

June 20, 2016

The Nashua Police Commission held a public meeting on Monday, June 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)

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:04 p.m.

MINUTES:

- May 17, 2016

MOTION: Commissioner Dahl made a motion to approve the minutes of the May 17, 2016, meeting. Motion seconded by Commissioner Plante. 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:

- Proposed changes have been made to NRO 5-129 which requires Financial Services to keep a record of expenditures to include the payee, amount, account number, and dates. The requested change is to redact the names of employees and vendors in which the public disclosure could endanger the safety of the officer. We already have a safety measure in place for confidentiality during procurement covered under 5-84 Special Purchase Procedures and now we are looking to maintain that confidentiality under the Record of Expenditure reporting. Financial Services will be requesting changes related to HIPPA also.
- Our funding for the roof replacement for the Garage/Indoor Range project received an A3 rating; however, it was not funded in the FY2017 budget. Karen Smith has been in contact with CFO John Griffin and we will explore if there are any funds remaining in the FY2016 budget that can be escrowed for this purpose. Additionally, John Griffin has given the option to use the City Buildings Expendable Trust Fund to fund the project. We can use a combination of funding, however, we have advised the city that we cannot wait for the FY2018 budget to take care of the roof replacement.
- The Commissioners received the Department Detail Expenditure Report as of month end May 31, 2016. As anticipated, there will be an expected shortage in accounts 54100 electric and 54114 gas heat which we will absorb through other operational accounts as needed. The FY2017 budget has been adjusted and increased. We may have funding in other operational accounts, such as gasoline, to cover the overage in the retirements account. The City may need to transfer funds from contingency to cover any remaining overage.

FY2016 Revenue Report:

The Commission received a copy of the May 31, 2016, Revenue Report.

FY2016 Weekly Payroll Overtime:

The overtime for May averaged \$39,000 per week and was due to coverage, investigations, and the interdiction efforts. The overtime can hover between \$45,000 and \$55,000 per week to stay within the budget due to the number of vacancies we have experienced throughout the year and the payroll savings offsetting the overtime. The delay of obtaining qualified candidates for five of the seven vacancies attributes to the availability of funding for the interdiction overtime.

Overtime Coverage Graphs:

The Commission received a copy of the Overtime Coverage Graphs through May.

FY2016 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission received a copy of the FY2016 Monthly Overtime Tracking by Specific Case or Significant Occurrence report showing the overtime cost for recent major cases and or significant occurrences. This month's overtime included overtime specific cases, interdiction, assistance for Manchester police shooting incident, and training.

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 due to an increase in December for coverage and investigative overtime. January overtime was still higher but came down more in February. March had a spike primarily in coverage due to the overtime initiatives; however, the overtime for April and May came back down to the December and January average.

Payroll Cost Analysis and Forecast:

Karen Smith updated John Griffin’s Payroll form to show hypothetical scenario for the rest of the year based on overtime of approximately \$50,000 per week due to the FBI / SRT training occurring during June.

- An expected surplus in holiday pay of \$40,000;
- The payroll forecast adjusted for the delay in filling five (5) vacant sworn positions until late August;
- Absorb the \$270,000 balance for retirements that has not been reimbursed.

This would leave an estimated negative payroll accounts balance of (\$100,000 - \$140,000). We anticipate using the \$120,000 surplus in gasoline to cover the overage. We anticipate the budget balance for FY2016 to be close to zero; however if there is anything left over, we will look to escrow it towards the \$80,000 needed for the garage/range roof.

Strength Report:

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

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	185	178	173	5
Total Sworn Part-Time		1	1	0
Total Non-Sworn Members	6	6	4	2
Total Part-Time Civilians	7	5	5	0
Total Full-Time Civilians	70	61	59	2
Total Grant Civilians	1	1	1	0
TOTAL:	269	252	243	9

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

NASHUA AMERICAN LEGION POST #124:

Nashua American Legion Post #124 representative Cynthia Geddes was in attendance at tonight’s meeting to recognize the Nashua Police Department for their service. Ms. Geddes read the following:

“Presented to NPD Officers & Staff from the American Legion Nashua Post #124”

“With great respect and appreciation for all you do to serve our community. Your service brings your City much pride. To lead with integrity and compassion is to serve at the highest degree – NPD does this selflessly and without hesitation! Thank you for all you do.

From all your brothers and sisters in service Nashua Post 124 – American Legion.”

MOTION: Commissioner Tollner made a motion to accept the presentation and card by Cynthia Geddes. Motion seconded by Commissioner Dahl.

ACTIVITY REPORT:

Deputy Chief Denis Linehan:

On May 11, 2016, the Holden Massachusetts PD initiated a vehicle pursuit involving Mass State Police, NH State Police, Hudson NH PD, and Nashua PD. The pursuit ended in Nashua and the suspect was arrested as Fugitive from Justice and is now awaiting trial in Massachusetts. This pursuit was captured by several Boston news station helicopters. Commissioner Plante asked Chief Lavoie if any NPD policies were charged as a result of the interstate pursuit incident. Chief Lavoie responded that he ordered a review of all Use of Force and Pursuit policies, which we routinely review. The Attorney General is investigating the incident.

On May 13, 2016, at approximately 2:00 a.m., two Manchester police officers were shot while attempting to detain a robbery suspect. Manchester made a mutual aid request to Nashua for additional officers. Ten NPD officers, including two supervisors and two K9s (one specializes in ballistics), responded to Manchester to provide assistance. The suspect was ultimately apprehended by Manchester PD. Manchester was very appreciative of the assistance provided and commented that both Manchester and Nashua work in a similar fashion due to similar training thus creating an easily adaptable teamwork environment for their agency.

On May 11, 2016, Officers Rayho and Fleming responded to an Elm Street address for a medical call. The officers located an adult male who had sustained a severe laceration to his arm. The officers acted quickly by calming the victim, controlling the bleeding, and bandaging him prior to ambulance personnel arrival. NFR sent correspondence to NPD regarding the great care rendered by both officers prior to their arrival. Chief Lavoie commented that NPD has recently ramped up tactical first-aid training for all officers.

In May, the K9 Unit was very busy with 17 callouts for a wide range of incidents including narcotic searches, building security checks, assistance to Manchester PD following the officer shooting incident, assistance with

locating a runaway juvenile, assistance with a bomb sweep, and attempting to locate a missing person, etc. One K9 specializes in ballistic and explosives.

The FBI Hostage Rescue Team recently trained with the Nashua Special Reaction Team. This type of exercise gives both the FBI and local law enforcement the opportunity to work and train together. Many training techniques used by the FBI are very similar to NPD training and the exercise was beneficial to both Nashua PD and the FBI.

On May 20, 2016, at approximately 12:04 a.m., a Nashua police officer was on a traffic stop on Northeastern Blvd. As he attempted to exit his vehicle another vehicle passing his location struck his cruiser (driver side door) causing significant damage. No injuries resulted.

Commissioner Tollner asked Chief Lavoie how NPD handles calls received from the public regarding suspicions of terrorist activities. Chief Lavoie responded that Nashua PD has a liaison assigned to the federal Joint Terrorism Task Force (JTTF) and any reports would be forwarded to the FBI for follow up or further investigation.

Deputy Chief Michael Carignan:

Nashua police officers have been receiving tactical emergency casualty care training which has been shown to be beneficial. We have received a good response regarding this improved training from the local hospitals and emergency medical responders. Captain Joseph Fay was the primary person responsible for implementing the increase in emergency medical care training for all NPD officers.

Nashua Police Department will continue to offer the "Civilian Response to Active Shooter and Emergency Casualty Care" to the public on a periodic basis. The training is free of charge. The following information is posted on the NPD website:

"As part of the classroom presentation on "Civilian Response to Active Shooter," attendees will learn about proven options and strategies that can be employed in an active shooter/active threat situation to increase survivability during the timeframe that exists between when an active shooter situation starts and when the police arrive. During the "Emergency Casualty Care" portion of the training, attendees will receive classroom and hands-on instruction in specific bleeding control techniques which have proven to be effective during active shooter/active threat situations. The topics of tourniquets, pressure bandages, chest seals and other emergency casualty care treatments will be covered."

Statistics YTD 2016:

- Drug Arrests: 397
- Drug Overdoses: 146
- Fatal Drug Overdoses: 18

Combined Drug Impact Initiative (CDII): Beginning in April, NID, the POP Unit, and the Traffic Unit worked together to enforce drug infractions. A total of 104 arrests were made during the past ten weeks. Working four-hour patrols shifts patrolling high drug areas, the initiative included 706 hours worked at a cost of \$38,184. Commissioner Tollner was pleased to see the recent press related to drug arrests.

Operation Granite Hammer: This is a state grant program to assist local agencies with drug interdiction patrol initiatives. More information is forthcoming and the grant application process will begin soon.

Laconia Bike Week: NPD is working on getting payment from the promoter for NPD details jobs during Bike Week.

The Professional Standards Bureau is currently working on background investigations for police recruit candidates.

The new generator replacement construction project is underway. The cement pad for the generator is being poured.

The Board of Alderman has approved the new City phone system project. The school phone system will be replaced first (due to summer vacation) and then the phone system for police will be replaced.

The Nashua Police Department Ceremonial Unit, along with approximately ten officers, attended the funeral for Auburn, MA, Police Department Officer Tarentino, who was killed in the line of duty.

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:

The Chief gave the Commissioners an overview of the letters of appreciation received from the public and other outside agencies.

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

RETIREMENTS:

- Sergeant Kevin J. O'Brien: Retirement effective June 1, 2016
- Master Patrolman II Kevin M. Girouard: Retirement effective July 1, 2016
- Master Patrolman II Phillip A. Costa: Retirement effective August 16, 2016

MOTION: Commissioner Tollner made a motion to accept the retirements of Sergeant Kevin J. O'Brien, MPOII Kevin M. Girouard, and MPOII Phillip A. Costa on their respective retirement dates. The motion was seconded by Commissioner Dahl. All in favor.

CERTIFICATION OF MASTER PATROLMAN:

The listed Senior Patrolman will complete a minimum of seven continuous years of service on August 18, 2016, and has satisfactorily completed all other requirements for certification to Master Patrolman.

- Senior Patrolman Joshua Trefry: Master Patrolman certification effective August 18, 2016

MOTION: Commissioner Dahl made a motion to certify Senior Patrolman Joshua Trefry as a Master Patrolman effective August 18, 2016. The motion was seconded by Commissioner Plante. All in favor.

CIVILIAN HIRE:

For the record, the following civilian has been hired:

- Michael L. Doyon has been hired to fill the civilian position of Custodian III effective June 13, 2016.

CIVILIAN PROMOTION / CHANGE OF POSITION:

For the record, the following civilian employee has been promoted / changed position from Records Technician I to IT Programs Administrator & Instructor effective June 6, 2016.

- Records Technician I Caitlin Boucher has been promoted to IT Programs Administrator & Instructor.

FY2017 BENEFIT PACKAGE ADJUSTMENTS (UNAFFILIATED):

CEO Benefit Package:

**SUMMARY OF AMENDMENTS
FY2017
07/01/16 – 06/30/17**

ARTICLE	CHANGES
Annual Leave - Vacation	<p><u>VACATION ACCRUALS:</u> (The following language has been removed)</p> <p><i>The total yearly accrual will be pre-loaded in January of every year; however, upon separation at any time during the calendar year, the amount will be prorated based on the applicable accrual rate and months worked during the year.</i></p> <p><u>MAXIMUM AMOUNT TAKEN DURING A CALENDAR YEAR:</u> (The following language has been revised)</p> <p>Effective July 1, 2016: An employee, in their final year of employment, will be entitled to use the amount of accrued vacation time available in their current vacation balance with no cap.</p>

MOTION: Commissioner Plante made a motion to approve the changes/amendments in the CEO Benefit Package as outlined above. The motion was seconded by Commissioner Dahl. All in favor.

Staff Benefit Package:

**SUMMARY OF AMENDMENTS
FY2017
07/01/16 – 06/30/17**

ARTICLE	CHANGES
Annual Leave - Vacation	<p><u>VACATION ACCRUALS:</u> (The following language has been removed)</p> <p><i>The total yearly accrual will be pre-loaded in January of every year; however, upon separation at any time during the calendar year, the amount will be prorated based on the applicable accrual rate and months worked during the year.</i></p> <p><u>MAXIMUM AMOUNT TAKEN DURING A CALENDAR YEAR:</u> (The following language has been revised)</p> <p>Effective July 1, 2016: An employee, in their final year of employment, will be entitled to use the amount of accrued vacation time available in their current vacation balance with no cap.</p>

MOTION: Commissioner Dahl made a motion to approve the changes/amendments in the Staff Benefit Package as outlined above. The motion was seconded by Commissioner Plante. All in favor.

REORGANIZATION OF PART-TIME SWORN POSITION TO FULL-TIME SWORN POSITION:

Information only. Chief Lavoie informed the Police Commissioners that with the recent resignation of the part-time Prisoner Transport Officer and due to a change in the position duties, he will not fill this part-time position. It should be noted that this part-time position currently counts towards our full-time sworn strength and Chief Lavoie will realign the position with a full-time patrol officer.

OTHER BUSINESS:

Upcoming Community Events:

- **Coffee with a Cop:**
 - Wednesday, June 22, 2016; 10:00 – 11:00 a.m.
 - Pressed Café – 108 Spit Brook Road
 - Dunkin Donuts – 300 Main Street
 - Starbucks – 10 Coliseum Ave

- **“Civilian Response to Active Shooter and Emergency Casualty Care”:**
 - June 22, 2016; 6:00 p.m. – 10:00 p.m.
 - Nashua Police Department Classroom
 - Free to the public

- **Red Cross Blood Drive:**
 - June 23, 2016; 12:00 p.m. - 5:00 p.m.
 - Nashua Police Department

PUBLIC COMMENT:

No public comments.

NON-PUBLIC SESSION

MINUTES NOT SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:08 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) DISMISSAL, PROMOTION, COMPENSATION, DISCIPLINE, INVESTIGATION OF ANY PUBLIC EMPLOYEE

Motion by Commissioner Tollner, seconded by Commissioner Plante.

A roll call vote was taken:

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

Chief Lavoie’s Recommendation for Promotion to Sergeant:

- **MPO Daniel C. Ostler – Effective June 30, 2016**

Chief Lavoie recommended to the Police Commissioners that MPO Daniel C. Ostler be promoted to the rank of Sergeant (filling the vacancy for retired Sergeant K. O’Brien). The Commissioners received a copy of MPO Ostler’s personnel history information for review.

MOTION: Commissioner Dahl made a motion to approve Chief Lavoie’s recommendation to promote MPO Daniel Ostler to the rank of Sergeant effective June 30, 2016. 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 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 Dahl, seconded by Commissioner Plante.

A roll call vote was taken:

- Commissioner Tollner – yes; Commission Dahl – yes; Commissioner Plante – 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 #3:

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

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: 7:25 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 #2.** RSA 91-A:3, II b) “The hiring of any person as a public employee”
- **Item #3.** RSA 91-A:3, II(e) “Pending Claims or Litigation”

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Plante, to individually seal the minutes of the Non-Public Session (**Item #2 & Item #3**) as authorized above. All in favor, motion carried.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, July 18, 2016

ADJOURNMENT

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

Time: 7:27 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk