

May 21, 2018

The Nashua Police Commission held a public meeting on Monday, May 21, 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
 Two members of the public

PUBLIC SESSION

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

APPROVAL OF MINUTES:

- April 16, 2018

MOTION: Commissioner Tollner made a motion to approve the minutes of the April 16, 2018, meeting. Motion seconded by Commissioner Dahl. 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 April 30, 2018, Expenditure Report. The Expenditure Report includes 43 of 52 weeks of payroll which is 82.7% of the annual budget. Karen is watching the payroll and operational accounts closely as year-end approaches. Some miscellaneous projects are underway. The Holiday account is in the process of being spent down prior to the end of the year.

FY2018 Revenue Report:

The Commission received a copy of the April 30, 2018, Revenue Report.

FY2018 Weekly Payroll Overtime:

The overtime averaged \$42,125 per week during the month of April due to primarily coverage and investigative overtime. Chief Lavoie commented that directed patrols were conducted in areas that were requested by citizens and bike and walking patrols were conducted on Main Street. If we were to trend at a weekly average of \$41,000 average for the remainder of the year, Karen anticipates a possible surplus of \$15,000-\$16,000 by year end. However, it can be difficult to predict due to unforeseen circumstances.

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 April, the overtime cost for recent major cases included an overdose, sudden death, AFSA, continued overtime for the Archiving project, building maintenance, recruiting, training, and SWAT training.

Payroll Cost Analysis and Forecast:

John Griffin's form "Police Department Payroll Cost FY2018" was updated by Karen Smith. We continue to anticipate to be in the black and to break even in the payroll 51 account by year-end with the Full-time payroll and Overtime accounts offsetting each other.

Strength Report:

The Commission received a copy of the April 30, 2018, 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	4	5	4	1
Total Full-Time Civilians	70	61	60	1
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	238	9

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

SIDEBARS:

Longevity:

- **UAW**
- **Teamsters**
- **Communications**

The sidebars for the above listed unions correct language regarding the calculation of alternate overtime rates related to longevity payments. Longevity is paid on the employee's anniversary date and alternate overtime rate adjustments will be calculated at that time of payment instead of January 1 of each year.

MOTION: Commissioner Tollner made a motion to approve the sidebars for UAW, Teamsters, and Communications unions regarding Longevity. Motion seconded by Commissioner Plante. All in favor.

ACTIVITY REPORT:

Deputy Chief Denis Linehan reported the following:

Assaults/Criminal Threatening:

On April 25, 2018, officers responded to Kanata Drive for a report of a stabbing. Upon arrival, officers located a 16-year-old male victim who had been stabbed multiple times in the upper torso by his stepfather. The victim was transported to the hospital with serious but not life threatening injuries.

Overdose Death Investigations:

On April 13, 2018, officers responded to Royal Crest Drive for a check well-being of a 47-year-old male. Upon entry the officers located the subject deceased from an apparent drug overdose. CID and the Medical Examiner responded and furthered the investigation.

On April 14, 2018, officers responded to an ambulance call in which a 3-year-old child who was not breathing and CPR was in progress but the efforts were unsuccessful. The infant was transported to SNHMC where the child was declared deceased. An autopsy was conducted and it was determined that the child died from natural causes.

Commissioner Tollner commented on the total accidents calls (267) compared to the total accident reports of (73) and why there is such a difference in the numbers. Chief Lavoie responded that reportable accidents are accidents over a certain amount of monetary damage or with injury. Deputy Linehan stated that the captains reviewed these numbers recently and found them to be accurate as all accidents do not meet the requirement for filing an accident report. Commissioner Tollner questioned who is responsible for cleaning up the debris (such as glass, etc.) following an accident. Chief Lavoie stated that the cleanup is part of the towing contract and the tow company should be doing the cleanup.

Commissioner Dahl expressed his thanks to the Ceremonial Unit for attending the funeral service for a police officer killed in the line of duty on the cape in Massachusetts. Deputy Linehan stated that unit members train periodically and are always willing to represent the Nashua Police Department during these types of circumstances. In response to Alderman Jette's question, for liability/workers' compensation purposes, Ceremonial Unit members are on duty and paid when attending funeral services.

Commissioner Plante asked about an overdose at Motel 6 in which forced entry by police was required. Deputy Linehan responded that the door had a secure mechanism in place and officers were forced to breach the door in this circumstance, however, officers always try to minimize any damage when door breaching is required.

Commissioner Plante asked about the periodic destruction of evidence which included the destruction of 2,000 pieces in April. Deputy Carignan explained that destruction of evidence is an ongoing, multi-year process which requires a court order as due process must be finished. In addition, evidence personnel have to track people down in order to return evidence to victims when appropriate or destroy when warranted.

Deputy Chief Michael Carignan reported the following:

The Five-Year Planning Committee:

Members have been meeting and are in the process of preparing a final Five-Year Plan. The plan should be completed sometime in the next month.

New Firearms:

In July, officers will be transitioning to new Sig firearms. Training will be scheduled for all officers regarding the transition.

Accreditation:

All electronic reports have been submitted to CALEA and have been approved. The onsite assessment is scheduled for 1 ½ years from now. Nashua will be the first agency to be assessed in the new electronic format.

HVAC:

NPD will be meeting with an HVAC engineer to assess/evaluate our system, which is more than 40 years old and continues to be repaired continually. Although it has been on the Cap. Improvements list for three years, it has not been approved. A copy of the assessment report will be forwarded to the Commissioners once completed.

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 the following:

- Operation Safe Stop
- Greater Nashua Mental Health Center (Active Shooter training)
- National Active & Retired Federal Employees Association (Senior Relations Officer speaker)
- Citizen Margaret Stuart (Senior Relations Offer speaker)
- Sunnyside Acura (Active Shooter training)
- East Hollis St. Crime Watch (incident-2-y.o. child)
- Wingate Pharmacy (downtown patrols)

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

CHANGE IN POSITION:

Information only.

Effective May 11, 2018, Probationary Communications Tech I Ashley Cedorchuk has changed her position to Probationary Dispatcher.

AWARDS:

For the Record

Letter of Recognition:

- Officer Adam Rayho: Fraudulent purchase and delivery of cell phones

VFW Officer of the Year:

- Sergeant Christopher Ditullio

Lions Club Officer of the Year:

- Officer Guido Marchionda

BENEFIT PACKAGES:

FY2019: July 1, 2018 through June 30, 2019

Chief Executive Officers

- 7/1/18: 2% increase
- 1/1/19: 1% increase

MOTION: Commissioner Plante made a motion to approve the CEO benefit package for FY2019. The motion was seconded by Commissioner Dahl. All in favor.

Staff

- 7/1/18: 2% increase
- 1/1/19: 1% increase

MOTION: Commissioner Tollner made a motion to approve the Staff benefit package for FY2019. The motion was seconded by Commissioner Plante. All in favor.

First Year Special Officers

- 7/1/18: 2% increase

MOTION: Commissioner Plante made a motion to approve the First Year Special Officer benefit package for FY2019. The motion was seconded by Commissioner Dahl. All in favor.

Animal Control Officer

- 7/1/18: 2.5% increase

MOTION: Commissioner Plante made a motion to approve the Animal Control Officer benefit package for FY2019. The motion was seconded by Commissioner Dahl. All in favor.

OTHER BUSINESS:

Chief Lavoie:

- The annual Sergeant's exam is underway. The exam is good for three years.
- The Detective Bureau, NID, will be getting a National Guard Drug Crime Analyst sometime in the next few weeks. The person is an active duty member of the National Guard and will be assigned from June 1, 2018, through September 30, 2019. They will be no cost to the NPD for his services.
- Following the recent deadly school shooting in Texas, in addition to school resource officers, sector officers visit all schools on a daily basis. The Chief has instructed all officers to spend more time at the school when visiting.
- The April police recruit test was completed. Oral boards were completed on all passing candidates. Unfortunately, no officers have met the NPD qualifications to move forward in the process. The next test is scheduled in August.

PUBLIC COMMENT:

There were no public comments from members of the public.

Alderman Jette inquired into if the mirrors were removed or destroyed in the High Street parking garage. Deputy Carignan did not know the answer but he replied that he will look into that.

Alderman Jette asked about the traffic stats compiled from an extra patrol assigned to Ledgewood Drive. Deputy Linehan stated that he did not know the actual stats, however, he believed that there may have been a few warnings and a few summonses issued for speeding violations in the area. He stated that sometimes a stealth vehicle will be assigned to the area. In many cases, vehicles are not traveling as fast as people perceive. Alderman Jette stated that he will be meeting with Micro-society who have been the main complainers regarding speeding in the area and the difficulty of pulling out into oncoming traffic. Chief Lavoie added that the NPD always tries to be responsive to citizen requests for patrol assignments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:02 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 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 (e): ***Consideration or negotiation of pending claims or litigation which has been threatened in writing*** or filed against the body or agency or any subdivision thereof, or against any member thereof because of his or her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any body, board, or agency for the purposes of this subparagraph.

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: 8:19 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 & Item #2**).

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

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

MOTION: Motion by Commissioner Plante, seconded by Commissioner Dahl, 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 (e)

“Consideration or negotiation of pending claims or litigation which has been threatened in writing...”

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Dahl, 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.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, June 18, 2018, at 6:00 p.m.

There will be no meeting in July.

ADJOURNMENT

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

Time: 8:19 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk