

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

**Date:** 2/18/2020

**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	<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	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 Hailey	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: 8:39 pm

**Other persons present during nonpublic session:**

City Manager Cox, Deputy City Manager Ambrose, Director of City Services Nourse, City Engineer Bezanson, Economic Development Director Scala, City Attorney O'Rourke

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

**First Matter**

City Attorney O'Rourke presented the Council with a potential Purchase and Sales Agreement between the City and the Allain-Feuer Trust. Under the Agreement, the Trust would deed an Easement to the City in order to build a dam for Round Pond in Barrington in exchange for the City releasing its Right to Purchase the Trust's homestead. Council voted unanimously to authorize the City Manager to enter into the Agreement.

**Second Matter**

Director Scala and City Attorney O'Rourke presented a draft Development Agreement and a draft Purchase and Sales Agreement between the City and Chinburg Properties for the purchase and rehabilitation of two City owned properties in the Downtown. The council voted unanimously to authorize the documents to be sent to Chinburg Properties.

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

Made by: LaChapelle

Seconded by: LaChance

Motion: PASSED / DID NOT PASS (circle one)

**Public session reconvened**

Time: 9:26 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.

  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

Yes 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: 9:27 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)