

January 20, 2015

The Nashua Police Commission held a meeting on Tuesday, January 20, 2015, at the Nashua Police Department.

Members present:

Commissioner Thomas A. Maffee, Chairman
 Commissioner Robert E. Valade, Clerk
 Commissioner Carl Andrade
 Chief Andrew Lavoie
 Deputy Chief Michael Carignan
 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
 Members of the Public

PUBLIC SESSION

Commissioner Maffee called the meeting to order at 6:02 p.m.

MINUTES:

- December 16, 2014

MOTION: Commissioner Andrade made a motion to approve the minutes of the December 16, 2014, meeting. Motion seconded by Commissioner Valade.

PUBLIC COMMENT:

Mr. Les Duncan of 8 Sherwood Drive attended the meeting with his son, Ethan, who is a member of Boy Scout Troop 773. Ethan is working on his citizenship merit badge and is attending various municipal committee meetings. He is also interested in law enforcement. Ethan has been active in scouts since first grade he is here tonight to see what a Police Commission meeting is all about. Commissioner Maffee thanked them for coming tonight.

BUDGET:

Business Manager Karen Smith gave the Commissioners the following budget report.

Department Detail Expenditure Report FY2015:

- Twenty (26) of fifty two (52) payroll weeks have been processed or should be at **50%** of the average appropriation.
- The "Budget Adjustment Account", 51900, **\$676,942**, reflects FY2015 funding for the recently settled Patrol, Teamsters, and Communications contracts. (Planning for **\$67,000** earmarked for raises for the overtime account, **\$18,000** for the Education Incentive account, **\$41,000** for Holiday pay, and **\$8,000+** MPlI pay).
- The overtime accounts' budgets collectively total **\$1,007,619** plus the remaining portion of the budget adjustment account 51900, **\$67,000**, earmarked for overtime, brings the overtime budget up to **\$1,074,619**. The December year-to-date overtime expenses of **\$864,246** equals a percent used of **80%**.
- The budget report reflects that we are operating at **53%** in the bottom line 51 Salaries and Wages accounts. This is 3% over budget and equal to $\$18,079,252 * 3\% = \$542,378$.
- The Full-time Payroll account will break even by year-end, however, the overtime account will reflect anywhere from a \$400,000 to \$500,000 deficit.
- The **(\$140,000)** reduction for attrition is included in the current **53%** used calculation for the bottom line payroll.
- The contract retro-escrow transfer is included in account 51995 in the amount of **\$508,865**.
- Two more recruits finish the academy and procedure school by March 2015 and again this will eliminate some overtime.

The gasoline account is expected to have a surplus which will be helpful at the end of the fiscal year. When the account was set up, it was set up by using the average cost per month and not by a per gallon price amount. Alderman Soucy stated that he didn't think that the city pre-buys fuel. Karen Smith will check with the city on that question.

Payroll Cost Analysis:

John Griffin's Payroll Costs form was used to prepare two hypothetical year-end scenarios for use in our overtime analysis.

"Scenario One" (blue) includes the hypothetical overtime expenditures at \$26,000 weekly (line 15) and adjustments to the payroll for the weeks based on in-grade promotions, new hires, and retirements which averages \$297,000 for the next 26 weeks (line 33). In this analysis, the payroll budget has already been adjusted for the recently settled Patrol, Communications, and Teamsters contracts and received a \$676,942 increase on

line 29. The bottom line in analysis 2 (line 41) shows a potential deficit based on the scenario. A portion of this amount may be absorbed in the Department's budget if there are any potential retirements and from the operational side of the budget; however, it is too early to make any precise projections.

"Scenario Two" (orange) includes the overtime expenditures hypothetically reducing to \$22,000 weekly (line 15) (down from \$29,000 average weekly July - November). Adjustments were accounted for in the hypothetical future payroll weeks based on in-grade promotions, new hires, and retirements which averaged \$297,000 for the next 26 weeks (line 33). In this analysis, the payroll budget has already been adjusted for the recently settled Patrol, Communications, and Teamsters contracts and received a \$676,942 increase (line 29). The bottom line in analysis 1 (line 41), again shows a potential deficit. A portion of this amount may be absorbed in the Department's budget depending on vacancies and from the operational side of the budget; however, it is too early to make any projections.

Functioning Strength:

A chart was provided comparing the functioning strength vacancies, which is vacancies plus unavailable officers due to their attending the NH Police Standards and Training Academy or procedure school.

