

April 18, 2019

The Nashua Police Commission held a public meeting on Thursday, April 18, 2019, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
Commissioner Nicholas Dahl, Clerk
Commissioner Matthew Plante
Chief Andrew J. Lavoie
Deputy Chief Michael Carignan
Deputy Chief James Testaverde
Karen Smith, NPD Business Manager
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Aldermanic Liaison Lori Wilshire (not in attendance)
Aldermanic Liaison Ernest Jette
One citizen

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES:

- March 25, 2019
- March 29, 2019

MOTION: Commissioner Tollner made a motion to approve the minutes of the March 25 & 29, 2019, meeting. Motion seconded by Commissioner Plante. All in favor.

BUDGET:

Business Manager Karen Smith provided the Commissioners with the following reports.

Resolution R-19-127

Authorizing the Mayor and City Treasurer to issue bonds not to exceed the amount of Two Million Eight Hundred Thousand Dollars (\$2,800,000) for Police Department heating, ventilation, and air conditioning system (HVAC), and window improvements. (Charter A-104 Police Department has control of building and land.)

MOTION: Commissioner Dahl made a motion to authorize the improvements to the Nashua Police Department building regarding the heating, ventilation, and air conditioning system (HVAC) and window improvements as outlined in the R-19-127 bonding project. The resolution will go through the Board of Aldermen for final approval. Motion seconded by Commissioner Plante. All in favor.

FY2019 Expenditure Report:

The Commission received a copy of the March 31, 2019, Expenditure Report. The Expenditure Report includes 39 of 52 weeks of payroll which is 75% of the annual budget.

Included is a bottom line reduction in account 90120 Mayoral Budget Adjustment. The department is on track to absorb the reduction from a combination of the payroll and operational accounts as needed by year-end.

FY2019 Revenue Report:

The Commission received a copy of the March 31, 2019, Revenue Report. Additional receivables from the Organized Crime Drug Enforcement Task Force (OCDEFT) for overtime reimbursements are backlogged from the FBI through the DOJ due to the recent government shutdown and due to issues with their new accounting software. We anticipate that \$2,978 of this will be resolved in the next 90 days with a total of \$30,434.36 in outstanding receivables.

FY2019 Weekly Payroll Overtime:

The overtime averaged \$29,805 per week during the month of March.

FY2019 Monthly Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of March included robbery-firearm/criminal threatening; theft disorderly conduct/obstruction; AFSA; out of town warrant; reckless conduct/1st degree; training; recruiting; and Storm19.

Sworn Functioning Strength Analysis:

The functional strength includes seven vacant sworn positions, two officers at the academy, zero officers in field training, and four positions that have required overtime backfill due to extended leave. Thirteen positions are unavailable and not part of the functional strength.

Strength Report:

The Commission received a copy of the March 31, 2019, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	172	7
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	3	4	3	1
Total Full-Time Civilians	71	62	60	2
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	237	10

Resolution R-19-125:

Approving the cost items of a sidebar agreement between the Nashua Board of Police Commissioners and UFPO Local 645 Professional Employees of the Nashua Police Department regarding Special Projects.

This sidebar was previously approved by the Police Commissioners. The BOA approved the Resolution related to the sidebar.

MOTION: Commissioner Plante made a motion to accept the budget reports. Motion seconded by Commissioner Dahl. All in favor.

ACTIVITY REPORT:

Deputy Chief James Testaverde reported the following:

Police responded to a vehicle accident on Concord Street in which an elderly male passed away from his injuries. The Accident Reconstruction Unit investigated the accident and the preliminary finding is that it appears that the driver of the other vehicle may have had a medical event which contributed to the accident.

On March 7, 2019, officers responded to a downtown residence for a report of a burglary. Officers learned the homeowner came home and confronted a male within his residence. The area was searched and the suspect was located and arrested. Property stolen was recovered. CID was notified and furthered.

On March 31, 2019, officers responded to Chestnut Street for a burglary. Upon arrival officers observed forced entry to a side door and a television was stolen. The suspect was located running through a backyard on Beech Street and he was taken into custody.

On March 13, 2019, Detention Specialist Yager alerted the Desk Sergeant on duty that one of the female prisoners was believed to be overdosing in a female cell. AMR was immediately notified and responded. Aid was rendered immediately to the female prisoner. She was subsequently transported to SNHMC and was later medically cleared. It should be noted that there is significant traffic in the booking area and the Detention Specialist continually monitor prisoners for any issues. Detention Yager did a great job.

NPD SWAT did a great job assisting Manchester Police after they were called out to an incident in Manchester. Our SWAT officers are highly trained and dedicated to the team.

Deputy Chief Michael Carignan reported the following:

On March 22, 2019, UFOB responded to the lot of the Bronstein Apartment Complex (Myrtle Street) for the report of shots fired. It was determined that a physical altercation occurred at that location between several individuals, that one subject was armed with a handgun, and that the subject fired 2 shots. No one was injured but a parked vehicle in the area sustained minor damage. The suspect vehicle was subsequently located, a search warrant was obtained, and a handgun was recovered from the vehicle. Investigation ongoing.

Regarding our Detention Specialists monitoring prisoner activity, it should be noted that our cells are more than 45 years old and need updating and improvements by possible removing the bars and replacing with some type of Plexiglas structure. We are exploring options and will consider this for a future capital improvement project.

