

February 21, 2017

The Nashua Police Commission held a public meeting on Tuesday, February 21, 2017, 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

PUBLIC SESSION

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

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:04 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:

Item #1:

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 – (was not present for the motion but was present for the discussion).
Commissioner Dahl – yes; Commissioner Plante – yes
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NON-PUBLIC SESSION

MINUTES SEALED

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

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."

Motion by Commissioner Dahl, seconded by Commissioner Plante.

A roll call vote was taken:

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

END OF NON-PUBLIC SESSION:

MOTION: Commissioner Dahl made a motion to end the non-public session and return to public session. Motion seconded by Commissioner Plante.

RETURN TO PUBLIC SESSION: 6:13 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...”

Commissioner Tollner asked for a motion to individually seal the following minutes of the Non-Public session.

Item #1: RSA 91-A:3, II (a)

Item #2: RSA 91-A:3, II (a)

MOTION: Motion by Commissioner Dahl, seconded by Commissioner Plante, to individually seal the minutes of the Non-Public Session (**Item #1 & Item #2**) as authorized above. All in favor, motion carried.

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

MINUTES:

- January 18, 2017

MOTION: Commissioner Dahl made a motion to approve the minutes of the January 18, 2017, 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:

Summary of the Nashua Police Department Proposed Budget FY2018:

- General Fund Appropriations including Benefits: \$29,683,204
- Less Benefits: (\$8,772,718)
- Total: \$20,910,486
- Increase over FY2017: 2.9% increase equaling \$589,411
- Significant Changes: 95% wages and union contract related increases. Balance is the result of utility increases or small increase to anticipated operational price increases.
- General Fund Revenue projection: \$93,501
- Account 42524 Firearms Licenses Revenue projection reduced by \$9,500 due to recent vote for firearms license change.
- Account 44184 Photocopy Fees revenue projection was reduced by \$20,000 due to accident reports being obtained through the State of NH instead of the Nashua Police Department.

MOTION: Commissioner Tollner made a motion to accept and approve the proposed FY2018 Nashua Police Department General Fund Appropriation in the amount of **\$20,910,486**. This includes a \$589,411 increase (2.9% increase) over the FY2017 prior year budget. The motion was seconded by Dahl. All in favor.

Grant:

The Violence Against Women Act Grant was received in the amount of \$58,000 for the period of 1/1/2017 – 12/31/2017. This grant includes a cash match contribution of \$59,533 and an in-kind fringe benefits match in the amount of \$52,037.

FY2017 Expenditure Report:

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end January 31, 2017.

FY2017 Revenue Report:

The Commission received a copy of the January 31, 2017, Revenue Report.

FY2017 Weekly Payroll Overtime:

The overtime averaged \$35,720 per week during the month of January due to primarily coverage and investigative overtime. Payroll paid on January 12 and January 19 included investigation overtime for a homicide.

FY2017 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission received a copy of the FY2017 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence report showing the overtime cost for recent major cases and or significant occurrences. During January, the cost for overtime for the Kinsley St. homicide case totaled \$31,976. This amount has been reimbursed from the Police Overtime Expendable Trust Fund. Other overtime included cases involving Endangering the Welfare of a Child, Second Degree Assault, First Degree Assault/Robbery, Possession of Controlled Drug/Receiving Stolen Property, Theft by Unauthorized Taking/Possession of Controlled Drug, AFSA, and overtime for Building Maintenance; Field Training; Storm-17; and training for Dive, K9, Use of Force, and SRT.

FY2013 - FY2017 Payroll Graphs:

The Commission received graphs comparing fiscal years 2014 through 2017 overtime expenditures. Analyzing the first graph entitled NPD Monthly Overtime (All Types), the baseline (which is light blue with an X symbol) represents the FY2017 average monthly appropriation at approximately \$90,000 per month.

The current FY2017 overtime (the purple line) decreased slightly in August, increased again in September, decreased slightly in October, decreased again in November, slightly increased in December, and slightly decreased in January and is similar to activity in October.

Payroll Cost Analysis and Forecast:

Karen Smith updated CFO John Griffin's form "Police Department Payroll Cost FY2017". Basing the year on a weekly overtime of \$27,000 and an average weekly payroll of \$309,818, we can use this form to forecast the budget breaking even on the payroll accounts given any unforeseen circumstances such as major investigations.

Strength Report:

The Commissioners received a copy of the January 2017 Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	174	5
Total Non-Sworn Members	6	6	5	1
Total Part-Time Civilians	6	5	5	0
Total Full-Time Civilians	69	62	62	0
Total Grant Civilians	1	1	1	0
TOTAL:	268	253	247	6

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

ACTIVITY REPORT:***Deputy Chief Denis Linehan reported on the following:***

On January 12, 2017, officers responded to the East Hollis Variety Store for the report of a robbery. The suspect fled the store and left in a vehicle parked behind the store. Patrol officers located a vehicle and a suspect matching the description and upon making contact with the suspect, he attempted to run from officers but was caught and placed under arrest after a brief foot pursuit and physical altercation. He was charged with the robbery and also other robberies in other cities. Letters of Recognition for Officer Markarian and Officer Marchionda are forthcoming.

