

November 21, 2016

The Nashua Police Commission held a public meeting on Monday, November 21, 2016, 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
Captain James Maloney

PUBLIC SESSION

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

MINUTES:

- October 17, 2016

MOTION: Commissioner Plante made a motion to approve the minutes of the October 17, 2016, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

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

Grants:

State of NH Department of Safety, Homeland Security and Emergency Management Law Enforcement Terrorist Prevention Activities grant for the Rockingham/Tilton Mall Exercise conducted on October 23, 2016, in the amount of \$6,380 for overtime and backfill.

Resolution to accept \$61,900 from the State of NH Department of Safety, Homeland Security Grant Program for the purpose of purchasing a tactical and hazmat capable robot for use by the Nashua Police and Fire Department.

Commissioner Tollner suggested working on getting most of the Aldermen to Sponsor future grant resolutions.

FY2017 Expenditure Report:

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end October 31, 2016. A modification has been made to the report showing encumbrances for some daily routine expenditures.

Commissioner Plante commented that the cell phone expenses are lower than he would expect. Karen Smith explained that most employees use their own personal cell phone.

FY2017 Revenue Report:

The Commission received a copy of the October 30, 2016 Revenue Report.

FY2017 Weekly Payroll Overtime:

The overtime averaged \$36,000 per week during the month of October due to coverage and investigative overtime. Overtime continued to be high the first week in October due to coverage needs.

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 October, we spent overtime for the Goulet missing person case, a domestic violence case, AFSA cases, armed robbery, prostitution, VP Biden visit, VP candidate Pence visit, and training. It should be noted that since VP candidate Pence has secret service coverage, overtime will not be charged to the campaign. Assignments for the Holiday Stroll event will be at last year's levels for traffic and security. Tactical officer assignments will be close to last year's level.

FY2013 - FY2017 Payroll Graphs:

The Commission received graphs comparing fiscal years 2013 through 2017 overtime expenditures. When analyzing the first graph entitled NPD Monthly Overtime (All Types), the baseline, which is in orange, represents the FY2017 average monthly appropriation at approximately \$90,000 per month.

The current FY2017 overtime, light blue with an X symbol, has decreased slightly in August then increased again in September. It came down slightly in October. Commissioner Tollner suggested that Karen drop the FY2013 analysis from this report going forward.

Payroll Cost Analysis and Forecast:

John Griffin’s form “Police Department Payroll Cost FY2017” was updated by Karen Smith. Basing the year on a weekly overtime of \$27,000 and an average weekly payroll of \$307,481, we can use this form to forecast breaking even on the payroll accounts for the following reasons:

- The overtime budget was budgeted low due to the City’s requirement to anticipate surplus in the full-time payroll account to pay for additional overtime that becomes necessary as a result of turnover.
- As a result of vacancies during the year, a balance of \$592,000 in the full-time and part-time payroll account is projected.
- We will be able to offset the projected (\$454,000) deficit in the overtime account caused by overtime continuing at \$27,000 per week versus the budgeted weekly amount of \$20,712. This includes absorbing the \$140,000 reduction already budgeted in for attrition and plans for increased overtime weeks for the Holiday Stroll and Memorial Day Parade.
- A budget transfer has been requested from CFO Griffin in November from the Expendable Trust Fund Overtime Account for the significant overtime that has occurred in the first quarter. The transfer will be used to increase our overtime budget to offset these overtime expenses. Without the fund transfer, we would have had to make deeper cuts to operations by \$1,228 per week to make up for the \$43,000 overage year-to-date. Chief Lavoie stated that the account was set up a few years ago and NPD has not tapped into those funds until this year. He also stated that we can show justification for the budget transfer this year.

Strength Report:

The Commission received a copy of the October 31, 2016 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 Plante made a motion to accept the budget reports. Motion seconded by Commissioner Dahl. All in favor.

ACTIVITY REPORT:

Deputy Chief Denis Linehan reported the following:

Deputy Linehan reported on multiple robbery incidents in October. October 5: Subway on D.W. Highway; October 9: Subway on D.W. Highway; October 11: Speedway on E. Hollis St; October 11: Dunkin Donuts on D.W. Highway; October 17: Jeannottes Market on Courtland St.; October 24: Walgreens on Main Street.

On October 25, officers stopped a vehicle near MacDonald’s on East Hollis Street that matched a description from a robbery incident. The driver was arrested for driving charges/possession of marijuana. Detectives are investigating. The defendant may be involved with recent robberies.

October 15: Officers responded to the area of Blue Hill Ave. for the report of shots fired. A few minutes later there was another report of shots fired in the area of Coburn Woods. Officer located 9 shell casings at Blue Hill Ave. A witness provided ID information on the suspect. Police knocked on doors and the suspect was located. Two handguns were recovered and a significant amount of money.

October 18: Officers responded to Lock Street for the report of shots fired incident and discovered three masked suspects committed a home invasion at this residence. The homeowner fired the shots after the suspects left the property.

October 22: Officers responded to the area of Bridge St. and Amory St. for multiple reports of shots fired. Upon arrival officers were able to locate several shell casings and witnesses.

October 26: Officers responded to a Bowers Street address for an unruly 17-year-old female. Upon arrival officers learned that the female had stolen the family car and attempted to run down her mother. As officers were on scene the female returned and attempted to run down one of the officers. Officers were able to force entry into the vehicle and take the juvenile into custody. Two officers received minor injuries and returned to duty following medical treatment.

Deputy Chief Michael Carignan reported the following:

- October 15: Officers responded to Blue Hill Ave. for shots fired. An arrest was made. A gun was seized.
- October 23: Shots fired on Temple St. at Amory St. Suspect identified and completing the investigation.
- October 26: Responded to a theft with a handgun. Detectives were able to track it down to a known Lowell gang member. The handgun was recovered and an arrest was made.
- November 6: A car was stolen (with a gun in the glove box). The gun was recovered and an arrest was made.
- Two 16-year-old juveniles took a gun from an address on Tyler Street. They then went to Hanover Street and did a home invasion. Marijuana and miscellaneous property were taken. An arrest was made and two guns were recovered.
- November 13: A 15-year-old juvenile was shot by another person while playing with a gun and after drinking and smoking marijuana all night. After fleeing, the subject threw three guns into the river. The NPD Dive Team recovered all three guns.
- November 16: A 17-year-old juvenile shot a male and female during a marijuana deal. The officer quickly identified the suspect and made an arrest. During the investigation, the gun (as well as two others) was recovered. The guns were traced to a burglary in Salem in 2015. Several other guns involved in burglaries have also shown up in Nashua during the past 18 months.
- A 17-year-old juvenile brought a loaded gun to Nashua South. The investigation is ongoing.

Drug Overdoses (November month-to-date): 11 overdoses; no deaths

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

AWARDS:

For the Record.

Commendation Bar for Lifesaving: Suicidal male at 112 Ash Street with severe laceration.

- Officer Benjamin Turner
- Officer Christopher Rogers

2016 Hillsborough County Hands of Hope Award: In recognition of exemplary service & dedication to providing quality services & fair treatment to child victims of crime.

- Officer Ryan Jones

Letter of Recognition: Provided boat assistance to NPD during a subject search on the Nashua River (2010 case).

- Citizen Tavis McKee

OTHER BUSINESS:

Chief Lavoie reported that due to the next fiscal year budget crisis, five new police officers will not be hired to fill current vacancies. This includes two officers who were given Conditional Offers of Employment, which are good for one year. We will keep the recruits informed of any hiring decisions. If the budget works out, we may consider hiring the recruits for the May academy. NHPSTC will be notified.

We are working with Nashua Fire & AMR regarding a drug drop off at their locations.

Chief Lavoie is considering not having a dedicated Burglary Unit. Those detectives will be re-assigned directly into the Detective Bureau and will benefit by getting a more rounded experience in the Detective Bureau. Burglary cases will be integrated directly into Detectives.

PUBLIC COMMENT:

No public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:55 p.m.

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:

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

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
-

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) DISMISSAL, PROMOTION, COMPENSATION, DISCIPLINE, INVESTIGATION OF ANY PUBLIC EMPLOYEE

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 – yes; Commissioner Dahl – yes; Commissioner Plante – yes
-

NON-PUBLIC SESSION

MINUTES NOT SEALED

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

Item #3:

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

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

Promotions:

Chief Lavoie gave the Commissioners an overview of his recommendations for promotion to Lieutenant and to Sergeant due to the retirement of Lt. Michael Moushegian. The Commissioners received a copy of each candidate’s personnel history information for review.

Recommendation for Promotion to Lieutenant:

- Sergeant Thomas Bolton

Recommendation for Promotion to Sergeant:

- Officer Ty Kucharski

MOTION: Commissioner Plante made a motion to approve Chief Lavoie’s recommendations to promote Sergeant Thomas Bolton to the rank of Lieutenant and Officer Ty Kucharski to the rank of Sergeant effective December 6, 2016. Motion seconded by Commissioner Dahl. All in favor

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: 8:07 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 seal the following minutes of the Non-Public session.

- **Item #1 & #2:** RSA 91-A:3, II (a) “Dismissal, Promotion, Compensation, Discipline, Investigation of any Public Employee”

MOTION: Motion by Commissioner Dahl, seconded by Commissioner Plante, to 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.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, December 19, 2016

ADJOURNMENT

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

Time: 8:07 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk