

May 20, 2019

The Nashua Police Commission held a public meeting on Monday, May 20, 2019, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
 Commissioner Nicholas Dahl, Clerk
 Commissioner Matthew Plante
 Chief Andrew J. Lavoie (not in attendance)
 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
 Aldermanic Liaison Ernest Jette
 One citizen

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:05 p.m.

APPROVAL OF MINUTES:

- April 18, 2019

MOTION: Commissioner Plante made a motion to approve the minutes of the April 18, 2019, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

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

Grant:

Justice Assistance Grant FY2018 in the amount of \$43,113 from the US Department of Justice for the purpose of purchasing equipment, training, and funding overtime.

FY2019 Expenditure Report:

The Commission received a copy of the April 30, 2019, Expenditure Report. The Expenditure Report includes 43 of 52 weeks of payroll which is at 82.69% of the annual budget.

Included is a bottom line reduction in account 90120 Mayoral Budget Adjustment. We are on track to absorb the reduction from a combination of payroll and operational accounts as needed by year-end.

FY2019 Revenue Report:

The Commission received a copy of the April 30, 2019, Revenue Report.

FY2019 Weekly Payroll Overtime:

The overtime averaged \$40,765 per week during the month of April and included a SWAT call out in the amount of \$8,000. The overtime costs for the upcoming Memorial Day activities is expected to be approximately \$5,000.

FY2019 Monthly Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of April included the continued homicide investigation from July 2018; Reckless Conduct/1st Degree Assault; SWAT activation; AFSA; 2nd Degree Assault with a Deadly Weapon; Operating w/o Valid License/Accident; Assist Citizen; Sexual Assault AFSA; execution of a search warrant; building; miscellaneous; miscellaneous drug; training; recruiting.

Sworn Functional Strength Analysis:

The functional strength includes seven vacant sworn positions, two officers at the academy, zero officers in field training, and three positions that have required overtime backfill due to extended leave. Twelve positions are unavailable and not part of the functional strength.

Strength Report:

The Commission received a copy of the April 30, 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:

Uniform Field Operations Bureau:

In response to a letter from the residents of Shady Lane / Palisade Drive area regarding complaints of speeding vehicles and stop sign violations, during the past two weeks, the Traffic Enforcement Unit conducted Directed Patrols in this area. Directed Patrols were conducted on eight separate days. The results are as follows:

- Motor vehicle stops: 84
- Warnings issued: 78
- Summonses issued: 10

On May 8, 2019 between the hours of 3:00 p.m. and 7:00 p.m., members of the Nashua Police Department, along with members of the NH State Police, conducted a Directed Patrol on the F.E. Everett Turnpike for the purpose of enforcing motor vehicle violations. The patrol focused on educating drivers on the move-over law regarding emergency vehicles. The patrol also focused on aggressive driving and the hands-free law. This was a very successful joint operation between NPD and NH State Police. The stats are as follows:

- Motor vehicle stops: 179
- Summons issued: 47
- Warnings issued: 145
- Arrests: 4

NPD has ordered two additional "stealth boxes" and will deploy them throughout the city when available.

In April, Officer Ciulla was on patrol in the area of the bike path where he noted observing many quality of life issues including intoxicated individuals, some who were stepping into the roadway. He and Sergeant Yurcak contacted the NH Liquor Commission and together they visited various store businesses in the area to provide education regarding prohibited sales regulations. NPD received numerous positive reviews from the business owners regarding the initiative

Last night, police responded to a shots fired call on Syracuse Road in which young individuals were inside a residence when one individual assaulted his wife and then discharged a firearm into the backyard. The Bearcat was deployed and the individual surrendered to police. SWAT was not activated.

On April 29, 2019, the Hazardous Device Unit was requested to provide mutual aid assistance to the Hudson Police Department (HPD) and the State Fire Marshal's office. HPD had an individual commit arson and made concerning statements regarding targeting first responders and trip wires. HDU members assisted clearing the residence for anti-personnel hazards and then remained on scene in the event any additional devices were located. During the initial search several concerning incendiary devices were located and later referred to the State Fire Marshal's office. The trip wires were not attached to any devices and were cleared. There were no other items of concern to explore. The investigation is being furthered by HPD and the Fire Marshal's office.

Detective Bureau:

On April 3, 2019, officers responded to Nashua High North for a report of a Second Degree Assault that took place on Bell Street. Officers spoke with an 18-year-old student who reported that on his way to school, he was playing "Senior Assassin" with his friends on Bell Street. A 47-year-old male neighbor confronted the student and a physical altercation ensued. During the fight, the 47-year-old knocked the student to the ground and strangled him. The assault was witnessed by others who corroborated the student's account. CID was notified and furthered. The individual was arrested and charged accordingly.

On April 14, 2019, UFOB responded to the area of Marshall Street for the report of a female pointing a gun at two individuals in a vehicle. The suspect, Malinda Jones, was located in the area and arrested. The victims and Jones did not know each other. No one was injured during this incident and the firearm was recovered. Jones was charged with two counts of Criminal Threatening, Class B Felonies.

On April 22, 2019, Michael McClain of Manchester, NH, was reported as a missing person by family and friends. McClain was last seen by friends on April 21, 2019, at approximately 1:30 AM at the Tropical Lounge (14 West Hollis). An investigation ensued and no foul play is suspected. Mr. McClain has not been located as of this date. NPD continues to be in contact with the family.

The Attorney General report regarding an officer shooting has been completed and found to be justified.

Alderman Jette stated that recently an attempt was made by the BOA to raise the tobacco/vaping age, however, it did not pass. With NPD taking a proactive approach regarding alcohol sales in the downtown area, he questioned if NPD would also take a proactive approach in educating store owners regarding tobacco & vaping product sales. Alderman Jette also stated that a recent survey showed that most young adults are getting

tobacco or vaping products from individuals or buying them directly from a store. Deputy Chief Testaverde stated that NPD has done that in the past and would consider targeting stores in the future. Regarding the alcohol issues on the bike path, intoxicated individuals harassing others, were stumbling into the street, and some were passed out on the ground and it became a significant quality of life/safety issue.

Deputy Chief Michael Carignan reported the following:

Professional Standards Bureau:

The Professional Standards Bureau conducted a police recruit exam. Oral Board interviews are scheduled for those who passed. Results are as follows:

- Signed up to take the test: 38
- Showed up to take the test: 13
- Passed the test: 8

Recent NHPSTC Academy graduates:

- Officer Mann received the Jeremy Charron Award
- Officer Riddle finished 4th in his class.

Legal Bureau:

The Legal Bureau continues to take on more responsibilities such as "Drug Court". Judge Leary will be retiring sometime in late summer.

Services Bureau:

HVAC:

The Services Bureau is working with the BOA on the HVAC project regarding the best way to send the project out for bid.

Window Project:

The new windows have been ordered with an anticipated install in October.

Generator Issue:

The generator issue has been fixed. Maintenance will continue to conduct periodic testing.

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:

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

- Family of Mikey Grover: Heart Warrior Foundation puppy recipient
- Jackson NH Police Chief: Mental Health & First Aid training.
- Citizen: Appreciation to first responders
- Rivier University: Appreciation for hosting a student intern
- Citizen: Assistance with unlocking vehicle
- AG's Office, State Office of Victim/Witness Assistance: NPD Victim Advocate going above and beyond in assisting a victim.

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 Probationary Communications Technician effective April 22, 2019:
 - Cassidy Smith

CHANGE OF POSITION:

For the record:

- Effective June 10, 2019, Communications Technician Irelynne West will change position to Secretary III, Detective Bureau.

AWARDS:

For the Record: Awards were presented on April 23, 2019

MEDAL OF VALOR (FOR BRAVERY): *Suicidal subject with a firearm*

- Officer James Ciulla

COMMENDATION BAR FOR LIFESAVING: *Suicidal subject with a firearm*

- Officer Guido Marchionda
- Officer Kyle Crosson

COMMENDATION BAR FOR DISTINGUISHED UNIT ACTION: *Multiple thefts from motor vehicles*

- Sgt. Timothy MacIsaac
- Officer Michael Kekejian
- Officer Ryan MacDonald
- Officer Adam Fisher
- Officer Kyle Ingersoll
- Crime Analyst Jenny Sousa

COMMENDATION BAR FOR LIFESAVING: *Suicidal Male on the Main St. Bridge*

- Officer Colin Flanagan
- Officer Jeffrey Page
- Officer Ian Theriault
- Officer Matthew Vincent

COMMENDATION BAR FOR LIFESAVING: *Suicidal female on the Main St. Bridge*

- Officer Nicholas Markarian

NASHUA LIONS CLUB OFFICER OF THE YEAR 2018:

- Officer James Ciulla

VFW OFFICER OF THE YEAR 2018:

- Officer Matthew Allen

NH STATE ADVISORY GROUP ON JUVENILE JUSTICE – DISPROPORTIONATE MINORITY CONTACT LEADERSHIP AWARD

- Chief Andrew J. Lavoie

NON-UNION BENEFIT PACKAGES:**Chief Executive Officers:**

- **Effective 7/1/19: 3% wage increase**

MOTION: Commissioner Plante made a motion to approve a wage increase of 3% to the CEO benefit package effective 7/1/19 – 6/30/20. Motion seconded by Commissioner Dahl. All in favor.

