

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

Date: July 2, 2019

Motion to enter Nonpublic Session

Made by: Lauterborn

Seconded by: Walker

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 Varney	<u>Yes</u>	No	Not Present
Councilor Hutchinson	<u>Yes</u>	No	Not Present

Councilor Keans	Yes	No	Not Present
Councilor Lauterborn	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 Gates	Yes	No	Not Present
Councilor Torr	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

Entered nonpublic session

Time: 7:37 p.m.

Other persons present during nonpublic session:

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Economic Development Manager Mike Scala, Deputy Finance Director Mark Sullivan, Code Compliance Officer Joe Devine, City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

Scala presented updates on potential developments of three City owned properties:

1) 19 Main Street: Scala reiterated that a potential buyer wanted to purchase the old East Rochester Firehouse for a residence and a work space. Scala said the buyer is motivated and the project is feasible. **Unanimous Council decision:** Make the public aware the building is for sale. Cox stated he will make the information public and create signage on site.

2) 40 Elmo Lane: Scala reported interactions with a potential buyer from Portsmouth. The buyer wants to move his entire operation to Rochester, but the buyer wants to deed back most of the parcel to the City in exchange for the City paying to install water/sewer and for upgrading the road from a Class VI road to current City standard. The buyer also asked for a TIF to be created around the property. **Unanimous Council decision:** Reject the offer.

3) Index Packaging: Scala provided an update on the City's potential sale of land on Innovation Drive to Index Packing. It appears Index may build two buildings: one 120,000 square foot building for them and one 70,000 square foot building to lease to Safran. Sullivan discussed the impact these potential developments could have on the TIF district and its ability to fund the water loop project. No action requests were made of the Council.

Devine provided the Council with an update on three downtown properties:

1) Salinger Building/Scenic Theatre: Devine discussed his many meetings with various developers and architects. Devine stated he has had extensive discussions with developer Eric Chinburg.

Devine stated that in order to move forward with Chinburg, the City would need to hire an architect to create as-builts, clean out and selectively demo portions of the buildings, and replace the roof on the Scenic Theatre. Councilor Hutchinson inquired about how many residential units the building would have. Devine stated we would know after we received the as-builts. **Council voted 11-1 (Torr against):** Move forward with the as-builts and with negotiations with Chinburg.

2) 55 North Main Street: Devine presented a proposal to create a Main Street Market within the building as a municipal enterprise. He explained that the Main Street Market would be in the vein of Quincy Market and Reading Terminal. Devine stated that the City would lease the building from the current owner, fund the rehabilitation, and then contract out the management of the property to a third party. The Mayor spoke about her previous dealings with the owner and her vision for the market. Sullivan stated that with Council approval he will begin a financial

feasibility analysis of the proposal. Mayor spoke on behalf of this proposal specifically and downtown revitalization in general. Mayor feels this project is a good use of the fund balance. Councilor Abbott spoke positively about his experiences in Dover with this type of rehabilitation. Councilor Hutchinson asked about affordable housing. Councilor Lauterborn spoke in support of both projects. CM Cox stated he has the money available right now to move forward with as-builts for the Main Street Market. **Unanimous Council decision:** Move forward with the as-builts and continue negotiating the project.

Motion to leave nonpublic session and return to public session

Made by: Lauterborn

Seconded by: Gates

Motion: PASSED / DID NOT PASS (circle one)

Public session reconvened

Time: 8:52 pm

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

Indefinitely? Yes No (circle one)

If yes, motion made by: Lauterborn

Seconded by: Walker

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 Varney	Yes	No	Not Present
Councilor Hutchinson	Yes	No	Not Present
Councilor Keans	Yes	No	Not Present
Councilor Lauterborn	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 Gates	Yes	No	Not Present
Councilor Torr	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Bogan	Yes	No	Not Present

Motion: PASSED / DID NOT PASS (circle one)

Time: 8:52 p.m.

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)