

March 26, 2018

The Nashua Police Commission held a public meeting on Monday, March 26, 2018, 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:

Aldermanic Liaison Lori Wilshire
Aldermanic Liaison Ernest Jette
Citizen George Denault

PUBLIC SESSION

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

APPROVAL OF MINUTES:

- February 12, 2018

MOTION: Commissioner Dahl made a motion to approve the minutes of the February 12, 2018, meeting. Motion seconded by Commissioner Plante. All in favor.

BUDGET:

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

FY2018 Expenditure Report:

The Commission received a copy of the February 28, 2018, Expenditure Report. The Expenditure Report includes 34 of 52 weeks of payroll which is 65.4% of the annual budget.

Commissioner Dahl asked Ms. Smith about the low overtime account balance. Ms. Smith replied that the recent vacancies will offset the account. The department is planning on hiring officers in April. There are ample funds in the fuel account.

FY2018 Revenue Report:

The Commission received a copy of the February 28, 2018, Revenue Report.

Alderman Jette asked about the negative balance in the "photocopies" account. Ms. Smith explained that initially the State was going to provide copies of accident reports to individuals, which would have decreased our photocopy revenue; therefore, the forecasted revenue for FY2018 was lowered to \$5,000 in that account. However, the state reversed their decision and NPD is now providing the requested reports. The revenue has increased greater than the forecasted budget figure. The budgeted revenue for FY2019 has been adjusted accordingly. Costs: Accident report \$10; Incident reports \$5.

Commissioner Plante asked for a clarification of the Miscellaneous Revenue account. The miscellaneous revenue account 45999 YTD \$8,883 is evidence funds received from a case that was turned over to the general fund (non-drug case).

FY2018 Weekly Payroll Overtime:

The overtime averaged \$32,584 per week during the month of February due to primarily coverage and investigative overtime including a SWAT callout paid on 2/8 in the amount of \$7,578. This amount was reimbursed from the Expendable Trust Fund Overtime Account 7080 leaving an available balance of \$164,523. The ETF account balance will roll over into the next fiscal year.

FY2018 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission received a copy of the FY2018 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence report showing the overtime cost for recent major cases and/or significant occurrences. During February, in addition to the SWAT call out, there were other cases totaling activity in the amount of \$23,513. This included a recovered stolen property case, two AFSA cases, robbery, kidnapping, overtime worked towards interdiction not covered by the OARI grant, storm cleanup overtime, and various training overtime.

On a question by Commissioner Tollner regarding any reimbursement for the Jose Rivera case on Major Drive, Ms. Smith stated that reimbursement was requested for the SWAT callout only.

Alderman Jette asked for clarification as to the reason overtime is incurred for many incidents/cases. Chief Lavoie explained that, for example, if SWAT is called to surround a house or a homicide case occurs, those officers are required to stay at the scene until the call is concluded. Also, overtime is usually incurred for other activities such as the Holiday Stroll, Fourth of July events, parades, etc.

Payroll Cost Analysis and Forecast:

CFO John Griffin’s form “Police Department Payroll Cost FY2018” was updated by Karen Smith. Basing the year on a weekly overtime of \$36,000 and an average weekly payroll of \$314,000 – \$318,000 including attrition, in-grade pay, and anticipated three new recruits we can use this form to forecast the year-end balance breaking even on the payroll accounts given any unforeseen circumstances such as major investigations.

Sworn Functioning Strength Analysis:

The functional strength shows ten (10) sworn vacancies for March with four (4) sworn officers attending the academy and one (1) sworn officer assigned to FTO training.

Strength Report:

The Commission received a copy of the February 28, 2018, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	174	5
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	4	5	4	1
Total Full-Time Civilians	70	61	61	0
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	241	6

Chief Lavoie gave the Commissioners an update on the NPD FY2019 proposed budget. The Budget Review meeting is scheduled for April 5, 2018. The Mayor originally requested that our budget come in at 2.5%; however, our budget came in at 2.9% which is level funded from the previous year with increases only for contractual costs. The Mayor has cut us back to 2.5%. Chief Lavoie will ask for the full 2.9% at the Budget Review meeting in April.

Deputy Linehan reported that the Mayor gave NPD the approval to purchase a new Bearcat vehicle. It will be going to Finance on April 4, 2018, and funding is through the CERF account. It will take approximately one year for delivery and will include everything in the specs except for the radio system. The vehicle is coming from Pittsfield, Massachusetts. The old Bearcat was purchased in 2003.

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

ACTIVITY REPORT:

Deputy Chief Denis Linehan reported the following:

On February 3, 2018, officers conducted a M/V stop on a male subject from Bronx, NY, and subsequently arrested him for DWI. During the stop, approximately \$3,000 worth of Nest thermostats were located in the subject’s vehicle. The subject could not provide a reasonable explanation for why he had such a large quantity of the thermostats. A subsequent investigation revealed that the property was acquired illegally and that the subject was in the process of delivering the stolen property to a third party for profit.

