

November 18, 2019

The Nashua Police Commission held a public meeting on Monday, November 18, 2019, 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-not in attendance  
Aldermanic Liaison Ernest Jette  
Kim Kleiner, City of Nashua, Administrative Services Director  
John Griffin, City of Nashua, CFO  
One Citizen

---

**PUBLIC SESSION**

Commissioner Tollner called the meeting to order at 6:03 pm.

**APPROVAL OF MINUTES:**

- October 21, 2019

**MOTION:** Commissioner Dahl made a motion to approve the minutes of the October 21, 2019 meeting. Motion seconded by Commissioner Plante. All in favor.

**BUDGET:**

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

**FY2020 Department Detail Expenditure Report, October 31, 2019:**

- We have requested a transfer of \$43,462 from the Expendable Trust Fund (ETF) account for the SWAT overtime paid in October (\$27,000) and the murder/suicide paid in October/November (\$17, 000). The current balance in the EFT account is \$33,000.
- The Tactical Bulletproof Vests were approved by Finance.
- We are scheduled to go before the Finance Committee on November 20, 2019 for the seven marked vehicles and three unmarked vehicles, and for the annual ammunition order. Both of these items are through State Bid contracts.

**FY2020 Department Detail Revenue Report, October 31, 2019:**

The Commission received a copy of the October 31, 2019 Revenue Report.

**FY2020 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence:**

The Commission received a copy of the October 31, 2019 Monthly Overtime Tracking Report.

**Sworn Functional Strength Analysis:**

The functional strength includes twelve vacant positions: zero officers at the Academy, two officers in field training, and one position that has required backfill due to extended leave. Fifteen positions are unavailable and not part of the functional strength.

**Overtime Weekly Tread Analysis:**

The overtime for the month of October averaged \$41,000 weekly. The overtime weekly target has been adjusted to \$40,000. We have adjusted for recent retirements and resignations, for planned potential hires for the first half of the year, and for funding for additional new recruits for the Spring Academy. This target will need to be reduced in January depending on the status of the spring recruitment plan. We will continue to monitor progress and adjust the analysis monthly as information becomes available.

**Strength Report:**

The Commission received a copy of the October 31, 2019, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	187	179	167	12
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	3	3	3	0
Total Full-Time Civilians	71	63	56	7
Total Grant Civilians	1	1	1	0
<b>TOTAL:</b>	<b>263</b>	<b>247</b>	<b>228</b>	<b>19</b>

**MOTION:** Commissioner Tollner 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:***

On October 6, 2019, Officer Heather West was dispatched to serve a restraining order. There was noise coming from within the apartment, but no one answered the door. During the course of the call to service it was discovered that water was leaking from the subject's apartment to the apartment below. Officer West was able to gain access to the apartment with the assistance of building maintenance. Small baggies containing suspected narcotics were located within the apartment. Officer West contacted NID and they were able to seize the narcotics along with over \$100,000 cash.

On October 11, 2019, officers responded to a residence for an accidental self-inflicted gunshot wound. The victim was bleeding heavily from a gunshot wound to the right thigh. Officers rendered first aid before the victim was transported to the local hospital and eventually Mass General Hospital. Due to the extensive TECC training and the quick action of the officers they assisted in saving this victim's life.

Officer Walker's 6 -year-old dog is regressing and needs to be taken off the streets. We are posting an opening for a new K9 handler and hope to have a new handler and K9 to send to the K9 Academy in March.

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

The Detective bureau is still in a state of transition with all the promotions and transfers.

Detectives handled an incident today regarding a stabbing involving a male subject who stabbed his ex-girlfriend's current boyfriend. The subject was arrested and the victim is going to survive.

***Professional Standards:***

We are currently down 15 officers, 4 dispatchers and 4 communication technicians.

We had a recruit test on Saturday: 80 registered, 44 took the exam, 19 passed. 4 Interviews were held today and 2 packets were issued.

Commissioner Dahl inquired if the overtime is high due to officers working coverage in CT and Dispatch. Deputy Chief Testaverde confirmed this was true and that for the first time senior officers were being ordered in for coverage due to the staffing shortages in patrol and communications.

Alderman Jette inquired if it costs more to have officers cover the dispatch positions why not pay the dispatchers more. Chief Carignan stated that we are currently looking at the current contract to address the salary issues by comparing salaries of other agencies. Today there was a posting for a dispatch position at NFR with a starting salary of \$48,000. The starting salary for a dispatcher at NPD is \$37, 000 and we have more call volume.

***Services:***

Window replacement project going smoothly.

**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 Carignan gave the Commissioners an overview of letters of appreciation received from the public and outside agencies including the following:

- Assistant County Attorney, Melissa E. Fales: Officer Nicholas Jowders
- Danielle Snook from the Office of Victim/Witness Assistance: Detective Daniel Hodges
- Attorney Brenner G. Webb: Officer Heather West
- The Salvation Army: Edward Lecius
- Hollis Police Department: Nashua SWAT

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

**CIVILIAN HIRE:**

***For the record***

- The following civilian has been hired to fill the position of Administrative Project Specialist:

Elizabeth Reilly: Records Technician I: Effective November 12, 2019

Deputy Chief Testaverde stated that Elizabeth Reilly was hired for the Communication Tech I position and after 12 weeks applied for the Records Tech I job due to increase in pay.

**RESIGNATIONS:**

- 1<sup>st</sup> Year Special Officer Elyse Butterworth: Resignation effective November 4, 2019

**MOTION:** Commissioner Plante made a motion to accept the resignation of 1<sup>st</sup> Year Special Officer Elyse Butterworth effective November 4, 2019. The motion was seconded by Commissioner Dahl. All in favor.

Chief Carignan stated that there were deficiencies noted in Officer Butterworth's training and she realized she was not suited for this profession.

- Master Patrolman Edward Annino: Resignation effective November 19, 2019

**MOTION:** Commissioner Plante made a motion to accept the resignation of Master Patrolman Edward Annino effective November 19, 2019. The motion was seconded by Commissioner Dahl. All in favor.

Chief Carignan stated that Detective Annino left after 9 years of service due to changes in the retirement system and a higher paying job outside of law enforcement. He also stated that he estimates losing four officers to the Mass State Police in January.

Alderman Jette inquired what the changes were in the retirement system. Chief Carignan stated some of the changes are: officers have to work longer, the pension calculation for the average years worked has changed from the 5 highest years to 7 highest years, and details worked are not factored into your pension. Deputy Chief Testaverde stated that Detective Annino was hired under a pension benefit that was changed after he was hired.

**AWARDS:**

***For the Record:***

**COMMENDATION BAR FOR MERITORIOUS SERVICE:**

(Drug investigations)

- Detective Ian Day-Lewis

**COMMENDATION BAR FOR LIFESAVING:**

(July 29, 2019 suicidal female)

- Officer Joshua Trefry
- Officer Christopher Lewis

**LETTER OF COMMENDATION:**

(July 16, 2019 incident)

- Officer Connor Perry

**OTHER BUSINESS:**

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

The Mock Assessment results were excellent. We received one mark for civilian employees displaying their identification while in public. This issue has since been addressed.

The actual Accreditation will be December 9-12<sup>th</sup>. On December 11, 2019, 6:00-8:00 pm, there will be a reception to receive public comments.

During the Accreditation process some of the items we plan to highlight are CIMT, TECC training and our community policing.

Commissioner Tollner inquired if the holding cells would be an issue during the physical assessment.

Chief Carignan replied that the holding cells are outdated, but does not think it will have a negative effect on the Accreditation since our standards are within the guidelines. He is currently looking into the costs of renovating the detention area. An architect is coming to the PD to help plan possible renovations. This was the same process that was used to plan the replacement of the HVAC system.

Alderman Jette inquired how long inmates are kept in our holding cells before being sent to the Valley Street Jail in Manchester. Chief Carignan responded that inmates are rarely kept overnight, but moving inmates to the Valley Street Jail requires two officers off the streets for an hour.

There was a presentation held last week for the family of missing person Michael McLane. Detective Caleb Gilbert spent 60 hours preparing a Power Point presentation and Detective Sean Mabry presented the information to the family. Both the detectives did a fantastic job and even though the family cannot have full closure they were able to answer many of their questions.

Commissioner Tollner and Commissioner Plante asked if a time could be set up for them to view the presentation.

Ed Lecius has been appointed to Police Academy Council. The Nashua Police Department provides assistance at the Academy, but it is nice to have a voice now on the council. Deputy Chief Testaverde will be addressing the council tomorrow requesting they recognize the Police Academy being held at Fitchburg State University in Fitchburg, Massachusetts. This would also allow us to hire a current candidate and not have to send her to the 16 week NH Police Academy.

**PUBLIC COMMENT:**

***Comments from Kim Kleiner, Administrative Services Director for the City of Nashua;***

The Mayor sends his regrets he was unable to attend this evening. He wanted to address the proposed current UFPO contract prior to it going before the Board of Alderman. He is thankful that the sick time payout has been

reduced from 35% to 25%, but he cannot support the across the board pay increases. He will support the prior pay increases of 2.25 %, 2.5 %, 2.25% and 2.5% over a four year period. In addition he would also like to see the sick time payout after 15 years of service removed from the proposed contract. These are his recommendations for the negotiating teams moving forward.

---

**NON-PUBLIC SESSION**

**MINUTES SEALED**

**PUBLIC SESSION INTO NONPUBLIC SESSION: 6:45 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 (b) “The hiring of any person as a public employee”**

Motion by Commissioner Tollner, seconded by Commissioner Dahl

*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:**

**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 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 #3:**

**B. 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 Plante.

*A roll call vote was taken:*

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

**END OF NON-PUBLIC SESSION:** 7:10 pm

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

**RETURN TO PUBLIC SESSION**

**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:***

**RSA 91-A: 3, II (b) “The hiring of any person as a public employee”**

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

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

---

***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:** Motion by Commissioner Tollner seconded by Commissioner Plante to seal the minutes of the Non-Public Session (**Item #2**) as authorized above.

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

---

***Item #3:***

**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 Plante seconded by Commissioner Dahl to seal the minutes of the Non-Public Session (**Item #3**) as authorized above.

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

---

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

- Monday, December 16, 2019, at 6:00 p.m

**ADJOURNMENT**

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

**Time: 7:13 pm**

Respectfully submitted,

\_\_\_\_\_  
Commissioner Nicholas Dahl, Clerk