

Non-Public Session
September 26, 2023

Present were: Mayor Grenier, Councilors Remillard, Roland Theberge, Higbee, Morgan, Morency, Robert Theberge, City Manager Phillip L. Warren Jr. City Attorneys Chris Boldt and Eric Maher of DTC were present via Zoom.

At 5:16 p.m., Councilor Higbee moved with a second from Councilor Morgan to enter into Non-Public Session per RSA 91-A:3 II; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. The motion carried unanimously by roll call.

Attorney Chris Boldt discussed the PSNH/Smith Hydro case. It is from the 2018 PSNH suit against Smith Hydro. All of the 2018, 2019, 2020 and 2021 suits by Central Rivers were dismissed by agreement because they sold subsequently and for more than the assessment. The only item left is this PSNH case for the first half of tax year 2018. They paid the first half bill in June, but did not pay the December one as they had already sold. He commented the worst-case scenario for the City would be if Judge Bornstein agrees with the companies report of \$27,000,000 for tax year 2018. It is not likely, but still a risk. They have filed a motion to dismiss. They started settlement negotiations in July where the company made an offer of what it claims what it was due at \$276,000. DTC countered at \$20,000. They came back at \$200,000 last week. DTC countered at \$49,000 and some change just under \$50,000. They came back at \$125,000 and DTC countered at \$90,000. They had stuck fast at \$120,000 which is why he requested this meeting tonight.

Between the time the meeting was set up and now, the court issued a preliminary order on our motion to dismiss. It did not grant the motion but also did not deny the motion. What it did do is continue next week's trial so we're off from going to trial on Monday and the court wants a hearing on our motion to dismiss. He is recommending, in light of all risks and in light of benefit of trying to get this case settled and avoiding the expanding attorney fees as well as Sansoucy's expenses, that Council authorizes Attorney Boldt to give a settlement offer back to the company of \$100,000 spread out over four payments beginning December 2023, June 2024, December 2024 and June 2025 without further interest. He is also asking for authorization to go up to and including \$120,000 if needed.

Councilor Remillard moved to authorize City Attorney Chris Boldt to negotiate a settlement agreement with Eversource for a term of up to \$120,000 with a repayment structure of four payments. Councilor Higbee seconded and the motion carried unanimously by roll call.

At 5:31 p.m., Councilor Higbee moved with a second from Councilor Roland Theberge to come out of Non-Public Session. The motion carried unanimously by roll call.

Respectfully Submitted,
Danielle Rioux
Executive Assistant

*Minutes are unofficial until they have been accepted by the City Council by motion.