

March 22, 2021

The Nashua Police Commission held a public meeting on Monday, March 22, 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 5:30 pm. Roll call taken.

Chief Carignan presented Officer Ryan Fitzpatrick with a Letter of Recognition for his investigative work where he obtained post arrest information regarding child sexual abuse images. This information ultimately resulted in the identification and rescue of a 9-year-old sexual abuse victim in the Dominican Republic.

**APPROVAL OF MINUTES:**

- February 22, 2021

Commissioner Plante made a motion to approve the minutes of the February 22, 2021 meeting. Motion seconded by Commissioner Tollner. All in favor.

**BUDGET:**

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

**Grants:**

Resolution R20-085 is for the 2020 VAWA Grant that was approved by the BOA on November 24, 2020. It is contingent upon approval by the Attorney General of New Hampshire and the Department of Justice. We received the award document and approval for the federal award amount of \$58,000 consistent with the previous year for the period of January 1, 2021 through December 31, 2021. Contingency funding was requested in FY2021 and approved as we receive the cash match every year, as well as in-kind matching funds for benefits. The combined funding provides for the Domestic Violence program for payroll, fringe benefits and cellphone service.

**FY2021 February Expenditure Report:**

The average appropriation is 67% as of February. Payroll accounts are operating at 67.76%.

Commissioner Tollner asked if we were being effected by the rising gasoline prices.

Karen Smith replied that the gasoline price is at a fixed amount. We were budgeted for \$2.095 per gallon and the bid price came in at \$1.5496, so we are saving money. This account is locked for transfers; however it will offset the two-digit operations account and/or bottom line NPD budget.

**FY2021 February Revenue Report:**

Last month Commissioner Dahl inquired about a \$15,000 entry to the account 45699. This is the first of 4 payments received quarterly from the Hollis Police Department for the Attorney Contract Agreement. This money will be added to the FY2022 Revenue Budget.

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

The monthly overtime for significant occurrences totaled \$13,467. This was due to two cases, storm related overtime and training.

**February Functional Strength:**

At the month end of February the Functional Strength is 12. This is the number of total officers we are down due to vacancies, officers in training and officers on extended leave.

**FY2021 February Overtime Analysis:**

The weekly overtime for the month of February averaged approximately \$29,000. This was under our target range of \$30,000. This target will be reduced to \$29,000 for the spring.

**February Strength Report:**

A copy of the report was provided.

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:***

Crime Watch Meetings will soon be back to being held in person. We plan on sending the sector officer to those meetings. We have added a new officer to the K9 Unit, Officer Adam Anderson. He will be attending the K9 School at the end of March along with Officer Connor Perry. Officer Perry is in the process of finishing the Bomb Training with his K9. After all the training we will have 4 K9s. K9 Bob, along with his handler Officer Kevin Delaney, have recently done a great job tracking. On February 28<sup>th</sup> our officers responded to a house on Burgess Street for a house fire. NFR was on scene, but needed our officers to secure the scene before entering the house since the man last seen inside the home was armed. Officer Scott Seroll, who was first on scene worked along with NFR to secure the home so the firefighters could attend to the fire.

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

***Detectives:***

On March 4<sup>th</sup> there were reports of shots fired in multiple locations. Detectives were able to place two individuals under arrest in regards to the shootings and a warrant is out for a third individual, Nathan Flores, who is reported to be in Massachusetts. We recovered 30 shell casings at the scenes and are sending them to Manchester to go through a more extensive analysis. We could have a few more arrests soon. Officer Kekejian has been transferred from the POP Unit to the Detectives-Special Investigations Division. He will be working in this division as a Computer Forensics Investigator. A body was recovered in the river near Tyngsborough. The body was a 37-year-old male, Greg Surbey, who had been missing since late February. An autopsy was done and it has been reported that the cause of death is nothing suspicious. The FBI did a press release that they will be assisting us with the missing person April Bailey. We are still looking for a person to fill the Domestic Violence Advocate position. We just added an officer to a Task Force for the US Postal Service.

***Professional Standards:***

Detective Rogers will be leaving the PD in April which will leave us down 5 officers. We will be swearing in 3 officers in a few weeks and I will be handing out two conditional offers in a few weeks. We should be full staff by June 1<sup>st</sup>.

The Chief stated that he has put big demands on the Professional Standards Bureau. They have been asked to fill the open vacancies with a more diverse workforce without lowering our standards.

Commissioner Tollner stated this is quite impressive with other agencies having trouble hiring officers. Commissioner Dahl stated it was nice to see so many certified officers wanting to work here.

***Legal:***

The Legal Bureau has emailed the judges in District Court to request a meeting. They are getting overloaded with cases since there still are no arraignments. By the end of the month Lieutenant Moriarty will have been assigned over 400 cases. To put that in perspective Public Defenders are capped at 125 cases.

***Services:***

The HVAC project is starting to get towards the finish line. The bond to request approximately \$1.4 million to finish the project is earmarked for May. David Fredette at the City is currently working on writing the legislation. Alderman Dowd and Alderman Wilshire offered to sponsor the bill.

MOTION: Commissioner Tollner made a motion to accept the activity reports. Motion seconded by Commissioner Plante. 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 Richard Treem
- Brigham & Women's Hospital- Officer Michael Kekejian
- Rivier University-Officer William Adamson
- Bridges-Officer Andrew Othot

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

**CIVILIAN CHANGE OF POSITION:**

***For the record:***

Elizabeth Reilly from Records Technician I to Records Technician II effective February 21, 2021.

**SWORN NEW HIRES:**

***For the record:***

First Year Special Officer-Certified II, Dakota Van Tassel, effective April 2, 2021

First Year Special Officers, Timothy Donahue and Matthan Philogene, effective April 5, 2021.

**SWORN RESIGNATION:**

Master Patrolman Christopher Rogers effective April 9, 2021.

MOTION: Commissioner Tollner made a motion to accept the resignation of Master Patrolman Christopher Rogers effective April 9, 2021. Motion seconded by Commissioner Plante. All in favor

**WELLNESS INCENTIVE:**

**Deputy Testaverde reported the following:**

Both unions have looked at the proposed sidebars and have approved. This proposal was presented at our prior Commissioner meetings.

Aldermen Wilshire and Dowd have agreed to sponsor the sidebars.

Chief Michael Carignan stated that if any of qualifying percentages were to change for the wellness incentive that would have to be approved by the Commissioners.

MOTION: Commissioner Plante made a motion to accept the Wellness Sidebar agreements for the Supervisors and Patrolman contracts. Motion seconded by Commissioner Dahl. All in favor

**TFO POSITION:**

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

As Deputy Testaverde mentioned earlier we are adding an officer to the Task Force for the US Postal Service. I would like to explain how we came to the decision of committing one of our officers.

Since Covid the hand to hand distribution of drugs has reduced. This has caused an increase of drugs being sent through the US Postal Service. We are soon going to be facing a huge surge in Methamphetamine in the area. All the agencies are coming together to address this issue, which tells me this is very serious. Methamphetamine is a very different drug that causes aggression and violence. This drug is being produced inexpensively in Mexico and being shipped to the United States via the US Postal Service. Being a part of this Task Force will allow us access to investigative tools to help us crack down on the drugs coming into Nashua.

**OTHER BUSINESS:**

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

In the news you will see there have been many vigils for Asian Americans and they are being treated and being blamed for Covid. Nashua has a huge Asian population. They had a vigil on DW Highway this weekend that we were not aware of. I reached out to them via Facebook to let them know if they have any issues or concern they can come to us.

At the last meeting you had inquired about the Nashua legislative representatives and bills being presented this legislation calendar. We took the time to go through all the bills and create a spreadsheet to see how the representatives voted. The communication needs to be better between the Nashua Police Department and the Nashua delegation. I think it would be beneficial to meet with the representatives early next year prior to the bills being introduced in the House.

**PUBLIC COMMENT:**

No comment

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

- Monday, April 26, 2021, at 5:30 pm.

**END OF PUBLIC SESSION:**

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

Time: 6:32 pm

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**NON-PUBLIC SESSION**

**MINUTES SEALED**

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:37 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 (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 Dahl.

*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: 7:01 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. ...”

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- “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 #1**).

**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:** Motion by Commissioner Tollner seconded by Commissioner Plante to seal the minutes of the Non-Public Session (**Item #1**) as authorized above. All in favor.

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TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, April 26, 2021 at 5:30 pm

ADJOURNMENT

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

**Time: 7:03 pm**

Respectfully submitted,

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Commissioner Nicholas Dahl, Clerk