On January 21, 2017, officers responded to the Kinsley Street Mart, 62 Kinsley Street, for an activated alarm. On arrival officers located a broken front door and a smashed window. A further investigation revealed that a male subject had broken into the store and stolen cigarettes and beer. Officers placed a BOLO out for the suspect and he was later stopped at City Hall and taken into custody. Officers subsequently responded to the area of the Elm Street Parking garage for the report of an attempted robbery. The complainant had advised that a male subject had pulled a knife on him and demanded money. The victim then fled the area. The victim provided a suspect description which matched the description of the suspect from the Kinsley Street Mart burglary. It was later determined that the male who was stopped and arrested for the burglary had in fact also committed the attempted robbery.

On January 3, 2017, officers responded to Kohl's for a report of a shoplifter. Upon arrival the defendant attempted to flee the scene and officers pursued the defendant. The defendant jumped into a vehicle and the officer attempted to grab him; however the driver proceeded to take off with the officer partially in the vehicle. Fortunately the officer was able to get free of the vehicle. The vehicle ultimately crashed into another vehicle and the driver was apprehended a short distance away. A K9 track was completed by Merrimack Police and the suspect was located and placed under arrest.

On January 28, 2017, officers responded to an area hospital for two subjects who sustained gunshot wounds. An adult male advised that while cleaning his gun, it accidentally discharged and struck him in the leg and then passed through striking a friend in the leg. Detectives furthered the investigation.

NHSP called to thank NPD for our assistance with an incident involving a high risk pursuit involving a homicide suspect. Officer Cote was able to successfully deploy Stinger spikes which caused the vehicle to stop by Exit 3 Southbound when it went into an embankment. The Bearcat was deployed when the suspect refused to come out of the vehicle. Officers used a beanbag to shoot out the windows of the vehicle and then the suspect. There were no injuries and the suspect was taken into custody. NPD and NHSP have an excellent interagency relationship.

Deputy Chief Michael Carignan reported the following:

Regarding the January 28, 2017, incident in which two subjects sustained gunshot wounds, the investigation determined that both injuries were accidental in nature and no charges were filed.

The defendant in the Kinsley Street homicide case has determined by the court to be competent to stand trial.

Officer Ibell is currently attending the Academy. He was sworn in on December 21, 2016.

Accreditation Manager William Pease is in the process of submitting electronic reports to CALEA as part of our re-accreditation process. NPD is one of the first agencies in the country to take part in the new CALEA reporting system in which electronic records will be reviewed throughout the year with the reaccreditation reassessment being every four years.

A police recruit exam has been scheduled for April 15, 2017.

The replacement roof project is on hold due to winter weather. We expect the project to resume shortly.

On February 18, 2017, Officer Hannigan was working a detail at a basketball game at DW College when he observed a fight on the court that escalated into a subject possibly being knocked unconscious. Officer Hannigan interjected and when he was escorting the defendant into the trainer's office, he was surrounded by other aggressive players and members of the crowd and several people tried to incite the crowd. Officer Hannigan immediately called for additional assistance to disperse the crowd. It was an extremely tense situation. The defendant was arrested and has been arraigned. Detectives are continuing to investigate this incident.

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

CORRESPONDENCE FROM THE PUBLIC & OTHER AGENCIES:

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

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

MASTER PATROLMAN II CERTIFICATION:

Master Patrolman Daniel Hodges: MPO-II certification effective March 30, 2017

MOTION: Commissioner Dahl made a motion to approve the MPO-II certification for MPO Daniel Hodges effective March 30, 2017. The motion was seconded by Commissioner Plante. All in favor.

RESIGNATION:

Communications Technician Jaime-Lynn Costello: Resignation effective February 21, 2017

MOTION: Commissioner Tollner made a motion to accept the resignation of CT Jaime-Lynn Costello effective February 21, 2017. The motion was seconded by Commissioner Plante. All in favor.

AWARDS:

For the Record

Exemplary Communications Employee Award for January 2017:

- Dispatcher Timothy Dewyngaert

Commendation Bar for Distinguished Unit Action (AFSA case):

- Lieutenant Kerry Baxter
- Lieutenant Thomas Bolton
- Sergeant Peter Urban
- Detective Christopher DiTullio
- Detective Caleb Gilbert
- Detective Chad MacGregor
- Detective Ryan Rooney
- Detective Robert Dunn
- Detective Matthew Allen

- Officer Kevin Pucillo
- Officer Heather West

Letter of Recognition (Shots fired case):

- Officer Keith Inzenga

OTHER BUSINESS:

There was no other business to come before the Commission.

PUBLIC COMMENT:

There were no public comments.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

Due to a scheduling conflict, the tentative date of the next Commission meeting will be Monday, March 20, 2017, at **7:30 a.m.**

ADJOURNMENT

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

Time: 6:50 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk