

September 20, 2016

The Nashua Police Commission held a public meeting on Tuesday, September 20, 2016, 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 Denis Linehan  
Karen Smith, NPD Business Manager  
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

**Others Attending the Public Session:**

Alderman Liaison Lori Wilshire (not in attendance)

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**PUBLIC SESSION**

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

**REAPPOINTMENT OF COMMISSIONER TOLLNER:**

For the record:

On August 24, 2016, Governor Maggie Hassan and the NH Executive Council approved the reappointment of Police Commissioner James Tollner. He will serve a three-year term beginning on September 1, 2016, and ending on September 1, 2019.

**MINUTES:**

- July 18, 2016

**MOTION:** Commissioner Plante made a motion to approve the minutes of the July 18, 2016, meeting. Motion seconded by Commissioner Dahl. All in favor.

**BUDGET:**

Business Manager Karen Smith provided the Commissioners with the following reports for their review. Ms. Smith discussed the following:

**Department Detail Expenditure Report FY2017:**

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end August 30, 2016.

The budget is currently expended at approximately 15%. Chief Lavoie noted that at the end of this fiscal year, CPR training is mandated for all sworn officers. Commissioner Dahl noted that overtime for coverage was high. Karen responded that July was high but August came down. Commissioner Dahl also questioned what "extra holiday" is for. Karen explained that sworn officers who are scheduled to work the holiday will receive an extra day's pay.

**Department Detail Revenue Report FY2017:**

The Commission received a copy of the August 30, 2016, Revenue Report.

Update on Forfeiture funds: The department has received owed forfeiture fund payments of \$25,000 and \$320,000. These funds are included in the "Special Revenue" account. The funds are used to fund our drug unit.

Currently there are no issues with any past-due outside detail receivable accounts. A percentage of outside detail payments goes to the city to cover pension costs, etc.

**FY2017 Weekly Payroll Overtime:**

The overtime averaged \$31,000 per week during the month of August due to coverage, investigations, and the interdiction efforts. With the recent hiring of First Year Officers, the surplus due to vacancies will be diminishing; therefore, we will look to reduce the weekly overtime to \$26,000 per week. So far, the overtime for the first two weeks of September was \$31,000 and \$26,000. The first week included higher investigative overtime and the second week included an SRT callout.

**FY2017 Overtime Tracking by Specific Case or Significant Occurrence:**

The Commissioners received a copy of the FY2017 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence report showing the overtime cost for recent major cases and or significant occurrences. During the month of August, we spent overtime on Interdiction, training, and some smaller amounts on a few cases.

**FY2013-FY2017 Payroll Graphs:**

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The Commission received graphs comparing fiscal years 2013 through 2017 overtime expenditures. Analyzing the first graph entitled "NPD Monthly Overtime (All Types)", the baseline (orange line) represents the FY2017 average monthly appropriation at approximately \$90,000 per month.

The current FY2017 overtime (light blue w/X) has decreased since July to \$123,032.

Data is available for FY2013, FY2014, FY2015, and FY2016 for comparison purposes. FY2016 (in purple) shows the increase in overtime from February through June due to initiatives such as Interdiction and Coverage. FY2015 (in light green) demonstrates the spike in December of that year due to the three homicide investigations in that month followed by the forced decrease in overtime to meet the budget.

In contrast, FY2014 overtime (the red line) hovered closer to the overtime budget benchmark. This occurred because the staffing was closer to full complement in FY2014, with an average of four vacancies for the functioning strength, compared to other years, which averaged being down closer to eleven positions in the functioning strength.

**Payroll Cost Analysis and Forecast:**

John Griffin's form "Police Department Payroll Cost FY2017" was updated by Karen Smith. Basing the year on a weekly overtime of \$26,000 and an average weekly payroll of \$309,000, we can use this form to forecast breaking even on the payroll accounts for the following reasons:

The overtime budget was budgeted low due to the City's requirement to anticipate a surplus in the full-time payroll account to pay for additional overtime that becomes necessary as a result of turnover.

As a result of vacancies during the year, a balance of \$363,000 in the full-time payroll account is projected.

We will be able to offset the projected (\$363,000) deficit in the overtime account caused by overtime continuing at \$26,000 per week versus the budgeted weekly amount of \$20,712. This included absorbing the \$140,000 reduction already budgeted for attrition.

**Strength Report:**

The Commission received a copy of the August 31, 2016 Strength Reports.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	176	3
Total Non-Sworn Members	6	6	4	2
Total Part-Time Civilians	6	5	5	0
Total Full-Time Civilians	69	62	61	1
Total Grant Civilians	1	1	1	0
TOTAL:	268	253	247	6

**Miscellaneous:**

The Finance meeting tomorrow evening will include a vehicle replacement for one cruiser involved in an accident. We are in the process of getting pricing to replace the Impala vehicles.

Commissioner Tollner requested that the Police Commissioners prepare a FY2017 mid-year budget status review letter for presentation to the Board of Aldermen and the Mayor at a regular BOA meeting sometime in January 2017. A request to be included on the agenda will be made prior to January.

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

**ACTIVITY REPORT:**

***Deputy Chief Denis Linehan:***

On August 15, 2016, during a motor vehicle stop, officers identified a male passenger, who was hiding in the trunk, as being the victim of a shooting from July. The victim had sustained a gunshot wound to the leg during a disturbance on Palm Street. Detectives are furthering the investigation.

On August 28, 2016, officers responded to a Fletcher Street residence for a shots fired call. It was learned that an adult male had sustained a gunshot wound to his neck, which was ultimately a non-life-threatening injury. The victim is uncooperative. Detectives furthered the investigation.

On August 18, 2016, an NPD Sergeant was pulled over to the side of Crown Street when the vehicle was struck from behind by a pickup truck. The Sergeant was transported to SNHMC for evaluation. He was back to work within a few days with no ill effects. There was substantial damage to the rear of the cruiser.

Detectives continue to investigate an incident on August 10, 2016, in which officers responded to North Second Street for shots fired. Several witnesses and evidence were located in the area. There were no victims or injuries.

On August 27, 2016, officers located a suspicious vehicle behind the State Liquor Store on the Daniel Webster Highway. The operator was identified as a 16-year-old male runaway out of Massachusetts. Officers discovered

that the vehicle was stolen out of Massachusetts. Located within the juvenile's property were two handguns which were also reported stolen out of Massachusetts. SID furthered the investigation.

On August 21, 2016, officers responded to Motel 6, 77 Spitbrook Rd, for an ambulance call. It appeared the male subject may have fallen from the 3<sup>rd</sup> floor landing of the hotel. He was taken to St. Joseph's Hospital and later transferred to a Boston hospital and later passed away. His motel room and vehicle were secured, along with his residence on Quincy Street, where a marijuana grow operation was discovered. The investigation showed that it appeared to be an accidental fall.

Commissioner Dahl asked if we are doubling up officers in cruisers. Deputy Linehan responded that we are not as tactically it is better to have two officers respond to each incident rather than being doubled in the cruiser.

Commissioner Tollner commended all the officers and detectives who were involved in the Brielle Gage murder investigation and trial. They all did a great job with this case and in court. Sentencing is scheduled in December.

***Deputy Chief Michael Carignan:***

With the assistance from a team of New York City police officers, Nashua Police Detectives located and arrested Felix Perez. He was arrested in New York City. He waived extradition, was brought back to Nashua, and was arraigned on three counts of AFSA regarding an 11 y.o. female.

***Fatal Drug Overdoses:***

2016 YTD: 29

2015 YTD (same time period): 16

***Drug Arrests:***

2016 YTD: 574

2015 YTD (same time period): 426

Officer William Adamson, our grant writer, completed the application for the Granite Hammer Grant. This grant will be spread throughout the state. NPD was approved for \$249,266 in grant funds. This will assist with overtime and benefit costs for drug investigation efforts. We will also compile a list of hours and costs associated with drug arrests and follow-up, ex., drug court.

We are moving forward with getting an estimate to repair a roof leak. Initial tests showed the current roof is positive for asbestos. The estimate will include asbestos removal.

The generator project is almost completed. Generator testing presented a few glitches which damaged the main electrical panel. The estimated cost of replacing the panel is \$36,000. The fire alarm system panel was also found to be outdated and the estimated replacement cost is approximately \$20,000.

The Police Recruit exam was held on September 10, 2016: 196 people signed up; 119 showed up; and 39 passed both the written and physical exam. Those 39 applicants will be scheduled for oral board interviews.

**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:**

The Chief gave the Commissioners an overview of the letters of appreciation received from the public and other outside agencies. The letters included an e-mail from a citizen who was stopped and arrested for a non-payment of a fine. The citizen wrote to praise the officer who was professional, courtesy, and kind, and compassionate.

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

**USE OF E-MAIL AND ELECTRONIC MESSAGING:**

Commissioner Tollner reminded the Commissioners to be cognizant of the fact that any use of electronic mail or communications among public body members to communicate with each other to discuss official business can be a violation of RSA 91-A. Any official business of the Police Commissioners shall be conducted in an official meeting.

**CIVILIAN HIRE:**

For the Record:

- Effective August 22, 2016, Joy Ouellette has been hired to fill the vacant Records Technician I position.

**RETIREMENT:**

- Master Patrolman II Richard Mossdrop: Retirement effective October 1, 2016

**MOTION:** Commissioner Tollner made a motion to accept the retirement of MPO-II Richard Mossdrop effective October 1, 2016. The motion was seconded by Commissioner Dahl. All in favor.

**AWARDS:**

For the Record.

**NH Congressional Law Enforcement Awards:**

On behalf of U.S. Senator Ayotte and Representatives Guinta and Kusta, the following sworn officers have been selected to receive the NH Congressional Law Enforcement Award. The awards ceremony will take place at 6:00 p.m. on October 14, 2016, at the New Hampshire Police Standards and Training Council in Concord.

- **Captain Joseph Fay: Dedication and Professionalism category**
  - “You demonstrated a commitment to your peers and the community at-large in your work to build a productive relationship with SNHMC and ensure that SRT members in the Nashua Police Department receive proper medical training.”
- **Officer Michael Zupkosky: Dedication and Professionalism category**
  - “You demonstrated skill and judgement in your effort to stop the threat of an armed and suicidal individual.”
- **Officer Eric Walker: Dedication and Professionalism category**
  - “You demonstrated remarkable poise in your apprehension of an armed and suicidal individual. You were able to use minimal force to remove a threat and protect your fellow officer.”
- **Officer David Elliott: Life Saving Award category**
  - “You should be commended for your dedication and persistence that you demonstrated during the events of July 5, 2015, when you were able to persuade an injured male to seek medical treatment, which ultimately saved his life.

**Commendation Bar for Lifesaving (Attempted suicide at the Fairmount St. Bridge)**

- Officer Richard Treem
- Officer Dennis Lee
- Officer Kevin Delaney

**Letter of Recognition (Faulty exhaust pipe in residence)**

- Officer Kevin Rautenberg

**Letter of Recognition (Exceptional performance in the Legal Bureau)**

- Officer Matthew Duncan

**Letter of Recognition (Fire at Amherst Kayak & Canoe and Sundance Spa)**

- Officer John Murphy

**170<sup>th</sup> NHPSTC Academy - Arthur Kehas Award**

- First Year Special Officer Paul Auguste

**Exemplary Communications Employee Award**

- Communications Technician Carrie Curtis

**Certificate of Appreciation – US Marshal’s Service Behavioral Analysis Unit**

In recognition by the USMS Behavioral Analysts Unit for outstanding efforts and performance in the area of Crimes Against Children.

- Detective Chad MacGregor

**OTHER BUSINESS:**

Chief Lavoie noted the following:

October 17, 2016: A meeting has been scheduled at City Hall, at 7:00 p.m., to discuss next year’s budget. The meeting will include Department Heads and the BOA. Chief requested that the Police Commissioners attend this meeting.

October 9, 2016: Police Chaplain Father Kelly will be hosting a Police Mass to honor Nashua Law Enforcement. The Mass will take place at 10:00 a.m. at St. Christopher Church, 62 Manchester Street.

Manchester Police Department recently upgraded their radios to an encrypted system. Although NPD has the technology, Chief Lavoie sees no need to encrypt our system at this time.

Chief Lavoie and the Deputy Chief met with the interim Superintendent of Schools to discuss our School Resource Program.

**PUBLIC COMMENT:**

No public comments.

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**NON-PUBLIC SESSION**

**MINUTES SEALED**

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**PUBLIC SESSION INTO NONPUBLIC SESSION: 6:57 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:**

**RSA 91-A:3, II(e) PENDING CLAIMS OR LITIGATION**

Motion by Commissioner Dahl, seconded by Commissioner Plante.

*A roll call vote was taken:*

- Commissioner Tollner – yes; Commission Dahl – yes; Commissioner Plante – yes
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**END OF NON-PUBLIC SESSION:**

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

**RETURN TO PUBLIC SESSION: 7:10 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.** RSA 91-A:3, II(e) “Pending Claims or Litigation”

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

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

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**TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:**

- Monday, October 17, 2016

**ADJOURNMENT**

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

**Time: 7:01 p.m.**

Respectfully submitted,

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Commissioner Nicholas Dahl, Clerk