

TOWN OF FRANCESTOWN
OFFICE OF SELECTMEN
27 MAIN STREET • P.O. BOX 5
FRANCESTOWN, NEW HAMPSHIRE 03043-0005

BOARD OF SELECTMEN MEETING MINUTES

March 16, 2015

Selectmen Present: Chair Abigail Arnold, Brad Howell, and Scott Carbee

Staff Present: Town Administrator Michael Branley

Also present: Alan Gould from MRI, Lisa Bourbeau, Laurie Barr, Shirley & Joe Ludwig, BJ Carbee, Betty Berhsing, Mike Tartalis, Polly Freese, Sue & David Jonas, Henry & Linda Kunhardt, Chris & Debbie Rogers, Judi Miller, Guy Tolman, Barbara Caskie, Tom & Kay Anderson, Pat & John Thalhauser, Betsy Hardwick, David Norcross, Richard Barbalato, Dennis Orsi, Holly Stanley, Lisa Stewart, Donna Noonan, Ashley Saari, Jan Hicks, Mr. and Mrs. Gann, Paul McGrath, Pat Johnson, Helene Harbage, Jan Griffin, Tom and Dawn Kirlin, Henry Camirand, Jennifer Vadney, Ron Baptiste, Robert Abbott and others unknown.

CALL TO ORDER: Abigail called the meeting to order at 5:30 p.m.

Abigail stated that this is the first meeting since the Board accepted the resignation of Chief Bell. No decisions have been made on how to move forward at this point.

Mike has spoken to the officers and neither of the senior officers wish to be the interim officer in charge. Mike has spoken to neighboring police departments who are being very supportive and have offered their assistance.

Our relationship with Chief Bell was contractual and includes the standard separation agreement that was signed last week. The separation agreement and the Chief's letter of resignation are available for review at the Town Office. Because this is a personnel matter, covered by the contractual agreement, we are prohibited from discussing it further.

MRI was hired to assist the Board and the Chief last October. \$1,663.00 was expended to MRI for their review and consultation.

Abigail indicated that the Town is usually staffed for approximately 80 hours of the 168 hours per week. During unstaffed hours the calls go to Hillsborough County Sheriff's Department who dispatch the State Police. This will continue any time there is not an officer on duty.

Appointments

1. Alan Gould from MRI – Alan stated he is a NH native and a retired police chief. He has been with MRI for 6 years and he oversees the public safety projects. Alan said that his role in Francestown was to review the Police Department; try to maximize the level of performance of the Chief; determine what level the Chief was functioning at; assess the risk level the Town is exposed to, and review the Standard Operating Procedures (SOPs) and guidelines the officers must follow. Alan said he found the Town had no written SOPs. He stated “a Town without SOPs is a Town in peril.” Without policies & procedures to guide officers in certain situations the Town is exposed to risk. If litigation occurs the courts will determine if the officer was following the SOPs and with no SOPs in place, the Town would likely lose.

Alan also noted that he found other areas of great concern. There is no chain of command for the officers to follow. What should the officers do in certain situations, who should they contact and when. Officers should be trained in the SOPs and sign a statement confirming they have been trained and understand the SOPs. Alan went on to say that there are no regulations in place governing evidence. There should be a chain of custody kept regarding evidence. There also should be periodic inventory performed of evidence in Police custody, especially when custody changes. He does not believe this is currently being done.

Alan reported that the Chief’s communication with the Board of Selectmen was somewhat lacking. There should be an expectation set up for the Chief to report to the Board on a regular basis. Written reports should be forwarded to the Board prior to the weekly meeting so the Selectmen have a chance to review the report and let the Chief know if he should attend the meeting. If something out of the ordinary occurs a reporting procedure should be in place.

Lastly, Alan stated the role of the Board as opposed to the role of the Police Chief is all about good communication. The Board is responsible for managing the prudential affairs of the community which allows them oversight of the PD. It is the Boards job to know what is going on in the Police Department and make sure it runs as effectively as possible.

Scott remarked that the Board did have communication with the Chief on a weekly basis via written and oral report and that the Chief has placed a call to Board Members in the past. He stated he never heard anything about inventory of evidence or some of the other issues that Alan mentioned.

Lisa Bourbeau asked Alan what he thought the budget should be for a police department in a Town this size and if he was aware of what the Town’s Police Department budget had been. Alan stated that budgets are relative to the level of service a Town wants, needs or can afford. Lisa stated Francestown’s Police Department budget has been at least \$70,000 lower than surrounding towns and the Police Chief’s salary was less than others. She further stated that administrative support was only provided for 3-4 weeks and then it disappeared. She went on to state that the Town has never had a lawsuit against it. Alan stated lawsuit or not, it’s imperative

that the Town have SOPs. He said he often helps towns create SOPs by sending electronic model policies that the town can modify to fit their individual needs. The modified version is then sent to Alan to review. He said it may take a month or two of back-and-forth to complete the process for a Town this size.

David Norcross asked whose responsibility it is to create SOPs and where the Chief would get them. Alan responded that it's the Police Chief's responsibility to have SOPs and he could obtain them from another PD similar in size and accredited; the International Chiefs of Police have samples available online; Primex has model policies available, as well as several other sources. David Norcross asked if there had been no chain of custody of evidence in place over the years and Alan confirmed. Alan stated SOPs should be in a 3-ring binder in the office and available in the cruisers, because it can be difficult to remember all of the policies all the time.

James Gann asked Alan if he knew of the conditions of SOPs in surrounding Towns. Alan said he did not. Mr. Gann asked if Alan had interviewed anyone in Town regarding SOPs. Alan said he did not. Dawn Kirlin asked about the cost associated with obtaining SOPs. Alan said if they were obtained from another PD there is no cost if you were enrolled in the IACP Model Policy Program there is a subscription cost, he was not sure of how much.

Henry Kunhardt asked if Francestown PD is currently holding any evidence. Alan said he has been in the evidence room and there is evidence in police custody. Henry asked if the SOP issue has come up with the Joint Loss Committee. Mike and Scott indicated it is unrelated. Abigail mentioned that Primex can come in to the Police Department and evaluate liabilities but has not done so to date. Mr. Jonas asked why Primex had not done an evaluation. Mike said he has contacted Primex and they are willing to do a liability assessment. It has been tentatively scheduled on Wednesday. It was asked why Primex had not done an evaluation already. Abigail responded that the Board cannot answer that.

BJ asked how much Selectpersons can know about a case. She gave an example of a case and asked what and how much information the Board has a right to know. Alan stated that the information that typically goes into the Police Log; the name, address, dates and times and a brief synopsis of the issue is what they should know. Beyond that, the intricacies of the investigation, who said what, who did what, etc. stays within the Police Department.

Linda Kunhardt asked if, in the absence of the Chief, the Board of Selectmen is responsible for the administrative responsibilities usually performed by the Chief. Alan responded that question should be directed to legal counsel, but added that if SOPs had been in place, a chain of command would already be set up indicating who is responsible when the Chief is unavailable.

Abigail announced that the Board will be conducting interviews tonight for interim PD staffing.

Alan Gould left the meeting.

Mike will give Scott and Brad copies of the guidelines and procedures including that the Selectmen will behave courteously and respectfully to all present.

Abigail stated that the Board needs to discuss other assignments. After a brief discussion, the Board agreed on the following assignments: Abigail – Planning Board; Scott – Selectmen’s Advisory Committee; Brad – Heritage Commission.

Items to Sign

1. Payables Manifest for 3/16/15
2. Payroll Manifest for 3/16/15
3. Software Purchase and Installation Agreement for the Avitar Motor Vehicle Map System for the Clerk’s Office – not signed

Correspondence

1. MRI Report
2. Memo from Lisa Bourbeau requesting changes to 3/4/2015 Board of Selectmen’s Minutes and that the memo be attached to the Minutes
3. Resignation letter from Glenn Roberge as a police officer
4. Retirement letter from Don Sims as a police officer
5. Email from Tammie Blanchette regarding the Public Assistance position
6. Email from Pamela Garrity of SNHPC indicating she was impressed with road maintenance going on and applauds the job they do

Administrative Update

1. Mike said that he spoke to Primex about having them perform a liability assessment of the Police Department and asked the Board if they wanted him to move forward with that. The Board agreed it made sense.
2. Mike said there is a conflict next week where the Treasurer and Deputy Treasurer are both unavailable. Mike suggests putting Nick Wilder back on as Assistant Treasurer to cover the position until they return. He indicated the same situation will occur again this summer where they will both be out at the same time and it would be good to have Nick as a backup. The Board Agreed.
3. Mike wanted to make it clear to the public that all police calls will be and are being responded to. He stated that the State Police are driving through Town more often than before. The difference will be in the amount of patrols. He said they hope to have an officer in charge in place by next week.

Brad wanted to mention that the DASH contractor who had been selected for the Scoby milfoil treatment notified Brad that he has to increase his price by 10%. There is a new requirement to have an extra man on his boat, which increases their costs. He will contact Amy Smagula about this and the Board agreed most likely that would just allow less time.

MOTION: Abigail made a motion to enter nonpublic session, seconded by Scott pursuant to RSA 91-A:3, II (b).

Roll Call vote to enter nonpublic session:	Abigail Arnold	Aye
	Scott Carbee	Aye
	Brad Howell	Aye

The meeting was moved upstairs and the Board entered nonpublic session at 6:22 p.m.

At 7:45 p.m. the Board returned to public session having decided to seal the minutes having voted by a vote of 2/3's or greater of the members present to not disclose the minutes and decisions reached therein to the public, as discussion involved *the hiring of any person as a public employee*.

The meeting adjourned at 7:45 p.m.

Respectfully Submitted by Marti Callahan

Approved on _____, 2015

Board of Selectmen Chair, Abigail Arnold

Selectman Scott S. Carbee

Selectman Brad Howell