

August 18, 2015

The Nashua Police Commission held a meeting on Tuesday, August 18, 2015, at the Nashua Police Department.

**Members present:**

Commissioner Thomas A. Maffee, Chairman  
Commissioner Robert E. Valade, Clerk  
Commissioner James R. Tollner  
Chief Andrew 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 Lori Wilshire  
Alderman Michael Soucy

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**PUBLIC SESSION**

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

**MINUTES:**

- July 21, 2015

**MOTION:** Commissioner Valade made a motion to approve the minutes of the July 21, 2015, meeting. Motion seconded by Commissioner Tollner.

**PUBLIC COMMENT:**

There were no public comments.

**BUDGET:**

Business Manager Karen Smith provided the Commissioners with the following monthly budget reports.

The final FY2015 budget surplus balance was just under \$10,000 for the fiscal year. Commissioner Tollner suggested that the Nashua Police Department prepare a quarterly report for the Board of Aldermen to keep them informed on where our budget stands throughout the year. It would be a good opportunity for the Nashua Police Department to be proactive should high investigative overtime costs occur. Commissioner Tollner's suggestion will be considered.

**Department Detail Expenditure Report FY2016:**

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end July 31, 2015. Commissioner Tollner asked if there were any line items of concern or that we may need help with going forward. Karen replied that the overtime account is always a concern, as it was level funded for FY2016.

**FY16 Revenue Report:**

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

**FY2016 Weekly Payroll Overtime:**

Business Manager Karen Smith gave the Commissioners a brief summary of the FY2016 Weekly Payroll Overtime, which has been averaging \$19,000 per week during the month of July and is in line with the \$19,377 average appropriation. The Fourth of July overtime was in the customary range of \$10,000.

Chief Lavoie stated that managing our attrition helps us somewhat with overtime costs. By October, our staffing will be down by seven sworn positions. Additional hiring will not take place until December and will most likely be less than seven sworn positions. In addition, functional strength will remain down due to Academy and field training.

Chief Lavoie recently authorized overtime to conduct gang patrols in the City.

Chief Lavoie commented that a contingency fund was set up through the city to help defray significant case overtime costs; however, the account has not been funded yet. Alderman Soucy asked what a reasonable dollar figure would be to fund the account. It was Chief Lavoie's opinion that \$100,000 would be a reasonable number – referring to three major cases last year that incurred \$100,000 in overtime costs over a short period of time. He also stated that we are able to account for all overtime costs incurred during these major crimes. Alderman Soucy stated that the BOA has every intention on funding the account once the mechanics have been put in place. Karen Smith stated that the overtime is currently funded at \$1 million; however, overtime has been cut multiple years in a row. Vacancies will help with some of the costs incurred. She also reminded the Commissioners that we were fortunate to have excess funds in the gasoline account at the end of FY2015; however, we that will not be the case for FY2016.

**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.

**FY2015 June Year-To-Date Expenditure Report:**

The Commission received a copy of the Year-End June 30<sup>th</sup> FY2015 Expenditure Report. The prior year balance is anticipated a little under \$10,000.

**FY2013 – FY2016 Payroll Graphs:**

The Commission received graphs comparing FY2013 through FY2016 overtime expenditures. Karen Smith gave the Commissioners an overview of the graphs.

**Strength Report:**

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

July 2015	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	185	178	174	4
Total Sworn Part-Time		1	1	0
Total Non-Sworn Members	6	6	4	2
Total Part-Time Civilians	8	6	6	0
Total Full-Time Civilian	69	60	59	1
Total Grant Civilian	1	1	1	0
TOTAL:	269	252	245	7

**MOTION:** Commissioner Valade made a motion to accept the budget reports. Motion seconded by Commissioner Tollner.

**ACTIVITY REPORT:**

***Verbal Report by Deputy Chief Denis Linehan:***

On July 2 at 1128 hours, officers responded to a report of a robbery at Bellwether Community Credit Union at 409 Amherst St. Two males entered the bank with firearms, demanded everyone on floor, and took money from two tellers prior to leaving on foot. UFOB secured the scene and canvassed the area. CID was notified and responded to further the investigation. The NPD is working with the FBI on this investigation.

On August 11, 2015, officer responded to 17 Stevens Avenue for a report of multiple shots fired. The NPD Special Reaction Team was training up north at the time and was two hours out so Manchester Police SWAT, who provides coverage for the NPD SRT, responded to the scene and provided assets to our patrol officers. NPD worked with Manchester SWAT on tactical issues and area residents were evacuated for safety reasons. Detectives continue working on the investigation. The SRT training was funded through a federal grant and included training on vehicle takedowns, hostage rescue, high-risk warrants, and active shooter scenarios.

***Verbal report by Deputy Chief Michael Carignan:***

Deputy Carignan reported on the August 5, 2015, arrest of Angel Flores. Mr. Flores was charged in the shooting of Travis McPherson. Mr. McPherson, and multiple other people, were previously arrested and charged in a felony level "riot" incident in which bail restrictions were set by the court. Because of these shootings, Chief Lavoie authorized uniformed and non-uniformed high visibility gang patrols in the area. Residents in the area were made aware of the patrols.

Due to recent retirements at other law enforcement agencies, which affected computer forensics teams in the State, it is expected that the NPD Computer Forensics Unit members will be called upon for their services more frequently. The NPD Unit is becoming the best forensics unit in the state and this will lead to additional equipment and training and also an increase in forensics investigations.

Due to a change in reporting requirements by DCYF, reported calls for service from DCYF to our Special Investigation Division have increased from an average of 10 calls to an average of 31 calls each month. These cases are time sensitive and a priority as they involve children.

The next police recruit exam is scheduled for Saturday, August 29, 2015.

Generator Update: A consultation was conducted by an engineer and the specs and proposal has been prepared. Emergency Manager Justin Kates is working with Lieutenant Todd Martyny on this project.

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

**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 Valade made a motion to accept the correspondence and place on file. The motion was seconded by Commissioner Tollner.

**RESIGNATION:**

- Communications Technician I Karen Coyne: Resigned effective August 1, 2015
- Dispatcher (Shift Leader) Lisa DiPrima: Resignation effective August 29, 2015

**MOTION:** Commissioner Valade made a motion to accept the resignation of Communications Technician Karen Coyne effective August 1, 2015, and Dispatcher (Shift Leader) Lisa Diprima effective August 29, 2015. The motion was seconded by Commissioner Tollner.

**RETIREMENT:**

- Captain Scott Hammond: Retirement effective September 17, 2015
- Sergeant Thomas Bergeron: Retirement effective August 31, 2015

**MOTION:** Commissioner Tollner made a motion to accept the retirement of Captain Scott Hammond effective September 17, 2015, and Sergeant Thomas Bergeron effective August 31, 2015. The motion was seconded by Commissioner Valade.

**HIRING:**

For the Record, the following police recruit candidates have been hired and have been sworn in as police officers.

***Monday, August 17, 2015:***

- Matthew W. Giftos: First Year Special Officer – Certified

***Tuesday, August 18, 2015:***

- Philip D. Bellino: First Year Special Officer
- Michael B. Braley: First Year Special Officer
- Matthew R. Foss: First Year Special Officer

**OTHER BUSINESS:**

***Awards:***

For the record, the following officers have received a Letter of Recognition from Chief Lavoie for their lifesaving efforts during a suicidal incident in April 2015.

- Officer David Elliott
- Officer Michael Zupkoski
- Officer Eric Walker
- Officer Daniel Hayden
- Officer Matthew Duncan
- Officer Benjamin Turner

***Sidebars:***

***UAW Professional Employees of Nashua Police Department:***

The following sidebar agreement was presented to the Police Commissioners for their approval:

The parties to the above-referenced agreement hereby make the following supplementary agreement thereto. In Article "Dental Insurance" add the following language under Dental Insurance:

**"High Option Plan:**

Effective September 1, 2015, those employees covered by dental insurance under this article may elect to participate in the High Option Plan available through Delta Dental. The employee shall be responsible for paying the full additional premium cost for the High Option Plan."

***Nashua Police Communication Employees N.E.P.B.A. Local 125, I.U.P.A., AFL-CIO:***

The following sidebar agreement was presented to the Police Commissioners for their approval:

The parties to the above-referenced agreement hereby make the following supplementary agreement thereto. In Article 16, Insurances, Section III Dental Insurances, add the following language under Dental Insurance:

**SECTION III – Dental Insurance**

**"High Option Plan:**

Effective September 1, 2015, those employees covered by dental insurance under this article may elect to participate in the High Option Plan available through Delta Dental. The employee shall be responsible for paying the full additional premium cost for the High Option Plan."

**MOTION:** Commissioner Tollner made a motion to approve the sidebar agreements as listed above for the NPD UAW and NPD Communications Employees regarding the High Option Dental Plan. The motion was seconded by Commissioner Valade.

***Miscellaneous Business:***

First Year Special Officer Matthew Friend is graduating from the Police Academy this Friday. He will be assigned to his Field Training for a period of ten weeks. He will be assigned to street duty sometime in November.

Chief Lavoie and other NH Police Chiefs met with Governor Hassan regarding pending legislation.

***Change in Forfeiture Law:***

Pending NH Legislation would change the current forfeiture law requiring that forfeiture funds received by a department be put into the NH State General Fund. Currently NPD uses forfeiture funds to finance narcotics operations. The NH Chiefs expressed to Governor Hassan that this pending legislation is not acceptable for NH Police Departments. The NH Chiefs will follow the legislation closely as it progresses forward.

***Legislation regarding School Resource Officers:***

Pending legislation would require that a School Resource Officer would fall under the School Department. The School Department would handle any disciplinary issues, investigations, and complaints regarding a School Resource Officer. Chief Lavoie stated that the Nashua Police Department School Resource Officers are NPD Employees and are only "assigned" to the schools. They are under collective bargaining agreements and disciplinary issues, complaints, training, etc., fall under the authority of the Police Department, as they are Nashua Police Officers. Should this legislation pass, Chief Lavoie will remove all officers from the school.

With the school year starting up again, Nashua Police Officers will continue to make daily visits to each of the schools in Nashua.

Alderman Michael Soucy informed the Police Commissioners that he would not seek re-election as a Board of Aldermen member. The Board of Alderman has been informed of his decision.

**NEXT MEETING:**

The next Police Commission meeting is tentatively scheduled for Tuesday, September 15, 2015.

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**NON-PUBLIC SESSION**

**MINUTES SEALED**

**PUBLIC SESSION INTO NONPUBLIC SESSION: 7:03 p.m.**

**MOTION:** Commissioner Maffee 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):** Dismissal, Promotion, Compensation, Discipline, Investigation of any Public Employee.

Motion by Commissioner Valade, seconded by Commissioner Tollner.

*A roll call vote was taken:*

- Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Tollner - yes.

**MOTION TO SEAL RSA 91-A:3 III:** "Divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself".

Commissioner Tollner made a motion to seal the minutes of the non-public session. The motion was seconded by Commissioner Valade.

*A roll call vote was taken:*

- Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Tollner - yes.

Minutes Sealed.

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**NON-PUBLIC SESSION**

**MINUTES NOT SEALED**

**MOTION:** Commissioner Maffee asked for a motion by roll call vote to continue non-public session as authorized by:

**RSA 91-A:3, II (a)** **DISMISSAL, PROMOTION, COMPENSATION, DISCIPLINE, INVESTIGATION OF ANY PUBLIC EMPLOYEE**

Motion by Commissioner Valade, seconded by Commissioner Tollner.

*A roll call vote was taken:*

- Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Tollner - yes.
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**Promotions:**

Due to recent retirements, Chief Lavoie is recommending the following promotions. Chief Lavoie gave the commissioners an overview of each candidate. The Commissioners also received copy of their personnel history. The promotions will be effective September 1, 2015.

**Recommendation for Promotion to Captain:**

- Lieutenant E.Z. Paulson

**Recommendation for Promotion to Lieutenant:**

- Sergeant Jonathan Lehto
- Sergeant Craig Allard

**Recommendation for Promotion to Sergeant:**

- MPOII Michael Welch
- MPOII Brian Trefry
- MPO Timothy MacIsaac

**MOTION:** Commissioner Valade made a motion to approve the promotions of the above listed officers to the respective ranks effective September 1, 2015. The motion was seconded by Commissioner Tollner.

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**END OF NON-PUBLIC SESSION:**

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

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**RETURN TO PUBLIC SESSION: 7:38 p.m.**

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

- Tuesday, September 15, 2015

**ADJOURNMENT**

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

**Time: 7:38 p.m.**

Respectfully submitted,

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Commissioner Robert Valade, Clerk