

September 15, 2015

The Nashua Police Commission held a meeting on Tuesday, September 15, 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 (not in attendance)
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Alderman Lori Wilshire
Alderman Michael Soucy
Citizen Jeff Kleiner

PUBLIC SESSION

Commissioner Maffee called the meeting to order at 5:59 p.m.

MINUTES:

- August 18, 2015

MOTION: Commissioner Tollner made a motion to approve the minutes of the August 18, 2015, meeting. Motion seconded by Commissioner Valade.

PUBLIC COMMENT:

There were no public comments.

BUDGET:

Business Manager Karen Smith, who did not attend tonight's meeting, provided the Commissioners with the following monthly budget reports:

1. Resolution and Grants:

- R-15-166: Resolution to accept funding in the amount of \$122,500 from the State of NH, Department of Safety, Homeland Security and Emergency Management, for the purpose of replacing a generator at NPD. The grant requires a 50% match. Funds have been escrowed for the use in purchasing the generator.
- R-15-137: Resolution to appropriate \$440,000 to the Police Department Operating Budget (FY2015 escrowed) for the purpose of replacing the NPD generator.
- Letter from State of NH, Department of Safety, advising Emergency Manager Justin Kates of eligibility for the Emergency Management Performance Grant for NPD's generator.
- Award Letter from State of NH, Department of Safety, Homeland Security and Emergency Management, in the amount of \$3,900 for the purpose of overtime for training for the Active Threat Integrated Response Course. Includes backfill overtime, pension, and Medicare.
- **R15-151:** Resolution to accept funding in the amount of \$110,000 from the Sate of NH, Department of Safety, Homeland Security and Emergency Management, for the purpose of conducting Tactical Team Specialty Exercise Training (OGONTZ). Includes the cost of the training, overtime, backfill overtime, pension, and Medicare.

Department Detail Expenditure Report FY2016:

The Commissioners were provided with the Department Detail Expenditure Report as of month-end August 30, 2015.

FY16 Revenue Report:

The Commission received a copy of the August 30, 2015, Revenue Report.

FY2016 Weekly Payroll Overtime:

The overtime has been averaging \$19,472 weekly during the months of July and August, which is in-line with the \$19,377 average appropriation.

Chief Lavoie commented that staffing is currently down by seven sworn officers and we are currently benefitting from attrition savings. Recent four-day Gang Patrols cost approximately \$11,000 but was well worth the effort and made a big difference on the streets.

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. August included \$11,578 overtime paid for increase patrols due to a shooting.

FY2013 – FY2016 Payroll Graphs:

The Commission received graphs comparing fiscal years 2013 through 2016 overtime expenditures.

Strength Report:

The Commission received a copy of the August 31, 2015, Strength Report.

August 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	57	3
Total Grant Civilian	1	1	1	0
TOTAL:	269	252	243	9

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 August 11, police responded to Stevens Avenue for a report of shots fired. A 16-year-old male was arrested today and charged in the incident. The gun was recovered and found to be stolen out of Salem.

On August 22, police responded to East Dunstable Road for a report of shots fired. It was determined that an adult male, while emptying the weapon, had accidentally discharged it.

Police are investigating a robbery that took place on Hatch Street in which a firearm was displayed.

The Hazardous Device Unit was called out to assist Salem Police Department with a subject who had committed suicide inside the cab of a tractor trailer. It was believed that possible booby traps and hazardous chemicals may be present. No devices or hazardous chemicals were located.

There was a partial Special Reaction Team callout for a possible barricaded subject following a domestic incident. The subject surrendered to police.

Verbal report by Deputy Chief Michael Carignan:

Two people were arrested today for an armed robbery on West Hollis Street and they may be connected to a second robbery. Detectives continue to investigate.

Narcotics Arrests: Total of 77 arrests for sale of narcotics. Crack: 8; Cocaine: 5; Marijuana: 8; Analog: 3; Oxycodone: 15; Heroin: 40. Approximately 20 pending arrest warrants ready to serve.

Results for the police recruit exam which was held on August 29, 2015:

- 252 signed up to take the test
- 178 showed up to take the test
- 5 were disqualified for tattoo issues
- 173 took the test: 64 failed the written portion; 51 failed the PT portion
- 60 Oral Boards were scheduled for passing candidates (includes 3 certified officers)

Commissioner Tollner commented on the recent efforts to clean up gang graffiti. Deputy Carignan commented that Officer Belmont, our PAL officer, has been spearheading the effort and has been working with Positive Street Arts and with donations from PAL, Home Depot, etc., and trying to engage property owners in the cleanup efforts. Graffiti continues to be an ongoing issue but we are making some progress with getting it cleaned up.

