

June 19, 2018

The Nashua Police Commission held a public meeting on Tuesday, June 19, 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 (not in attendance)
 Deputy Chief Denis Linehan
 Karen Smith, NPD Business Manager (not in attendance)
 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:

- May 21, 2018

MOTION: Commissioner Tollner made a motion to approve the minutes of the May 21, 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 May 31, 2018, Expenditure Report. The Expenditure Report includes 48 of 52 weeks of payroll which is 92% of the annual budget.

FY2018 Revenue Report:

The Commission received a copy of the May 31, 2018, Revenue Report.

FY2018 Weekly Payroll Overtime:

The overtime averaged \$39,003 per week during the month of May.

FY2018 Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of May included the review of cases, overdose, sudden death, AFSA, simple assault, theft by unauthorized taking, 1st degree assault, conduct after an accident, DV reckless conduct, archives project, and training for dive, K9, use of force and SWAT.

Nashua will be hosting the Pride Parade this weekend. Officers will be assigned to assist with closing roads, etc. Sector officers will also be available if needed. Because this is a city event, overtime costs associated with this parade will be paid through the NPD budget and will not be reimbursed through the city. Detail costs for non-city sponsored events such as the Farmers Market, which is run by Great American Downtown, will be reimbursed through the organization.

Payroll Cost Analysis and Forecast:

John Griffin's form "Police Department Payroll Cost FY2018" was updated by Karen Smith. We continue to anticipate being in the black 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 May 31, 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	59	2
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	237	10

Expendable Trust Funds Reports:

Chief Lavoie touched on the DOJ Drug Forfeiture Fund which currently has a balance of \$224,422. Of note, it costs approximately \$100,000 each year to fund the NPD Narcotics Division (excluding wages). In the last few days, NPD received an additional \$16,700 and \$291,000 in forfeiture money. A federal judge adjudicates the funds and there is an appeal process. Forfeiture money does not come from taxpayers. Since NPD has officers assigned to various federal task forces, Nashua receives a percentage of forfeited funds. The funds cannot be supplanted or used for salaries; however, the funds are used for undercover vehicles, body armor, SWAT shields & helmets, and to hire drug/alcohol speakers for the high schools. The Task Force recently seized 66 pounds of fentanyl (a few grains will kill you). Audits of the account are required.

- 7080 Police Overtime ETF
- 7081 Police General Fund Purposes ETF (New Pistol Money)
- 7507 Police Bomb Spec Unit ETF
- 7508 Police K9 Unit ETF
- 7509 Police School Programs ETF
- 7510 Police-Rad System Program ETF
- 7511 Police-Law Enforcement Programs ETF (General)

Special Revenue Revolving Funds:

- 4020 Police Drug Enforcement Fund
- 4022 US Treasury Forfeiture Fund
- 4025 DOJ Drug Forfeiture Fund
- 4030 Police Special Detail Funds

Grants:

- 50.1001.15.01 JAG15 Justice Assistance Grant
- 50.1001.16.01 JAG16 Justice Assistance Grant
- 50.1003.18.01 VAWA FY18 Domestic Violence Grant
- 50.1005.15.01 Bulletproof Vest Partnership Grant
- 50.1005.16.01 Bulletproof Vest Partnership Grant
- 50.1005.17.01 Bullet proof Vest Partnership Grant
- 50.1006.18.01 NH Hwy Safety – Nashua Step Grant
- 50.1006.18.03 NH Hwy Safety – Distracted Driver Grant
- 50.1006.18.08 NH Hwy Safety – Nashua DWI/DUI Patrol
- 50.1006.18.09 NH Hwy Safety – E Ticket Grant
- 50-1010-18.01 NH Hwy Safety - Hostage Rescue Team Conference
- 50-1010-18.02 NH Hwy Safety – National Tactical Officers Association Conference
- 50.1010.18.03 NH Hwy Safety – NYTOA Conference
- 50.1011.18.01 Law Enforcement OARI (Granite Hammer Drug/Opioid Abuse Reduction)

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

ACTIVITY REPORT:***Deputy Chief Denis Linehan reported the following:***

On May 15, 2018, officers responded to Granite Street for a reported domestic disturbance. Upon arrival the officers learned that two roommates were involved in a disturbance in which the suspect stabbed the victim in the head twice. The injuries appeared to be lacerations and non-life threatening. One subject was placed into custody.

On May 21, 2018, a juvenile reported she was leaving Elm St. Middle School and a vehicle pulled up next to her and then exited and grabbed her and put her into his vehicle. The suspect drove around with her for the next two hours. The suspect drove to the area of the Fairgrounds School where she was able to escape. The investigation found that the story was made up and this was a false report.

On May 31, 2018, officers were at Temple Street to assist Code Enforcement with a routine building inspection. Officers noted, in plain view within one of the rooms, a metal pipe with capped ends. The occupant was not home at the time. Nearby rooms were evacuated as a precaution and HDU responded. The tenant was contacted and stated the item was a replica explosive device used during paintball war and was not an explosive device. HDU verified the device was inert and the tenant surrendered the item.

On May 15, 2018, patrol responded to the victim's residence where he reported that he was stabbed by his roommate. The victim reported he was involved in an argument with his roommate the day before. He stated he was lying in bed when his roommate came into his room and punched him in the face and stabbed him in the cheek. The victim was treated and released with lacerations and a fractured orbital bone.

In March 2018, Nashua Police Detectives along with the United States Marshalls were conducting routine Sex Offender Compliance checks. While searching a residence for an individual, they stumbled upon a room where they located a 15-year-old female in bed with a 27-year-old male. This activated a six week investigation that

revealed that the 15-year-old had been sexually assaulted on numerous occasions by several individuals. Additionally, the 15-year-old was discovered to be pregnant as the result of one of the incidents. On May 3, 2018, four individuals were arrested for assaulting the juvenile. Charges included several counts of Felonious Sexual Assault and several counts of Aggravated Felonious Sexual Assault.

On May 4, 2018, a Nashua SRO received a report of a sexual assault that occurred in a Nashua High School. A 15-year-old student stated a 17-year-old student had sexually assaulted her in a hallway of the school. The school is aware of the allegation and the suspect was suspended on another matter. The investigation is ongoing.

We have received reports of a number of recent school threats at Elm Street Junior High School. The investigation revealed that it appeared to be students making bad judgments.

Opioid-Related Overdose Reports/Deaths: (January-June 2018)

- 140 overdoses (59% increase over last year with 88 last year at this time)
- 15 deaths (17% decrease from last year)

Deputy Linehan reported that drugs are being tested for fentanyl concentration percentages. Alderman Jette asked if fentanyl is manufactured in the state or elsewhere and if it can be produced locally. Deputy Linehan responded that it is manufactured in Mexico. It is a synthetic fentanyl and is then mixed with heroin. They believe the drug cartels are losing customers due to deaths so they may be cutting the concentration and finding ways to maintain their product. Fentanyl is a threat to officers as well due to its easy absorption through the skin and it can become airborne. Regarding producing it locally, some of the ingredients may be flagged and it needs a bigger manufacturing process. Many of the ingredients come from China to Mexico and the cartels have control over the market.

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:

- Amherst Citizen (stolen wallet incident)
- Adult Learning Center (active shooter training)
- Med Center (assistance with victim)
- Hillsborough County Attorney's Office (court testimony)

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

CHANGE IN POSITION:

Information only.

Effective June 4, 2018:

- Probationary Dispatcher has changed her position to Probationary Communications Technician.

Effective July 9, 2018:

- Communications Technician Maureen Trembley will fill the vacant position of Secretary III, Evidence.

CERTIFICATIONS: Master Patrolman (MPO) and Master Patrolman II (MPO-II)

Master Patrolman Certifications:

The below listed Senior Patrolmen will complete a minimum of seven continuous years of service during 2018 and have satisfactorily completed all other requirement for certification to Master Patrolman.

Effective August 6, 2018:

- Senior Patrolman David Carrigan
- Senior Patrolman Ryan McDermott

Effective December 21, 2018:

- Senior Patrolman Jaime Abrams
- Senior Patrolman James Ciulla
- Senior Patrolman Robert Lacerda
- Senior Patrolman Dennis Pereira
- Senior Patrolman Jason Reinold

MOTION: Commissioner Tollner made a motion to certify the above listed Senior Patrolmen to the rank of Master Patrolman on their effective dates. The motion was seconded by Commissioner Plante. All in favor.

Master Patrolman-II Certifications:

The below listed Master Patrolmen have satisfactorily completed all requirements for certification to the rank of Master Patrolman-II.

Effective August 11, 2018:

- Master Patrolman Sean Mabry

Effective August 15, 2018:

- Master Patrolman Christopher Caron
- Master Patrolman Kevin Clancy
- Master Patrolman Guido Marchionda

MOTION: Commissioner Tollner made a motion to certify the above listed Master Patrolmen to the rank of Master Patrolman-II on their effective dates. The motion was seconded by Commissioner Dahl. All in favor.

COLLECTIVE BARGAINING AGREEMENT:

Nashua Police Patrolman’s Association: FY19, FY20, FY21, FY22 (July 1, 2018, through June 30, 2022)

Deputy Linehan gave the Police Commissioners an overview of the changes/revisions to the Patrolmen’s Collective Bargaining agreement.

Summary:

Article 3: Definitions	Department & Management: Housekeeping
Article 6: Employee Rights	C. Purging of documents: <ul style="list-style-type: none"> • Remedial Training/Counsel Form or Letter of Warning purged after 5 years with option that it can be reviewed by the Chief of Police after 3 years. • Letter of Suspension purged after 7 years with the option that it can be reviewed by the Chief of Police after 5 years, unless said documentation pertains to having been placed on the EES. In such cases documentation will remain in file. If taken off EES, the purging will follow the timeframe outlined.
Article 12: Vacation	Vacations Added: <ul style="list-style-type: none"> • 30 Workdays (2.50 Accrual Rate) after twenty (20) years of continuous service. Singular Vacation Days: <ul style="list-style-type: none"> • Adjusted the number of days that may be used in singular vacation days. • 30 Workdays added including 20 days may be used as singular vacation days. Vacation Time Earned During Year of Retirement: (Approved in July 2016; language updated) <ul style="list-style-type: none"> • In the year of retirement, members will be entitled to use the amount of time available in their current vacation balance with no cap.
Article 15 Uniform Allowance	Housekeeping.
Article 15A: Wellness Reimbursement Allowance	Sidebar approved in 2017: <ul style="list-style-type: none"> • Wellness reimbursement. Language updated in this contract.
Article 16: Medical/Hospital, Life, & Dental Insurances	Dental Insurance: Sidebar approved in 2015 <ul style="list-style-type: none"> • High Option Dental. Language updated in this contract.
Article 23: Wages	Wages: <ul style="list-style-type: none"> • Added Rank of Second Year Officer-Certified FY2019: <ul style="list-style-type: none"> • July 1, 2018: 2.0% increase • MPO-II: An additional 0.5% FY2020: <ul style="list-style-type: none"> • July 1, 2019: 3.0% increase FY2021: <ul style="list-style-type: none"> • July 1, 2020: 2.5% increase FY2022: <ul style="list-style-type: none"> • July 1, 2021: 2.5% increase • MPO-II: An additional 0.5% Master Patrolman-II: <ul style="list-style-type: none"> • Housekeeping Specialty Pay: Beginning FY2019: Effective 7/1/18: (new) <ul style="list-style-type: none"> • 1.0% added to base pay for certified multilingual officers

Article 24: Work Schedule	A total of three (3) Special Personal Days can be taken consecutively.
Article 26: Court Time	Additional Language added: <ul style="list-style-type: none"> Added ALS Hearings Officers will be compensated one (1) hour of OT if they are notified less than 24 hours of a cancellation of an ALS (Administrative License Suspension) hearing. (This already applies for Circuit Court and Superior Court).
Article 27: Outside Details	Sidebar approved in 2015: <ul style="list-style-type: none"> Changes to Outside Details. Language update in this contract. Outside Detail Rate Change: <ul style="list-style-type: none"> Time and one half of the current hourly rate of a Second Year Officer (on final execution of agreement) Updated language: <ul style="list-style-type: none"> Cancellation policy & EDS policy
Article 30 Educational Benefits	Increased total annual allocation from \$10,000 to \$20,000
Article 36: Term of Agreement	The collective bargaining agreement is effective from FY19, FY20, FY21, FY22: July 1, 2018 through June 30, 2022.

MOTION: Commissioner Plante made a motion to approve the Patrolmen's Collective Bargaining Agreement for FY19, FY20, FY21, FY22 (July 1, 2018 through June 30, 2022). The motion was seconded by Commissioner Dahl. The agreement will be forwarded to the City for Aldermanic approval. All in favor.

OTHER BUSINESS:

Chief Lavoie reported that on Monday, NPD will be conducting active shoot training for school teachers and staff from six city schools, elementary through high school levels. The training will take place at Nashua High South. Training was previously conducted at Nashua Christian and Bishop Guertin was contacted for future training.

The Traffic Enforcement Unit, with the assistance of NH State Police, will be conducting motorcycle enforcement on Main Street in response to citizens' requests/complaints regarding loud exhaust issues. The City does have noise ordinances in place.

The Reverend Father Richard Kelly of St. Christopher's Church and NPD's Department Chaplain will be retiring. A mass/retirement celebration is scheduled at the church on Sunday, June 25, 2018, at 10:00 a.m.

PUBLIC COMMENT:

There were no public comments from members of the public.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:07 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 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 Dahl made a motion to end the non-public session and return to public session. Motion seconded by Commissioner Plante.

RETURN TO PUBLIC SESSION: 7:56 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 #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 Tollner, seconded by Commissioner Plante, 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.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- There will be no meeting in July.
- Tentative August meeting: Monday, August 20, 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: 7:57 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk