

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday June 16, 2009

The Hooksett Police Commission held a public meeting on Tuesday June 16, 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 stated that Officer Defina asked Commissioner Gagnon at the April 21, 2009 meeting if there are 2 standards. Commissioner Gagnon stated no there shouldn't be. He then made the following comments: At the November 18, 2008 meeting Capt. Cecilio spoke about safe school reports, and his comments did not appear in the minutes. The audio tape of the December 2008 meeting was destroyed before the minutes were approved violating NH RSA. Commissioner Gagnon at the April 17, 2009 meeting stated that nothing was done to that tape that was not done to others. Mr. Pearl commented that these minutes played an important part in Officer Defina's hearing.

The minutes of April 17, 2009 meeting indicated that the first part of the public session lasted 2 minutes. The May 19, 2009 meeting it was pointed out to the Commission that the meeting lasted 5 minutes and 38 seconds. A DVD was given to the Commission which

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had an audio recording on it with a timer indicating a time. He stated that Mr. Miville has submitted verbatim minutes of that meeting and those minutes have still not been amended.

Mr. Pearl commented that to ensure a single standard or accountability of the Hooksett Police Department and to create an accurate record. He was asking for an investigation to be conducted into the matter of the minutes.

At the May 19, 2009 meeting the Commission was presented with an anonymous complaint against Chief Agrafiotis. Mr. Pearl asked the Chief Agrafiotis if he would consent to have the 2005 investigation report made public. Chief Agrafiotis stated no.

Mr. Pearl asked if any of the Hooksett Police Officers have ever been investigated or disciplined based on anonymous complaints.

Chief Agrafiotis stated yes.

Mr. Pearl stated that they are not going to accept an anonymous complaint against Chief Agrafiotis. He stated that sounds like a double standard.

He discussed a letter that the Town Council received from the Commission reference commission applicants he inquired if this letter was discussed in non-public session.

Commissioner Gagnon stated that it was.

Mr. Pearl stated that the letter was marked confidential and he wanted to know why it was marked confidential. The letter was released and made public.

Commissioner Gagnon stated that it was released unofficially. Chief Agrafiotis stated that it was stamped confidential as it was an issue that was spoken about in non-public session.

Mr. Pearl stated that if it was not confidential and it is public record then it should not be stamped confidential.

Marc Miville 42 Main St.:

At the March 17, 2009 meeting he referred to the inappropriateness of the meeting starting at a different time and on April 21, 2009 the Commission explained that they started 2 minutes early which they described digitally over an audio tape that the meeting lasted 5 minutes and 38 seconds.

He stated that on April 21, 2009 he requested that the minutes be approved as an addendum to the March 17, 2009 minutes that were presented to the Council. He

Public Input Continued:

submitted the minutes again.

He asked the Commission what it means when they state they are taking it under advisement, and what actions are taken after it is stated.

Mr. Miville stated that he was submitting the minutes again verbatim from the March 17, 2009 and April 21, 2009 meeting.

Mr. Miville was requesting a motion to adopt those minutes as presented. Commissioner Roy and Maksalla stated it would be taken under advisement.

Maura Ouellette 3 Summer Fare St:

Ms. Ouellette stated that on April 4, 2009 the Commission held a non-public meeting for personnel issues. She has seen no documentation from this meeting and asked for an explanation.

Chief Agrafiotis stated that they would research this.

Ms. Ouellette discussed the finding of the Merrimack County Sheriff's Department investigation. She wanted to know if the Commission was considering the options suggested by the Sheriff's Department to conduct a full study or a full audit.

Commissioner Gagnon stated no.

3. Minutes of Last Meeting:

A. A motion was made by Commissioner Roy to accept the minutes for the May 19, 2009 public. Seconded by Commissioner Maksalla, motion carried unanimously.

A motion was made by Commissioner Roy to accept the non-public minutes of May 19, 2009. Seconded by Commissioner Gagnon, motion carried unanimously.

4. Monthly Reports:

A. Discussed the 2008-2009 Budget the Town was in week 48 and expended 92.31% of the year and the Police Department was 78.37% expended.

Commissioner Roy commented that the budget is in decent shape, there were 6 of the line items that were over expended, 4 of them minor.

A copy of the 2009-2010 budget that was prepared by finance was given to the Commission.

5. Old Business

Verizon Tower Repeater:

A. Ossipee Mountain completed the work on the tower and testing was performed today. Captain Daigle gave a brief overview of the testing that was done. There was one issue with the car but the portable was loud and clear. All the other locations were loud and clear.

6. New Business

Space Center Issue:

A. Chief Agrafiotis stated that the Town Administrator discussed at the council meeting last week the RAVE event that occurred at the Space Center. The different departments involved met and on June 3, 2009 and a notice of violation was issued on the Space Center.

Commissioner Maksalla stated that she heard that there was another RAVE scheduled for August. Chief Agrafiotis stated that they would be watching this. The liquor department is involved also. Unless something changes the event will not occur, or if someone tries to hold the event it will be shut down.

Encumbrance Vote:

A. Chief Agrafiotis briefly discussed the pre-pay and encumbrance of funds.

They have agreed with the Town that the Town will pay the bills and he asked the Commission to vote to encumber these purchases. This will give Administration and Finance a better paper trail for the auditors.

A discussion was held on the 5 items that needed to be encumbered.

Commissioner Maksalla stated that Lt. McDaniel did a great job on pricing things down.

Commissioner Roy motioned that they encumber the

1. 2009 Ford E250 Van	\$19,757.00
2. Transport Van – Upfitting	\$23,770.00
3. Media Room – Audio/Video	\$5,714.00
4. Cell Block Booking Area –CCTV	\$1,748.00
5. Range Training Structure – Electrical	\$2,975.00

a total of \$53,964.00. Seconded by Commissioner Maksalla, motion carried unanimously.

New Business Continued:

Chief Agrafiotis stated there was a discussion at the Council meeting about the council's policy for appointing police commissioners. He had made copies of the procedure and mailed it out to the Council. It was originally proposed in 2002 but did not get adopted by the Council until 2004.

Chief read a copy of the Council's policy for appointing police commissioners.

Town Council post openings, citizens submit a letter of interest, upon receipt of letters council directs all respondents to obtain a current copy of their criminal and motor vehicle history, and sign an authorization for a background check. Upon receipt of checks and authorization police department checks in house records. The Council reviews letters of intent and records checks and consider which candidates should be considered for appointment. Council checks with current Commission for any information on issues, problems or any conflict of interest with any candidates. Council appoints the police commissioner.

Chief Agrafiotis stated that because of the sensitive nature of this position someone should have a good background, record check and allows the commissioners if they wanted to present any general information. The authority rest with the council.

Town Annual Report:

The annual report is due on July 17, 2009 and a draft was given to the Commission for review. If there are any changes that needed to be made to contact Executive Assistant Francine Swafford.

Turner Group Analysis of the Building:

Councilor Loiselle informed the Commission that the Turner Group analysis of the building and the final pages are being put together and the R.F.Q. are going out to 6 contractors with the help of the Turner Group, to the complete breakdown of the final prices. The Council will come back to the Commission with the complete breakdown of all the cost and the time frames involved which will take about a month or two to complete.

Emergency Preparedness Conference:

Staff will be attending and they will be reviewing legal issues and what has worked and what has not worked. So they will be better prepared for the future.

Annual Employment Labor Law Seminar:

A number of employees attended this seminar earlier this month there are a lot of changes in the laws coming up or have already occurred.

7. Public Input:

David Pearl 79 Main St:

A. Mr. Pearl wanted to submit his previous comments into the record in a written form. He does not understand why they will not correct the records, as the facts have been presented to them time and again.

He discussed the Defina hearing and the disciplinary action for a post it note on a door. He sees no interest in the Commission taking any action into finding out what happened. He finds this to be a double standard. He referred to the December tapes that were destroyed before the minutes were approved. He was asking that when the Commission and the Chief is presented with facts to look into it.

Mr. Pearl discussed the letters that were sent to the Town Council. He wanted to know why the Commission wanted to have people on the Commission that had no police experience. He thinks it would be helpful if someone would have an understanding of the management structure of a paramilitary structure on this Commission. He stated that the Commission was disqualifying 3 qualified people and not mentioning the one person who had lost their license for not blowing a breathalyzer test. He was questioning the Commissions judgment.

Richard Sullivan Morgan Dr:

A. Mr. Sullivan discussed the last council meeting and how Mr. Pearl's quick response to post the report of that meeting on his website, he reported that Mr. Sullivan had a DWI on his record and Mr. Sullivan stated that he did not. He had an A.L.S. suspension. As a result of his inaccuracy James Sullivan who serves on the School Board had to respond because people were thinking it was him. He stated he does not have any prior arraignments with the Commissioner or the Chief or anyone else. He has no agenda but to serve the Town and the Police Department. He finds the methodology to be very destructive to the people that volunteer to work in this town. He commented that a couple of people on the budget committee are overstepping in a manner in which they should conduct themselves as a town official.

Marc Miville 42 Main St:

He does not believe that they are characterizing anyone one way or the other. The facts are the facts, they are trying to nominate someone who has a record of refusing to blow a breathalyzer test, where other candidates are crime free.

He stated that there is a lot of table pounding going on by the police commission, police command staff and naysayers. He stated that semantics are the way out of answering questions. There are those who refuse to listen to the facts and prefer to attack the individual for stating them. It seems evident that there are a limited amount of persons and

Public Input Continued:

naysayers who make a big deal when someone questions a status quo process who attack the messenger of a fact or opinion and demean the person to try to stop them from talking. They like to keep things the way they currently are and blindly support individuals and events. He stated that it is time to stop criticizing the messenger and do what is right.

Maura Ouellette 3 Summerfare St:

Ms. Ouellette discussed the Town Council letters that were received from the Commission regarding the appointment of a police commissioner that were discussed by Councilor Pischetola.

She stated that the letter was troubling and it stated that 3 of the commission applicants did not make good candidates due to the fact that they have law enforcement in their background and what really is needed is a business background. She had a copy of a letter dated May 29, 2008 addressed to the Council from Commissioners Gagnon and Maksalla; they were requesting the Council reappoint Commissioner Roy to another term. She went on to say that she did not see a letter from the commissioners acknowledging the fact that one of the applicants did have a blemish on his driving record, which has similarities to the Hooksett Police Officer that was fired because of this.

She commented that given the facts, high turnover rate, and low morale of the department, the recent public hearing on grievances, an enormous legal line, and the recent finding of the Merrimack County Sheriffs Department. She asked Commissioner Roy and Gagnon think about resigning their position and allow the Council to appoint two new members to fill out their terms.

Commissioner Gagnon stated that those letters are appropriate if you read what the commissions job is it is a business background the Commission does not run the police department.

Non-Public Session

At 6:28 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 (a) & (c).

The motion was made to come out of the non-public session at 7:39 PM.

1. Personnel Issues:

A. Commissioner Gagnon made a motion to give the union employees a 3% increases and a 2.5% increase for non-union to include all full and part-time employees. Seconded by Commissioner Roy motion carried unanimously.

Personnel Issues Continued:

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 7:39 PM.

Drafted by: Executive Assistant Francine Swafford