

March 25, 2019

The Nashua Police Commission held a public meeting on Monday, March 25, 2019, 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 James Testaverde  
Karen Smith, NPD Business Manager  
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

**Others Attending the Public Session:**

Aldermanic Liaison Lori Wilshire (not in attendance)  
Aldermanic Liaison Ernest Jette

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**PUBLIC SESSION**

Commissioner Tollner called the meeting to order at 6:00 p.m.

**CITIZEN AWARD:**

***Letter of Recognition:***

Chief Lavoie presented a Letter of Recognition to Mr. Joshua Eaves of Manchester. Letters of Recognition are given to sworn officers, civilian personnel, and citizens who perform in a distinguishable manner.

On September 8, 2018, while headed to his parked vehicle, Mr. Eaves observed a suicidal female who had climbed over the railing of the Main Street Bridge. He immediately ran over to the female and wrapped his arms around her to prevent her from jumping. He and a NPD officer were then able to pull her to safety.

Congratulations to Mr. Eaves for his outstanding service to a citizen in need.

**APPROVAL OF MINUTES:**

- February 25, 2019

**MOTION:** Commissioner Tollner made a motion to approve the minutes of the February 25, 2019, meeting. Motion seconded by Commissioner Plante. All in favor.

**BUDGET:**

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

**Grant:** Grant funds in the amount of \$2,025.60 have been approved by the State of New Hampshire Department of Safety Division of Homeland Security & Emergency Management for the purpose of attending the September 2019 ALERRT Conference to include meals, hotel, registration, pre-conference class, airfare, and shuttle expenses.

**FY2019 Expenditure Report:**

The Commission received a copy of the February 28, 2019, Expenditure Report. The Expenditure Report includes 35 of 52 weeks of payroll which is at 67.3% of the annual budget.

Included is a bottom line reduction in account 90120 Mayoral Budget Adjustments in the amount of (\$94,935). A determination will be made prior to year-end regarding what accounts will be used to cover the reduction.

**FY2019 Revenue Report:**

The Commission received a copy of the February 28, 2019, Revenue Report.

**FY2019 Weekly Payroll Overtime:**

The overtime averaged \$35,107 per week during the month of February. After the Expendable Trust Fund (ETF) overtime account transfer, the average overtime per week in February was \$31,059.

**FY2019 Monthly Overtime Tracking by Specific Case or Significant Occurrence:**

Overtime during the month of February included SWAT: Sudden Death, Receiving Stolen Property, Resisting Arrest, Misc. Drug, Training, Recruiting, and Snowstorm19 clean up.

**Sworn Functioning Strength Analysis:**

The functional strength includes seven vacant sworn positions, two officers who are attending the Academy, three officers in field training, and four positions that have required overtime backfill due to extended leave. Sixteen positions are unavailable and not part of the functional strength.

**Strength Report:**

The Commission received a copy of the February 28, 2019, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	172	7
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	3	4	3	1
Total Full-Time Civilians	71	62	60	2
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	237	10

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

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

In addition to the February 2018 report, it should be noted that a first shift officer identified a vehicle that was later found to have been stolen. The subject was wanted in New York and Pennsylvania. The subject was arrested.

Second shift supervisors selected an "Officer of the Month". Officer Jeffrey Dillon was chosen for this recognition for his efforts investigating a prescription drug theft from a local pharmacy in which a subject was claiming his prescription was short.

Last week, officers responded to a shots fired call near the Bronstein Apartments. A nearby police officer heard the shots fired and responded to the area and discovered that a large group of individuals from Nashua and Lowell were engaged in a confrontation. A shot was fired from a vehicle. An investigation ensued and a search warrant was issued. The firearm was located during a search of that vehicle in Lowell Massachusetts. An investigation is ongoing.

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

On February 3, 2019, officers responded to the Pheasant Lane Mall parking lot, near Macy's, for a reported attempted kidnapping. A 31-year-old female was grabbed from the behind by a black male. The female elbowed him causing him to run away. There were two witnesses to the incident. Officers could not locate a suspect. Video surveillance footage was obtained. This may not be an attempted kidnapping. CID is furthering the investigation.

On January 23, 2019, UFOB received a report of a missing person. A 34-year-old male had not been seen or heard from since January 16, 2019. It was learned that the subject was aware of a pending arrest warrant related to a drug sales transaction and was attempting to enter an unknown rehab facility. His whereabouts are unknown at this time. This will continue to be treated as a missing person case.

A member of the NPD Computer Forensics Unit recently attended a two-week Computer Forensics course put on by the US Secret Service. As a result of this training, NPD received approximately \$12,000 of highly specialized equipment (free of charge) from the US Secret Service. This training was also a great networking tool for the future.

A Nashua Police Officer who is assigned to the FBI Safe Streets Task Force was instrumental in the arrest of nine individuals involved in a Title 9 Wire case. Our officer was the lead investigator and coordinator for this case and displayed exemplary supervisory and organizational skills. On the day of the arrests, everything ran like clockwork and nine arrests were made. Chief Lavoie commented that he received a call from the FBI SAC commending the officer and also commending our SWAT team.

***Professional Standards Bureau:***

The Professional Standards Bureau is currently conducting their two-week Procedure School with six officers in attendance.

***Information Technology:***

The IT Division is working on digitizing NPD records and other frequently used NPD forms.

***Services Bureau:***

The generator problem has not been resolved as of this date.

HVAC/Window Project: Mayor Donchess had a tour of the NPD facility and advised that we should proceed with the bonding for the HVAC/Window project. Alderman Dowd also had a tour of the facility. Deputy Carignan noted that nine years ago, an energy audit of our facility was done that showed the facility was at 15% energy efficiency. Deputy Carignan will prepare a presentation and anticipates going before the BOA in the near future regarding bonding. He is happy to give a tour to any Alderman who requests a tour.

Commissioner Tollner asked Commission Liaison Alderman Jette if he could contact Aldermen Dowd and Wilshire requesting their assistance with the bonding project.

**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 letters of appreciation received from the public and outside agencies including the following:

- Citizen (Police made notification regarding an accident involving a family member)
- New Searles Elementary PTO "High Five a Home Town Hero" day participation.
- City of Nashua (Appreciation from CERT Training volunteers)

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

**CIVILIAN HIRE:**

For the record:

- Kevin Rak: Hired to fill the vacant Auto Mechanic 1<sup>st</sup> Class position effective March 11, 2019.

**RESIGNATIONS:**

- Patrolman Paul Auguste: Resignation effective April 1, 2019

**MOTION:** Commissioner Plante made a motion to accept the resignation of Patrolman Paul Auguste effective April 1, 2019. The motion was seconded by Commissioner Dahl. All in favor.

- Dispatcher Timothy Dewyngaert: Resignation effective March 27, 2019

**MOTION:** Commissioner Dahl made a motion to accept the resignation of Dispatcher Timothy Dewyngaert effective March 27, 2019. The motion was seconded by Commissioner Plante. All in favor.

**OTHER BUSINESS:**

***Deputy Chief Carignan reported the following:***

A sidebar to the UAW/UFPO contract is in the process of going through the Board of Aldermen process. Once approved, the sidebar will allow some NPD employees to work on our records archiving project.

***Chief Lavoie reported the following:***

- The CALEA Accreditation review is underway. Accreditation re-certification is now every four years. CALEA assessors conduct an electronic review of our standards annually and has completed a review of approximately 65% of our standards thus far. The remaining standards are scheduled for review in November of this year. In November, CALEA assessors will also be conducting in-house interviews for accreditation compliance. They will also be scheduling a public hearing as part of the accreditation process.
- Chief Lavoie is scheduled to meet with the Board of Aldermen on April 1, 2019, regarding a proposed change in the age for the possession of tobacco products.
- The Budget Review Committing hearing is scheduled for April 15, 2019, at 7:00 p.m.
- A Swearing-In Ceremony and Awards Ceremony is scheduled for April 23, 2019, at 10:00 a.m.
- The Academy Graduation (two NPD officers) is scheduled for April 26, 2019. Following the graduation the two officers will be assigned to Field Training.

**PUBLIC COMMENT:**

There were no public comments.

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**NON-PUBLIC SESSION**

**MINUTES SEALED**

**PUBLIC SESSION INTO NONPUBLIC SESSION: 6:42 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:**

**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 Plante.

A roll call vote was taken:

- Commissioner Tollner – yes; 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:**

**B. 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

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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 Dahl.

**RETURN TO PUBLIC SESSION: 6:51 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**).

**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.”

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

“The hiring of any person as a public employee”.

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

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

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

- Thursday, April 18, 2019, at 6:00 p.m

**ADJOURNMENT**

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

**Time: 6:52 p.m.**

Respectfully submitted,

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Commissioner Nicholas Dahl, Clerk