

March 21, 2016

The Nashua Police Commission held a public meeting on Monday, March 21, 2016, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
Commissioner Nicholas Dahl, Clerk
Chief Andrew J. Lavoie
Deputy Chief Michael Carignan (not in attendance)
Deputy Chief Denis Linehan (not in attendance)
Karen Smith, NPD Business Manager
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Auxiliary Police Chief Peluso

PUBLIC SESSION

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

CITIZEN LETTER OF APPRECIATION:

Chief Lavoie presented the following letter to Auxiliary Police Chief Scott Peluso who was present at tonight's meeting:

Letter of Recognition to Auxiliary Police Chief Scott Peluso from Chief Andrew Lavoie:

- Presented to Auxiliary Police Chief Scott Peluso of the Winchester, Massachusetts, Police Department for his assistance, while off duty, during a physical altercation between a Nashua Police Officer and a male subject at the Pheasant Lane Mall.

MINUTES:

- February 16, 2016
- February 19, 2016

MOTION: Commissioner Dahl made a motion to approve the minutes of the February 16, 2016, and the February 19, 2016, meetings. Motion seconded by Commissioner Tollner. All in favor.

BUDGET:

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

FY2016 Expenditure Report:

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end February 29, 2016. The City increased the budget for account 51750 Retirement and Separation Pay by \$39,525. This appears to be the amount necessary to balance the budget at this time if the overtime trends at \$35,000 and there are no more retirements for the fiscal year. This would leave a negative balance in the retirement account of (\$139,000) to be absorbed by the NPD payroll account. If the overtime trends higher, other operational accounts such as gasoline will have to cover the overage, or the City will need to transfer funds from contingency to cover the payroll overage.

FY2016 Revenue Report:

The Commission received a copy of the February 29, 2016, Revenue Report.

FY2016 Weekly Payroll Overtime:

The overtime for February dropped back down a little and has been averaging \$30,000 per week during the month of February due to increased coverage and a slight decrease in investigations. The overtime can hover between \$35,000 and \$42,000 per week to stay within the budget due the number of vacancies we have experienced throughout the year and the payroll savings offsetting the overtime.

FY2016 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission received a copy of the FY2016 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence report showing the overtime cost for recent major cases and or significant occurrences. This month's overtime included a Clandestine Lab activation, Building Maintenance overtime which will be reimbursed by the Risk Management Division, Active Shooter training, Hilary Clinton Presidential Campaign overtime hired by Secret Service, Evidence Room clean out, FTO overtime, recruitment, snow removal, Donald Trump Presidential Campaign overtime hired by Secret Service, and miscellaneous case investigations.

FY2013 – FY2016 Payroll Graphs:

The Commission received graphs comparing fiscal years 2013 through 2016 overtime expenditures. The graphs show that the first quarter of FY2016 overtime was in-line with the budget. The second quarter had an increase

in December for coverage and investigative overtime. January overtime is still higher but came down more in February.

Commissioner Tollner asked what percentage of our overtime is a result of the drug epidemic. Chief Lavoie responded that it may be difficult to break out by percentage but he will look into it further. It should also be noted that he has also authorized extra patrols and has assigned the Traffic Unit to assist with the problem.

Payroll Cost Analysis and Forecast:

Karen Smith updated John Griffin’s Payroll form to show hypothetical scenarios for the rest of the year based on overtime of approximately \$35,000 per week and \$43,000 per week. At \$35,000 per week, the payroll account would just about break even and absorb the \$139,000 balance for retirements that has not been reimbursed. However, if the overtime is focusing on the initiatives and overtime spending and is at \$42,000 per week, there could be a negative balance of (\$139,000) until the City transfers funds into our budget to cover the balance of the retirements. We expect the payroll account to be close to depleted.

Strength Report:

The Commissioners received a copy of the February 2016 Strength Report.

February 2016	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	185	178	172	6
Total Sworn Part-Time		1	1	0
Total Non-Sworn Members	6	6	5	1
Total Part-Time Civilians	8	5	5	0
Total Full-Time Civilians	70	61	58	3
Total Grant Civilians	1	1	1	0
TOTAL:	270	252	242	10

FY2017 Proposed Budget:

The Commissioners received a copy of the FY2017 Budget Summary of Changes and the budget form that was submitted to the City. The proposed FY2017 budget includes an increase of 2.5% over FY2016. Previously, the Commissioner individually approved the FY2017 Proposed Budget for submission to the City.

Chief Lavoie stated that our March strength will show that we are down seven officers, four newly sworn in officers are attending the Police Academy, and two officer just completed their Field Training Officer program. The next Police Academy is scheduled for April and we may have two police recruits attending.

Chief Lavoie stated that we have met the Mayor’s FY2017 budget guidelines. Karen Smith stated that the FY2017 budget is pretty much level funded with most of the 2.5% increase in the budget to cover approved contracts.

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

ACTIVITY REPORT:

Chief Lavoie reminded the Commissioners of the dangerous situations officers face every day on the street and reported on a few recent incidents.

In February, police responded to the Tropical Point Restaurant on West Hollis Street for a disturbance call. It was learned that a male, who was working security for the establishment, was involved in a physical altercation with a patron. During the altercation the employee removed a pistol he had on his person and assaulted the patron with it. At this time the firearm discharged. No one was struck, and the employee was charged with Reckless Conduct, Class B Felony, Simple Assault, and Carrying a Loaded Handgun without a License.

Overdoses:

Chief Lavoie noted that we are not seeing any age boundaries with overdoses.

- 2016: January - March: 72 drug overdoses with 6 fatalities
- 2015: January - March: 38 drug overdoses with 4 fatalities

In February, officers responded to the area of Marie Avenue for the report of criminal mischief in which approximately 30 mailboxes had been damaged. Officers located 3 juvenile males in the area who admitted to purposely damaging the mailboxes. The juveniles were taken into custody and charged with Criminal Mischief.

Officers responded to the area of the Fairmount Street Bridge for the report of a suicidal male. Upon arrival, Officers made contact with the suspect who was standing on the outside of the railing over the Broad Street Parkway. The officer grabbed the subject in a bear hug and was able to pull the subject back over the rail.

In February, the Problem Oriented Policing Unit made 26 arrests: 14 were Felonies, 12 were Misdemeanors, (16 arrests were drug related). This is a testament to the abilities of a specialized unit to target an interdiction such as drugs, robberies, etc. In addition, the Traffic Unit has being frequently assisting with drug interdiction situations.

PUBLIC SESSION

Officers responded to a Check Well Being call in which an 11-year-old boy was left unattended while his mother left the country for several days. Officer made contact with the boy who was home alone and appeared to have some form of diminished mental capacity. Detectives are furthering the investigation.

MOTION: Commissioner Dahl made a motion to accept the activity report. Motion seconded by Commissioner Tollner. 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. Included is a letter from United States Congresswoman Ann McLane Kuster regarding recent discussion on the opioid epidemic.

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

CIVILIAN HIRE:

For the record, the following civilian has been hired:

- McKenzie L. Garlick has been hired for the position of Probationary Communications Technician effective March 7, 2016.

RESIGNATION:

Senior Patrolman Matthew Hall: Resignation effective March 3, 2016.

MOTION: Commissioner Tollner made a motion to accept the resignation of Senior Patrolman Matthew Hall effective March 3, 2016. The motion was seconded by Commissioner Dahl. All in favor.

OTHER BUSINESS:

Department Asset Forfeiture Program (AFP):

Enclosed is a copy of a letter address to Mayor Donchess from the Department of Justice regarding the temporary deferment of equitable sharing payments to State and local law enforcement agencies. Chief Lavoie stated that he recently had a conversation with Senator Shaheen who is confident that the program will be reinstated sometime during the next month.

PUBLIC COMMENT:

There were no public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:31 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 (b), "The hiring of any person as a public employee"

Motion by Commissioner Tollner, seconded by Commissioner Dahl.

A roll call vote was taken:

- Commissioner Tollner – yes; Commission Dahl – yes

NON-PUBLIC SESSION

MINUTES SEALED

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

Item #2:

RSA 91-A:3, II (b), "The hiring of any person as a public employee"

Motion by Commissioner Tollner, seconded by Commissioner Dahl.

A roll call vote was taken:

- Commissioner Tollner – yes; Commission Dahl – 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: 6:38 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...”

Chairman Tollner asked for a motion to individually seal the following minutes of the Non-Public session.

- **Item #1.** RSA 91-A:3, II b) “The hiring of any person as a public employee”
- **Item #2.** RSA 91-A:3, II (b) “The hiring of any person as a public employee”

MOTION: Motion by Commissioner Tollner seconded by Commissioner Dahl, to individually seal the minutes of the Non-Public Session (Item #1 & Item #2) as authorized above. All in favor, motion carried.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Tuesday, April 19, 2016

ADJOURNMENT

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

Time: 6:40 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk