

**APPROVED**

**POLICE COMMISSION MEETING**

**Minutes of the Meeting of Tuesday May 19, 2009**

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The Hooksett Police Commission held a public meeting on Tuesday May 19, 2009, at the Safety Center. Present were Chairperson David Gagnon, Commissioner Henry Roy, Commissioner Mary Anne Maksalla, Chief Stephen Agrafiotis, and Town Councilor Paul Loiselle.

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

**1. Roll Call:**

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

**Public Session**

The Pledge of Allegiance was held.

**2. Public Input:**

David Pearl 79 Main Street:

A. Mr. Pearl was asked by Mr. Miville to submit two statements and asked that they be put into the records regarding the Commission minutes of March 17, 2009 and April 21, 2009 meeting.

Chairperson Gagnon stated that they would take them under advisement.

B. Mr. Pearl submitted video recording that were from the two public hearings that were held on April 13, 2009 and April 15, 2009, the police commission meeting from April 15, 2009 and the audio from the March 17, 2009 meeting.

C. Mr. Pearl stated he had some unanswered questions regarding the April 21, 2009

**Public Input Continued:**

meeting.

He stated that Mr. Ouellette asked Captain Cecilio why his statements about the reports were excluded from the minutes, and the question was never answered.

Chairperson Gagnon stated that they would look into this.

Mr. Pearl stated that Mr. Miville asked Captain Cecilio if he assisted Officer Defina with the memo. Captain Cecilio stated no, I had several conversations, but then was interrupted by Chairperson Gagnon who stated this in not an interrogation. When Captain Cecilio continued speaking he was speaking about what was missing. Did Captain Cecilio assist Officer Defina with the memo?

Commissioner Roy stated that they would take it under advisement, and asked if this was in writing. Mr. Pearl stated no.

Commissioner Roy stated he could not speak for Captain Cecilio.

Mr. Pearl stated that Mrs. Ouellette asked Captain Cecilio as she wanted to clarify from the November meeting how many reports did he refer to? Captain Cecilio mentioned many reports he never stated an exact number. He wanted to ask how many reports did Captain Cecilio refer to at the November 2008 meeting.

Chairperson Gagnon stated that Captain Cecilio was not here to answer.

Mr. Pearl said that Commissioner Roy stated at the meeting referring to the 51 safe school reports that they were shown to the Attorney General who found them fairly innocuous. He stated refereeing to the Attorney General this is it for a school in over two years. Mrs. Ouellette asked did he hear the Attorney General say this. Mr. Roy did not get a chance to answer. Mr. Pearl asked Commissioner Roy did he hear the Attorney General say this? Commissioner Roy stated no.

He also stated that Officer Defina asked at this meeting if they had wanted to resolve this then why did they send it to the media, they contacted him about this. Officer Defina was referring to his memo that was given out after the February meeting between the schools and the police. A discussion was held about a press release but not the memo, and the question was not answered. Mr. Pearl asked why was the Defina memo sent out to the media after the February meeting between the school employees.

Chief Agrafiotis stated that this was part of the Sheriff Department's investigation and will not be addressed at this point.

Maura Ouellette 3 Summer Fare St:

**Public Input Continued:**

A. She stated that at the last meeting she had requested information from a police report on a pot pipe that was sent out for testing. She was supposed to get the rest of the report and had not received it. She was wondering if she could get this tonight.

Chief Agrafiotis stated that they do have this but would not have access to it tonight as it was locked up in the detective's area.

She asked if she could come in tomorrow with a request, Chief Agrafiotis stated yes.

J.R. Ouellette 3 Summer Fare St:

A. Mr. Ouellette asked after the minutes are transcribed does anyone review them before they are released to the Commission? No. Is there someone who determines what gets removed or included in the minutes?

Chief Agrafiotis stated that the minutes are prepared and that's what comes to the Commission for their review for the next meeting.

B. Mr. Ouellette asked if there was any resolution to the internal investigation related to Officer Defina's memo.

Chief Agrafiotis stated that he was not sure which memo he was referring to but internal investigations are a personnel matter so they would never be discussed or disclosed.

Mr. Ouellette stated that it was brought up at the last meeting that there was a four page memo that got reduced down to a one page memo.

Chief Agrafiotis stated that would be part of the Sheriff Departments investigation.

C. Mr. Ouellette stated that Chairperson Gagnon made a statement that the department was paying for someone upstairs? He was wondering if he could explain this comment.

Chairperson Gagnon stated they had a meeting with their attorney.

**3. Minutes of Last Meeting:**

A. A motion was made by Commissioner Roy to accept the minutes for the April 13, 2009 public hearing. Seconded by Commissioner Maksalla, motion carried unanimously.

B. A motion was made by Commissioner Roy to accept the minutes for the April 15, 2009 public hearing. Seconded by Commissioner Maksalla, motion carried unanimously.

C. A motion was made by Commissioner Roy to accept the minutes for the April 16, 2009 public hearing. Seconded by Commissioner Maksalla, motion carried unanimously.

**Minutes of Last Meeting Continued:**

D. A motion was made by Commissioner Roy to accept the minutes for the April 21, 2009 public and non-public commission meeting minutes. Seconded by Commissioner Maksalla, motion carried unanimously.

**4. Monthly Reports:**

A. Discussed the 2008-2009 Budget the Town was in week 43 and expended 82.69% of the year and the Police Department was 70.99% expended.

B. Councilor Loiselle asked if they saw any major expenditures that would take a significant amount of the current balance.

Chairperson Gagnon stated that they still have the two vehicles that have not been purchased yet. Chief Agrafiotis stated it would be approximately \$70,000 to \$75,000.

Councilor Loiselle stated that they were working on doing the analysis of what is needed for this building.

**5. Old Business**

Verizon Tower Repeater:

A. Ossipee Mountain informed the Chief today that Verizon's attorney gave permission to have the antenna moved higher on the tower so the antennas would work correctly. This would be that last thing that needed to be done to finish this project.

**Transport Van:**

A. The Chief Agrafiotis advised that Commissioner Maksalla has a meeting scheduled with Lt. McDaniel tomorrow.

**Meeting Room Sound System:**

A. Chief Agrafiotis stated that he received a quote from Pelmac which he needed to finish reviewing.

**6. New Business**

**Safety Center Study:**

A. Chief Agrafiotis asked Councilor Loiselle if this was discussed at the last Town Council meeting. Councilor Loiselle stated a presentation was done by the company. Copies of the report were given to the Commission.

**Safety Center Study Continued:**

Councilor Loiselle commented that there is a building similar to this one that Bedford built. The Town Administrator was going to contact them and see if they have similar problems. The fix is extremely costly and the intent from the Council is to finally get a resolution with this and move forward.

Commissioner Roy stated that in the report it stated that a final report was coming and asked when they expected to receive this. Councilor Loiselle stated he did not know at this time, but it was discussed at the Council meeting.

Commissioner Roy asked if they discussed funding. Councilor Loiselle stated that they did not discuss funding but they discussed pricing.

Chairperson Gagnon stated that he did not think that some of these items could wait until the next budget season.

Councilor Loiselle stated that this was a priority for the Council they had discussed the immediate needs that have to be addressed and where could they get the funds. That is why he addressed the issue of where the police department budget was so the Council could look at encumbering some funding to pursue a portion of it.

Chief Agrafiotis informed Councilor Loiselle that he had e-mailed Town Administrator Granfield an article that he had received from the U.S. Attorney's Office stating that there is a bill in congress that provides grants for renovations modernization of construction of law enforcement facilities for her to review.

Chairperson Gagnon requested that the Commission be kept informed when all the information becomes available on what will be done. He commented this will affect day to day business.

Chief Agrafiotis asked that when the Town Council gets the latest version to have Town Hall send the information to them.

Councilor Loiselle stated that once an agreement was met they would have to sit down do an analysis as to what sections of the building would be cleared while the section is addressed, if it could be done that way.

Commissioner Roy asked if Town Council was thinking of assigning this to a committee and asking for knowledgeable volunteers that are construction oriented. Councilor Loiselle stated they have not reached that point. This is the initial study they are asking for more detail on the pricing. He stated he would keep them posted.

**Administrative Code Update:**

A. The Town Administrator has been looking to update the Administrative Code for the Town. The Chief had met with the Town Administrator and went over the issues that relate to the police and police commission.

**2009 Recovery Act Grant:**

A. The County received a grant titled 2009 Recovery Act Edward Burn Memorial Justice Assistance Grant. Five communities received this it was based on the fact the uniformed crime reports that are done and the statistics that are given to the Federal Government. The City of Concord is going to be the fiscal agent and Hooksett is eligible for \$27,197 out of the total grant of a quarter million dollars. The Department has two years to use the funds and they are looking to use the majority of the money for the next budget if needed for overtime.

**Memorial Day Parade:**

A. Officers are scheduled for coverage for the Memorial Day Parade which will be held on May 24, 2009. They met with the legion and everything is all set.

**7. Public Input:**

David Pearl 79 Main St:

A. He asked if they could describe the scope of the sheriff's investigation.

Chairperson Gagnon stated no.

Mr. Pearl stated that they wanted to understand what they are investigating. Mr. Pearl commented that Chairperson Gagnon stated he was calling for a sheriff's investigation. Is the investigation only revolving around that memo or are there other issues that are included in the investigation?

Chairperson Gagnon stated that the investigation was called for the accusations that there was untruthfulness in this department, and he put an end to it, and was the whole scope of everything going on.

Mr. Pearl asked is it safe to assume that the entire department is under investigation?

Chairperson Gagnon and Chief Agrafiotis stated that it is the S.R.O. issue.

Mr. Pearl stated that it is just an investigation regarding the S.R.O. officer's program. Chairperson Gagnon stated and the allegations made from such.

**Public Input Continued:**

B. Mr. Pearl asked if any internal investigations have been initiated since the last Police Commission meeting.

Chairperson Gagnon and Chief Agrafiotis stated that is a personnel matter and that information can not be released.

Mr. Pearl stated he understood they cannot share the details, but why can they not tell if there are any internal investigations underway?

C. Commissioner Roy commented going back to answer his first question that it would be under the preview of the Sheriff Department on how they wanted to conduct their investigation. The Commission has no input into this.

Mr. Pearl stated that he thought the way that it happened was unusual because there was no motion and no vote. Seeing there was no motion there was really nothing on the record other than what Chairperson Gagnon stated. He thought it left it a bit vague as to what was being investigated.

Chairperson Gagnon stated that he just clarified it.

Commissioner Roy stated that it would be up to the Sheriff Department to determine the parameters.

Mr. Pearl stated that it is his understanding that they requested an investigation regarding the memo and the S.R.O. program now.

Chief Agrafiotis stated the wording that the Chairman used that night when he said that's what he wanted investigated that's what was relayed to the Sheriff Department.

Mr. Pearl stated he found it very unusual that there was not a motion and there was not a vote to initiate something as important as an investigation of the police department. He also questioned whether they acted as a board or whether the Commissioner initiated the investigation.

Maura Ouellette, 3 Summer Fare St:

A. She understood that there is a complaint filed against Chief Agrafiotis by the past and present police officers. She was wondering how they are proceeding with this. Is it something that is handled on a state level, or is it something that is done by and independent company?

Chairperson Gagnon stated that he is not going to comment on it. Other than to say she seems to think it's by past and present and he finds it an unsigned request.

**Public Input Continued:**

Ms. Ouellette stated that it was posted on Hooksett Issues.

Chairperson Gagnon stated that Hooksett Issues publishes a lot of things that are not true. They published something that is unsigned except anonymous. They do not accept anything anonymous in this department. If someone wants to make accusations they should sign it. Then maybe something could be done. Until then it's anonymous and anybody could put that in, and the website decides that anything is ok to print.

Commissioner Maksalla stated that that applied to many of the town departments. Anything that comes in anonymous is not paid attention to.

Ms. Ouellette stated there is a form that the department has that if she wanted to commend an officer or complain about an officer, can't that be done anonymously.

Chairperson Gagnon stated they do not deal with complaints anonymously even on officers. It is not fair and someone has a right to face their accuser.

Chief Agrafiotis stated that depending on what it was if it was extremely serious i.e. someone was reporting that an officer raped them and they did not want to give out their name. That would be something that would go to an outside agency.

Chief Agrafiotis stated that he has seen a copy of it and he will be getting his own legal advice on this, it was the same stuff as 4 years ago and he was cleared 4 years ago.

**Non-Public Session**

At 6:00 PM, the Commission entered a non-public session to discuss personnel issues. Chairperson Gagnon motioned, seconded by Commissioner Roy, 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).

The motion was made to come out of the non-public session at 6:58 PM.

A motion was made by Chairperson Gagnon to seal all the minutes of the non-public session. The motion was seconded by Commissioner Roy and the motion was carried unanimously by roll call vote.

A motion was made to adjourn at 6:58 PM.

Drafted by: Executive Assistant Francine Swafford