On February 21, 2018, officers responded to Henri Burque Highway for a report of shots fired. Multiple reporting parties from nearby residences contacted NPD to report hearing shots fired in the area. Officers located eight 9mm shell casings on the side of the road on the Henri Burque Highway near Concord Street. No injured parties or property damage was located during the canvass of the area. There is no other information at this time and the investigation is ongoing.

Deputy Chief Michael Carignan reported the following:

On February 13 & 14, 2018, officers responded to Chestnut Street for a report of a kidnapping. It was reported that a 17-year-old female was walking in the area of West Hollis Street and Vine Street when a male in a Dodge Durango followed her and attempted to grab the victim, but she was able to escape and return home. Officers obtained surveillance footage of the vehicle circling the block several times. SID was notified and is furthering the investigation. A suspect has been identified and the investigation is ongoing.

2018 Drug Statistics:

- Total Opioid-related Overdoses: 65
- Total Opioid-related Deaths: 6 with 2 pending toxicology. In addition, there were an additional 3 deaths this past week.

Computer Forensics:

The Unit received a new piece of electronic forensic equipment to assist with phone and computer forensics. The Unit continues to assist the Internet Crimes Against Children (ICAC) Task Force.

Professional Standards Bureau:

The next police recruit exam is scheduled for April 7, 2018. Thus far, 100 recruits have signed up for the exam.

Services Bureau:

Employees have been working on the electronic records storage project. Outside vendor estimates are being sought for some of the record files conversion.

MOTION: Commissioner Dahl made a motion to accept the activity report. Motion seconded by Commissioner Plante. 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 a thank you letter from George & Sandra Deneault regarding a cell-phone/identity theft incident that occurred in their Crime Watch Group neighborhood; a letter of thanks from Harbor Homes regarding the Safe Stations Program; and a letter of thanks from the Police Athletic League regarding the Tactical Christmas Program.

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

RETIREMENTS:

- Captain James Maloney: Retirement effective March 19 2018

MOTION: Commissioner Tollner made a motion to accept the retirement of Captain James Maloney effective March 19, 2018. The motion was seconded by Commissioner Dahl. All in favor.

RESIGNATIONS:

- Senior Patrolman George Jasek III: Effective March 3, 2018
- Second Year Officer John Tyo: Effective March 16, 2018

MOTION: Commissioner Dahl made a motion to accept the resignations of Senior Patrolman George Jasek III effective March 3, 2018, and Second Year Officer John Tyo effective March 16, 2018. The motion was seconded by Commissioner Plante. All in favor.

COMMUNICATIONS SIDEBAR:

Nashua Police Communications Employees NEPBA Local 125, IUPA, AFL-CIO

Article 13 – Vacations:

Additional language added to Collective Bargaining Agreement, regarding the use of vacation time, on the approval of Corporation Counsel Attorney Steven Bolton. Language is cost neutral.

MOTION: Commissioner Tollner made a motion to approve the sidebar. Copies will be forwarded to Corporation Counsel once signed. The motion was seconded by Commissioner Plante. All in favor.

OTHER BUSINESS:

There was no other business.

PUBLIC COMMENT:

Mr. George Deneault: Since Parking Enforcement moved to the authority of the City, will Parking Enforcement personnel still notify the police regarding a possible suspicious or “out of place” vehicle that they may come across. Deputy Carignan replied that they can still call NPD if needed. Deputy Linehan replied that NPD still has the authorization to tow vehicles and Parking Enforcement is continuing to work with Officer Ciszek who is responsible for all tows that would come through Parking Enforcement.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:47 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): “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
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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 #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 by Commissioner Tollner, seconded by Commissioner Plante.

A roll call vote was taken:

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

Promotions due to the retirement of Captain James Maloney & Sergeant Lakeisha Phelps:

- ***Recommendation for Promotion to Captain:***
 - *Lieutenant Kerry Baxter*
- ***Recommendation for Promotion to Lieutenant:***
 - *Sergeant William K. Dillon*
- ***Recommendation for Promotion to Sergeant:***
 - *MPO-II Christopher Ditullio*
 - *MPO Nicole Hannigan*

MOTION: Commissioner Tollner made a motion to approve Chief Lavoie’s recommendations for promotions as listed above. The promotions will be effective April 9, 2018. The motion was seconded by Commissioner Dahl. All in favor.

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:

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

Motion by Commissioner Plante, 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: 7:04 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 & #3**).

Item #1: RSA 91-A:3, II (a),

“The dismissal, promotion, or compensations of any public employee or the disciplining of such employee.....

Item #3: 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 & #3**) as authorized above.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, April 16, 2018, 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: 7:06 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk