

August 5, 2019

The Nashua Police Commission held a public meeting on Monday, August 5, 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
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
One citizen

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:01 p.m.

REAPPOINTMENT OF POLICE COMMISSIONER

For the Record.

Police Commissioner James R. Tollner was reappointed and confirmed by the NH Executive Council to serve an additional three-year term as a Nashua Police Commissioner. His term will expire on September 1, 2022.

APPROVAL OF MINUTES:

- June 17, 2019

MOTION: Commissioner Tollner made a motion to approve the minutes of the June 17, 2019, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

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

Grant Agreement – Certificate of Vote/Authority:

MOTION: Motion by Commissioner Dahl, seconded by Commissioner Plante (all in favor), to authorize the following:

Authorization is given to Chief Michael Carignan to execute contracts when applicable to bind the City of Nashua Police Department during his term as Chief of Police for grants and/or other financial items under the threshold of \$25,000.

Authorization is given to Chief Michael Carignan to execute the contract and accept the terms of the agreement as of July 10, 2019, with the State of New Hampshire in the amount of \$8,000 and a completion date of June 30, 2020.

FY2020 Expenditure Report:

Included in the report is a bottom line reduction in account 90120 Mayoral Budget Adjustment in the amount of (\$189,910). A request has been submitted to Mayor Donchess to escrow the amount of \$213,000 to fund the balance needed to offset the adjustment as well as \$100,000 to fund the Expendable Trust Fund overtime account. Commissioner Tollner will have a conversation with Mayor Donchess and CFO John Griffin to follow up with the escrow request letter that was sent to them in June. He also requested that Alderman Jette discuss the escrow request with Alderman Wilshire.

The final figure for the FY2019 year-end surplus has not been verified as of this date. The final figure should be determined sometime in September. The initial \$30,000 year end projection will no longer be met.

FY2020 Revenue Report:

The Commission received a copy of the July 2019 Revenue Report. There was a reduction of revenue (witness fees) to the General Fund in the amount of \$15,000 for FY2020 & FY2021. The budgeted amount in revenue loss is \$15,000 which has been reduced from the revenue from the previous year of \$30,000. The FY2020 budget was forecasted at the lower amount.

FY2020 Monthly Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of June included the continuation of the 2018 homicide investigation; Protective Custody; Missing Person; DUI with Serious Injuries; DUI First Degree Assault; and SWAT assistance in Merrimack. Karen Smith also stated that a recent transfer of \$8,000 out of the Expendable Trust Fund leaves the balance in the fund at approximately \$8,000. A request has been made to the Mayor to replenish this account with an additional \$100,000.

Escrow Request:

An escrow request has been submitted for the Aldermanic process in September. Stanley Elevator has submitted a quote in the amount of \$24,692 for replacement of the hydraulic power unit in the elevator. The unit is aged and leaking fluid and in need of replacement. The elevator repair is needed in order for NPD to meet federal ADA compliance standards.

Strength Report:

The Commission received a copy of the June 30, 2019, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	170	9
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	3	4	3	1
Total Full-Time Civilians	71	62	58	4
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	233	14

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

PROBLEM ORIENTED POLICING (POP) UNIT / TRAFFIC ENFORCEMENT UNIT (TEU):

Deputy Testaverde gave the Commissioners an overview of a proposal to merge the Problem Oriented Police Unit (POP) and the Traffic Enforcement Unit (TEU), create an additional First Line Supervisor (Sergeant) position, and increase the current staffing for patrol.

Creating five sergeants per shift will allow the agency to see positive effects in regards to supervision as well as financial benefits. Merging the TEU and POP units will create one unit of seven officers. Taking one of the two sergeants that formerly supervised these two separate units would allow us to place a fifth sergeant on first shift. The proposal takes one of the seven officers in the newly merged TEU/POP Unit and reassigns that position back to the UFOB Patrol Division. The proposal then creates a new first line supervisory position increasing our sergeant staffing total from 23 to 24. This would allow us to place a fifth sergeant on third shift and not lower the current manpower in the Patrol Division.

This newly merged unit would provide the agency with six officers and one sergeant. This is an ideal span of control and also would allow the unit to both facilitate NID's primary mission, conduct non-narcotic investigations, and still oversee traffic related issues (stealth box deployment, directed traffic patrols, etc.). The unit will remain under the supervision of the Detective Bureau. However, much like the original intent of the POP Unit, this newly formed unit will continue to assist with any requests for assistance from any Bureau. This proposal will also provide some money savings.

Alderman Jette asked if the proposal is partly due to the lack of funding and if the proposal would assign fewer officers on the street for traffic enforcement as traffic issues are one of the top concerns in the city. Chief Carignan answered that members of the combined POP/TEU Unit will continue to conduct traffic enforcement including POP members. Commissioner Dahl also stated that patrol officers can also provide traffic enforcement. Commissioner Plante also stated that this proposal is a reaction to lack of funds.