Alderman Jette asked Commissioner Tollner if increases are automatic. Commissioner Tollner replied that increases are approved each fiscal year and generally match other sworn union contracts. The reason the increases match other sworn contracts is to maintain the pay separation between ranks. For example, a Captain may not accept a promotion to Deputy Chief if a Captain's pay was higher than a Deputy Chief's pay. Although the Commissioners are not legally bound to approving increases, it is imperative that they maintain the ranking separation in the wage. He also stated that wages are periodically compared to other agencies in the State of NH and Massachusetts, with Massachusetts wages being much, much higher. Deputy Carignan stated that Nashua PD is the best police agency in the State of NH and he also considers NPD to be one of the top agencies in the country.

Sworn Staff:

- **Effective 7/1/19: 3% increase**

MOTION: Commissioner Tollner made a motion to approve a wage increase of 3% to the Staff benefit package effective 7/1/19 – 6/30/20. Motion seconded by Commissioner Plante. All in favor.

1st Year Special Officer: Effective 7/1/19

- **1st Year Special Officer & 1st Year Special Officer Certified: 3% increase**
- **1st Year Special Officer – Certified II: Wage based on Patrolman contract (\$74,361)**

MOTION: Commissioner Plante made a motion to approve a wage increase of 3% to the 1st Year Officer & 1st Year Special Officer – Certified; and 1st Year Special Officer - Certified II based on Patrolman contract at \$74,361, effective 7/1/19 – 6/30/20. Motion seconded by Commissioner Dahl. All in favor.

Animal Control Officer:

- Effective 7/1/19: Animal Control Officer: 3% increase
- Bereavement Leave: Son-in-Law & Daughter-in-Law

MOTION: Commissioner Tollner made a motion to approve a wage increase of 3% to the Animal Control Officer benefit package effective 7/1/19 – 6/30/20, and add Son-in-Law & Daughter-in-Law to bereavement leave. Motion seconded by Commissioner Plante. All in favor.

OTHER BUSINESS:

Deputy Chief Carignan reported the following:

Uniform:

The NPD uniform hat will slightly change to reflect the clipped down sides. The new hat has a better design.

Social Media:

NPD is in the process of opening a Facebook page. Instagram and Snapchat accounts will also be set up. We are in the process of reviewing how we will approach these social media platforms and whether we will assign an officer to monitor the sites. We are also looking at other police department's sites and how they manage their social medial accounts. We are also looking into formal social media training.

Nashua Community Conversation on Race and Justice (NCCRJ)

On behalf of the Nashua Community Conversation on Race and Justice (NCCRJ), the Nashua Police Department held an event at both Nashua High School North and South for students. The NHS-North session accommodated 34 students while the NHS-South session accommodated 42 students with 6-8 police officers also in attendance. The conversation covered a 2-hour time frame and was designed to engage the students in developing a better understanding between police officers and students. Through these discussions and conversations, it was our hope to enlighten students with some of the reasoning behind the practices and tactics of the Police Department while, at the same time, listening to the students to get a better understanding of their concerns and how they view us. We received excellent feedback. It was also evident that the Mirror Program was having a positive effect on students.

Downtown Meet & Greet:

With an upcoming transition on August 1, 2019, from Chief Lavoie to the newly promoted Chief Carignan, Commissioner Toller recommended that he and newly promoted Chief Carignan visit some of the businesses and storeowners during a walk downtown as an introduction. Advance notice will be given to business owners to make sure they are available for this meet and greet.

PUBLIC COMMENT:

Mr. George Denault, Nashua citizen, asked about the status of the recent firearms range cleaning/renovation project. Deputy Carignan stated that all the cleaning / renovation has been completed. The last part of the project will be the new HVAC system. He also stated that the department is now using lead-free ammunition.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:58 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

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 (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

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 Plante.

RETURN TO PUBLIC SESSION: 7:14 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 & #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 Dahl, 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.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

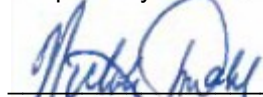
- Monday, June 17, 2019, at 6:00 p.m

ADJOURNMENT

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

Time: 7:15 p.m.

Respectfully submitted,



Commissioner Nicholas Dahl, Clerk