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.

Award: Sergeant Carlos Camacho has been chosen to receive the St. Michael Award. The Catholic Lawyers Guild established the St. Michael Award to honor a member of law enforcement who is a practicing Catholic and who has demonstrated uncompromising integrity and moral character, displayed an outstanding degree of professional competence while always seeking justice, and served his or her community with distinction. Sergeant Camacho will receive his award on October 22, 2015.

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

RETIREMENT:

- Captain Jeffrey T. Maher: Retirement effective September 17, 2015
- Secretary V Diane M. Mitchell: Retirement effective September 1, 2015.

MOTION: Commissioner Tollner made a motion to accept the retirement of Captain Jeffrey T. Maher effective September 17, 2015, and Secretary V Diane M. Mitchell effective September 1, 2015. The motion was seconded by Commissioner Valade.

HIRING:

For the Record: George H. Krause has been hired to fill the vacant position of Parking Enforcement Specialist. His hire date was September 1, 2015.

COLLECTIVE BARGAINING AGREEMENT:

UAW Professional Employees of Nashua Police Department: Collective Bargaining Agreement effective June 1, 2015 – June 30, 2018.

Summary of Changes:

ARTICLE	CHANGES								
1, 10, 12, 17	Correction/update of language.								
5 – Union dues	City agrees to supply additional employee information monthly on eligible union members.								
13 – Vacations	Added one (1) additional vacation day for employees with fifteen (15) to nineteen (19) years and twenty (20) years + of continuous service. Permit employees to take vacation in hourly increments.								
16 – Insurances	Remove <i>point of service</i> plan option. Added high option dental plan (employee pays entire premium).								
18 –Bereavement Leave	Added definition of “domestic partner”. Allow one (1) bereavement day for the death of a member’s spouse’s aunt, uncle, cousin, niece and nephew.								
21 – Wages	Removed wage schedules. Agreed to annual wage increases of 2.25% for each year of the agreement. Updated hiring/promotion grid to reflect current wage ranges for covered positions.								
22 –Work Schedules	Added list of leaves that constitute “time worked” (reflects NPD long time practice).								
22A – Exchange of Work Days	New article. Permits swaps by cross-training employees and self-swaps.								
23 – Overtime & Flex Time	Pay exempt employees overtime for working on weekends for non-emergency events/activities.								
30 – Seniority	Rehires within twelve (12) months maintains prior accrual rates.								
38 – Longevity	New article. Active employees receive annual longevity payments as follows: <table style="margin-left: 40px;"> <tr> <td>5 to 9 years</td> <td>\$ 300.00</td> </tr> <tr> <td>10 to 14 years</td> <td>\$ 500.00</td> </tr> <tr> <td>15 to 19 years</td> <td>\$ 700.00</td> </tr> <tr> <td>20+ years</td> <td>\$1,000.00</td> </tr> </table>	5 to 9 years	\$ 300.00	10 to 14 years	\$ 500.00	15 to 19 years	\$ 700.00	20+ years	\$1,000.00
5 to 9 years	\$ 300.00								
10 to 14 years	\$ 500.00								
15 to 19 years	\$ 700.00								
20+ years	\$1,000.00								
39 – Duration of Agreement	July 1, 2015 through June 30, 2018.								

MOTION: Commissioner Tollner made a motion to approve the UAW Collective Bargaining Agreement with the changes in the above summary and forward the agreement to the Board of Alderman for final approval. The motion was seconded by Commissioner Valade. Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Tollner – yes.

OTHER BUSINESS:

MOTION: Commissioner Tollner made a motion to accept the following Sidebar Agreement into the record tonight for consideration. Motion seconded by Commissioner Valade.

Sidebar Agreement – Teamster Local 633: Article 24 “Work Schedules”

“Records Clerks I: Effective upon signing of this sidebar agreement, those employees designated as Record Clerk I shall be classified as non-essential personnel (Group #8). Should the Chief, in his sole discretion, determine that Records Clerk I positions should be reclassified as “essential,” the Chief may do so without further negotiation, but with thirty (30) days prior written notice to the union.”

Deputy Chief Carignan outlined the Sidebar Agreement which would change Records Technician I positions from “Essential” employees to “Non-Essential” employees. Since the Records Division is no longer staffed 24 hours per day, 7 days per week, the contract needs to be adjusted for payroll purposes. “Essential” employees are scheduled to work holidays if on their regular scheduled workday and employees would receive additional holiday pay. By changing employees to “Non-Essential”, the employee would receive the holiday off and would not receive additional holiday pay. The trial schedule period has been working well without complaints. There is a phone hookup in the reception area that connects to the Communications Division should anyone come into the lobby and need assistance when the Records Division is not staffed. It should be noted that the Chief of Police has the discretion to reclassify the position back to “Essential” if needed in the future without further negotiation.

MOTION: Commissioner Tollner made a motion to approve the Sidebar Agreement for Teamsters Local 633 as stated above, effective September 15, 2015. Motion seconded by Commissioner Valade.

OTHER BUSINESS:

Chief Lavoie gave the Commissioners an overview on a few recent items.

- Last week NPD held a “Mock Accreditation Assessment”. Fifteen assessors from the New England area reviewed 484 CALEA standard proofs in preparation for the actual assessment that is scheduled for December. The mock assessment is a good way to review the standards and proofs prior to the actual assessment which takes place every three years.
- A new CALEA accreditation standard requires a Memorandum of Understanding (MOU) between the Nashua Police Department and the Nashua School District regarding the assignment of Nashua Police School Resource Officers. As required, an agreement has been signed by Superintendent of School Mark Conrad and Chief Lavoie.
- With the recent Secretary V vacancy in the Detective Bureau, Chief Lavoie recommended leaving that position vacant and filling a much needed Detention Specialist position with those funds. Both positions are covered under the Teamster Collective Bargaining Agreement. Filling a 3rd shift Detention Specialist position will help with eliminating the need to cover shift openings in the Booking area with a street officer. Chief Lavoie will notify the Mayor of his intentions.
- Chief Lavoie was recently made aware of the passage of NH House Bill 607, relative to fees received for firearms permits. The NH Bill was approved effective June 8, 2015. This Bill requires that the fees received from firearms permits will now go to the town or city granting the license and not directly to the law enforcement department. Chief Lavoie stated that the Nashua Police Department will be losing a significant source of revenue as that revenue will now be going to the City. Alderman Soucy suggested looking into legislation through the City that could transfer the permit revenue back to the Police Department. He will research this further.
- Chief Lavoie recently participated in a roundtable event in which Governor Maggie Hassan hosted the Director of National Drug Control Policy, Michael Botticelli. The topic was the heroin and opioid crisis in NH and in Nashua. Mayor Lozeau, public health and safety officials, and representatives from the health care and treatment community also attended.
- Chief Lavoie, along with Governor Hassan, Senator Shaheen, and US Senator Ayotte, attended a roundtable meeting at the Hunt Home to discuss heroin addiction. Another meeting is scheduled this week with guest former Secretary of State and Presidential Candidate Hillary Clinton.

NEXT MEETING:

The next Police Commission meeting is tentatively scheduled for Tuesday, October 20, 2015.

NON-PUBLIC SESSION

MINUTES NOT SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:06 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.

Promotions:

Due to recent retirements, Chief Lavoie is recommending the following candidates for promotion. Chief Lavoie gave the Commissioners an overview of each candidate's personnel history. The promotions will be effective October 1, 2015.

Recommendation for Promotion to Captain:

- Lieutenant James M. Testaverde
- Lieutenant Joseph C. Fay

Recommendation for Promotion to Lieutenant:

- Sergeant Robert L. Page
- Sergeant Carlos Camacho

Recommendation for Promotion to Sergeant:

- Master Patrolman Jennifer T. Cartier
- Master Patrolman Clark W. Gaphardt
- Master Patrolman Patrick M. Hannon

MOTION: Commissioner Valade made a motion to approve the Chief's recommendations for promotions of the above listed officers to the respective ranks effective October 1, 2015. The motion was seconded by Commissioner Tollner. Commissioner Maffee – yes; Commissioner Valade – yes; Commissioner Tollner – yes.

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 Valade.

RETURN TO PUBLIC SESSION: 7:16 p.m.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Tuesday, October 20, 2015

ADJOURNMENT

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

Time: 7:16 p.m.

Respectfully submitted,

Commissioner Robert Valade, Clerk