

June 21, 2021

The Nashua Police Commission held a public meeting on Monday, June 21, 2021, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
Commissioner Nicholas Dahl, Clerk
Commissioner Matthew Plante
Chief Michael Carignan
Deputy Chief James Testaverde
Deputy Chief Kevin Rourke
Karen Smith, NPD Business Manager
Kathy Breslin, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Aldermanic Liaison Lori Wilshire (not in attendance)
Aldermanic Liaison Richard Dowd (not in attendance)
One Citizen.

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 5:31 pm. Roll call taken.

APPROVAL OF MINUTES:

- May 24, 2021

Commissioner Plante made a motion to approve the minutes of the May 24, 2021 meeting. Motion seconded by Commissioner Tollner. All in favor.

BUDGET:

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

Grant:

A grant was received from the NH Department of Safety in the amount of \$24,000 for the purpose of obtaining six (6) CBRNE (Chemical, Radiological, Nuclear and High Yield Explosives) response suits for SWAT during the period of November 2020-August 2023.

FY2021 May Expenditure Report:

The average appropriation as of May is 92.3%. The payroll account is operating at 91.98%; however the Memorial Day holiday pay will not be paid until June 10th and the last June holiday (Flag Day) pay will not be paid until June 24th.

FY2021 May Revenue Report:

A copy of the report was provided.

FY2021 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence:

The overtime for significant occurrences or specific cases was \$31,958 for the month of May, \$20,676 for a particular case from 2020.

May Functional Strength:

The Functional Strength, the number of total officers we are down due to extended leave was down to 7 this month, with no vacancies. The prior month was 8.

FY2021 May Overtime Analysis:

The overtime for the month of May averaged \$35,875 per week. The first two weeks of June overtime trended at \$35,000 with the last two weeks anticipated to run the same or higher due to training and court backfill. The Expendable Trust Fund brought over from last year for training and court overtime will be exhausted during June.

The Expendable Trust Fund for overtime has a current balance of approximately \$26,000, which we hope to rollover into next year and add \$100,000.

May Strength Report:

A copy of the May Strength Report was provided.

Chief Carignan stated that it is important to take notice that our sworn vacancies are at 0 in May, but by August that number is going to increase to 8. Because it is a lengthy hiring process it is easy to see how our vacancies can jump quickly.

Commissioner Plante asked if there will be any money left over at year end. Karen Smith replied yes there will be, mostly due to the gasoline account, but we are still waiting to hear regarding the retirement account. We still have the remainder of June, but is not concerned about being in the red. Any money leftover we would like to put in an escrow account to bring forward to next year to go towards travel for training that could not happen this year.

Commissioner Tollner asked if the Holiday Stroll came out of our budget or the City budget. Chief Carignan stated that the Holiday Stroll came out of the City budget and the 4th of the July came out of the PD.

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

ACTIVITY REPORT:

Deputy Chief Kevin Rourke reported the following:

There was a meeting held at City Hall last week in regards to the 4th of July. The event will be at full capacity, but all the prior activities have been cancelled. The officers will be on site for 5:30 pm.

The numbers are increasing for calls for service and in motor vehicle stops.

We recently held a motorcycle school, which is very difficult to pass. He had one officer pass and one officer fail.

There are two weeks remaining for the canine school. Both dogs and handlers are doing very well and should pass.

We are in the middle of getting the agreement signed for the body worn cameras. The paperwork has been going back and forth between the Mayor's office and the company, which is common. It should be signed soon and then it will go before the Board of Alderman in July.

Commissioner Tollner asked Deputy Rourke how long it would be for the body cameras to be in use. Deputy Rourke replied most likely October.

Chief Carignan stated that Deputy Rourke has been working on the body cameras for over a year and has done a great job working with the company and the Mayor.

The Commissioners thanked Deputy Rourke for his efforts.

Commissioner Plante inquired about the dog bite incident.

Deputy Rourke stated that our K9 Bob was in the middle of doing a track and he bit Officer Brandon Brown. Officer Brown received stitches, but no permanent damage. It appears the incident happened due to the officer getting ahead of the dog and his handler.

Commissioner Tollner stated that he noticed the calls for service in January were 6600 and now in May they are 7900. Chief Carignan agreed and stated that all calls were on the increase.

Commissioner Plante stated that it appeared that overdoses were on the rise. Chief Carignan stated that unfortunately there are no more Safe Stations, so there are less resources for those seeking help. Family administered Narcan has also increased.

Deputy Chief James Testaverde reported the following:

Detectives:

A couple of years ago we had the David Smith homicide. The two main people involved are now deceased. We met with the Attorney General's office to speak to them about charging the other people involved with lesser charges and wrapping up the case.

Professional Standards:

We are earmarked to be down 8 officers by August 1st. We have two conditional offers that you have already approved, one candidate from the last test and a fourth candidate who is currently in the Massachusetts Academy. The next recruit test will be held on September 25th.

Chief Carignan stated that these numbers are based on anticipated retirements or resignations, but officers can pull back their paperwork at any time. They are not gone until they are off the books.

Legal:

Officer Fisher officially became certified as a DRE expert in court. The case where he testified was originally under advisement, but we were notified we won the case.

The sharing of Attorney Kathleen Brown 50/50 with Hollis Police Department is going great and the Hollis Police Department is very happy.

Services:

Lieutenant Camacho is getting ready to move to the Uniformed Division and Lieutenant Welch is getting ready to move to Services.

Captain Mederos had a meeting with the HVAC contractor to plan out the installation of the new HVAC system. There should be one more meeting for the exact game plan. It is estimated that the project will take over a year. We will be using the classroom for office space during the transition.

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

CORRESPONDENCE FROM THE PUBLIC & OTHER AGENCIES:

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

- Boys & Girls Club of Greater Nashua-Lieutenant Camacho, Officer T. Moriarty and Officer MacDonald
- Nashua Board of Education-Officer Doherty
- US Department of Justice-FBI- Officer Inzenga

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

CIVILIAN RECLASSIFICATION:

For the record:

Effective May 23, 2021, Account Clerk III Paul Duvall, Kristine Eskridge and Michele Guilbeault will be reclassified as Account Clerk IV.

SWORN RESIGNATION:

For the record:

Master Patrolman II Guido Marchionda effective June 17, 2021.

CIVILIAN RESIGNATION:

For the record:

Records Technician I Kathie Lavoie effective June 26, 2021.

K9 RETIREMENT:

For the record:

K9 Scooby-Doo effective June 1, 2021.

SWORN RETIREMENTS:

Detective Daniel Archambault effective August 1, 2021.

MOTION: Commissioner Plante made a motion to accept the retirement of Detective Daniel Archambault effective August 1, 2021. Motion seconded by Commissioner Dahl. All in favor.

MEMBER BENEFITS AND REGULATIONS AGREEMENTS:

First Year Special Officer Benefit Package Summary of Amendments.

MOTION: Commissioner Plante made a motion to accept the First Year Special Officer Benefit Package for FY2022, effective July 1, 2021-June 30, 2022. Motion seconded by Commissioner Dahl. All in favor.

Animal Control Officer (ACO) Benefit Package Summary of Amendments.

MOTION: Commissioner Dahl made a motion to accept the Animal Control Officer (ACO) Benefit Package for FY2022, effective July 1, 2021-June 30, 2022. Motion seconded by Commissioner Plante. All in favor.

CEO Benefit Package Summary of Amendments.

MOTION: Commissioner Tollner made a motion to accept the CEO Benefit Package for FY2022, effective July 1, 2021-June 30, 2022. Motion seconded by Commissioner Plante. All in favor.

Staff Benefit Package Summary of Amendments.

MOTION: Commissioner Tollner made a motion to accept the Staff Benefit Package for FY2022, effective July 1, 2021-June 30, 2022. Motion seconded by Commissioner Dahl. All in favor.

OTHER BUSINESS:

Chief Michael Carignan reported the following:

There recently have been issues at the School Board meetings with parents upset about the mask ordinances in the schools. There is another meeting this week and we will have officers present to keep the peace.

We have been receiving emails from several Alderman in reference to what we are doing to enforce traffic issues on Main Street. I responded to the Alderman with a comprehensive list of all the traffic stops and motor vehicle citations we have issued in regards to our increased presence on Main Street. It takes a lot of time to compile this data, since all the stops do not always happen right on Main Street. Deputy Rourke and the Patrol Captains have worked hard to increase enforcement in this area.

Commissioner Plante stated he asked Captain Bolton if he had reached out to the local businesses on Main Street and he stated he did and they are very happy.

Chief Carignan stated that the local Crime Watch groups are also happy.

Commissioner Tollner wanted to make sure that the Chief is following up on all requests.

There have been changes to the 4th of July activities this year, but we will handle it like we always do.

PUBLIC COMMENT:

George Denault asked if the K9 handler used the proper commands in the incident where an officer was bitten by the K9.

Chief Carignan stated that the K9 handlers follow rules based on our SOP and their K9 training.

Deputy Testaverde stated that these incidents can happen due to inexperience of officers and K9 handlers.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, July 19, 2021, at 5:30 pm.

END OF PUBLIC SESSION:

MOTION: Commissioner Tollner made a motion to end the public session and enter the non-public session. Motion seconded by Commissioner Plante. All in favor

Time: 6:10 pm

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:14 pm

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 Tollner.

A roll call vote was taken:

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

Proposed promotions to Lieutenant and Sergeants due to possible upcoming retirements.

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 Plante seconded by Commissioner Tollner.

A roll call vote was taken:

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

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 Tollner. All in favor.

RETURN TO PUBLIC SESSION: 6:30 pm

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 Dahl to seal the minutes of the Non-Public Session (**Item #1**) as authorized above. All in favor.

Commissioner Tollner asked for a motion to seal the following minutes of the Non-Public session (**Item #2**).

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: Motion by Commissioner Tollner seconded by Commissioner Plante to seal the minutes of the Non-Public Session **(Item #2)** as authorized above. All in favor.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, July 19, 2021 at 5:30 pm

ADJOURNMENT

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

Time: 6:33 pm

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk