

May 15, 2017

The Nashua Police Commission held a public meeting on Monday, May 15, 2017, 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
Citizen George Denealt

PUBLIC SESSION

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

MINUTES:

- April 10, 2017

MOTION: Commissioner Plante made a motion to approve the minutes of the April 10, 2017, 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:

Grants:

- State of NH Department of Safety Homeland Security Grant in the amount of \$1,280 for conference fee and hotel for the NY Tactical Training Conference.
- State of NH Department of Safety Homeland Security Grant in the amount of \$3,250 for overtime and benefits for the ALERRT training grant.

FY2017 Department Detail Expenditure Report:

The Expenditure Report includes 43 of 52 weeks of payroll and is at 82.7% of the annual budget.

FY2017 Department Detail Revenue Report:

The Commission received a copy of the April 30, 2017 Revenue Report.

FY2017 Weekly Payroll Overtime:

The overtime averaged \$30,416 per week during the month of April due to primarily coverage and investigative overtime. Expect this to increase in May due to the Memorial Day Parade.

FY2017 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission 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 April, the significant overtime was attributed to the following: \$4,402 Tara Blvd 2nd Degree Assault; \$4,266 Coburn Woods 1st Degree Assault with Firearm; MISC \$1,916; TRAV \$2,845; TRNG \$3,309; TRSWAT \$1,370.

FY2014 - FY2017 Payroll Graphs:

The Commissioners received graphs comparing fiscal years 2014 through 2017 overtime expenditure analysis.

Payroll Cost Analysis and Forecast:

Karen Smith updated CFO John Griffin's form "Police Department Payroll Cost FY2017" using two scenarios. Basing the year on a weekly overtime of \$25,000 and an average weekly payroll of \$307,222, we can use this form to forecast just about breaking even on the payroll accounts given any unforeseen circumstances such as major investigations.

The second scenario uses \$31,000 overtime per week and leaves more room for the increased investigative overtime we have not seen in recent months using the lower scenario. This would result in an approximate overage of (\$47,799) by year end. Due to the uncertainty of the number, Karen has discussed this with John Griffin and Chief Lavoie and they agreed that we will wait until June 1 to readdress the amount of money required to meet the budget for the last week of payroll.

Strength Report:

The Commission received a copy of the April 30, 2017 Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	176	3
Total Non-Sworn Members	6	6	5	1
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	248	5

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

ACTIVITY REPORT:***Deputy Chief Denis Linehan reported the following:***

On April 13, 2017, officers responded to the area of Coburn Woods for a report of shots fired. While responding, officers learned that a male subject had been shot in the legs by another male subject who was armed with an assault-style rifle. They also learned that the subject with the rifle had fled the area on foot after the shooting. Officers rendered medical aid to the victim while other officers searched the area for the subject with the rifle. The individual with the rifle was located in the area and charged accordingly. The victim sustained non-life threatening injuries.

On April 15 & on April 19, police responded to suicide calls on both days. We are seeing an increase in suicide incidents with two more this past weekend. NPD has a Critical Incident Management Team (CIMT), which is a part of the Southern New Hampshire Regional (CIM) Team. The purpose of the team is to provide critical incident stress management and crisis intervention services following a critical incident (i.e., a homicide, suicide, overdose death, CPR/lifesaving efforts, etc.). The department is also conducting "debriefs" on major incidents, such as, an incident in which officers responded to a residence on Chickie Drive for a Keep the Peace. The female resident was armed with a firearm and threatening to harm herself. After negotiations failed, officers deployed a bean bag gun to attempt to gain compliance. Officers then ran toward the woman as she began to raise the gun in order to shoot herself, stopping her and preventing a suicide. During their struggle the woman did discharge the firearm into the ground. No one was hurt during the incident. The Nashua Team consists of approximately 25 members who offer assistance/counseling if needed. The CIMT has a 24-hour confidential call line.

On April 28, 2017, officers responded to a residence for a juvenile matter involving a 12-year-old female. The juvenile commented that she would rather kill herself. The juvenile female then abruptly ran and jumped through an open third story window. The officer was able to grab the juvenile by one of her legs before she could completely fall from the window. With the assistance of a family member in the home, the officer was able to pull the female back into the window. The female was then transported for further evaluation and treatment.

Kellyanne Conway, Counselor to President Donald Trump, will be visiting Nashua on Thursday. NPD is assigning uniformed and non-uniformed officers to the event. The Mobile Field Force Unit will also be on standby should any protests erupt. The event will be closed to the press.

Deputy Chief Michael Carignan reported the following:

Regarding the April 13, 2017, shots fired incident in the area of Coburn Woods, both victim and suspect are uncooperative. The County Attorney will be reviewing the incident/investigation and making a determination regarding any prosecution.

On April 4, 2017, officers responded to Homewood Suites on Tara Boulevard for a report of a male on the ground yelling for help. The victim reported that while in his room, he was bound, robbed, and assaulted by two acquaintances. The victim reported that the suspects also stole his vehicle. The victim sustained serious life-threatening injuries. One suspect was later located by Boston PD and he was charged accordingly.

The HIDTA Task Force, with the assistance of a Nashua Police Detective who is assigned to the Task Force, arrested four subjects who were in possession of more than 750 grams of Fentanyl, 15 kilograms of marijuana, two firearms and ammunition, and \$941,044 in US Currency. These are very significant arrests and stemmed from a Nashua investigation.

Deputy Carignan reported that heroin overdoses are on a downward trend recently. He believes it is related to the NPD drug interdiction efforts.

Recent NH state legislation regarding "forfeiture funds" will be heading to the full Senate in the near future. Deputy Carignan plans on meeting with each Senator to discuss the detrimental effects this legislation, if passed, would have on the Nashua Police Department's Narcotics Division. With the exception of salaries, the Narcotics Division is funded through "forfeiture funds" and not through the NPD budget. The Commissioners suggested writing and forwarding a letter to the Senators from the Commissioners as well. The Chief and Deputy Chief will keep the Commission informed of the status of the bill.

Chief Lavoie answered a question for Commissioner Dahl regarding the following: Nashua Police Department was recently selected to be the "Super Hub" for the State of NH, Cross Agency, Information Sharing Network. Some Massachusetts agencies are also part of the Information Sharing Network. There are no additional costs associated with this program.

Deputies Carignan and Linehan answered questions for Commissioner Plante regarding the following: This month the Evidence Unit cataloged, organized, returned, or destroyed approximately 900 pieces of evidence. With thousands of pieces coming in continually, this is an ongoing process, and when appropriate, evidence is returned or destroyed.

Chief Lavoie stated that regarding motor vehicle stops, many times warning are issued rather than summonses. It should be noted that officers do not have "quotas" for issuing traffic summonses. Deputy Linehan also noted that in recent months, Traffic Unit officers have been reassigned to assist with drug interdiction efforts.

MOTION: Commissioner Plante made a motion to accept the activity report. Motion seconded by Commissioner Dahl. 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 other outside agencies. The letters included one from the Town of Salem Fire Department for Nashua's Hazardous Device Unit assisted them with barricaded subject incident in which the subject set his home on fire.

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

RESIGNATION:

- **Master Patrolman Philip Belmont: Resignation effective May 30, 2017.**
- **Patrolman Galen Doud: Resignation effective May 27, 2017**

Both officers have accepted positions with federal agencies. Chief Lavoie noted that NPD's reputation stands for itself. We work hard to screen all recruit candidates and we are very selective during our hiring process. NPD officers are very well trained and many times are sought after by federal agencies.

MOTION: Commissioner Plante made a motion to accept the resignation of Master Patrolman Philip Belmont effective May 30, 2017, and Patrolman Galen Doud effective May 27, 2017. The motion was seconded by Commissioner Dahl. All in favor.

RETIREMENT:

- **Captain Jeffrey Bukunt: Retirement effective June 1, 2017**

MOTION: Commissioner Plante made a motion to accept the retirement of Captain Jeffrey Bukunt effective June 1, 2017. The motion was seconded by Commissioner Dahl. All in favor.

AWARDS:

For the Record.

Nashua Lions Club Officer of the Year 2017:

- Officer Christopher Toomey

OTHER BUSINESS:

Budget Review is scheduled for Monday, May 22, 2017, at 7:00 p.m., in the Aldermanic Chambers at City Hall.

NH State Legislation is in process of revising the Driver Privacy Act. Currently all accident reports must be disseminated by the Division of Motor Vehicles. This legislation, if approved, will go back to the previous procedure in which accident reports were released by police departments. Chief Lavoie will keep the Commissioner informed as this legislation moves forward.

PUBLIC COMMENT:

There were no public comments.

NON-PUBLIC SESSION

MINUTES NOT SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:43 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 (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 Plante, seconded by Commissioner Dahl.

A roll call vote was taken:

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

Recommendations for Promotions effective June 2, 2017:

Chief Lavoie gave the Commissioners an overview of his recommendations for the following promotions. These promotions are due to the retirement of Captain Jeffrey Bukunt effective June 1, 2017. The Commissioners received a copy of each candidate’s personal history information for their review.

- **Promotion to Captain:**
 - Lieutenant Kevin Rourke
- **Promotion to Lieutenant:**
 - Sergeant Brian Kenney
- **Promotion to Sergeant:**
 - Master Patrolman Charles MacGregor

MOTION: Commissioner Dahl made a motion to approve Chief Lavoie’s recommendation to promote **Lieutenant Kevin Rourke** to the position of Captain effective June 2, 2017. The motion was seconded by Commissioner Plante. All in favor.

MOTION: Commissioner Dahl made a motion to approve Chief Lavoie’s recommendation to promote **Sergeant Brian Kenney** to the position of Lieutenant effective June 2, 2017. The motion was seconded by Commissioner Plante. All in favor.

MOTION: Commissioner Dahl made a motion to approve Chief Lavoie’s recommendation to promote **Master Patrolman Charles MacGregor** to the position of Sergeant effective June 2, 2017. The motion was seconded by Commissioner Plante. All in favor.

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:

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 NOT SEALED

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

Item #3:

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

Sidebar Agreement:

Collective Bargaining Agreement between the Nashua Police Commission and the Nashua Police Patrolman's Association for period of July 1, 2011, - June 30, 2018.

Language correction and additional language added as outlined below:

ARTICLE 15A	
<u>WELLNESS REIMBURSEMENT ALLOWANCE</u>	
<u>Part-Time Employees:</u>	Part-Time employees are not eligible for this benefit.
<u>Full-Time Employees:</u>	The Wellness Reimbursement Allowance per full-time employee per fiscal year shall be as follows:
	Fiscal Year 2010, Available July 1, 2009.....\$200.00
	Fiscal Year 2011, Available July 1, 2010.....\$200.00
A.	Beginning upon the signing of the contract, Upon submitting proof of payment for membership costs to the appropriate personnel within the Administrative Bureau, the Department will reimburse employees up to \$200.00 to maintain membership in a bona fide health, or fitness club, <u>or gym or for personal workout equipment, authorized by the administration. The cost of exercise or workout equipment which is generally used for recreational or leisure purposes shall not be subject to reimbursement.</u>
B.	Reimbursements shall occur annually and any unused portion of the reimbursement will not carry over to a subsequent fiscal year.
C.	The Department reserves the right to verify an employee's active membership at any time during the fiscal year.

MOTION: Commissioner Tollner made a motion to approve the above amendment/sidebar agreement to the Collective Bargaining Agreement between the Nashua Police Commission and the Nashua Police Patrolman's Association for period of July 1, 2011, - June 30, 2018. The sidebar agreement will be effective May 15, 2017. A sidebar agreement will be prepared for signature. The motion was 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 Plante.

RETURN TO PUBLIC SESSION: 7:30 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 individually seal the following minutes of the Non-Public session.

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

"The dismissal, promotion, or compensations of any public employee ..."

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Dahl, to individually seal the minutes of the Non-Public Session (**Item #2 only**) as authorized above.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, June 19, 2017, 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: 7:31 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk