

January 19, 2016

The Nashua Police Commission held a public meeting on Tuesday, January 19, 2016, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
Commissioner Nicholas Dahl, Clerk
Chief Andrew J. Lavoie
Deputy Chief Michael Carignan
Deputy Chief Denis Linehan (not in attendance)
Karen Smith, NPD Business Manager
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Alderman Lori Wilshire
Citizen Jeff Kleiner
Citizens Thomas Panek & family

PUBLIC SESSION

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

Commissioner Tollner asked for a moment of silence in remembrance of Commissioner Robert E. Valade who passed away on January 1, 2016, and for retired Chief Donald J. Gross who passed away on January 7, 2016.

SELECTION OF POLICE COMMISSION CHAIRMAN & CLERK:

MOTION: Commissioner Tollner made a motion to nominate Commissioner Dahl for the position of Police Commission Clerk. Commissioner Dahl seconded the motion. All in favor.

MOTION: Commissioner Dahl made a motion to nominate Commissioner Tollner for the position of Police Commission Chairman. Commissioner Tollner seconded the motion. All in favor.

CITIZEN LETTER OF RECOGNITION & LETTER OF APPRECIATION:

Chief Lavoie presented the following letter to Mr. Thomas Panek of Pelham, NH. Mr. Panek's family members were also present for the presentation.

Letter of Appreciation to Citizen Thomas Panek from Chief Andrew Lavoie:

- Presented to Citizen Thomas Panek for his assistance during a physical altercation between a Nashua Police Officer and a male subject at the Pheasant Lane Mall.

Auxiliary Police Chief Peluso was unable to attend tonight's Commission meeting. His award will be presented to him on a later date at the Nashua Police Department.

Letter of Recognition to Auxiliary Police Chief Scott Peluso from Chief Andrew Lavoie:

- Presented to Auxiliary Police Chief Scott Peluso of the Winchester, Massachusetts, Police Department for his assistance, while off duty, during a physical altercation between a Nashua Police Officer and a male subject at the Pheasant Lane Mall.

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

MINUTES:

- December 8, 2015

MOTION: Commissioner Dahl made a motion to approve the minutes of the December 8, 2015, meeting, with one correction to reflect Commissioner Valade as "Chairman". Minutes will be corrected. Motion seconded by Commissioner Tollner. All in favor.

BUDGET:

MOTION: Commissioner Tollner made a motion to accept the budget reports and open the reports for discussion. Motion seconded by Commissioner Dahl. All in favor.

Business Manager Karen Smith provided the Commissioners with the following reports for their review. Ms. Smith discussed the following:

Resolution and Grants/Equitable Sharing:

- Received the VAWA Grant 2016 in the amount of \$58,000 for the Domestic Violence grant.
- Equitable Sharing wire received notifying us of a rescission of the equitable sharing payments.

Chief Lavoie informed the Commissioners that he has had discussions with the DEA regarding the recent decision by the Federal Government Department of Justice regarding their rescission of equitable sharing fund payments to Departments. The Chief reminded the Commissioners that the Nashua Police Department uses this money to fund our Narcotics Division including salaries, vehicles, etc. These funds are also used to assist the Child Advocacy Center and the Youth Council for the services they provide to the NPD. Notification letters have been sent to both agencies regarding the recent decision by the DOJ. We are currently anticipating approximately \$300,000 in forfeiture funds that is owed to the department from prior to the decision. The DEA is confident that we will receive that money; however, they do not have answers as to when we will receive the money and what will happen with any future funds. The NPD also receives State forfeiture funds, however, the House recently passed legislation to put those funds into the State General Fund Account. If Federal and State forfeiture funding is lost, we will have to find a way to put that money into our budget. Chief Lavoie stated that the Narcotics Unit costs approximately \$100,000 each year to fund. A letter will be sent to Senators Ayotte and Sheehan regarding the rescission of funds.

FY16 Expenditure Report:

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end December 31, 2015. The electricity and heat utility accounts are running high and we anticipate there will be a need to offset those accounts from the gasoline fuel surplus anticipated by year-end.

FY16 Revenue Report:

The Commission received a copy of the December 31, 2015, Revenue Report.

FY2016 Weekly Payroll Overtime:

The overtime has been averaging \$32,198 per week during the month of December which is higher than the \$19,377 weekly average appropriation. However, given the number of vacancies, there has been payroll savings throughout the year offsetting the overtime.

FY2016 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission received a copy of the report showing the overtime cost for recent major cases and/or significant occurrences which included the following:

- Building Maintenance overtime in preparation for the Accreditation Assessment;
- Holiday Stroll overtime;
- SRT overtime for the Holiday Stroll;
- Accreditation Assessment overtime;
- Cleaning out of the evidence room overtime;
- Bomb Unit overtime;
- Additional coverage was needed for the High School criminal threatening by e-mail incident;
- Various cases required overtime and the cases with greater overtime are listed in the report;
- Assistance provided to the Secret Service which will not be reimbursed to the Department.

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 coverage and investigative overtime for December. The graphs show that the FY2016 payroll budget expenditures, thus far, are similar to FY2014, which was a year in which \$1.22 million on overtime was spent. In FY2014, the overage in overtime was balanced by the attrition in payroll. The change in FY2016 is due to the number of vacancies and the continued staffing realignments. Ms. Smith anticipates that by the year end, we will be over budget on overtime but she is confident that it will be offset by payroll by the end of the year.

Payroll Cost Analysis and Forecast:

Karen updated John Griffin's Payroll form to show how we anticipate the rest of the year to go based on overtime of approximately \$30,000 per week. There may be a negative balance of up to (\$164,817) until the City transfers funds into our budget to cover the balance of the retirements. We expect the payroll account to be close to being depleted.

Strength Report:

The Commission received a copy of the December 2015 Strength Report.

December 2015	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	185	178	172	6
Total Sworn Part-Time		1	1	0
Total Non-Sworn Members	6	6	5	1
Total Part-Time Civilians	8	6	6	0
Total Full-Time Civilians	69	60	57	3
Total Grant Civilians	1	1	1	0
TOTAL:	269	252	242	10

Quarterly Grant and Special Revenue Fund Reports:

The Commissioners received a copy of the Quarterly Grant and Special Revenue Fund Reports.

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

ACTIVITY REPORT:

Verbal report by Deputy Chief Michael Carignan:

Deputy Carignan reported on a death investigation incident by carbon monoxide poisoning. On further investigation, it was learned that recent work was done at the residence without a proper plumbing/gas fitting license. The incident was contained to only that apartment and not any of the adjacent apartments.

On January 5, 2016, police arrested Ryan Mateo regarding a shots fired incident. He was charged with Reckless Conduct and Breach of Bail Conditions as he was out on bail for a previous shooting incident and involvement in a riot situation last year.

During the holiday weekend, Detectives investigated three cases involving possible assaults on children. Cases of these types have a large impact on manpower as possible crime scenes need to be held until medical personnel have made determinations regarding injuries. One of the scenes had to be held for a period of three days. Detectives remain in contact with DCYF regarding coordination of these case.

Chief Lavoie reported that Deputy Chief Denis Linehan is attending the F.B.I. Academy in Quantico, Virginia, for a three-month training program. The training is paid through the F.B.I. and at no cost to NPD.

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

RESIGNATION:

- Resignation of Police Attorney Evelyn King: Effective February 10, 2016.

MOTION: Commissioner Tollner made a motion to accept the resignation of Police Attorney Evelyn King effective February 10, 2016. The motion was seconded by Commissioner Dahl. All in favor.

HIRING:

For the record, the following civilian personnel have been hired.

- Nicole M. Korianski has been hired as a Probationary Dispatcher effective January 4, 2016.
- John L. Yager has been hired as a full-time Detention Specialist effective February 1, 2016.

AWARDS:

For the record, the following Nashua Police Officers have received or will be receiving awards:

Commendation Bar for Lifesaving: July 12, 2015, 15-48214; Attempted Suicide Incident.

- Officer Michael Kekejian
- Officer Brian Wornham

Commendation Bar for Lifesaving: July 5, 2015, 15-46310; Arterial Bleed Injury

- Officer David Elliott

Commendation Bar for Distinguished Unit Action: Benjamin Marcum homicide March 12, 2015

- Captain James Testaverde
- Sergeant Patrick Hannon
- Sergeant Brian Trefry
- Sergeant Brian Kenney
- Sergeant Marc Anderson
- Sergeant Daniel Mederos
- Sergeant Robert Powers
- Sergeant William Dillon
- Lieutenant Todd Martyny
- Detective Michael Hatzipetros
- Detective Caleb Gilbert
- Detective Timothy Orrico
- Detective Adalberto Garcia
- Detective John Goodridge
- Detective Daniel Hodges
- Detective Ian Day-Lewis
- Detective Aaron Belanger (former Detective)
- Officer Brian Wornham

- Officer Keith Trombley
- Officer Christopher Toomey
- Officer Richard Sprankle

Letter of Recognition: Burglary Investigations

- Sergeant Brian Trefry
- Sergeant Marc Anderson

COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA POLICE COMMISSIONS & THE NASHUA POLICE SUPERVISORS ASSOCIATION:

MOTION: Commissioner Tollner made a motion to put the Summary of Amendments to the Collective Bargaining Agreement on the table for discussion. Motion seconded by Commissioner Dahl. All in favor.

**SUMMARY OF AMENDMENTS
Agreement Period: July 1, 2015 – June 30, 2019 Contract**

ARTICLE	CHANGES
2, 3G, 8B, 19, 24	Removal/update of language; corrected spelling errors.
10-Vacation	Permits employees to receive cash value payments for up to 40 days of accrued vacation during their career with the department. An employee’s maximum permitted accrual amount of vacation at retirement or separation will be reduced by the number of days for which cash value payments have previously been received. <i>(Note-Deputy Carignan: Payments would be paid out at current salary rates; payments would be paid by the City)</i>
13 – Clothing Allowance	Allowance increases from \$800 to \$900 annually. <i>(Note-Deputy Carignan: The last clothing allowance increase was in 2009. Majority of supervisors are now assigned to oversee specialty units and they are allowed to purchase clothing and certain equipment for their use on the units. Supv. agreed to return any unused portion of clothing allowance to the City.)</i>
14 – Medical & Dental Insurances and Long-Term Disability	Removed named carriers. Added provision for implementing/contesting introduction of comparable plan by City. Added High Dental Plan option at employee’s sole expense. <i>(Note-Deputy Carignan: The Supv. Union was the last union in the City to have the named insurance carrier; for many years the City has requested the union remove the named carriers. The “added provision” has been added. The High Dental Plan option was previously approved through a Sidebar Agreement and is officially being added to this contract.)</i>
14a – Wellness Reimbursement Allowance	Increased allowance from \$250 to \$350 annually. Permits purchase of exercise and workout equipment with allowance. <i>(Note-Deputy Carignan: The benefit was first added in 2005 and has not been increased since that time. Approximately 50% of supervisors are required to qualify in physical fitness every three years with the NHPSTC and failure will result in loss of police certification. Supervisors are also required to pass physical fitness testing at NPD yearly.)</i>
21 – Personal Days	Increases the number of personal days from four (4) to six (6) per year. Personal days may be taken consecutively with administration’s approval. <i>(Note-Deputy Carignan: Personal days are taken from sick time; personal day usage can be denied by the Chief for manpower reasons; personal days cannot be carried over into the following year.)</i>
26 – Outside Details	Incorporated sidebar with new rates and differential for officers hired on or after July 1, 2011. New procedures for contractors. <i>(Note-Deputy Carignan: This sidebar was previously approved. It is being officially added to this agreement.)</i>

PUBLIC SESSION

28 – Wages	FY16 – July 1 – 2%; January 1 – 1% FY17 – July 1 – 2%; January 1 – 1% FY18 – July 1 – 2%; January 1 – 1% FY19 – July 1 – 2%; January 1 – 1% A 1.5% base salary increase for Sergeants with a minimum twelve (12) years of service and three (3) years in grade and Lieutenants with a minimum twelve (12) years of service and two (2) years in grade. Effective when rank and service years attained or 7/1/15 if rank and service years already attained. <i>(Note-Deputy Carignan: Wages increases mirror increases approved for Patrolmen which also added an additional rank and increase for Master Patrolman II.)</i>
33 – Term of Agreement	The collective bargaining agreement is effective from July 1, 2015 through June 30, 2019.

Chief Lavoie also stated that the Supervisors have a “me too” clause regarding wages which means that they will receive the same increase percentage as Patrolmen. They also have an “evergreen” clause in their contract.

Commissioner Tollner asked if there was money in the budget to support the contract. Chief Lavoie responded that money has been budgeted in contingency for retro; however, future costs would need to be added to future budgets.

MOTION: Commissioner Dahl made a motion to approve the summary of changes for the agreement as listed above and to move the agreement to the Board of Alderman for passage. Motion seconded by Commissioner Tollner. All in favor

OTHER BUSINESS:

Chief Lavoie recently attended the Martin Luther King breakfast which was sponsored by the Southern NH Outreach for Black Unit.

This week the Chief is scheduled to attend a Heroin/Opioid Symposium sponsored by Mayor Donchess.

He is also scheduled to attend the NH Refugee Roundtable Discussion with the Director of the NH Division of Homeland Security and Emergency Management and sponsored by Governor Hassan.

Of note, a Presidential Town Hall event with numerous members of the Republican Party and several Presidential Candidates will be held at the Crowne Plaza Hotel this Friday and Saturday. They are expecting between 700-1,000 participants. NPD is working with the Republican Party on the details of the event. Police officers have been hired for around the clock Outside Detail coverage and will be paid for by the Republican Party. We will also be assisting Secret Service with details.

The Nashua Police Department’s request for the purchase of a new generator has been approved by the Finance Committee.

PUBLIC COMMENT:

There were no public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:15 p.m.

MOTION: Commissioner Dahl asked for a motion by roll call vote to suspend the public session and enter non-public session as authorized by:

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; Commission Dahl – yes

NON-PUBLIC SESSION

MINUTES SEALED

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

RSA 91-A:3, II (b)

“The hiring of any person as a public employee”

Motion by Commissioner Tollner, seconded by Commissioner Dahl. All in favor.

A roll call vote was taken:

- Commissioner Tollner – yes; Commission Dahl – 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: 7:30 p.m.

MOTION TO SEAL RSA 91-A:3 III Chairman Tollner asked for a motion to seal the minutes of the Non-Public session as authorized by:

- RSA 91-A:3, II (a) “Dismissal, Promotion, Compensation, Discipline, Investigation of any public employee...”
- RSA 91-A:3, II (b) “The hiring of any person as a public employee”

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Dahl, to seal the minutes of the Non-Public Session as authorized above. All in favor, motion carried.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Tuesday, February 16, 2015

ADJOURNMENT

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

Time: 7:30 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk