

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

Date: November 10, 2020

Motion to enter Nonpublic Session

Made by: Lauterborn

Seconded by: Belkin

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.*
- ☒ 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	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Deputy Mayor Lauterborn	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Councilor Hutchinson	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> 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: 7:58 pm

Other persons present during nonpublic session:

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

Director Michael Scala, and City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

38 Hanson Street

Director Scala informed the Council that he had received two (2) inquiries from developers to purchase and redevelop the City's property at 38 Hanson. One project (Hajjar) involves a request for investment from the City in a parking structure (roughly 120 parking spaces) to go along with the residential/commercial development. The second project (O'Neill) simply wants to buy the building from the City for a smaller scale residential/commercial development. Both developers would be seeking RSA 79-E covenants.

Unanimous vote of the Council was that the Hajjar plan is not workable in its current form.

Unanimous vote of the Council was to ask for a formal offer from O'Neill.

Motion to leave nonpublic session and return to public session

Made by: Lauterborn

Seconded by: Rice

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

Public session reconvened

Time: 9:05 pm

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

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

If yes, motion made by: Lauterborn

Seconded by: Rice

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	Yes	No	Not Present
Councilor Hutchinson	Yes	No	Not Present
Councilor Belken	Yes	No	Not Present
Councilor LaChance	Yes	No	Not Present

Councilor Hamann	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Councilor Lachapelle	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Not Present
Councilor Abbott	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> Not Present
Councilor Walker	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Councilor Hainey	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Councilor Rice	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Councilor Gray	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present
Councilor Bogan	<input checked="" type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> Not Present

Motion: ☒ PASSED / ☐ DID NOT PASS (circle one)

Time: 9:05 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)