

PORTSMOUTH POLICE COMMISSION
MINUTES OF THE NOVEMBER 13TH, 2015 SPECIAL MEETING

4:30 p.m. Public Session – Conference Room ‘A’, City Hall

John F. Golumb, Chairman
Brenna Cavanaugh
Joseph J. Onosko

- I. **CALL TO ORDER:** The November 13th, 2015 special police commission public session was called to order at 4:30 p. m. in Conference Room ‘A’ of city hall. (An audio tape of this meeting can be found on the city’s ‘Meetings Calendar’ page of the city’s website.)

Present during the public session: Commissioners Golumb, Cavanaugh, and Onosko, Mayor Robert Lister, City Manager John Bohenko, City Attorney Robert Sullivan, Exec. Assistant Kathleen Levesque, members of the public and the press.

- II. **PLEDGE OF ALLEGIANCE:** Commissioner Onosko led a moment of silence and the Pledge of Allegiance.

III. **NEW BUSINESS:**

The Chair asked for a motion to go into non-public session as provided for in RSA 91-A:3, II(c).

Commissioner Onosko said he felt the commission should remain in public session for this discussion, and explained why. No motion was brought forward to go into non-public session.

(Kathleen Levesque excused herself from the meeting due to a family medical emergency; there was a brief recess while tape recorders were secured and set up to record the public session.)

The chair called the meeting back to order, and introduced Mr. Alan Gould of Municipal Resources, Inc. (MRI). Mr. Gould made a presentation to the commission on the elements of an MRI nationwide executive search for a permanent chief of police, and gave the commission information on the firm’s

ability to provide an interim chief of police if one was requested. Mr. Gould answered questions from the commission.

The Chair then introduced Ms. Kym Craven of Public Safety Strategies Group (PSSG). Ms. Craven also made a presentation to the commission on the components of a PSSG nationwide executive search for a permanent chief of police. Ms. Craven also addressed the subject of an interim police chief, introducing retired Nashua Police Chief Rick Bailey as their candidate for that role. Mr. Bailey spoke to the commission about his background and answered their questions.

The Chair thanked Mr. Gould and Ms. Craven for their presentations.

Action: Commissioner Onosko moved to hire retired Manchester Police Chief Dave Mara as the interim chief starting in January, but beginning in a transitional role immediately, and paid salary and benefits for the remainder of 2015, based on the current chief's salary, and consistent with New Hampshire retirement stipulations.”

Seconded by Commissioner Cavanaugh.

The Chair indicated the item was not on the agenda. Commissioner Onosko cited RSA-91 and wording from page 10 of a document authored by New Hampshire Attorney General Joseph Foster regarding agenda items.

There was further discussion among the commission, the mayor, and the city manager about whether or not a contract for such services would have to go before the city council. Commissioner Onosko read the motion aloud again.

Attorney Sullivan said that employment agreements of top level department heads go before the city council.

Discussion ensued amongst the manager, the city attorney and the commissioners covering hiring aspects and transparency. Commissioner Onosko returned to address the motion saying there had been a second.

There continued to be disagreement between the Chair and Commissioner Onosko about the appropriateness of bringing the motion forward as it was not on the agenda.

The city attorney indicated if an agenda is posted, it needs to be followed, unless by a two-thirds majority a motion is passed to suspend the rules. The

issues of a contract needing to go before the city council, and there not having been a process to identify and interview several candidates was again raised by the Chair; the discussion continued.

Mayor Lister said he wanted it to be clear to the commissioners the council assumes that people have been vetted, had background checks, etc.

The Chair asked the city attorney to address the order of the motions. Attorney Sullivan instructed the commission it would first have to make a motion to suspend the rules to allow discussion of a non-agenda item. Once that motion passes, discussion of Commissioner Onosko's motion would be proper.

Action: Commissioner Onosko moved to suspend the rules and put the motion forward.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed by a two-thirds vote, with the Chair opposing.

The city attorney indicated the motion to hire Dave Mara was not properly before the commission for discussion. Commissioner Onosko indicated he had already voted 'yes'. The city attorney explained at the time of that vote, the motion was not properly before the commission. The confusion was cleared up, and the city manager asked Attorney Sullivan if he would read back the motion, which he did.

Action: The City Attorney read Commission Onosko's motion to hire retired Manchester Police Chief Dave Mara as the interim chief starting in January, but beginning in a transitional role immediately, and paid salary and benefits for the remainder of 2015, based on the current chief's salary, and consistent with New Hampshire retirement stipulations."

The city manager asked if Dave Mara was in the New Hampshire Retirement System, and Commissioner Onosko indicated that he was, and he would be working 32 hours a week in this position. There was a short discussion on proration.

Seconded by Commissioner Cavanaugh.

There was additional discussion about when Mr. Mara would start employment and if the contract had to go in front of the council. The Chair reiterated the

contract had to go in front of the city council, and Commissioner Onosko felt it did not. The city manager asked if the commission would be entering into a contract with Mr. Mara. Commissioner Cavanaugh said a meeting with Attorney Closson was needed to work out the details. The city manager indicated Mr. Mara would not be able to start until an agreement was in place.