MOTION: Commissioner Dahl made a motion to increase the Commission Authorized Strength to add one additional Sergeant. The motion was seconded by Commissioner Plante. All in favor.

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

On June 23, 2019, while on a motor vehicle stop, an unrelated male attempted to steal the officer's police cruiser. The officer struggled with the male subject, who drove the cruiser during the struggle. The officer was ultimately able to stop the cruiser and take the subject into custody; however the cruiser struck several objects and narrowly missed several pedestrians while the subject was driving. The officer sustained multiple non-life threatening injuries and was treated at SNHMC. The subject was charged with multiple felony offenses to include Robbery.

On June 16, 2019, officers conducted a motor vehicle stop on the F.E. Everett Turnpike at Exit 4. While standing in the breakdown lane with the operator during the stop, a pick-up truck traveling down the highway at approximately 100 mph approached their location. The operator of the pick-up truck lost control and the pick-up left the travel lane where it then struck several signs. As the pick-up came within 10 feet of the officer's location, one of the officers pushed the operator of the vehicle that they were dealing with out of the way to prevent her from getting struck by the approaching pick-up truck. The operator of the pick-up truck then regained control of the vehicle and sped off at a high rate of speed. The vehicle was subsequently located and stopped by the Bedford, NH Police Department. The operator was arrested and initially charged with DWI and Operating after Suspension.

Services Bureau:

Following the attempt to steal a police cruiser in June, Services Bureau Commander, Captain David Bailey researched anti-theft kill switches for installation in NPD cruisers. Massachusetts State Police and Hollis Police use these switches and find they are very effective. Once the order is received, the anti-theft switches will be installed in all NPD police vehicles. The cost for the entire fleet is approximately \$5,000.

Detectives:

In the last ten months, approximately 20 sexual predators have been arrested in Nashua during online stings. One Nashua Police Detective is assigned to assist the ICAC Task Force.

MOTION: Commissioner Tollner made a motion to accept the activity report. Motion seconded by Commissioner Plante. 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:

- Humane Society: Thank you for donation of a Police Ride Along for their fundraising auction
- Town Of Deering: Appreciation for assistance with Law Enforcement Explorer Cadet Program
- Lamerand Enterprises: Appreciation for officer assistance
- Former NPD Officer: Thank you for tour
- Citizen: Appreciation for assistance at a speaking event
- Citizen: Thank you for officer professionalism when he was stopped while using his cell phone while driving
- Family of Officer James Roche: Appreciation for renaming Panther Drive to Officer James Roche Drive in memory of their family member who died in the line of duty.

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

CIVILIAN HIRE:

For the record

- The following civilian has been hired to fill the position of Account Clerk III:
 - Kristine Eskridge: Effective July 9, 2019

RESIGNATIONS:

Chief Carignan noted that we have seen an increase in CT/Dispatch personnel resignations who are accepting employment at other agencies where the pay is higher and the calls volume is lower.

Probationary Dispatcher Shannon Milinazzo: Resignation effective June 16, 2019.

MOTION: Commissioner Dahl made a motion to accept the resignation of Probationary Dispatcher Shannon Milinazzo effective June 16, 2019. The motion was seconded by Commissioner Plante. All in favor.

Probationary Communications Technician Cassidy Smith: Resignation effective June 19, 2019

MOTION: Commissioner Dahl made a motion to accept the resignation of Probationary Communications Technician Cassidy Smith effective June 19, 2019. The motion was seconded by Commissioner Plante. All in favor.

Master Patrolman II Marc Anderson: Resignation effective September 1, 2019.

MOTION: Commissioner Tollner made a motion to accept the resignation of MPO-II Marc Anderson effective September 1, 2019. The motion was seconded by Commissioner Plante. All in favor.

AWARD:

For the Record:

State of New Hampshire Crimes Against Children Task Force: Operation Cyber Guardian

- Detective Sergeant Robert Powers
- Detective Caleb Gilbert

UFPO LOCAL 645 PROFESSIONAL EMPLOYEES OF NASHUA

See Summary of Amendments to Collective Bargaining Agreement between the Nashua Police Commission and UFPO Local 645 Professional Employees of Nashua for the period of July 1, 2018 – June 30, 2022.

This Collective Bargaining Agreement previously went before Budget Review and was tabled until further notice. The contract was renegotiated and Chief Carignan is confident that a fair compromise was reached regarding sick time. If the Police Commissioners approve, the next step is to forward the contract to the city for costing and to resubmit it to the Budget Review Committee.

Commissioner Tollner stated that he previously met with Mayor Donchess regarding the tabling of this contract and asked him to allow the Commissioners to readdress the contract after working through the budget process for the new fiscal year. At tonight's meeting, he also requested that Alderman Jette review the proposal and contact Chief Carignan directly should he have any questions or in need of clarification of any kind.

Alderman Jette responded that he was strongly opposed to previous City legislation regarding sick leave payout for the unaffiliated group and he stated there are others who share his opinion on that issue. He stated that it would be important for Chief Carignan and the Police Commissioners to attend the Budget Review Committee meeting when this contract is on the agenda in order to answer any questions that might arise.

Commissioner Tollner added that Corporation Counsel Attorney Bolton, who is the negotiator representing the City, has reviewed the revisions and is comfortable with the current proposal. In addition, the Union members have been extremely patient during the negotiation and re-negotiation process.

MOTION: Commissioner Tollner made a motion to approve the UFPO Collective Bargaining Agreement as outlined in the Summary of Amendments for the period of July 1, 2018, - June 30, 2022. Motion seconded by Commissioner Dahl. All in favor. The contract will be forward to the appropriate City personnel for the next stage of the approval process.

OTHER BUSINESS:

Civilian Evidence Technician:

Chief Carignan is considering a proposal sometime in the next year and with the next budget cycle to adjust the Evidence Division personnel. Currently there are two sworn detectives assigned to evidence. He is proposing that one of the positions be filled by a full-time civilian who is certified in Forensic Science. Cost savings would be realized by converting one sworn position to a civilian position. This would also allow for one of the sworn officers to be reassigned to the street. Currently Manchester Police has three civilian evidence positions with no sworn officers assigned; however, crime scenes are being handled/supervised by sworn personnel. Should Chief Carignan move forward with this proposal in the future, and with the Commissioners approval, then job descriptions and qualifications would be determined along with union affiliation, salary, etc.

Additional Recruiting Officer:

NPD is currently seeing a police recruit crisis. Chief Carignan plans on assigning one additional sworn officer to recruiting. We have a recruiting crisis so we need to treat it like a crisis and assign additional personnel to assist with recruiting efforts. The additional person will be proactive via social media, colleges, and concentrate on marketing and searching for police candidates. We would not be creating an additional FTE but just reassigning an officer to the position. Commissioner Dahl suggested revisiting this after a year to reassess if an additional recruiting officer made a difference in the recruiting efforts.

PUBLIC COMMENT:

Mr. George Deneault commented on recent multiple Communications & Dispatcher personnel resignations and that it appears to be an ongoing problem. He asked if these were union positions and if consideration would be given to combining Fire and Police dispatching, therefore, salaries would be equal. Currently, fire has approximately 11,000 calls for service versus police with approximately 90,000 calls for service each year.

Commissioner Tollner commented that recently Fire rewrote job descriptions, added positions, and funding was available through AMR to offset salaries. Fire dispatch personnel are paid more than police personnel and answer less calls for service.

Deputy Testaverde stated that civilian fire personnel fall under the same union as the firefighters. At NPD, there are 5 or 6 different unions and civilians are separate from sworn personnel. The job responsibilities of a police dispatcher is very different compared to a fire dispatcher. A police dispatcher is the controlling person when an incident is activated where a fire dispatcher only dispatches the call and then firefighter personnel take it from there. In addition, police personnel require additional vetting due to their interaction with undercover officers. It should also be noted that Fire personnel negotiate collective bargaining agreements directly with the city; Police dispatchers negotiate with the Police Commission and then the city.

Commissioner Tollner reiterated that the biggest problem NPD faces with CT/Dispatcher personnel is wages and budget shortfalls.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:15 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 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 #2:

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 Dahl.

A roll call vote was taken:

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

Recommendations for Promotions following the Retirement of Chief Andrew J. Lavoie:

The Police Commissioners received each promotional candidate’s personnel history information. Their personnel files were available for review. Chief Michael Carignan gave the Commissioner an overview of each of the listed candidates for promotion. The promotions, if approved, will be effective on Tuesday, September 3, 2019.

Promotion to Deputy Chief of Uniform Operations:

(Deputy Chief Testaverde will be assigned to Deputy Chief of Operations)

- Captain Kevin Rourke

MOTION: Commissioner Dahl made a motion to promote Captain Kevin Rourke to the rank of Deputy Chief of Uniform Operations effective September 3, 2019. Motion seconded by Commissioner Plante. All in favor.

Promotion to Captain:

- Lieutenant Craig Allard

MOTION: Commissioner Plante made a motion to promote Lieutenant Craig Allard to the rank of Captain effective September 3, 2019. Motion seconded by Commissioner Tollner. All in favor.

Promotion to Lieutenant:

- Sergeant Peter Urban

MOTION: Commissioner Tollner made a motion to promote Sergeant Peter Urban to the rank of Lieutenant effective September 3, 2019. Motion seconded by Commissioner Dahl. All in favor.

Promotion to Sergeant:

- Master Patrolman Matthew Allen
- Master Patrolman Matthew McConnell

MOTION: Commissioner Plante made a motion to promote Master Patrolmen Matthew Allen and Master Patrolman Matthew McConnell to the rank of Sergeant effective September 3, 2019. Motion 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:

C. 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
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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 #4:

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

Motion by Commissioner Dahl, seconded by Commissioner Plante.

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: 8:03 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:

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 #1, #3**) as authorized above. All in favor.

Item #4:

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 #4**) as authorized above. All in favor.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, September 16, 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: 8:03 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk