provided a historic insight on where City water ends on Old Dover Road and where residents can receive water from Somersworth. NHDES report on the ground water near the Old City dump indicates that elevated levels of harmful elements do not occur near 324 Blackwater Road.

Council Action: Motion to Reject Offer, make no counter proposal, and plan for City Water in the future made by Mayor Callaghan, Seconded by Councilor Beaudoin.

Yea: Unanimous

Nay:

Motion to leave nonpublic session and return to public session

Made by: LaChapelle

Seconded by: Malone

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

Public session reconvened

Time: 7:15 pm

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

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

If yes, motion made by: LaChapelle

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	Yes	No	Not Present
Deputy Mayor Lachapelle	Yes	No	Not Present
Councilor Fontineau	Yes	No	Not Present
Councilor Gilman	Yes	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	<u>Yes</u>	No	Not Present
Councilor Hainey	<u>Yes</u>	No	Not Present
Councilor Gray	<u>Yes</u>	No	Not Present
Councilor Berlin	<u>Yes</u>	No	Not Present
Councilor de Geofroy	<u>Yes</u>	No	Not Present

Motion: PASSED / DID NOT PASS (circle one)

Time: 7:16 pm