Regarding the generator issue, the problem has been identified and will require a complete shutdown which will be coordinated with Eversource. During the shutdown, the phone/dispatching system will be moved to the Mobile Command Vehicle.

NPD continues to follow proposed state legislation in Concord that may affect law enforcement. Captain Lehto recently spoke at one of their hearings.

Professional Standards Bureau:

A Police Recruit exam was held last week. There were 18 candidates tested with 8 candidates passing. Interviews will be scheduled for those 8.

Legal Bureau:

Due to a judge shortage, some of the Nashua District Court cases are being rescheduled to a later date.

The Heart Warrior Foundation:

Today at NPD, a 4-year-old boy received a special gift from the Heart Warrior Foundation. The foundation was created by two Nashua Police Officer, Sergeant Matthew Difava and Officer William Adamson, and provides

support to families who have children with congenital heart defects. Mikey Grover, who is 4 years old, was sworn in as an "Honorary Nashua Police Officer" and he also received a gift of a Golden Retriever puppy.

MOTION: Commissioner Dahl made a motion to accept the activity report. Motion seconded by Commissioner Plante. All in favor.

CORRESPONDENCE FROM THE PUBLIC & OTHER AGENCIES:

Chief Lavoie gave the Commissioners an overview of letters of appreciation received from the public and outside agencies including the following:

- Children's Hospital at Dartmouth-Hitchcock (CHaD): 2019 CHaD Battle of the Badges Hockey Championship fundraiser

MOTION: Commissioner Plante made a motion to accept the correspondence. The motion was seconded by Commissioner Dahl. All in favor.

HIRING OF POLICE OFFICERS:

The following recruits will be sworn in as Nashua Police Officers on Tuesday, April 23, 2019. The Police Commissioners previously approved the hiring.

- Elyse Butterworth: First Year Special Officer

CHANGE OF POSITION:

For the record:

- Effective May 18, 2019, Dispatcher Brian Pinsonneault has changed position to Secretary III, Detective Bureau.

RETIREMENTS:

- ***Account Clerk III Nancy Jarry (Financial Services):*** Retirement effective April 20, 2019.

MOTION: Commissioner Tollner made a motion to accept the retirement of Account Clerk III Nancy Jarry effective April 20, 2019. The motion was seconded by Commissioner Plante. All in favor.

- ***Sergeant John Harvey:*** Retirement effective May 1, 2019.

MOTION: Commissioner Tollner made a motion to accept the retirement of Sergeant John Harvey effective May 1, 2019. The motion was seconded by Commissioner Dahl. All in favor.

RESIGNATION:

- ***Secretary III (Detectives) Heather Sage:*** Resignation effective May 18, 2019.

MOTION: Commissioner Tollner made a motion to accept the resignation of Secretary III Heather Sage effective May 18, 2019. The motion was seconded by Commissioner Plante. All in favor.

OTHER BUSINESS:

Chief Lavoie reported the following:

Approved Resolution R-19-120: Panther Drive street name renamed to 28 Officer James Roche Drive

A ribbon-cutting ceremony is planned for May 16, 2019, at 10:00 a.m. Family members of Officer James Roche will be notified and invited to the ceremony.

PUBLIC COMMENT:

Mr. George Denault, Nashua citizen, congratulated Chief Andrew J. Lavoie on his upcoming retirement. He stated that he recently learned that both he and Chief Lavoie served in the US Navy and Mr. Denault offered a "salute" to Chief Lavoie and thanked him for his service.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:34 p.m.

MOTION: Commissioner Tollner asked for a motion by roll call vote to ***suspend*** the public session and enter non-public session as authorized by:

Item #1:

A. RSA 91-A:3, II (a), “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

Motion by Commissioner Tollner, seconded by Commissioner Plante.

A roll call vote was taken:

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes

NON-PUBLIC SESSION

MINUTES NOT SEALED

MOTION: Commissioner Tollner asked for a motion by roll call vote to **continue** the non-public session as authorized by:

Item #2:

B. RSA 91-A:3, II (a), “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

Motion by Commissioner Tollner, seconded by Commissioner Plante.

A roll call vote was taken:

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes

Chief Lavoie’s Recommendation for Promotion to Sergeant (due to the retirement of Sergeant Harvey):

- Master Patrolman Brian Moores

The Police Commissioners received Master Patrolman Brian Moores’ personnel history for review.

MOTION: Commissioner Tollner made a motion to approve Chief Lavoie’s recommendation to promote MPO Brian Moores to the rank of Sergeant effective May 6, 2019. Motion seconded by Commissioner Dahl. All in favor.

END OF NON-PUBLIC SESSION:

MOTION: Commissioner Tollner made a motion to end the non-public session and return to public session. Motion seconded by Commissioner Dahl.

RETURN TO PUBLIC SESSION: 6:49 p.m.

MOTION TO SEAL RSA 91-A:3 III:

Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. ...”

- “divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself,
- or render the proposed action ineffective,
- or pertain to terrorism...”

Commissioner Tollner asked for a motion to seal the following minutes of the Non-Public session (**Item #1**).

Item #1: RSA 91-A:3, II (a), “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Plante, to seal the minutes of the Non-Public Session (**Item #1**) as authorized above. All in favor.

Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes. Minutes sealed.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, May 20, 2019, at 6:00 p.m

ADJOURNMENT

MOTION: Commissioner Tollner made a motion to end the public session and adjourn the meeting. Motion seconded by Commissioner Dahl.

Time: 6:52 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk