

February 25, 2019

The Nashua Police Commission held a public meeting on Monday, February 25, 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
 Aldermanic Liaison Ernest Jette
 One public citizen

PUBLIC SESSION

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

CITIZEN AWARD:

Letter of Recognition: Mr. Joshua Eaves for his assistance with a suicidal subject on the Main Street Bridge. Mr. Eaves was not able to attend this evening but he will attend a future meeting. Alderman Jette suggested submitting this award to the City for further recognition.

APPROVAL OF MINUTES:

- January 22, 2019

MOTION: Commissioner Tollner made a motion to approve the minutes of the January 22, 2019, meeting. Motion seconded by Commissioner Plante. All in favor.

BUDGET:

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

FY2019 Expenditure Report:

The Commission received a copy of the January 31, 2019, Expenditure Report. The Expenditure Report includes 31 of 52 weeks of payroll which is 60.5% of the annual budget. Included is a bottom line reduction in account 90120 Mayoral Budget Adjustments in the amount of (\$94,935). We will determine at a future date what accounts will be covering the reduction. The ammunition purchase is scheduled to come before the Finance Committee on March 6, 2019. The operational accounts are all in good shape thus far.

FY2019 Revenue Report:

The Commission received a copy of the January 31, 2019, Revenue Report.

FY2019 Weekly Payroll Overtime:

The overtime averaged \$31,257 per week during the month of January.

FY2019 Monthly Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of January included a 2017 Homicide case; training for diving, K9, Use of Force, and SWAT. Alderman Jette inquired about a case on January 16. Deputy Testaverde responded that NPD assisted ICAC in this case.

Sworn Functioning Strength Analysis:

The functional strength includes seven vacant sworn positions, two officers attending the Academy, three officers in field training, and five positions that have required overtime backfill due to extended leave. Seventeen positions are unavailable and not part of the functional strength.

Strength Report:

The Commission received a copy of the January 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	61	1
Total Grant Civilians	1	1	1	0

TOTAL:	262	247	238	9

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

ACTIVITY REPORT:

Deputy Chief James Testaverde reported the following:

In addition to the provided report, on February 5, 2019, the Traffic Enforcement Unit received some tips from third shift officers who were assigned to Directed Patrol regarding a series of thefts from motor vehicles. A suspect was developed and arrested. The suspect made admissions to conducting thefts from more than 100 vehicles.

On January 31, 2019, officers responded to Shedd's Avenue for a report of a domestic violence strangulation and shots fired incident. Officers learned that the suspect, Kenneth Bell, had strangled his father and shot rounds into the ceiling. Luckily, nobody was injured as some of the rounds went through the ceiling into an upstairs apartment. The parents fled the scene but Bell became an armed barricaded subject. Officers set up a perimeter and a contact team while members of CIU began to talk with Bell on the telephone. Bell exited the residence on more than one occasion armed with a handgun and AR-15 rifle. After a standoff that lasted approximately two hours in frigid one degree temperatures (officers cycled in order to stay warm), Bell ultimately surrendered without further incident.

Deputy Chief Michael Carignan reported the following:

Deputy Carignan reported on a robbery that took place at the American Eagle store in July of 2018 in which the suspects used pepper spray. A second suspect was recently taken into custody.

Professional Standards Bureau:

The Professional Standards Bureau conducted its second recruit test of 2019. Three recruits were identified from the first test in January. The second test, which was held on Saturday, identified 22 possible recruit candidates. Oral Boards will be scheduled for those 22 candidates.

We are starting to see an issue with officer retention due to changes in the retirement system that went into effect a few years back. That change requires officers to stay longer than prior requirements so officers are finding employment elsewhere.

Services Bureau:

The bid is complete for the replacement window project and it has been submitted to the Mayor.

We are still awaiting the report regarding the HVAC project which includes an air-flow report inside the Firearms Range. The Firearms Range is currently closed down for extensive cleaning. It is being gutted, scrubbed, and cleaned. Once the comprehensive report on the HVAC system is complete, it will be presented to the Mayor. The Firearms Range is a significant project, however, having a range to train our officers keeps our liability down. In addition, other agencies frequently use our range for training purposes. Commission Tollner noted that recent blood testing of the Firearms Training Officers showed significantly elevated blood lead levels. He also noted that if our range was a private range, the City inspectors would shut it down. It should be noted that the Firearms Range is out of EPA compliance, etc. Due to the shutdown, Firearms Training Officers had to be temporarily reassigned to other duties which include Active Shooter training which is being held at the High Schools due to the February vacation closure.

Deputy Carignan gave Aldermen Jette and Wilshire a tour of the Firearms Range.

Officers/staff have been trained on the use of the Bearcat vehicle.

Technicians are still working on a solution to the generator transfer switch issue. Testing shows that power transfers over to the generator; however, it is not transferring back to regular power.

MOTION: Commissioner Tollner 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:

- Southern NH Medical Center (assistance with a D/V situation)
- Nashua Teacher (High Five a Hero attendance)

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

RESIGNATION:

- Secretary III Gail Bishop: Resignation effective February 23, 2019

MOTION: Commissioner Tollner made a motion to accept the resignation of Secretary III Gail Bishop effective February 23, 2019. The motion was seconded by Commissioner Dahl. All in favor.

MASTER PATROLMAN-II CERTIFICATION:

Master Patrolman Certification:

The below listed Master Patrolman has satisfactorily completed all requirements for certification to Master Patrolman-II effective March 21, 2019:

- Master Patrolman Ross Desmet: MPO-II certification effective March 21, 2019.

MOTION: Commissioner Tollner made a motion to certify MPO Ross Desmet to the rank of Master Patrolman-II effective March 21, 2019. The motion was seconded by Commissioner Plante. All in favor.

OTHER BUSINESS:

Chief Lavoie reported the following:

CALEA Accreditation:

The NPD four-year accreditation reassessment has begun. The CALEA assessors will review approximately 100 standards via the online software with the final in person on-site assessment scheduled for December 2019.

Sidebar:

UAW (now UFPO) Professional Employees of the Nashua Police Department (7/1/15-6/30/18)

- ***Article 26: Overtime and Flex Time***
 - “Employees who are normally ineligible for overtime, may receive a quarterly stipend based on special projects which fall outside of their normal areas of responsibility. The rate will be based on 1.5 times the hourly rate of pay. The amount of the stipend allowed per quarter will be determined by the Chief or Deputy Chief of Police.”

The current UFPO contract negotiation is on hold for the time being. Corporation Counsel Attorney Bolton prepared this sidebar. This is not a cost item and will come from budgeted funds. This sidebar will allow some approved employees to work on the NPD police report archiving project which is underway.

MOTION: Commissioner Tollner made a motion to approve the above UFPO sidebar. The motion was seconded by Commissioner Plante. All in favor.

PUBLIC COMMENT:

There were no public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:35 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 Dahl, seconded by Commissioner Plante.

A roll call vote was taken:

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

NON-PUBLIC SESSION

MINUTES 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 (b), “The hiring of any person as a public employee....”

Motion by Commissioner Tollner, seconded by Commissioner Plante.

A roll call vote was taken:

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

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: 7:15 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 & 2**).

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.”

Item #2: RSA 91-A:3, II (b):

“The hiring of any person as a public employee”.

MOTION: Motion by Commissioner Plante, seconded by Commissioner Dahl, to seal the minutes of the Non-Public Session (**Item #1 & #2**) 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, March 25, 2019, at 6:00 p.m.

ADJOURNMENT

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

Time: 7:16 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk