

February 22, 2021

The Nashua Police Commission held a public meeting on Monday, February 22, 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  
Aldermanic Liaison Richard Dowd

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**PUBLIC SESSION**

Commissioner Tollner called the meeting to order at 4:33 pm. Roll call taken.

**APPROVAL OF MINUTES:**

- January 25, 2021

Commissioner Tollner made a motion to approve the minutes of the January 25, 2021 meeting. Motion seconded by Commissioner Plante. All in favor.

**BUDGET:**

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

**FY2021 January Expenditure Report:**

The average appropriation is 59.6% as of January. The payroll accounts are operating at 60.4% year to date. The gasoline account continues to provide savings due to the FY2021 guidelines to budget at \$2.095 per gallon and the bid price coming in at \$1.5496 per gallon. There has been a decrease in the expected volume due to Covid, but this could rectify itself. This account is locked for transfers, but it will offset the two-digit operations account and/or bottom line NPD budget if necessary.

**FY2021 January Revenue Report:**

A copy of the report was provided.

Commissioner Dahl asked Karen Smith about a \$15,000 entry for revenue. Karen Smith did not have the information, but said she would review and provide the information to Commissioner Dahl.

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

The monthly overtime for January significant occurrences was approximately \$36,000. This included \$21,957 for a SWAT activation.

**January Functional Strength:**

Month-end January the Functional Strength is 20. This is the number of total officers we are down due to vacancies, officers in training and officers on extended leave.

**FY2021 January Overtime Analysis:**

The weekly overtime for the month of January averaged \$29,039, which is under the target range of \$31,000. We have adjusted forecasting the overtime number to be reduced to \$30,000 per week and then down to \$29,000 per week in the spring if we fill the open officer and communication positions.

**January Strength Report:**

A copy of the report was provided.

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

**ACTIVITY REPORT:**

***Deputy Chief Kevin Rourke reported the following:***

The military sidebar for the Patrolman and Supervisor contracts goes before the Alderman tonight and then the Budget committee in two weeks.

Officer Marchionda's dog Vorik had an intestinal blockage and needed emergency surgery. The vet donated the surgery. The dog has diminished in the last few months and after this surgery has maybe a month left of active duty.

We are in the process of getting another dog in order to attend the March K9 Academy. Officer Perry and his dog will also be attending this Academy after they complete their bomb training. Both dogs should be ready by the summer. Right now we only have Officer Delaney with his dog Bob.

We have 175 employees completely vaccinated. We have 10-15 employees who have one vaccine and are just waiting for their second shot. Currently we have one employee out due to Covid.

Last Friday afternoon we were on a conference call with the State. Currently they are vaccinating 40,000 people per week and they soon will be increasing that to 60,000 people per week. Starting this past weekend they are requesting officers at all vaccination sites. Our officers will be working the site at Nashua High School South. It will be a mandatory detail that the State will be paying.

***Deputy Chief James Testaverde reported the following:***

***Detectives:***

The SROs are back in school.

We will be doing a renovation in the building for the Detective and Legal bureaus. We are going to move the Computer Forensic Unit upstairs in order to give the Legal bureau more room. The cost is about \$7,000 which will be covered by some Covid funds and our existing budget.

Detective Adam Rayho recently got contacted by Internet Crimes against Children (ICAC) regarding a case that they were working in North Carolina. Detective Rayho happened to be chatting with the suspect online and due to his efforts they were able to remove a 3-year-old and 6-month-old from the home.

***Professional Standards:***

We are down 2 dispatchers and 1 communications technician. Professional Standards is currently doing backgrounds on 1 dispatcher and 1 communications technician.

Tasers are a very useful tool for us, our current tasers are old and need to be replaced. The price of tasers has increased and we will need to purchase additional tasers, along with the replacement tasers.

***Legal:***

The court has reopened for trials. We will see an uptick in witness fees, especially with talk of adding an afternoon session. The new attorney has been here for approximately 5 weeks and she is very happy.

***Services:***

Only one bid was received for the HVAC project. There was a second bid, but it was received an hour after the deadline. The first bid was \$1.3 million over the original estimate. We have sent it back out to bid and the deadline is this Thursday, February 25, 2021.

There was a discussion regarding the original projection on the cost of the project and why the increase to the cost of the project. The project was originally estimated to be \$2.5 million. The increase in the cost is due to increased cost of materials and the increase to labor hours due to Covid restrictions.

There was a discussion regarding body cameras. There were questions whether the State would provide funding if it recommends all departments have body cameras. The cost to outfit the Nashua Police Department with body cameras was presented to the Mayor and he has the information. The City of Manchester does have body cameras, but they started the program before the increases in prices. They are funding their body cameras with a bond.

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

- State of New Hampshire, Office of the Governor- Appointment of Chief Carignan to the New Hampshire Opioid Abatement Advisory Commission.
- State of New Hampshire, Officer of the Governor-Appointment of Chief Carignan to the Police Standards &

Training Council until January 29, 2023.

- St. Aloysius Youth Ministry-Officer Adamson
- Citizen-Captain DiFava, Officer Adamson
- Citizen-Officer Donahue
- Citizen-Officer Earnshaw
- Goffstown Police Department- Officers Lewis, Pucillo, Fleming and Officer Jordan Kelly

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

**CIVILIAN NEW HIRE:**

***For the record:***

Community Policing Coordinator Barbara Costa effective February 22, 2021.

**WELLNESS INCENTIVE:**

**Chief Michael Carignan reported the following:**

There was a discussion a few months ago regarding a Wellness Incentive. This topic is very important to me. Over the last six months we have been working on improving officer's mental health, nutrition and physical health. Due to the changes in the retirement system new officers have to work an additional 5 years. If they are healthy it will be less difficult. Exercise is a big component of wellness. The Professional Standards Bureau has to conduct yearly PT Tests for the officers. We are proposing that officers will have the option of taking the Wellness Incentive PT Test. This PT test will be based on the Coopers Standard, the same as the current PT test, but this test will include a bench press portion. If the officer is 80% proficient on the test they will earn one day off and if they are 90% they will earn two days off. The day will be treated like a vacation day, but officers will not be allowed to take the day on major holidays and may be denied it if causes overtime. Officers will have one full year from the date of the PT test to take the time off. The standards will be reviewed at the beginning of each year. If too many officers are hitting the 80-90% mark we will have the option of increasing the percentile. Last year roughly 10 officers were 80% proficient and 9 officers were 90% proficient. This would have resulted in 28 days. We will be presenting the Wellness Incentive to the unions tomorrow. It is a fair system. It involves no money and we control it completely. It is a good way to give officers the incentive to stay healthy. We will be looking to see if we will be offering this to civilians.

Commissioner Dahl asked if the percentiles would ever be lowered. The Chief replied no they will not lower the percentiles, if anything they could be increased.

Commissioner Tollner wants the unions to know this is not a negotiable item, it is only a possible addition to their contract. Commissioner Plante stated that the Wellness Incentive is better for the agency. There will probably be less sick time and injuries.

Deputy Testaverde stated that they are in the process of working with Attorney Steve Bolton with the City Legal Counsel. When the agreement has been finalized, and after speaking with corporate counsel and the unions, the Wellness Incentive will be brought before the Police Commissioners for a final vote.

**OTHER BUSINESS:**

***Chief Michael Carignan reported the following:***

Barbara Costa, the new Community Policing Coordinator started today. I hope to introduce her to the Police Commissioners and Alderman soon.

We are still incurring overtime for Covid related costs. As of last Thursday we have spent an extra \$38,000 for overtime for coverage due to people out with Covid, having to quarantine or from side effects from the vaccination.

We currently are in the first stage of legislation. There are several hundred bills to be voted on in the State. The NH Chiefs of Police has a lobbyist, Beth Sergeant, who looks at all the bills and breaks it down for us. We have spoken to the legislature on occasion when there are bills that affect us. Recently Lieutenant Josh Albert spoke regarding two bills on forfeiture and Sergeant Michael Lang spoke regarding bills on rubber bullets, tear gas, and no knock warrants. There currently is legislation sponsored by Nashua representatives regarding School Resource Officers (SROs) in the schools. I have tried to discuss this legislation with them and how it affects our officers at the schools, but they have been unresponsive. I have spoken to the Acting Superintendent of the Nashua Schools and he supports the SROs in the schools. If the proposed bill passes as it is written we will be forced to remove the officers from the schools.

Commissioner Tollner requested to see the proposed legislation and the names of the representatives that have sponsored it. Alderman Wilshire requested the bill number and offered assistance.

Chief Carignan stated he would share the information when they get out of the committee. He also stated that the Nashua Police Department is trying to develop a Use of Force Class that the Alderman and local representatives can attend.

**PUBLIC COMMENT:**

Alderman Dowd stated that currently 11 of the 15 Alderman support the Military Leave sidebar for the Patrolman and Supervisor contracts.

Alderman Dowd asked Chief Carignan to set up a time to present his long range building renovation to the Board of Alderman.

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

- Monday, March 22, 2021, at 5:30 pm.

**END OF PUBLIC SESSION:**

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

Time: 5:40 pm

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**NON-PUBLIC SESSION**

**MINUTES SEALED**

PUBLIC SESSION INTO NONPUBLIC SESSION: 5:46 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 Tollner, seconded by Commissioner Plante.

*A roll call vote was taken:*

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – ye
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**Item #2**

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

Motion by Commissioner Dahl seconded by Commissioner Plante.

*A roll call vote was taken:*

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes
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**Item #3:**

**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 Tollner, seconded by Commissioner Plante.

*A roll call vote was taken:*

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

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

**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.

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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 (b): “The hiring of any person as a public employee”.**

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

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Commissioner Tollner asked for a motion to seal the following minutes of the Non-Public session (**Item #3**).

**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:** Motion by Commissioner Dahl seconded by Commissioner Plante to seal the minutes of the Non-Public Session (**Item #3**) as authorized above. All in favor

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TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, March 22, 2021 at 5:30 pm
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ADJOURNMENT

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

**Time: 6:32 pm**

Respectfully submitted,

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Commissioner Nicholas Dahl, Clerk