The overtime for December averaged \$51,062 per week. The average weekly overtime for October and November was \$32,408 and the functioning strength averaged 11 vacancies and officers in training. The average weekly overtime for the month of September was \$26,617 and has been at that level since May of FY2014. This is still an increase from the \$20,000 weekly overtime we saw in the fall (September, October, November, and December) FY2014 and in March and April of FY2014 when our functioning strength was averaging four officers unavailable due to vacancies or in training.

FY2015 Overtime Weekly Payroll:

- The overtime for FY2015 included 4th of July activities in the amount of \$9,000 paid in July, and, we had increase in coverage overtime for July. In addition, the last week of July included an SRT callout in the amount of \$2,169.
- August overtime included an increase in regular overtime in the area of evidence, legal, fleet, building, and misc. including an SRT callout in the amount of \$1,295 as well as higher overtime in investigative and coverage overtime.
- September saw overtime with two SRT call outs, one at the beginning of the month in the amount of \$2,151 and a second at the end of the month in the amount of \$3,822. Coverage and Investigative overtime was higher during some weeks in the month of September.
- October continued to see high overtime. The week paid October 23 included \$2,735 for the Fall Parade, \$4,349 for recruiting, and \$8,314 for an SRT call out to Keene Pumpkin Festival.
- November had overtime for the Veteran's Day parade, Fleet Maintenance, Evidence, Clandestine Lab Unit, Recruiting, Training, Daylight Savings overtime, and FTO overtime, as well as high coverage and investigative overtime during November.
- The December 4th overtime all categories total for the week was \$69,000, and the December 11th overtime all categories total for the week was \$79,000, December 18th was \$36,000, December 25th was \$31,000, and December 31st was \$39,225 due to vacation coverage according to the collective bargaining agreement. December included the Baldwin St/Hutchinson Street (Haley), the Oak Street (Gage) case and the xxxx case.

Payroll & Overtime Comparison Graphs:

A. NPDP Monthly Overtime (All Types) FY2013, FY2014 and FY2015 Comparison:

- The FY15 budgeted monthly overtime has been increased to \$89,565 due to ratified contracts for Supervisors, Patrolmen, Communications, and Teamsters for all budgeted overtime collectively.
- The contract increase is calculated on the overtime budget, which we know is underfunded, and would need surplus in the payroll account to cover any difference. The graph shows the trend comparison for FY13, FY14 and FY15 compared to the budgeted amount.
- Please note that the blue line for FY13 had forced intervention during an eight week period in May and June by reassigning the POP unit personnel, Traffic Unit, and other temporary measures taken to limit overtime due to budget deficiencies. The month of October showed a spike in overall overtime, plus it was the retroactive overtime paid back to July 1, 2014 (FY2015). December saw a \$100,000 spike in overtime due to homicide investigations and coverage increases.

B. NPDP Coverage Overtime Fiscal Years 2013 to 2015 Comparison:

- The coverage overtime in red is FY2014, and last year's overtime often came back down into the low \$20,000 range and helped to keep in line with the reduced budget.
- In comparison, FY2013 ran much higher most of the year until the overtime had forced intervention to drop overtime in May and June.
- FY2015 ran high for the first quarter of 2015. October had an even higher spike in overtime coverage during October. This chart will not reflect the overtime retroactive pay which was paid from the full-time payroll account with the retroactive pay.
- We did see some relief from the October overtime spike in coverage overtime when the promoted officers became available at the completion of field training in mid November.

C. NPDP Monthly Investigative Overtime FY2013 – FY2015 Comparison:

- Investigative overtime has its own trend for each year depending on cases. December shows a spike as a result of the large cases the last week of November and into December in the amount of \$100,000.

D. NPDP Budgeted Payroll FY2013 – 2015 Comparison:

- The full-time payroll has trended for the most part the same over the past two years especially with contracts being very consistent during the analysis period and with unsettled agreements for fiscal years 2013 and 2014.
- The chart was updated to include a transfer from contract negotiations contingency which moved the purple base line representing the FY2015 budget to \$1,306,757.
- The spike in October includes payroll expenditure in the current fiscal year retroactive to include July, August and September.
- The payroll trended both above and below the monthly budget again based on vacancies; however, the payroll was used to offset the overtime overages.

E. NPD Fiscal Year Overtime Coverage Analysis FY2015 YTD, FY2014 and FY2013 Comparison:

- This analysis is based on the study of excused absences.
- The excused absences in December of FY2015 averaged **936** hours per month with **200** overtime hours per month coverage.
- The excused absences in FY2014 for December averaged **584** hours per month with an average of **122 hours** per month overtime coverage.
- The excused absences in FY2013 for December averaged **591** hours per month with an average of **180 hours** per month overtime coverage.

Comparing this data for the three years and referring back to the Functioning Strength Analysis, we note FY2014 had lower hours covered during this month with 122 hours per month due to the number of officers unavailable for duty due to the functioning strength vacancies was only at four.

While in FY2015 we see the overtime hours per month for coverage at 200 hours, it is very similar to FY2013. FY2013 is in the same range as FY2015 at 180 hours with functioning strength vacancies of 10 and 11 respectively.

FY2015 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.

- The reporting for October included \$3,848 overtime for an SRT callout resulting in three arrests.
- \$8,314 for the Keene pumpkin festival SRT call out which is above and beyond the amount that was paid by Keene for scheduled manpower.
- The City's fall parade included \$2,734 overtime.
- There was overtime in the amount of \$1,621 related to the Clan Lab activation in October and \$1,140 in November.
- Recruiting for the holding of the testing incurred \$4,349 overtime in October and \$2,226 in November for the processing of backgrounds.
- The report reflects numerous investigative cases in October and November including many death investigations and robberies.
- Training occurred as well as overtime for Field Training overtime in the amount of \$3,291 paid in October and \$3,819 overtime paid in November.
- The Baldwin St/Hutchinson Street (Haley) Murder/ Suicide overtime has a running total overtime for the case of \$28,493.
- The Oak Street (Gage) homicide has a running total overtime for the case of \$52,148
- The Worcester Street, Suspicious Death overtime is currently at \$13,245.
- Just under \$100,000 on these 3 cases.

Eight-Year Overtime Analysis:

- A chart was provided listing the overtime budgets requested, approved, expenditures, adjustments and ending balances for eight years.
- Reference was made to the overtime budget reductions received in FY2010, FY2011, and FY2012. FY2012 also received a \$178,000 adjustment NPD requested, bringing the reduction down from (\$318,278) to (\$140,278).
- Overtime expenditures are over budget each year and correlate to the vacancies and average functioning strength vacancies. FY2009, FY2010, and FY2011 had significant surplus in the overall budget at the end of the year due to a higher approved overtime budget and lower vacancy numbers. FY2011 included NPD budget surplus funds in the amount of \$270,295 that were used to fund a deficit in the City's retirement contingency account for that fiscal year.
- Fiscal years 2013, 2014, and 2015 had significant budget reductions compared to the prior years, and the overtime expenditures have been more difficult to balance to the approved payroll budget.

Chief Lavoie stated that he has met with his staff and the NPD union to look at strategies to reduce our current projected deficit

Department Revenue Report FY2015:

The Commission received a copy of the December 2014 Revenue Report.

Strength Report:

The Commission received a copy of the December Strength Report.

December 2014	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	185	178	178	0
Total Sworn Part-Time		1	1	0
Total Non-Sworn Members	6	6	4	2
Total Part-Time Civilians	9	6	5	1
Total Full-Time Civilian	68	62	60	2
Total Grant Civilian	1	1	1	0
TOTAL:	269	254	249	5

Special Revenue Fund and Grant Reports:

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

Discussion Items:**SUMMARY OF REASONS FOR NPD FY2015 BUDGET OVERAGES:**

- The overtime budget is underfunded.** The method of underfunding the NPD overtime budget, in anticipation of attrition to make up the shortage through the full-time payroll, will not be adequate this fiscal year due to an increase in coverage overtime, investigative overtime, and the timely filling of police vacancies.
- Functioning Strength** has higher vacancies in FY2015 than FY2014.
- High investigative overtime** translates into high coverage overtime as well as the coverage overtime required for vacant essential positions.
- Positive results of recruiting equal low attrition.** We had a great turnout of qualified candidates at the last recruit testing and obtained candidates for all eight of the current vacancies. The candidates will be hired the end of December and will attend the January Police Academy. The quick turnaround in filling the vacancies will limit any surplus from the Full-time payroll account to offset any overtime overages.

Aldermen Wilshire and Soucy were informed of the potential NPD budget shortfall for FY2015. The Mayor and the Board of Aldermen will be kept informed once we have a better idea of the expected deficit. Alderman Wilshire stated that there is no money in the City budget.

CERF and Finance Committee Agenda Items:

- Prisoner Van: CERF approval received but waiting for State bid pricing to be available.
- ACO Van: CERF approval received but waiting for State bid pricing to be available.
- Accident vehicle unit 17 has been scheduled for the Finance meeting on 1/21/15 contingent upon CERF approval at the 1/27/15 meeting – pricing is set to expire on 1/31.
- Telephone project: Pending with City IT.

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

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

In December, officers responded to the area of Vespa Lane for a report of an explosion. Officers located a suspicious package on a vehicle in the area. The Hazardous Device Unit responded to the scene to secure the package. The package was later determined to be industrial strength fireworks (which can be purchased at any fireworks store) and not a pipe bomb.

Traffic Enforcement 2014 (3 officers assigned):

- Total stops in 2014: 8,914
- Total warnings in 2014: 6,385
- Total arrests in 2014: 72
- Total revenue generated in 2014: \$445,082

Abandoned Motor Vehicles 2014:

- Total abandoned vehicles investigator: 246
- Total vehicles towed: 87
- Total recovered stolen vehicles: 2
- Total green tagged vehicles: 133
- Total fines generated: \$25,665

In January, an NPD officer located cocaine and \$8,000 in cash in a vehicle following a motor vehicle stop. This same officer came upon an altercation incident at the Amsterdam. The subject took off running and the officer took chase. He observed the subject throw an object which turned out to be a 9mm handgun. The subject also was in possession of marijuana. This incident is a reminder that people are out on the street with guns and dangerous incidents can happen quickly and at any time.

Detectives investigated a recent fire scene with a death. The fire was non-suspicious and was started accidentally. One resident survived the fire.

The Burglary Unit Detectives made two additional arrests regarding a recent burglary ring.

Drug overdoses (opiates): In 2014 there were 124 drug overdoses with 17 resulting in death. In 2013, there were a total of 48 drug overdoses. The Narcotics Intelligence Division and the POP Unit are continuously working to identify suspected dealers in the city.

Governor Hassan is recently considering allowing police officers to carry and administer NARCAN, a drug that can be used to reverse drug overdose deaths. Although it is still early on, Chief Lavoie voiced his concerns to the Commissioners regarding this. Although it is all about saving lives, there are many questions that would need to be answered prior to adoption of any NARCAN policy. Some of his questions are centered on training and certifications requirements, the cost of the drug and who would pay for it, how and where the drug would be stored, and many other important questions. In most cases on first and second shifts, the call comes in to Fire/Ambulance first and then to police, thus, Fire/Ambulance personnel arrive on the scene first and they can administer the drug if appropriate. The Chief will need to research this issue in more detail.

In December, Police Athletic League Officer Phil Belmont and the NPD Special Reaction Team delivered meals and gifts to five deserving families during the holiday season. Whole Foods of Nashua also assisted with this very successful endeavor.

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

CORRESPONDENCE FROM THE PUBLIC & OTHER AGENCIES:

The Commissioners received copies of letters of appreciation from the public and other outside agencies.

MOTION: Commissioner Andrade made a motion to accept the correspondence and place on file. The motion was seconded by Commissioner Valade.

OTHER BUSINESS:

Chief Lavoie reported that we are having problems with the 36-year-old generator at NPD and repair parts are no longer available. This emergency generator controls all the radio systems for the entire city including police, fire, and DPW. Should a breakdown occur, a rental generator would come with the cost of approximately \$2,000 per day and there is no money in the police budget for that expense. The cost of a new generator is in the range of \$359,000 and would last approximately 35-40 years. Emergency Manager Justin Cates and Mayor Lozeau have been informed of the problem. A Capital Improvement request will be submitted. Commissioner Andrade and Alderman Soucy suggested looking into bonding for the project as soon as possible.

Chief Lavoie and Deputy Chief Carignan were honored to be invited to the Southern New Hampshire Outreach for Black Unity's 31st Annual Martin Luther King Jr. Day Breakfast which was held on Monday, January 19.

Officer Donald Weiss has been chosen to receive the Exchange Club Officer of the Year 2014 award. The Exchange Club will present him with the award on January 21.

NON-PUBLIC SESSION

MINUTES NOT SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION:

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 Andrade, seconded by Commissioner Valade. Motion carried.

A roll call vote was taken:

- Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Andrade – yes

Recommendation for Promotion to the rank of Sergeant:

- *Master Patrolman II Lakeisha Phelps – Effective February 4, 2014*

MOTION: Motion by Commissioner Andrade to promote MPOII Lakeisha Phelps to the rank of Sergeant, seconded by Commissioner Valade. Motion carried.

NON-PUBLIC SESSION

MINUTES 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(e) PENDING CLAIMS OR LITIGATION

Motion by Commissioner Andrade, seconded by Commissioner Valade. Motion carried.

A roll call vote was taken:

- Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Andrade – yes

MOTION TO SEAL RSA 91-A:3 III: Commissioner Valade made a motion to seal the minutes of the non-public session. The motion was seconded by Commissioner Andrade. Minutes sealed.

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 Andrade. Motion carried.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

Tuesday, February 17, 2015.

ADJOURNMENT

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

Time: 7:28 p.m.

Respectfully submitted,

Commissioner Robert Valade, Clerk