

April 26, 2021

The Nashua Police Commission held a public meeting on Monday, April 26, 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 5:34 pm. Roll call taken.

**APPROVAL OF MINUTES:**

- March 22, 2021
- Special Meeting April 2, 2021

Commissioner Plante made a motion to approve the minutes of the March 22, 2021 meeting and the minutes of the special meeting held on April 2, 2021. Motion seconded by Commissioner Tollner. All in favor.

**BUDGET:**

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

**Grants:**

- Resolution to accept \$1,500,000 from the State of NH Department of Health and Human Services for the purpose of reimbursing City First Responder's personnel costs related to assisting the State in vaccinating qualifying New Hampshire residents against COVID-19 during the period of January 15, 2021 – September 30, 2021.
- To accept funding in the amount of \$4,254 from the State of NH, Department of Safety, Homeland Security and Emergency Management for the purpose of training for SWAT/Tactical Marksman Unit for the period of July 1, 2021.
- To accept funding in the amount of \$23,515.29 from the State of NH, Department of Safety, Homeland Security and Emergency Management for the purpose of vendor cost for training and overtime/backfill for SWAT training.

**FY2021 March Expenditure Report:**

A copy of the current March 31, 2021 Expenditure Report was provided. The average appropriation is 75% as of March; Payroll accounts are operating at 75% currently with the significant occurrence Expendable Trust Fund (ETF) transfers totaling \$46,399 year to date. Overall the budget accounts continue to hold steady. The spring overtime weeks will need to decline from the first part of the year to make up the difference and meet the budget or be offset by the gasoline account. 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. This account is locked for transfers; however it will offset the two-digit operations account and/or bottom line NPD budget if necessary.

**FY2021 March Revenue Report:**

A copy of the March 31, 2021 Revenue Report was provided.

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

The monthly overtime for March significant occurrences included a report total of \$26,452. Overtime in the amount of \$5,604 occurred and has not been requested as a reimbursement from the Expendable Trust Fund account yet. This will be submitted before year-end. The Expendable Trust Fund-Training Account had \$7,779 overtime in March which has been reimbursed.

**March Functional Strength:**

At the month end of March the Functional Strength is 13. This is the number of total officers we are down due to vacancies, officers in training and officers on extended leave.

**FY2021 March Overtime Analysis:**

The average weekly overtime in the month of March averaged \$37,000, which is over the target range of \$29,000. It appears to be decreasing in the first few weeks of April. This figure does not include overtime in the escrow account budgeted for training, court and building maintenance that did not occur last year. It should be noted that the overtime figure includes over \$50,000 year to date in COVID related overtime for test sites and vaccine sites.

**March Strength Report:**

A copy of the report was provided.

**FY2021 Active Grant Summary:**

A copy of the report was provided listing the following grants:

- Justice Assistance Grant 2018
- Justice Assistance Grant 2019
- Justice Assistance Grant CESF 2020
- Justice Assistance Grant 2020
- VAWA 2021
- Bulletproof Vest Partnership 2019
- Bullet proof Vest Partnership 2020
- NH Highway Safety STEP21 Grant
- NH Highway Safety CLIQUE21 Grant
- NH Highway Safety DISDRIVE21 Grant
- NH Highway Safety PED21 Grant
- NH Highway Safety DWI Patrol Grant
- NH Highway Safety DRIVESOBR21 Grant
- NH Highway Safety UTEXTUPAY Grant
- NH Highway Safety Homeland Security Emergency Management
- Homeland Security LETPA Night Vision
- NHDOJ PSN HOTSPOT 20 Grant

Commissioner Dahl asked if there was any concern about spending the grants before they expire. Karen Smith replied no.

**SRF Revolving Funds:**

- 4020 Police Drug Enforcement Fund (State)
- 4022 US Treasury Forfeiture Fund
- 4025 DOJ Drug Forfeiture Fund

**Expendable Trust Funds:**

- 7080 Police Overt ETF
- 7081 Police General Purpose ETF (Prior Year)
- 7507 Police Bomb Spec Unit ETF
- 7508 Police K9 Unit ETF
- 7509 Police School Programs ETF
- 7510 Police RAD System Program ETF
- 7511 Police Law Enforcement Programs ETF (General)

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:***

Our Animal Control Officer has been out with multiple health issues for the last few months, but looks like he will be back on May 9<sup>th</sup>.

Captain DiFava is back to work as of last week.

Every spring we deal with complaints on Main Street for cars with loud stereos and loud motorcycles. We proactively started to increase officers in the area every Thursday, Friday and Saturday nights to help address these issues. Next week the State Police will be assisting us and using their decibel meters.

We are seeing an increase in productivity with the motor vehicle incentive. Officer Desmet has been enforcing motor vehicle violations in the Charlotte Avenue area and has stopped 305 cars himself.

We had a budget meeting with the Mayor last week and he inquired about the cost of body cameras. When we first submitted the proposed cost of body cameras to the Mayor the price of the contract was \$1.2 million over 5 years. That cost has since increased to \$1.5 million, but that price is only good until the month of May. The Mayor did not like that the cost of the first

year was over \$400,000 with the remaining 4 years at \$200,000. I contacted the company and got them to agree to a new contract at approximately \$1.4 million for 6 years, with the 6<sup>th</sup> year free. The first year would cost \$350,000 and the remaining years would be \$263,000. I contacted Cheryl Linder at the City to notify the Mayor, but I still have not heard back.

Chief Carignan stated the reason the cost of the body cameras is more expensive the first year is because of the initial expense of outfitting the officers with the cameras.

Commissioner Dahl stated it was huge that Deputy Rourke was able to negotiate another year to the contract and keep the cost of the first year under \$400,000.

Commissioner Dahl stated that while reviewing the statistical reports he noticed that the calls for service were up significantly in the month of March and it appeared that things were starting to get back to normal. If this trend continues it is good that we are almost fully staffed.

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

***Detectives:***

The Detective bureau has picked a candidate for the Domestic Violence Advocate position that will be paid under the VAWA grant. If they accept the position they will move on the background phase of the hiring process. The renovation to the new office for the Computer Forensic Division is almost complete.

Commissioner Dahl inquired about the shots fired events last month and if they have a suspect. Deputy Testaverde stated they have a suspect and hope to have him apprehended soon.

***Professional Standards:***

The Wellness benefit is going before the Board of Alderman tomorrow night for its first reading. There was a recruit test held this past weekend. There were 127 applicants to take the test. 46 of these applicants arrived to take the test. One applicant was disqualified for tattoos. 15 of the applicants failed the written test and 8 failed the PT test. As a result 22 Oral boards have been scheduled.

***Legal:***

The Legal department had a meeting with the State recently regarding the issues with opening the courts back up. The meeting went well.

Revived Recovery is looking for an officer to assist with their needle exchange program.

***Services:***

Currently we are down 2 Communications Technicians.

The resolution for the additional money for the replacement of the HVAC system and the lockers goes before the Alderman tonight, with the final vote the following evening.

MOTION: Commissioner Plante 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:

- Citizen- Officer Scott Seroll
- Citizen- Officer Kyle Crosson
- US National Guard- Officer Jeffrey Dillon

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

**AWARD:**

***For the record:***

Medal of Valor for Bravery: Awarded to Master Patrolman Ryan MacDonald, for his efforts in effecting an arrest against an armed and combative subject.

Commissioner Tollner stated that he hoped swearing in and award ceremonies would soon be opened up to the public. Chief Carignan stated he hoped it would be by July 1<sup>st</sup>.

**CIVILIAN CHANGE OF POSITION:**

***For the record:***

Jonathan Amaral from Communications Technician I to Probationary Dispatcher effective April 23, 2021.

**RESOLUTION (R-21-128):**

Captain Mederos will be presenting this resolution before the Board of Alderman tonight.

This resolution requests authorizing the Mayor and City Treasurer to issue bonds not to exceed the amount of one million five hundred fifty thousand dollars (\$1,550,000) to pay additional costs of the police department's heating, ventilation, and air conditioning system, window improvements and locker area improvement project.

MOTION: Commissioner Dahl made a motion to accept Resolution R-21-128. Motion seconded by Commissioner Plante. All in favor

Commissioner Tollner thanked Alderman Wilshire and Alderman Dowd for their support of the resolution.

**MPO CERTIFICATIONS:**

Effective August 18, 2021, Master Patrolman Joshua Trefry certified as Master Patrolman II.

MOTION: Commissioner Plante made a motion to accept the certification of Master Patrolman Joshua Trefry as Master Patrolman II effective August 18, 2021. Motion seconded by Commissioner Tollner. All in favor

Effective May 6, 2021, Senior Patrolmen Jordan Kelly and Adam Rayho certified as Master Patrolmen. Effective August 26, 2021 Senior Patrolman Michael Kekejian certified as Master Patrolman.

MOTION: Commissioner Dahl made a motion to accept the certification of Senior Patrolmen Jordan Kelly and Adam Rayho to Master Patrolmen effective May 6, 2021 and the certification of Senior Patrolman Michael Kekejian to Master Patrolman effective August 26, 2021. Motion seconded by Commissioner Plante. All in favor

**SWORN RETIREMENT:**

Sergeant John Yurcak effective June 1, 2021.

MOTION: Commissioner Tollner made a motion to accept the retirement of Sergeant John Yurcak effective June 1, 2021. Motion seconded by Commissioner Plante. All in favor

**SICK BANK:**

This agenda item was tabled.

**UNIFIED DISPATCH CENTER:**

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

I recently looked into the unifying of our dispatch with NFR. I have drafted a memo that I will submit for your review before sharing with the Aldermen. After conversations, research, etc. it is the conclusion of Steve Buxton and myself that this would not work for us right now. We went out to Portsmouth, NH to view their system and both of us agreed it was a terrible system. This is the only city in the state that is comparable to us that has merged.

Commissioner Dahl stated that the memo should be clear that this would not lead to less staff and more savings.

Deputy Testaverde stated that it would mean we would have to hire more employees and there is the issue that NFR dispatchers get paid more than the dispatchers under the Communications contract at the police department.

**OTHER BUSINESS:**

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

The Attorney General's office is currently working on the Laurie list. There are changes being made and at some point this list will be made public. They have asked us to reach out to any people on our list. The majority on the list are no longer working at the police department or are deceased.

We want to get back to conducting in person Nashua Community Conversations on Race & Justice (NCCRJ) meetings now that things are improving with COVID. We want to have our Firearms Training Unit do a presentation about firearms and tasers in order to educate the public on how we train to avoid mistakes.

Over the past few years we have had to hire 20 plus officers, all who are very diverse. They are choosing the come to

Nashua because we have a very diverse population. It is our job and important to diversity and I want to thank the Commissioners for being open about our recruiting and ushering us into diversity.

A few days ago the Mayor send out a political survey regarding the police commission. He would like to have the ability to appoint members to the police commission along with the Board of Alderman rather than be appointed by the Governor. I think this is a horrible idea and believe strongly this can lead to corruption. Recently we had a woman in Nashua have issues with City Hall. We could open an investigation and conduct this investigation without an interference from the Mayor. I am not talking about the current Mayor, but from the past we can see where this could go wrong. If you want transparency you do not want politics involved. We are a very professional agency.

Alderman Wilshire stated for the record that they are on the side of the police department that the Governor should appoint the Commissioners. Alderman Dowd agreed.

Chief Carignan stated that as far as budget at the police department there is already a system in place with the Board of Alderman.

Commissioner Tollner stated that for the record Governor Hassan and Governor Sununu never called him to do anything as a Commissioner.

Alderman Dowd stated that if the system is not broken there is no need to fix it.

Chief Carignan stated that the Nashua Police Department is accredited and has been reviewed by CALEA every four years and they support our system with the Police Commissioners.

Commissioner Dahl stated that he was appointed to Police Commissioner by two governors, both from different political parties.

**PUBLIC COMMENT:**

No comment.

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

- Monday, May 24, 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 Dahl. All in favor

Time: 6:26 pm

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**NON-PUBLIC SESSION**

**MINUTES SEALED**

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:35 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 (b): "The hiring of any person as a public employee"**

Motion by Commissioner Tollner, seconded by Commissioner Plante.

*A roll call vote was taken:*

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

**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 Dahl.

*A roll call vote was taken:*

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

- C. **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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**Item #4:**

- 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
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**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. All in favor.

**RETURN TO PUBLIC SESSION: 7:20 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 #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.”

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**MOTION:** Motion by Commissioner Tollner seconded by Commissioner Dahl 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 #4)**.

**Item #4: 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 #4)** as authorized above. All in favor.

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TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, May 24, 2021 at 5:30 pm

ADJOURNMENT

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

**Time: 7:22 pm**

Respectfully submitted,

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Commissioner Nicholas Dahl, Clerk