

March 20, 2017

The Nashua Police Commission held a public meeting on Monday, March 20, 2017, 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 (not in attendance)
Karen Smith, NPD Business Manager
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Alderman Liaison Lori Wilshire (not in attendance)
Citizen Mr. George Deneault

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 7:30 a.m.

MINUTES:

- February 21, 2017

MOTION: Commissioner Plante made a motion to approve the minutes of the February 21, 2017, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

Business Manager Karen Smith provided the Commissioners with the following reports for their review. Ms. Smith discussed the following:

FY2017 Expenditure Report:

The Expenditure Report includes 34 of 52 weeks of payroll and is at 65% of the annual budget. The overtime accounts are running in the negative and can no longer be offset by the payroll accounts or the ETF overtime account. In order to maintain operations at the current level, a transfer from the anticipated surplus in the gasoline account will be requested from the Board of Aldermen in April. The utility accounts are running true to budget except for the unleaded fuel account which we have been anticipating a significant surplus due to the steady fuel prices.

FY2017 Revenue Report:

The Commissioners received a copy of the February 28, 2017, Revenue Report.

FY2017 Weekly Payroll Overtime:

The overtime averaged \$34,850 per week during the month of February due to primarily coverage and investigative overtime. Payroll paid on 2/23 and into March included \$18,157 in investigative overtime for the Elm St case(17-10702). A transfer of \$15,467 for the final amount in the ETF Overtime account will be reflected in the March reports.

FY2017 Overtime Tracking by Specific Case or Significant Occurrence:

The Commissioners received a copy of the FY2017 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, we spent \$11,509 on the Elm St. case. Other overtime cases included were for robbery, burglary, 1st degree assault, criminal threatening, 2nd degree assault, field training, Storm17 snow removal, dive training, K9 training, use of force training, travel for training, and SRT training.

Sworn Functional Strength Analysis:

The sworn functioning strength at the end of February includes five vacancies plus six officers in Field Training/Procedure School. In mid-March, the functioning strength changed to six (five vacancies and one at the academy) when six First Year Officers come off of Field Training.

The average weekly overtime by month has been highlighted during peak times and a description of significant overtime type provided. Descriptions include Interdiction FY2017, Secret Service Security FY2017, Holiday Stroll FY2017, increased investigations FY2017, reinstated overtime initiatives FY2016, Interdiction FY2016, and increased homicide investigations FY2015.

Payroll Cost Analysis and Forecast:

Karen Smith updated CFO John Griffin's form "Police Department Payroll Cost FY2017" using two scenarios. Basing the year on a weekly overtime of \$26,000 and an average weekly payroll of \$309,818, we can use this form to forecast close to breaking even on the payroll accounts given any unforeseen circumstances such as major investigations. The second scenario is probably more attainable at \$31,000 overtime per week because it

is closer to the weekly overtime average of \$34,000 we have been averaging lately. This would result in an approximate overage of (\$92,000) by year end. This would require a transfer from the operational accounts to offset the overage in payroll as discussed earlier.

Strength Report:

The Commission received a copy of the February 2017 Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	174	5
Total Non-Sworn Members	6	6	5	1
Total Part-Time Civilians	6	5	5	0
Total Full-Time Civilians	69	62	61	1
Total Grant Civilians	1	1	1	0
TOTAL:	268	253	246	7

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

ACTIVITY REPORT:

Deputy Chief Michael Carignan reported the following:

On February 26, 2017, officers responded to Sunrise Trail to assist NFR with a structure fire. On arrival the single family residence (a mobile home) had exploded. Once the blaze was extinguished the sole resident, a 90-year-old male, was found deceased. The Fire Marshal's Office and CID Detectives furthered the investigation and determined it to be non-suspicious.

Detectives investigated a child death that occurred at an illegal daycare facility in Nashua. It was determined that the death was non-suspicious.

On February 11, 2017, officers responded to a robbery in which the suspect fled the scene. The suspect was later stopped by Hudson, NH, PD and subsequently arrested and charged. Nashua Police and Hudson Police, as well as other area towns, have a good working relationship and provide mutual aid when needed.

NPD Information Technology personnel have recently implemented an "information sharing" network with some surrounding towns that use the same records software system as Nashua. IT personnel are also in the process of reaching out to Massachusetts agencies who also work with the same records software system to include them in information sharing if they choose.

Last week, the POP Unit was conducting surveillance when they observed a suspicious subject stealing a motor vehicle. While trying to stop the thief, the suspect purposely backed into the NPD vehicle. A pursuit ensued but was unsuccessful and called off when the suspect fled into Massachusetts. Detectives continue to investigate. There were no injuries during this incident.

A Probable Cause hearing was held for one of the DW College basketball players involved in disturbance during a game. No Probable Cause was found and the case will move forward to a Grand Jury. Chief Lavoie met with DW College personnel and they have taken several proactive steps to try to prevent incidents like this in the future.

Heroin overdoses are on a downward trend. Aggressive enforcement along with the new Safe Stations project has helped with the drug enforcement efforts.

Services Bureau: The request for the installation of a new electrical/fire system panel was approved by City Finance. There is no timeline for the start of this project as of this date.

Professional Standards Bureau: The next police recruit test is scheduled for April 15, 2017. The application numbers have been lower than normal. Professional Standards Bureau personnel have been targeting college job fairs.

Chief Lavoie and Deputy Michael Carignan are continuing to follow recent NH State legislation, HB614, which would change the way drug forfeiture money is distributed. It would prevent the Nashua Police Department and other law enforcement agencies from receiving drug forfeiture funds. HB614 was passed by the House of Representatives and is now moving to the NH Senate. It should be noted that the Nashua Police Department's Narcotics Intelligence Division is funded by forfeiture funds at a cost of approximately \$100,000 per year excluding salaries. The funds are also used to purchase needed equipment. If HB614 passes, the DEA will receive all forfeiture money. Currently we have two officers assigned to the DEA Task Force. Without the forfeiture funds, the Narcotics Intelligence Division would need to be funded through taxpayer money. Consideration would also need to be reassessed regarding assigning NPD officers to assist the DEA Task Force as it would be at city taxpayer expense. If the feds receive all the forfeiture funds, we would need to reconsider adding Nashua officers to the Task Force. Chief Lavoie and Deputy Carignan are following the legislation carefully and will be reaching out to various legislators, including Governor Sununu, regarding this issue.

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 the letters of appreciation received from the public and other outside agencies.

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

HIRING:

For the Record.

- Joseph C. Peach will be sworn in as a First Year Special Officer on April 18, 2017. The Academy PT test is scheduled for April 17, 2017.

AWARDS:

For the Record.

Letter of Recognition: *Multiple Robberies – Subway, Speedway Gas, Dunkin Donuts*

- Officer Matthew Cote

Letter of Recognition: *Robbery at East Hollis Street Variety Store*

- Officer Guido Marchionda
- Officer Nicholas Markarian

Commendation Bar for Lifesaving: *Suicide in Progress*

- Sergeant Joshua Albert
- Officer Corey Gobbi
- Officer Hannah Merullo
- Officer Julia Banks

OTHER BUSINESS:

Chief Lavoie reported that the City of Nashua will be holding an “Academy”. Chief Lavoie will be speaking at the “Academy” tonight and will be giving an overview of our Professional Standards Bureau and next week will be our Detective and Patrol Bureaus

PUBLIC COMMENT:

Citizen Mr. George Deneault thanked the Commissioners and Chief Lavoie for all the Police Department’s efforts. Mr. Deneault asked about the effects of the new law ceasing firearms permits in New Hampshire. Chief Lavoie responded that prior to the change in the law, firearms permit fees were received by the corresponding department which amounted to approximately \$10,000 per year for the Nashua Police Department. Recently, legislation was enacted that moved those funds directly to the City. The City of Nashua then set up a special account to transfer the \$10,000 back into the NPD budget. With the newest law, the department has not seen a drop in permit applications (even though permits are no longer needed). Many people still want a permit as NH is reciprocal with 27 other states and some citizens may want to carry in those states. NPD will continue to issue permits if requested.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 8:26 a.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 (b) HIRING

“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

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: 8:30 a.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: RSA 91-A:3, II (b) HIRING

MOTION: Motion by Commissioner Plante, seconded by Commissioner Dahl, to seal the minutes of the Non-Public Session (**Item #1**) as authorized above. All in favor, motion carried.

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, April 17, 2017, 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: 8:32 a.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk