

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

**Date:** January 15, 2019

**Motion to enter Nonpublic Session**

**Made by:** Lauterborn

**Seconded by:** LaChapelle

**Specific Statutory Reason** cited as foundation for the nonpublic session:

X 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	<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: 8:15 pm

**Other persons present during nonpublic session:**

City Manager Blaine Cox, HR Director Diane Hoyt, Police Chief Paul Touissant, Deputy Police Chief Gary Boudreau, Police Commission Chairman Derek Peters, Police Commission Member David Stevens, Attorney Matthew Upton, and City Attorney Terence O'Rourke

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

Chairman Peters opened the discussion related to Salary Compression affecting police officers over three years of service. Essentially, after COLA is factored in to officers from 0-3 years service the difference in pay between these new officers and the experienced officers is negligible. Chief Touissant discussed the effect Salary Compression is having on retention and recruitment. He asked that the Council agree with the Police Commission to adjust the salaries of the affected officers.

Attorney Upton, the City's labor attorney, discussed ways this issue may be dealt with in upcoming collective bargaining in 2020.

The sense of the council was taken and unanimously agreed to have Attorney Upton draft a Memorandum of Understanding to submit to the Police Union for its approval of the wage change.

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

Made by: Lauterborn

Seconded by: LaChapelle

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

**Public session reconvened**

Time: 9:29 pm

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

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

If yes, motion made by: Lauterborn

Seconded by: La Chapelle

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	<u>Yes</u>	No	Not Present
Councilor Lauterborn	<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 Gates	<u>Yes</u>	No	Not Present
Councilor Torr	<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: 9:29 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)