There was a lively cross-discussion, and Mr. Bohenko suggested the commission might wish to take a recess; Commissioner Onosko indicated the commission would not be recessing and called for a vote.

The Manager observed that he had never seen anything like this.

The Chair indicated it was not appropriate for Commissioner Onosko to call for a vote. The Chair called for a vote, asking, 'All in favor?'

On a Voice Vote: The motion passed by a two-thirds majority, with the Chair opposing.

Opposing discussion continued. The city manager asked if the meeting was over. The Chair asked for a motion to adjourn. Commissioner Cavanaugh indicated she wished to move to choose Public Safety Strategies Group to do the permanent search.

Attorney Sullivan indicated he wished to make a statement as to how he felt the commission should proceed so there is clarity on what is going to be done. He suggested the motion that was just passed be provided to Attorney Tom Closson, who is the city's labor attorney, so he could begin the negotiation of an agreement under which Mr. Mara would be retained.

The Chair asked Commissioner Cavanaugh about her motion.

Action: Commissioner Cavanaugh moved the commission work with PSSG for a permanent chief's position. The city manager said she might want to add to the motion this would be subject to negotiations with the commission on a fee structure (with PSSG).

Seconded by Chairman Golumb. The chair asked if there should be discussion.

Commissioner Onosko said he was opposed to selecting an organization at this point in time, having only vetted two organizations. He suggested the commission might just do the nationwide search on its own, indicating he had

gone through 125-150 resumes in the course of hiring people for UNH, and the commission might save the city a lot of money. He said he was not opposed to hiring an organization though.

The city attorney indicated he was trying to keep some minutes of the proceeding, and asked if Commissioner Cavanaugh's motion had been seconded.

The Chair said he was going to second the motion, but was waiting to see if Commissioner Onosko would. Commissioner Onosko indicated he would not second the motion.

Seconded by Chairman Golumb.

On a Voice Vote: The motion passed by a two-thirds majority, with Commissioner Onosko opposing, to retain Public Safety Strategies Group to conduct a nationwide executive search for a permanent chief of police.

Commissioners Cavanaugh and Golumb spoke briefly about PSSG's work. Commissioner Cavanaugh said we should amend the motion to make it contingent upon the fee structure and negotiations.

The Chair indicated to Commissioner Cavanaugh that if she wanted to make a motion, he would have the second.

Commissioner Onosko encouraged the other commissioners not to support the motion at this time. He said he felt the interim Chief should participate in the selection of the organization and that there was no hurry to do this.

The Chair recognized the Mayor, who wished to speak. The mayor said this (process) was, "totally out of whack from the way we usually do municipal business...", and suggested the three commissioners needed, "...to go someplace, have a glass of wine, and have a conversation..."

The city manager added that it was very unusual not to have (the candidate) have a conversation with the entire commission. He said he has been present since the start of the meeting and listened to the presentations of the prospective vendors, and never expected the motion that was put forward to come up. He added that he'd never seen anything like it in his career.

Mr. Bohenko went on to summarize the events of the meeting saying, two vendors were interviewed here, then a name came up without an interview; one

of the commissioners interviewed the individual, then hires the individual without the community seeing or meeting that individual.

Commissioner Cavanaugh said the community would have that opportunity with the permanent chief. She went on to say 'business as usual' had gotten us to the current situation, so they did things differently tonight.

Mr. Bohenko reiterated he had never seen anything like it.

The Chair said there was a motion on the floor, and called for a vote.

On a Voice Vote: The motion passed by a two-thirds majority, with Commissioner Onosko opposing, to retain Public Safety Strategies Group to conduct a nationwide executive search for a permanent police chief, subject to the fee structure and negotiations.

The city manager requested that his office be copied on the fee fact sheet that would be developed with the help of Karen Senecal. He also indicated his office was available to provide whatever help was requested.

The Chair asked if there was anything further before he requested a motion to adjourn.

The city manager asked if the commissioner planned to bring Mr. Mara in so the City Manager and the Mayor could meet him at some point. Commissioner Onosko indicated that could happen on Wednesday at the police commission meeting. The city manager said it would be nice to have a copy of Mr. Mara's resume. Commissioner Onosko said he would get the manager a copy.

IV. MOTION TO ADJOURN

There being no further business before the commission, the Chair asked for a motion to adjourn.

Action: Commissioner Cavanaugh moved to adjourn the November 13th, 2015 Special Meeting of the Police Commission.
Seconded by Commissioner Onosko.

On a Voice Vote: The motion passed to adjourn the November 13th,
2015 Special Meeting of the Police Commission at 5:48 p.m.

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Respectfully Submitted By Kathleen Levesque, Executive Assistant

Reviewed By Commissioner Cavanaugh, Clerk of the Commission

Brenna Cavanaugh

Brenna Cavanaugh
11/22/15