

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

Date: January 3, 2023

Motion to enter Nonpublic Session

Made by: LaChapelle

Seconded by: Malone

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 Callaghan

Yes

No

Not Present

Deputy Mayor Lachapelle

Yes

No

Not Present

Councilor Fontneau

Yes

No

Not Present

Councilor Gilman	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Beaudoin	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Hamann	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Malone	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Larochelle	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Desrochers	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Hailey	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Gray	<input checked="" type="radio"/> Yes	No	Not Present
Councilor Berlin	<input checked="" type="radio"/> Yes	No	Not Present
Councilor de Geofroy	<input checked="" type="radio"/> Yes	No	Not Present

Entered nonpublic session

Time: 6:18 pm

Other persons present during nonpublic session:

City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Police Chief Gary Boudreau, Human Resources Director Kim Conley, and City Attorney Terence O'Rourke

Description of matters discussed, and final decisions made:

Police Union Collective Bargaining Agreement (CBA)

Deputy City Manager delivered the agreed upon terms of the proposed CBA ratified by the Police Union. Director Conley did a breakdown of the costs items as they differed from the current CBA. Conley also discussed the salary analysis she conducted to include comparisons with like municipalities. She used this as the basis for negotiations with the Union in terms of reacting to its demands/suggestions. Mayor Callaghan asked Chief Boudreau about the minimums for an off-duty call out.

Chief Boudreau discussed the proposed pilot program for patrol officers to do four (4) ten (10) hour shifts instead of five (5) eight (8) hour shifts and the proposed pilot program for patrol sergeants to work twelve (12) hour shifts. Over a two week pay period, each sergeant will work one week of thirty six (36) hours and one week of forty four (44) hours; this will not create overtime. Chief Boudreau is working with the Union to create new "shifts" outside of the normal 12am-8am, 8 am-4pm, and 4pm-12 am.

Council Action: Motion to approve as ratified by Union made by Desrochers and seconded by Malone

Yea: Callaghan, Lachapelle, Larochelle, de Geofroy, Berlin, Fontineau, Hainey, Gray, Gilman, Malone, Desrochers, and Hamann
Nay: Beaudoin

Firefighter's Union Collective Bargaining Agreement (CBA)

Director Conley did a breakdown of the costs items as they differed from the current CBA and of non-cost item terms. Councilor Gray asked for the bottom line percentage changes for each year of the CBA. Conley provided an answer.

Council Action: Motion to approve as ratified by Union made by Malone and seconded by Desrochers

Yea: Callaghan, Lachapelle, Larochelle, de Geofroy, Berlin, Fontineau, Hainey, Gray, Gilman, Malone, Desrochers, and Hamann
Nay: Beaudoin

Motion to leave nonpublic session and return to public session

Made by: LaChapelle

Seconded by: Beaudoin

Motion: PASSED / DID NOT PASS (circle one)

Public session reconvened

Time: 6:58 pm

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

Indefinitely? Yes No (circle one)

If yes, motion made by:

Seconded by:

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.

___ 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 Callaghan	Yes	No	Not Present
Deputy Mayor Lachapelle	Yes	No	Not Present
Councilor Fontineau	Yes	No	Not Present
Councilor Gilman	Yes	No	Not Present
Councilor Beaudoin	Yes	No	Not Present
Councilor Hamann	Yes	No	Not Present
Councilor Malone	Yes	No	Not Present
Councilor Larochelle	Yes	No	Not Present
Councilor Desrochers	Yes	No	Not Present
Councilor Hailey	Yes	No	Not Present
Councilor Gray	Yes	No	Not Present
Councilor Berlin	Yes	No	Not Present
Councilor de Geofroy	Yes	No	Not Present

Motion: PASSED / DID NOT PASS (circle one)

Time: pm

These minutes recorded by: Terence O'Rourke, City Attorney

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,*