

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

Date: August 4, 2020

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: 8:54 pm

Other persons present during nonpublic session:

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Economic Development

Director Mike Scala, Director of City Services Peter Nourse, and Deputy Finance Director Mark Sullivan

Description of matters discussed, and final decisions made:

McKinney Conservation Easement

Director of DPW, Peter Nourse, presented a proposal that would have the city transfer a 3.3 acre parcel to McKinney in order to permanently conserve the lot. McKinney would only ask that he be allowed the use of a small barn on the property.

The conservation of this 10+ acre parcel will protect the watershed for one of the City's water sources.

SELT would handle the transaction. Mr. Nourse stated that there was \$19,429 left in the fund for transactions such as this but he would require an additional \$30,000 in a future CIP.

CC Lachance commented that the acceptance of this deal was a "No brainer" and voiced his support.

CC ~~Hanley~~^{McKinney} asked about the existing structures on the land and Nourse explained that this agreement would allow McKinney to have access to the small, existing barn on the site. She also asked if this lot would qualify for Current Use status is combined and the answer was yes.

CC Lachapelle made a motion to move forward with the transfer
CC Walker seconded
Motion passed by a unanimous voice vote.

Prep Partners II

Scala informed the Council that Prep Partners, which just purchased a property in the industrial TIF from the City, now wants to purchasing the abutting parcel from the City as well. Scala stated that Prep Partners accepted our counteroffer of \$150k. Motion made to allow City Manager to sign Purchases and Sales Agreement.

Motion to authorize City Manager made by Lachance and seconded by Walker.

Unanimous vote in favor.

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: 9:20 pm

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

Indefinitely? Yes No (circle one)

If yes, motion made by: Walker

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.

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 Lauterborn	<u>Yes</u>	No	Not Present
Councilor Hutchinson	<u>Yes</u>	No	Not Present
Councilor Belken	<u>Yes</u>	No	Not Present
Councilor LaChance	<u>Yes</u>	No	Not Present
Councilor Hamann	<u>Yes</u>	No	Not Present
Councilor Lachapelle	<u>Yes</u>	No	Not Present
Councilor Abbott	<u>Yes</u>	No	Not Present
Councilor Walker	<u>Yes</u>	No	Not Present
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 Bogan	<u>Yes</u>	No	Not Present

Motion: PASSED / DID NOT PASS (circle one)

Time: 9:21 pm

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)