



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Public Meeting to Enter Non-Public Session**
Meeting Location: **McConnell Center, Room 305**
Meeting Date: **Wednesday, July 6, 2016**
Meeting Time: **To immediately follow Executive Session**

The City Council will meet in a Public Meeting to enter a Non-public Session to discuss the following topic:

- 1. Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.**

NOTE: The non-public meeting is not open to the public per RSA 91-A:3 II(j).

The meeting was called to order by Mayor Weston.

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Ciotti, Councilor Gagnon, Councilor O'Connor, Councilor Shanahan, and Councilor Thibodeaux.

Absent: Councilor Greenshields and Councilor Nicolella.

Also Present: City Manager Joyal, General Legal Counsel Blenkinsop, and City Clerk Lavertu to take minutes.

Motion to enter non-public session for Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A: 5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A by Councilor Thibodeaux; seconded by Councilor Gagnon.

Roll Call Vote: 7/0.

The Council entered non-public Session.

City Attorney Blenkinsop explained that a Right to Know request had been received requesting responsive documents and emails between the City Council, City Manager, City Attorney and Attorney Andru Volinsky. Responsive documents and emails are attorney-client communications and fall under the doctrines of work product and/or attorney client privilege which are confidential and generally exempt from disclosure pursuant to RSA 91-A. The Council may wish to waive applicable privileges to certain emails.

The first group of documents to be considered are transmittal emails to and from Attorney Volinsky to the City regarding the Adequacy case and include filed pleadings, and court notices, as attachments.

Councilor O'Connor motioned to waive any applicable attorney-client communication privilege and/or work product doctrine privilege regarding emails to and from the City and its Attorney(s) concerning the Adequacy funding lawsuit that transmitted filed pleadings and court notices from 8/20/2015- 4/10/2016 with pages numbered 1-331, not to include a communication from the City Manager to Attorney Volinsky on 8/20/2015 at 3:04 pm contained on page 1; seconded by Councilor Gagnon.

Vote: 7/0



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The second group of documents to be considered are certain emails to and from Attorney Volinsky and the City regarding the adequacy lawsuit. Councilor Thibodeaux motioned to waive applicable attorney-client communication privilege and/or work product doctrine privilege regarding 12 emails to and from the City and its attorney(s) concerning the Adequacy funding lawsuit from 8/19/2015- 4/29/2016 -specific emails dates being: 8/19/2105, 8/19/2015, 8/20/2015, 8/20/2015, 8/21/2015, 8/21/2015, 8/28/2015, 9/20/2015 9/21/2015, 9/22/2015, 10/26/2015, 4/29/2016; not including an email from Attorney Volinsky to the City Manager on 8/19/2015 at 4:55 pm and an email from Attorney Volinsky to the City Manager and Mayor on 8/21/2015 at 2:51 pm, nor to draft any pleadings that may have been attached to the emails; seconded by Councilor O'Connor.

Vote: 7/0

Discussion ensued on sealing the minutes.

Councilor Gagnon motioned to adjourn non-public meeting; seconded by Councilor O'Connor.

Vote; 7/0

No motion to seal was made.

Councilor O'Connor motioned to adjourn; seconded by Councilor Thibodeaux

Vote 7/0