

**APPROVED**

**POLICE COMMISSION MEETING**

**Minutes of the Meeting of Tuesday April 21, 2009**

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The Hooksett Police Commission held a public meeting on Tuesday April 21, 2009, at the Safety Center. Present were Chairperson David Gagnon, Commissioner Henry Roy, Commissioner Mary Anne Maksalla, Chief Stephen Agrafiotis, Captain Daigle, Lt. Cline, Sgt. Pinardi, Captain Cecilio, Officer Defina, Maura Ouellette, J.R. Ouellette, Marc Miville, Michael and Doris Sorel, David Pearl, Trisha Korkosz, Lauren Sausser and other town citizens.

Chairperson Gagnon called the meeting to order at 5:30 p.m.

Commissioner Roy motioned, seconded by Chairperson Gagnon and the motion carried unanimously by roll call vote to enter public session.

The Pledge of Allegiance was held.

**Public Session**

**1. Public Input:**

A. Michael Sorel from 54 Cross Road stated he was a Planning Board member and his wife Doris was a past employee of the police department, they wanted to thank the police department for addressing a situation that they had brought to their attention a few years ago. It was in reference to the D.O.T. truck inspection area on Route 3A. The police department had responded and there is no more activity in this area.

Mr. Sorel also wanted to bring attention to a situation that just started approximately 6 weeks ago at the stated locations, tax map 17 lot 40, tax map 17, lot 7, and tax map 13, part of 17-7.

There has been a lot of gun fire in this area on weekends and they have called the police department twice. The police department had responded immediately, but it continues. They were asking that the department follow up on this; they are concerned as there are residences in the area.

Sgt. Pinarci stated that last weekend they responded and identified some kids that were out there shooting. They were informed that the land was posted, they were beyond the 300 feet where the residences were, and that they needed the land owners permission.

Chief Agrafiotis stated that the department will look into this issue.

B. Mr. Sorel wanted to comment also on inaccurate information that is being spread around the Town. It appears a few people have gotten together on a mission. He was troubled by it because they have a better police department, and police commission than what some people are portraying it to be.

He read a quote that was written by Elbert Hubbard, and wanted it to go on record. If you work for a man, in heaven's name, work for him. If he pays you wages which supply you bread and butter, work for him; speak well of him; stand by him and stand by the institution he represents. If put to a pinch, an ounce of loyalty is worth a pound of cleverness. If you must vilify, condemn and eternally disparage—resign your position, and when you are outside, damn to your heart's content, but as long as you are part of the institution do not condemn it. If you do that, you are loosening the tendrils that are holding you to the institution, and at the first high wind that comes along, you will be uprooted and blown away, and probably will never know the reason why.

C. David Pearl from 79 Main Street stated that the Police Chief mentioned that many of the things stated on the Hooksett Issue blog were incorrect. The Chief asked him to attend the Commission meeting. Mr. Pearl had compiled questions from the Hooksett Blog that he submitted to the Commission. He asked that the list of questions be entered into the record of this meeting. He welcomed any answers that would shed light on the truth or any other things that are not true. (See attached list of questions.)

1. I would also like to know having lost 50 employees in his tenure why?
2. What can be done to retain people?
3. Do you feel that they are above the State law that governs public meetings?
4. Why would they not review what had been covered and attempted to go into a nonpublic session at 5:30ish ?
5. At the 3-17-09 Police Commission the Chief stated "if you want to know any more about the reports ask the Attorney General". Why was the Attorney General aware of Hooksett police reports?
6. At the 3-17-09 Police commission meeting the Chief stated "We have over 600 man hours involved in the SRO. Can you explain why it required 600 hours?"
7. Did you in fact ever unsnap your holster during an argument with an employee?

8. Have you ever spent any budget money that was not properly appropriated through the budget process?
9. Is it true that you have had up to 47+ police department staff employees resign from the department since your tenure began as Hooksett Police Chief?
10. How many sworn/ unsworn staffers have left the dept in your tenure by voluntary resignation?
11. How many sworn/ unsworn staffers have left the dept in your tenure by involuntary termination?
12. Did you ever suspend officers for other reason other than what is professionally justified?
13. Have you initiated more investigations and suspensions in actual number, than employees have filed in grievances?
14. Have you ever held any public meetings prior to its posted start time? Is it a violation of Rtk law?
15. Can you identify 10 agenda issues that any of the Commissioners have disagreed on with you this fiscal year?
16. How would describe the working environment at the Hooksett Police Dept?
17. Can you identify 3 agenda issues that each of the Commissioners have disagreed on with you this fiscal year?
18. Have you ever called your attorney for any daily administrative issues, that you could have made a decision yourself?
19. Why is the legal line so high?
20. Why was there such a delay to produce the 51 reports for the school?
21. Was the Chief in favor of having the meeting with the school non public?
22. How often does the chief call the Union Leader.
23. In general terms, please describe the state of the Hooksett Police Department when you became chief (effectiveness, personnel matters, turnover, morale and the like).
24. Much has been said about the turnover rate in the Police Department. I define turnover as the number of employees that have left the department. For turnover rate it would be the average number of employees that have left the department per year divided by the total number of employees in the department. For the past three years, please provide the following breakdown:

a. Total number of employees who have left the department. Please break this down into two groups. (1) Sworn police officers and (2) others, such as clerical staff, communications, etc.

b. For sworn police officers (any rank and including detectives) how many left for the following reasons:

- i. Retired
- ii. Terminated for cause
- iii. Voluntarily left to accept a position in another organization where wages and/or benefits are superior to Hooksett.
- iv. Voluntarily left to accept a position in another organization (police department or other) where wages and/or benefits were inferior to Hooksett, while the employee was the subject of an internal investigation process for possible wrong doing (this time period would be between the date the investigation began and prior to any disciplinary action).
- v. Left for a position in another organization (police department or other) where wages and/or benefits were inferior to Hooksett, while the employee was not the subject of an internal investigation process for possible wrong doing.
- vi. Other reasons (please list).

c. For those employees who were terminated and requested a hearing, how many chose to have a public hearing where members of the public could hear both sides of the story?

25. With regard to investigating possible police misconduct:

- a. Please describe the process and methodology when a complaint is received about a police officer, either from the public or within the police department.
- b. What is the process for determining whether an "internal investigation" is necessary?
- c. Who performs these investigations?
- d. What criteria are followed for determining whether or not to conduct a polygraph test?

26. There has been much publicity about the large number of cases within the Hooksett schools. The school board stated that the number was large while the chief stated that he was unaware of a large number. The school board was required to pay about \$1,000 for copies of about 50 cases. With regard to these cases, I have the following questions:

- a. What is the reason for the apparent large discrepancy of the number cases between the school board and the chief?
- b. Of the 50 cases, how many involved actual documented incidents (where a criminal act was done) and how many cases were found to be without merit?
- c. The school board chair wrote in the Hooksett Banner that the School Resource Officer had confiscated several knives and had confiscated drug paraphernalia. Does the School Resource Officer agree with this assertion?

How about the school principals? How many of the 50 cases involved knives, other weapons, drugs, or drug paraphernalia?

- d. How did the school board know what specific case numbers to request? Where did it get this information?
27. Can we have a clear explanation about purchase and installation of the new safety center sign?
    - a. Was this a Town or Police Department responsibility?
    - b. Why did the sign cost so much?
    - c. What would have been the impact if the sign had never been installed?
  28. Please respond to the assertion that the Police Department overestimates its budget requirements and then spends the year-end surplus on items not discussed when the budget was approved.
  29. Did the school principals notify the Police Dept of the student incidents of knives, drugs, etc when learned about?
  30. Did the Police Commission and/or Chief request to have Councilor David Ross submit an amendment to increase the proposed budget by \$106,000 at the 4/4 deliberative session?
  31. Was Councilor Nancy Van Scoy consulted by the Police Chief, Police Commission, or any representative, prior to the 4/4 deliberative session, to recommend that the amendment be passed?
  32. Did Councilor Ross request the amendment to increase the Police budget without first consulting with the Police Dept?
  33. Why when the attorney general was in Hooksett speaking why did you and the commission feel it brnrath you to attend?
  34. Why 7 suspensions for one officer especially SRO after all the school issues?
  35. Having two positions unfilled and planning on leaving them that way why fill the secretarys position instead of the community service officers postion?
  36. Can you provide a monthly account of incidents (#'s per month) that have been filed in the schools since SRO position came into effect. Did these 51 incidents occur in the last two years? how many this year vs how many this year. etc does the sro and principals sign off on these reports before they are submitted to police department.
  37. Can you provide reasons why officers and staff of the police department left? ie did they retire, leave for higher pay, changed careers, move to other police departments, or asked to resign and reasons for such requests?

YEAR 2000

David Dupont  
Brian Gannon  
Julie Champagne  
Dawn Brasley  
Charles Pelton  
Jacques Plante  
Clifford Shurtleff  
Michael Verneille  
Robert Cole  
Rebecca Corran  
Suzan Pollard

YEAR 2001

David Garofano  
Michael Jodoin  
Thomas Keach  
Mark Seymour

YEAR 2002

Vickie Gray  
Jesse Sherill  
Kelli Woodlock

YEAR 2003

Charles Chabot  
Ken Chamberlain  
Robert Dwyer  
James Mansour  
James Brace

YEAR 2004

Owen Gaskell  
Milton Ward

YEAR 2005

Barbara Gagnon  
Kathleen Hazelton  
Michelle Fudge  
Christine Damon  
Benjamin Selleck  
William Parker

YEAR 2006

Francis Gray

Keith Lee  
Corrin Spears

YEAR 2007  
Gary Gaskell  
Katherine Hartigan  
William Blodgett  
Daniel Bray  
Aaron Brown  
Scott Riley

YEAR 2008  
Lorraine Deslauriers  
Dolyne Divino  
John Morrow  
Thomas Cooper  
Paul Bonafide

38. As far as you know has any current police commissioner or chief campaign for any other police commissioner candidate or make personal requests to the town councilors on their votes for police commissioners?

39. What do you recommend the parents of this town say to our children regarding why the SRO programs is not supported by the command staff of the police department?

What is the mission statement of the Hooksett Police Department? I have never seen one and there isn't one on the website Hooksett.org

Please provide a diagram of the chain of command, with the names of the people and the departments/areas of responsibilities for each person above the rank of patrolman/person?

40. Police Commission Meeting on December 16, 2008 the chief said to Chairman Dave Gagnon that the K-9 officer was put on the day shift because there were drugs in the schools and the drug dog had to be available during the day because of the schools. Can you tell me when the schools mentioned they had a problem with drugs in the schools and who said it?

(Follow up)

When did the K-9 officer go on the day shift?

41. November 18, 2008 Police Commission meeting minutes does not reflect Captain Paul Cecilio addressing the Chief, Commission and the public about only three incidences were reported in the schools, a pocket knife that was in evidence, a confiscated pot pipe that was sent out to have the residue tested which came back negative and an air soft gun.

42. Can you tell me why this was not included into the minutes? Did Paul receive an internal or a suspension for reporting false information?

43. On December 3, 2008 the Chief addressed the town council saying that the SRO schedule had been changed due to Budget issues. Why are you saying the SRO schedule has been changed for Budget issues when the Budget shows over \$100,000. surplus just in the wage line at that time?

44. On December 3, 2008 the chief stated at the town council meeting that there was no record of school reports. How can you make this statement when Captain Paul Cecilio reported at your meeting on November 18, 2008 that three safety school issues were reported in the schools?

45. I noticed in some of your police commission meeting minutes you sometimes have 4 to 6 officers attending your meeting. How can you have this many officers attend a meeting while claiming to have manpower issues?

46. On April 2, 2009 the chief sent to the school board members copies of information discrediting Maura Ouellette's statement about the safety school reports. Can you tell me why the members would be getting this packet of false information especially after the department is aware that the reports exist?

47. Why the chief sent this information out after his meeting with the superintendent and the school board chair. Wasn't the meeting between both to resolve those issues? Did he go into the meeting with questions prepared to resolve the issues between them? Didn't he sign off on the joint press release? Why is he still sending info to the media? Was the meeting a big waste of time? Why is he still trying to bring media attention to this issue?

48. The school board members received copies on April 2, 2009 of information discrediting Jason Defina. Does the chief have the right to publicly pass out information discrediting one of his own officers?

49. Police Commission meeting on March 17, 2009 the audio tape reflects that Chairman Dave Gagnon did not review the safety school reports. The chief has denied the existence of these reports publicly for many months. Does the commission feel that the chief should not be responsible for his false public statements made?

50. Can you tell me how many patrol officers the department had when the SRO program was implemented?

51. On April 13, 2009 during the grievance hearing for Jason Defina, Henry Roy indicated that Jason had a candor problem and it was a Laurie issue that is public information. Can you tell me how and where did you get this information?

52. The chief has indicated Hooksett Issues has much false information floating around. Can you specify which items you are referring too?

53. Did the chief have any involvement into the questions 1 through 6 that have been submitted?



54. During non public sessions or anytime has the chief discussed personnel files with the commissioners?

55. Did the chief order Capt. Cecilio to hold officer Defina at the station on November 14<sup>th</sup> for four hours, regardless of how long it took him to answer the questions about the newspaper article?

56. Does the chief know that two memo's were submitted by officer Defina regarding the November 13<sup>th</sup> Hooksett banner article?

57. Does the police commission know that two memo's were submitted by officer Defina regarding the November 13<sup>th</sup> Hooksett banner article?

58. Did the chief submit either of Defina's one page or four page memos explaining the November 13<sup>th</sup> Hooksett banner article to the police commission?

59. Does the chief have a copy of Defina's four page memo explaining the November 13<sup>th</sup> Hooksett banner article?

60. Is the police commission aware that Officer Defina was required to write a second memo explaining the November 13<sup>th</sup> Hooksett banner article because Defina was told that the first memo "was not what they wanted"

61. Is the police commission aware that Capt. Cecilio took Defina's first memo from him then forced Defina to submit a second memo which was created by Capt. Cecilio and Lt. Cline to include Cline actually typing portions of the memo?

62. Is the police commission aware that Capt. Cecilio assured officer Defina that he would forward both memo's to the chief so they could be presented to the police commission.

63. Why did the chief purposely exclude Defina's four page memo from the SRO packets that he prepared for the meeting with the superintendent and the school board chair?

64. Why has the chief been leading the people to believe that the Hooksett Police Department does not know where Maura Ouellette got her information from when Officer Defina told Lt. Cline and Captain Cecilio the day after the article came out that her information came from him. to include the chief telling Union Leader Reporter Lauren Sausser that "even the SRO doesn't know where Maura Ouellette got her information from, he gave me a memo saying so."

65. Why would the chief waste 600+ man hours looking into where Maura Ouellette got her information from when he had the information all along?

66. If the police commission found out that the chief has known all along where Maura Ouellette got her information from yet still wasted 600+ man hours looking in to it, would they consider these grounds for a suspension or termination?

67. Was this public attack of Maura Ouellette's credibility because the chief does not like the fact that she asks questions at various public meetings around town?

68. Has the Chief ever stated that he feels that Maura Ouellette has stabbed him in the back..

69. After November 14<sup>th</sup> did the chief have a conversation with Capt. Cecilio where the chief tried to cover up his involvement into Defina being held at the police station by telling Cecilio that Cecilio can answer for why he gave the order to hold Defina even though the chief told him to do it in the first place?

70. Does the police commission think that it should be normal police department practice, for a chief of police to require his employees to submit inter departmental memo's to him on various topics just to have him forward these employee memo's to the media and various public boards without the employees authorization?

71. Does the police commission find this type of behavior by the chief of police professionally or ethically prudent?

72. Could the police commission ask their attorney if releasing these type of inter office memo's to the media without the employee's permission is legal? Especially when the employees have no intention of releasing these documents to the public or making public statements.

73. Please describe the use of the polygraph test on Police officers? How often is it used?

74. Do you think that the Hooksett Police Dept is running properly?

75. What are your goals and expectations for/from the Police Department and the Commission as we move forward?

76. Did a captain (not cecilio) that is not in charge of any patrol related responsibilities - was allowed to take a town vehicle home when he lives in BELMONT ???

77. Were personnel records were removed from the police department's building in order to generate psychological profiles on an internet web site?

78. Did Chief Agrafiotis "used force" when he removed his weapon from his holster while arguing with an employee - at that employee's other place of employment ?

79. Was an officer was ordered off the road at approx 2 am one night to learn that he was considered unstable and needed to see a psychologist. Then in the next breath the officer was sent back out onto the street with weapon in hand to continue his shift.

80 In 2005 did commissioner Gagnon give Gerald Hayes (the investigator into the chief complaint) the 23 questions that officer Defina officially supplied to the police commission at the police commission meeting of 02-15-2005 ?

81. Why are audio recordings of Police Commission meeting destroyed with in days of the meetings?

Commissioner Gagnon stated that the only problem he has with the list of questions is none of them are signed. The Town has a policy about not accepting anonymous things it was part of the council, and it has always been part of this commission.

Mr. Pearl stated that he would sign his name to the list of questions.

D. J.R. Ouellette from 3 Summer Fare Street stated back in January he requested a copy of the November and December minutes of the Police Commission Meeting.

He stated that the November 18, 2008 Police Commission Meeting minutes did not reflect Captain Cecilio's addressing the Chief, and the Commission in public. There were 3 incidents that were reported from the schools according to Captain Cecilio. One being an incident with a pocket knife, a confiscated pot pipe, and an airsoft gun and claimed that these where the only incidents that were reported.

He stated that after seeing what Officer Defina had gone thru with these hearings he was wondering did Captain Cecilio get an internal or a suspension for reporting false information? Why where these items excluded from the minutes.

Commissioner Gagnon asked Chief Agrafiotis if he intentionally covered up any safe school reports. Chief Agrafiotis stated no he didn't.

Commissioner Gagnon asked if Captain Cecilio intentionally covered up any safe school reports. Captain Cecilio stated, no.

Commissioner Gagnon asked Captain Cecilio if he could explain again for review all of the safe school reports as he reported to the Commission on December 2008 meeting.

Captain Cecilio handed out paperwork which was explained in detail and gave a brief overview of what had transpired.

A discussion was held on missing reports.

Marc Miville stated that it was an issue of what existed and what was produced by the right to know law. There were 51 other reports that were found and Captain Cecilio stated that there were only 3 reports at the December meeting.

Mr. Miville requested that he wanted everything stated tonight to be listed verbatim in the minutes and not a recap of what happened.

Commissioner Gagnon stated that it was not going to be written verbatim. A right to know request can be submitted for a copy of the tape.

Captain Cecilio discussed the knife that was stolen from the school which was given back to the school. He stated that 5 days prior, that report was submitted to the department with no mention of the threat against the students. They learned of the threat from the school. All the other knife cases were all reported to the department late, the knives weren't in the school.

The one pipe that was stolen that Officer Megowen had recovered from the SRO was sent up to the state lab.

A discussion was held on the 3 reports that existed and after a right to know request produced 51 other reports.

Mr. Miville stated that the citizens were looking for clarification that these reports did exist back in November, December and January when it was claimed that they did not. There were statements made that damaged Ms. Ouellette's integrity that she was incorrect and that these reports were unfounded. He is seeking as a public citizen an apology.

Maura Ouellette wanted to clarify that at the November meeting how many reports Captain Cecilio referred to. Captain Cecilio stated he discussed 3 knife reports, and an airsoft gun report. The main thing he was looking to find out what they had missed, and if there was a problem in the school that needed to be addressed.

Captain Cecilio stated he was questioned on guns, knives and drugs problems in the schools, and at that time that is what they had. He discussed the pot pipe that was confiscated from the school which was sent out to the lab. He contacted the reporter asking them not to report it as a pot pipe, the lab results came back as tobacco, and it was reported as a pot pipe.

Maura Ouellette was trying to clarify what was being said know and what was said in November by Captain Cecilio. She remembers him talking about 1 knife report that was in evidence, airsoft gun and a pot pipe.

Commissioner Roy stated at the school meeting all involved agreed to move on at that meeting. All of this is nonproductive. Commissioner Roy stated that the reports have been shown to the Attorney General who found them innocuous. He stated that she had misled the public and between her and the Union Leader they have embellished these

problems and a lot of people are in an uproar for no reason.

Chief Agrafiotis stated that a packet of information was sent out to school board members because a school board member contacted him, and told him that he did not know what was going on. The superintendent had not been keeping the school board apprised of these issues. That is why copies were sent out to the school board, commission and to the council.

Maura Ouellette stated that inaccurate information was being passed out reference Officer Defina's memo.

Commissioner Gagnon stated that he wanted an internal investigation on this memo as it was signed by Officer Defina and he lied, or somebody else is lying. He asked if they had copies of the memo Ms Ouellette was referring to and he wanted the whole thing researched and reported back to the Commission.

E. Trisha Korkosz from 32 North Reading Street wanted to know what to say to the children when sometimes they see officer Defina in the schools and sometimes they don't. She stated they need to move on. They have the program that Dr. Littlefield brought to Hooksett and they needed to decide if they were going to use it or not.

Chief Agrafiotis stated that Dr. Littlefield did not bring the SRO program to Hooksett and a number of years prior to the SRO program even starting, the department had asked for 3 officers, one of them was going to be an SRO. The Town ended up with default budgets and the position was not filled. The SRO program was initiated by the Hooksett Police Department. He met with Dr. Littlefield and worked with him on the program. The Chief stated they do not have a department that is large enough and they can not guarantee an officer is always going to be there. It all depends on the budgets, and manpower. They are going to provide as much as they can but the children have to realize, that just like every other program it is contingent on money.

Ms. Korkosz stated that she would really like the concerned parties to put aside whatever issues there are and work it out as it is a valuable program.

F. Commissioner Gagnon wanted to clarify that he wanted the County Sheriffs Department to handle the investigation so there would be no questions of impropriety.

G. Officer Defina stated that Commissioner Roy commented that everyone at the school meeting agreed to move on and resolve the issues. Officer Defina had an issue with the one page memo, and that after the school board meeting this was sent to the media by the Chief.

A discussion was held about a joint press release. As well as a discussion on a memo that was given to the media.

Commissioner Gagnon stated what started out as a worth wild project to save the SRO

Program has become a media circus by both sides. He believes everyone wants the same end results but it is getting further apart. It was the original intent of the joint press release to make it stop, and then work on the problems from inside. They want a program that works for the children, right know they have a program that works for the media.

He has called for an investigation because he wants to end it.

H. Doris Sorel from 54 Cross Road stated she has worked for Chief Agrafiotis and Chief Oliver, they were good bosses. This whole thing is a mess, there is a vendetta to get rid of Chief Agrafiotis. She commented to get rid of the blog and if anything needs to be said to make it a positive statement.

I. Officer Defina stated he has found discrepancies in write ups and wants to file several complaints, he asked the Commission who he can file them with.

J. Nancy Comai from 21 Elmer Ave asked if what Officer Defina was talking about was the minutes taken, and wouldn't this be an issue for the Town Administrator. Officer Defina stated that the Town Administrator and the Town Council have no authority over the Commission.

Chief Agrafiotis stated that Officer Defina could take his complaint to the County Attorney. Then there is no question about how it was handled.

Commissioner Gagnon called for a 10 minute recess at 6:37 PM.

## **2. Minutes of Last Meetings:**

A. A motion was made by Commissioner Roy to accept the March 17, 2009 public minutes, and non-public minutes. Seconded by Commissioner Gagnon, motion carried unanimously.

## **3. Monthly Reports:**

A. Discussed the March 2008-2009 budget the Town was in week 39 and expended 74.97% and the Police Department was 62.84% expended.

## **4. Old Business:**

### **2009-2010 Budget:**

A. The Chief stated that they are waiting to see how the citizens will vote and they are already working on how to structure next year's budget to meet the bottom line. He will be working on this with Commissioner Maksalla.

### **Communications/Verizon Tower:**

A. Chief Agrafiotis stated that the repeater is up and they are working on the final programming.

### **Hooksett District Court:**

A. Chief Agrafiotis stated that he heard the lease with the State for the Hooksett District Court expires on October 2010, and the latest information he has from the court is that the State is not going to renew it.

A discussion was held about what the impact would be on the department if they had to travel to the Concord Court. It would cost more overtime money, and it will cause an issue with transporting prisoners. The Commission asked at the last meeting to check into what other agencies use for transport vehicles. They contacted Manchester, Merrimack County and Hillsborough County that do a lot of transporting. Lt. McDaniel had done research and it would cost approximately \$46,000 to \$48,000 for a basic transport vehicle. The Chief asked if the Commission still wanted him to look into this. He stated that they have not purchased vehicles this year and the vehicles that were discussed during the budget process would be in the next budget year. There is still a total of \$87,600 in the vehicle line.

Commissioner Gagnon stated he will do some research with the Laconia Police Department to see what else their transport vehicle is used for.

Commissioner Maksalla will assist with this project.

Commissioner Gagnon made a motion not to exceed \$50,000, seconded by Commissioner Roy. Motion carried unanimously.

### **5. New Business:**

#### **Town Office Supply Purchasing:**

A. The Intern Administrator has been working on establishing a town purchasing plan. Many of the Town departments will be purchasing business items from Staples. The police department will be seeing a savings within the department.

#### **Grants:**

A. Commissioner Roy asked if the department is aware of grants that are out there for hiring officers. Chief Agrafiotis stated that they have been looking at them and they are similar to the old cops grant. If you apply and get the funds the community has to guarantee that at the end of that time the department is going to keep those positions on. They have to be new position and not already existing positions. It will not be something that is applicable at this time for the department.

B. Commissioner Roy asked in a down economy if the crime rate was increasing.

Captain Cecilio stated that thefts from inside a motor vehicle has gone down slightly, but shoplifting and burglaries were up 50% as the economy gets worst there is an increase in crime.

Commissioner Roy commented on a newspaper article that stated that in the mist of financial turmoil how salaries are changing. It went on to allude to the bright spots in the job market number one was police officers, as law enforcement was one last area to cut, in view of the upcoming budget constriction.

## **6. Public Input:**

A. Michael Sorel apologized for his outburst earlier.

B. David Pearl questioned the destruction of the audio tapes. Commissioner Gagnon stated that the tapes are no longer being destroyed. Legally they were correct in destroying them.

Chief Agrafiotis stated that they are looking at installing a recording system like the town council chambers.

C. Marc Miville stated the Commission just approved the Police Commission meeting minutes for March 17, 2009 he finds issue with some of the meeting, and wanted to assist with this. It states that Commissioner Gagnon called the meeting to order at 5:30 PM and that the public meeting ended at 5:32 PM. Having over seen the audio tape of that meeting the actual meeting lasted 5 minutes and 38 seconds. There is a discrepancy on this. The meeting was actually conducted prior to the posted time of 5:30 PM.

Commissioner Gagnon stated he went off of his watch. That is why there is a clock mounted on the wall now, and why he reopened the meeting after that was pointed out.

Marc Miville submitted a copy of the taped minutes verbatim, and wanted to offer a copy for submission as an addendum to the minutes that the Commission just approved as an attachment to the meeting.

Commissioner Gagnon stated that he could hand them in and take them under consideration.

Maura Ouellette wanted to clarify what Commissioner Roy stated that she had submitted her own press release.

Chief Agrafiotis stated that his comments did not make it on to the press release. She was surprised to hear that he had comments. She reviewed her e-mails and the correspondence with the Chief and it stated that the Chief was going to forward the information for Commissioner Roy to review. The press release that was sent out by the SAU Office is the press release that was agreed on.



Chief Agrafiotis explained how the process was handled and it was sent to Commissioner Roy. He thought that the issues that Commissioner Roy was raising in his comments were addressed in what she had done. She gave a copy of the paperwork to Commissioner Roy for his review.

Maura Ouellette commented that Captain Cecilio stated earlier he talked about 3 knife incidents on November 18, now he has a lot of other reports. If that is all he talked about how did she know that there was a pot pipe that was sent out for drug residue. The only reason she knew this was because he stated it at that meeting. He talked about 3 reports the pot pipe, the airsoft gun and the knife.

Commissioner Gagnon stated that is why he has called for an investigation.

JR Ouellette stated that the December meeting minutes were not approved and the tape was destroyed. That tape was important to Officer Defina's case. Commissioner Gagnon stated that it was not any different than what was being done, that tape specifically wasn't destroyed and other weren't. Mr. Ouellette commented that Commissioner Gagnon stated that the tapes were being handled properly, and in fact that was not correct. Commissioner Gagnon stated that he stands correct.

### **Non-Public Session**

At 7:25 PM, the Commission entered a non-public session to discuss personnel issues. Commissioner Roy motioned, seconded by Commissioner Maksalla, and the motion carried unanimously by roll call vote to enter non-public session in accordance with the provisions of NH RSA 91-A: 3, II (c).

A motion was made to come out of the non-public session at 7:32 PM.

#### **1. Personnel Issues:**

A. A motion was made by Commissioner Maksalla to hire Christine Barry for a Dispatcher position, seconded by Commissioner Roy, motion carried unanimously.

Motion made by Chairperson Gagnon to seal certain parts of the non-public session of the minutes that contained certain personnel issues. The reasons justifying the need for a non-public session still remain. Motion seconded by Commissioner Roy and the motion carried unanimously by roll call vote.

A motion was made to adjourn at 8:01 PM.

Drafted by: Executive Assistant Francine Swafford

*See attachment below added to minutes on 09/09/09*  
Attachment amended 11/10/09

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## Police Commission Meeting notes 4/21/09

Highlights of meeting -- relevant discussions missing from the official minutes:

16:50 to 16:36

Capt. Celicio: The problem that was put to me was to what, what problems do we have in the schools. So on 12/14 we had Lt. Detective Pinardi run a string search... who reads all the reports in the agency.. and signs off on most of them, unless he's absent - I do it. What happens is - we didn't find anything.

18:10 Capt. Celicio: No, there's more than 3 reports...

18:50 to 21:06

Capt. Celicio: We sat down with the principals, and asked what are we missing? Are there any reports outstanding? What did we miss? They could not provide us with anything.

J.R. Ouellette: You're asking what they're missing...

Capt. Celicio: We showed them what we had ...but you have some in the Right to Know.

In the Right to Know, you got 51 reports – there's more than 51 reports!

J.R. Ouellette: We're aware of that.

Capt. Celicio: But the people that ran the string search didn't do it correctly! Because you don't have any reports from the school bus incidents. Because everyone that lives in this town, remembers kids were supposedly getting kidnapped from the school bus routes. And we put everybody on the road on that. Those are there. There are a lot of reports that weren't submitted that you guys don't have. You're missing some of the major reports which are threats on the school staff. None of those are in there. You don't have any of the reports that were child and neglect reports, that everybody followed up on. Those aren't in there. Those are serious reports! But you don't have any of those in there. So this 51 reports, I don't know where this number came from. You don't have all the reports...you never did!

Maura Ouellette: We never said we did.

Capt Celicio: But I'm saying you're missing a bunch. The problem was there's problems in the school that we were missing, so we went to everybody and said 'hey, what are we missing?' Then, on 12/17 we went to the School Board meeting, and asked the School Board if they knew of anything that we were missing and they couldn't give us anything. So on 1/27, you submitted your Right to Know and we gave you everything we have that you requested. But like I said, you missed a ton.

Capt Celicio: (to Marc Miville) Fire away...

Marc Miville: It's not the issue of what they're missing... it's the issue of what existed and what was produced by the Right to Know Law.

Capt Celicio: Okay.

Marc Miville: You stated here in November, which is not in the minutes of Nov.18<sup>th</sup> ... it did not state that you spoke that night. I was sitting right here, you stood right here and presented 3 reports and that

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you said that's all you have. That all you had, you had 3 reports. And the Chief states the she must be exaggerating and all other reports are unfounded. She how reports on the Right to Know that there are 51 reports that they found. Yes, there could be more! But she produced 51 reports that you claim did not exist.

44:46 to 47:20

Marc Miville quotes several statements made by the Police Chief during the months of November, December, and January. The chief claims that Maura Ouellette is wrong about the safe school incident reports existing, that she must be exaggerating and mistaken, and that the existence of the safe school reports is unfounded. That since she is wrong about her statements, she should retract her statements and say they were wrong. That her damaging inaccurate statements about the existence of the school safe reports are damaging to the integrity of the police department staff.

Marc Miville then physically produces the 51 school safety reports at the podium, handed to him by Maura Ouellette, and demonstrates that these are the actual 51 reports that the Police Chief says do not exist. He lifts the reports in the air for the Chief, Police Commission and the public audience to see. Marc Miville then reads the assorted tab headings from the safe school reports, listing all the categories of safety incidents reported at the schools.

Mr. Miville concludes his comments by saying, "these reports do exist... thank you very much."

44:28 to 46: 35

Commissioner Gagnon admits that the reports exist, that they have said that repeatedly tonight.

52:20

Commissioner Gagnon: There are problems on both sides.

54:30

Commissioner Gagnon: The SRO program belongs to the kids in this town.