

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday July 21, 2009

The Hooksett Police Commission held a public meeting on Tuesday July 21, 2009, at the Safety Center. Present were Chairperson David Gagnon, Commissioner Henry Roy, Commissioner Joanne McHugh, Chief Stephen Agrafiotis, and Town Councilor Paul Loiselle.

1. Call to Order:

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

2. Roll Call:

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

Public Session

3. Pledge of Allegiance:

The pledge of allegiance was held.

4. Chairmanship Vote for Commission:

A. Commissioner Roy nominated David Gagnon, for the chair position of the police commission for the remaining time of his term. Commissioner McHugh did not have a nomination.

5. Public Input:

David Pearl 79 Main Street:

A. Mr. Pearl asked if the Police Commission discussed the letters that were sent to the Town Council dated May 27, 2009, and June 2, 2009 concerning Police Commission candidates. Did they discuss those letters at the May 19, 2009 Police Commission

Public Input Continued:

meeting in non-public session?

Commissioner Roy asked if he could submit his questions in writing, as they did not have the answers at the moment.

Mr. Pearl commented that it was stated by Chief Agrafiotis at the last meeting that they did discuss those letters. He asked if the letters were discussed in non-public session.

Commissioner and Commissioner Gagnon did not recall if they were discussed in non-public session.

Mr. Pearl asked why there were two letters one was dated May 27, 2009 and the other was dated June 2, 2009, instead of creating one letter.

Commissioner Roy stated that his recollection is Stephen L'Heureux filed probably on the last date.

Mr. Pearl stated that Mr. L'Heureux's application came in on May 27, 2009. He did not see how it could be discussed in the non-public session on the 19th, and it appears the letter for Mr. L'Heureux was discussed outside of the meeting.

Commissioner Roy stated he does not remember discussing it, and will get back to him.

B. Mr. Pearl stated that at the June Police Commission meeting. Mr. Pearl asked Chief Agrafiotis if they received anonymous complaints against police officers. Chief Agrafiotis stated yes. Mr. Pearl was asking why they do not accept the anonymous complaint that was presented to the Commission at the previous meeting against the Chief, who is a police officer.

Commissioner Gagnon stated that they do not accept anonymous complaints.

Chief Agrafiotis stated that you have to specify specific issues; you can't just make general statements.

C. Mr. Pearl stated that he had approached the Commission three times and asked that the minutes be amended for the March 17, 2009 minutes.

Commissioner Roy asked Mr. Pearl to continue and he would have his answer in a moment.

D. He stated that the November 18, 2008 meeting Captain Cecilio's remarks were excluded from the minutes. He was mentioned in attendance but not saying anything in that meeting.

Public Input Continued:

Commissioner Gagnon stated that it should have been in the minutes.

Executive Assistant Swafford stated it was left out in error.

E. Commissioner Roy commented on Mr. Pearl's request to amend the minutes and was referring to a statement made by Attorney Halliquist who is a staff attorney for the NH Local Government Legal Center. He stated the question proposed to her was, if a citizen submits a prepared statement to the board and demands that it be included as part of the minutes, must it be included? She replied no. The board prepared their minutes and can not be forced to include statements and documents presented by members of the public.

Mr. Pearl stated that he was not trying to get a statement put into the records it had to do with the length of the meeting. The minutes stated that it was 2 minutes long, he provided them their own audio tape which was 5 minutes and 38 seconds long. That was significant because of the start time of that meeting.

Commissioner Gagnon stated to correct the time for the March meeting.

Dana Argo 11 Orchid Drive:

A. He asked Chief Agrafiotis for clarification from a newspaper article. In the article the Chief stated that he wanted the school board to stay out of the daily operations of the superintendent. He wanted to make sure it was a correct statement and asked for specifics.

Chief Agrafiotis stated that it was true, and referred back to the dealings with the SRO program last fall. He had good relationships with the Superintendent, he has had issues with staffing internally and had problems on both side with the SRO program. They were working with each other and were aware of the changes that may come about with the SRO program. Because of staffing issues they did cut back the SRO's hours, they were down 3 officers. They cut back the hours from 8 to 2 hours a day. He knew this was going to happen and was asked to let the school board know. Then Ms. Ouellette's press release was issued. He discovered when talking to the SRO that Ms. Ouellette who was on the school board at that time was calling him almost daily, and he was giving her information about things that were going on in the school. You have a superintendent that should be dealing with these things and a school board member should not be getting involved in these day to day issues. The request would be if issues arise for the school board to go to the superintendent with questions, concerns and problems, and let the superintendent handle them.

Montana, from Cawley Middle School:

A. Stated that all the kids have a great time with Officer Defina when he went on trips with them and made the kids laugh.

Public Input Continued:

Jessica from Cawley Middle School:

A. Stated that Officer Defina made an impact on the school, is an important person who is doing a lot, and that he should stay.

Maura Ouellette, 3 Summerfare St:

A. She welcomed Joanne McHugh as the newest member of the Police Commission.

B. She asked the Police Commission to reconsider the decision made by Chief Agrafiotis to replace Officer Defina as the SRO Officer. She commented how well he performed in the SRO program and how he is being retaliated against. She hopes that they reinstate him.

Marc Miville:

A. He stated that at the April 21, 2009 meeting Commissioner Gagnon stated that the SRO program is not about Jay's program, it's not about the police department program, the SRO program belongs to the kids. The kids want officer Defina retained as the SRO officer. He was recommending that the Commission retain Officer Defina as the SRO.

B. He asked Commissioner Roy for clarification on what the legal basis of submitting documents were. He asked if that was a legal opinion or if that is stated in the RSA's, and if this is a current change of policy from previous meetings.

Commissioner Roy stated that this was Attorney Halliquist opinion.

C. He wanted to address issues of previous meetings that he had on how to correct the minutes in submitting verbatim minutes to the commission which have not been adopted. Each month the Commission states they will take them under advisement for consideration. He wanted the request of verbatim minutes to take place.

See attachment # 1 reference Mr. Miville's speech.

Todd Lizotte Hooksett Resident:

A. He stated that the last few months have been a realization that there are systemic problems. He sees a retaliatory pattern; he is concerned with what is going on. He referred to the hearing on Officer Defina. He asked if there are systems in the police department that protect the officers. He stated that when you hire someone they are incompetent to begin with it is a flat line. Accelerated incompetence is an indication that there are other issues at play it usually is a failure of leadership.

He has had a few interactions with Officer Defina at the schools. He believes they have a good asset, and they should step back and reassess the situation, and look at the systems

Public Input Continued:

in place at the police department. He feels that this police department is unsustainable, they are bleeding officers. He is in support of the SRO program, and Officer Defina and that he should be given the change to continue in the program.

6. Minutes of Last Meeting:

A. Motion was made by Commissioner Roy to accept the minutes with amendments to page 7 public input, paragraph 5 to reflect she instead of he for the June 16, 2009 public meeting. Seconded by Commissioner Gagnon, Commissioner McHugh abstained.

B. Commissioner McHugh asked for clarification about the minutes as she was not in attendance. She asked what a R.F.Q. was, and what the difference was from and R.F.P. The Commission stated that is was for a quote.

C. She inquired what it meant when talking about the issue with the cruiser radio. Commissioner Gagnon stated that the cruiser radio was not working properly but using the portable radio outside the vehicle they could hear it loud and clear.

D. Marc Miville asked if citizens are allowed to make adjustments to the minutes if they spoke those minutes, or are only the members of the Commission allowed to change their statements? Is a citizen allowed to correct the minutes before or prior to the Commission approving them?

Commissioner McHugh stated that they will be discussing the citizen's document submittals and discussing how it would be handled. She commented in past dealings the board corrects them, and if people find errors to alert someone before hand. She stated statements that were made that were verbatim, she is not sure what the board will decide in regards to this, or if it can be a simple attachment to the minutes.

He stated that they have tried this for months and it has not been allowed. He wanted to know if there is a law or regulation that allows citizens to submit correction to the minutes if they spoke those minutes during the meeting.

Commissioner Gagnon stated that he does not believe there is a law or regulation it is up to the board.

The Commission moved to address citizen's document submittal under new business.

New Business:

Citizens Documents Submittal:

A. Chief Agrafiotis stated he wrote the Commission a letter addressing what Mr. Miville had been discussing and asked the Commission to discuss what the policy is going to be on

New Business Continued:

receiving documents from the public, and on verbatim minutes. He attached the legal opinion of Attorney Halliquist of LGC, and he spoke to legal council and gave the opinion of that also to review.

Commissioner Roy commented that in reading Attorney Halliquist opinion she stated that the Commission has no legal obligation to except written statements or documents.

A discussion was held on how to handle corrections and attachments that maybe made to the minutes.

Commissioner Gagnon stated they are not going to take verbatim minutes.

Commissioner McHugh motioned that statements that have been submitted to the Commission be allowed to be attached to the minutes that they refer to, and if the public has corrections that have been an oversight of the Commission that they be allowed to bring those corrections forward to be approved by the Commission. Seconded by Commissioner Roy, motion carried unanimously.

6. Minutes of Last Meeting Continued:

A. Motion was made by Commissioner Gagnon to approve the non-public minutes of June 16, 2009. Seconded by Commissioner Roy. Commissioner McHugh abstained.

Commissioner McHugh suggested using colored paper for the non-public minutes in the future.

7. Monthly Reports:

A. The final Town budget report has not been completed yet as it is the end of the budget year. The department's preliminary budget report for 2008-2009 was 100% expended, the department had expended 90.81% and \$294,724 will be returned to the town.

B. Commissioner McHugh stated that it would be helpful to have a summary of the breakdown of why lines have remaining amounts when it comes to the budget process.

Chief stated he would get her a complete copy of the budget packet for her review.

Commissioner McHugh inquired how the process is handled for expenditures. The process was explained.

8. Old Business

S.R.O. Program Update:

A. Chief informed the Commission that a meeting was held on July 20, 2009 with Captain

Old Business Continued:

Cecilio, Lt. Cline and Sgt. Blanchette who met with the Superintendent and Principal Estes and discussed the job description of the S.R.O. and other issues that had been sent to the school board.

Ms. Ouellette stated that the copies were not sent to the school board. Chief commented the information was supposed to go to the school board, so they would understand what the Chief and Superintendent were discussing.

Ms Ouellette stated that the information was not forward after discussing its contents with the superintendent and they felt that memos that were attached were inappropriate to pass on.

Commissioner Gagnon asked why someone didn't make them aware if they thought it was inappropriate. So it could have been discussed.

A discussion was held reference the paperwork and why the information was not passed on to the school board.

A discussion was held about the S.R. O. Program and guidelines to follow, there is a Memorandum of Understanding that is signed by the school district and the department which contains the RSA.

Training will be held on August 24, 2009 the staff will be training with the Superintendent, Principals and Vice Principals on the S.R.O. Program and the state law.

Commissioner McHugh stated that it is good they all work together and follow the rules, it is a good sign they are headed in the right direction.

Commissioner Gagnon asked what was discussed at the meeting if this information was not passed on.

Captain Cecilio stated that they wanted to move forward and make sure they did not want a D.A.R.E. and G.R.E.A.T. program which they did not as they have a step to success program, and they were looking at how they are going to incorporate the S.R.O. Program. They asked the department to do a presentation for them on the laws and procedures.

Commissioner Gagnon voiced his concern of the paperwork not being forwarded, and the issues with the lack of communication. As they have not received the information and it was assumed they had. There should have at least been a discussion brought back to them so they were aware. They need to move forward with better communications on both sides.

A discussion was held on how to proceed. Commissioner McHugh suggested that a follow up letter be sent reference the meeting that was held with the job description and ask who they would like the information distributed to and move forward.

Old Business Continued:

Lt. Cline stated that it was a productive meeting, there will be quarterly meetings held with everyone involved so nothing will be missed.

Mr. Lizotte stated that he feels Officer Defina has been persecuted to some degree, and the failure to the implementation of the S.R.O. program 2 years ago meant that he was introduced into the program that failed. If you have a position that you have to rewrite a mission statement every time someone goes into it, you have a fundamental problem with the program, it has nothing to do with the officers it has to do with the systems that have been put into place.

Chief Agrafiotis stated his general comment is correct as far as the general process as far as the officer being treated unfairly that is not true. There are personnel issues related to performance that did not have anything to do with the details of the S.R.O. program. Personnel issues can not be made public.

Officer Defina asked the Chief if he was stating that the switch occurred because of performance. Chief Agrafiotis stated that he was not going to discuss a personnel issue in a public session.

B. Police Department Website:

A. A discussion was held reference the website for the department there is a link to the Town's website now so the department can start working on it

C. Street Name Review Process:

A. Chief discussed the street name review process and stated that at the last council meeting they decided they wanted the police department to be involved, the Chief stated he will review the paperwork, but believes that they are adding an extra step that was taken out so the process was streamlined and the building department has been handling this through 911.

Councilor Loiselle was asked to check with Town Council to get clarification as to why they need the departments input, and that this issue had been dealt with before and they thought they had a process that worked.

D. Police Commission Appointment Process:

A. Chief Agrafiotis stated that the Town Council had amended the Police Commission Appointment Process Policy which was effective on July 8, 2009.

A discussion was held on the policy. Commissioner Roy discussed #3 for clarification which stated: Upon receipt of record checks and signed background authorization, Council

Old Business Continued:

directs Police Department to check its in-house records for any contact with the candidates. It was stated that it would be up to the Council to decide how to handle this.

Councilor Gordon stated that if something needed to be modified or change in the policy to bring it to the Council for review.

9. New Business:

A. Police Commission Membership Issue:

A. Chief Agrafiotis stated that the Council is looking at steps to take to add two more members to the police commission. Some would require legislative action, and there are pro's and con's. He stated that he would be sending letters to the representatives and ask to meet with them to answer any questions they may have. He was waiting to receive a copy of the letter from the Town Administrator that the Town Council was going to send to the State Representatives.

A discussion was held on steps that needed to be taken on this process.

B. C.I.P. Workshop:

A. A C.I.P. workshop was held on June 30, 2009. They discussed the process, changes and things that could be done for the future.

Commissioner McHugh stated that the important piece from the workshop was that the C.I.P. needed to be married to the master plan.

C. Town Council Orientation/ Budget Process 2010-2011:

A. The Town Council had an orientation through the Town Administrator and the Council received a lot of information, which helped to get everyone on the same page. The budget process was discussed at the meeting, they need to have a process in place and spend more time discussing the numbers and the request, than the process which seems to change every year.

D. Town Employee Appreciation Day:

A. On September 18, 2009 the Town will hold the Town's employee appreciation day.

10. Public Input:

David Pearl 79 Main Street:

A. He wanted to revisit the letter that the Commission wrote dated June 2, 2009 concerning Mr. L'Heureux's application and ask how it was generated when his

Public Input Continued:

application was filed on May 27, 2009.

Commissioner Roy and Gagnon could not recall as stated prior.

Mr. Pearl stated that it lead him to believe that a meeting was conducted outside of this room.

Commissioner Roy stated there was no meeting held outside of this room.

B. He inquired about the 94 internal investigations. Manchester Police Department had 64 investigations. He stated that there is a problem in the police department the Chief has been there through the 10 years. He believes there frivolous investigations which are causing professional and personal problems for people in the department. The Chief is the only one that seems to avoid this and will not accept a complaint upon himself but the tax payers are putting up with the burden of this in a legal line of \$152,000. He asked the Commission to get an outside audit to look at what is going on. They want answers, and asked the Police Commission to take action.

A discussion was held on the investigations done in the department, and the leadership in the department.

Marc Miville:

A. He wanted to have some input reference the past discussion on the Budget Committee and the Town Council. The Budget Committee is not responsible to dictate process all the presentation come to the Budget Committee. The department heads and council should decide how to proceed, and then bring what they have to the Budget Committee.

B. He wanted to respond to Mr. Pearl's statement that it's not personnel issues that the citizens want to know about. The citizens are concerned about the management standpoint of the department as it relates to personnel issues.

C. He asked if the Commission would consider having a fully accredited program to run the department based on the accreditation process to move forward on how this department is run.

D. He discussed the letter Mr. Pearl had talked about that the Commission had written. His concern was that at the June meeting the Chief stated he had stamped the letters confidential. Was the Chief present at the non-public meeting on May 19, 2009 in order to stamp the letter confidential, if so he should have recused himself from the meeting. He wanted to know what stated statutory justification did the Commission have to discuss non-personnel issues regarding Hooksett citizens in a non-public session.

Maura Ouellette 3 Summerfare Street:

Public Input Continued:

A. She asked a question at the last meeting about a meeting that had been posted for April 4, 2009 and there was no documentation for this meeting.

Commissioner Gagnon stated that it was posted in error and it was a meeting with council.

Commissioner McHugh asked where the Commission meeting postings are posted. She was advised that one was posted at the safety center, and the town website.

It was decided to add on the agenda locations and dates that the meeting posting where posted.

Jason Defina 1465 Hooksett Road:

A. He addressed the discussion on the memo's that were given by the Chief to the Superintendent. He wanted to see if the Commission would agree to review the packet that was given to the Superintendent. He wanted to sit down and review it with them.

Commissioner Gagnon wanted a copy of the original packet that was given to the Superintendent.

It was decided that Commissioner Roy would get his copy and at the next Commission meeting the Commission would review the contents of the packet.

B. Jason Defina wanted to go through the steps to have the Commission review his performance appraisal. As he understood that the S.R.O. appointment was based on his performance.

Commissioner Gagnon stated that this was not the place to discuss this. He needed to make the request in writing to meet with the Commission and it would be scheduled.

C. Commissioner Roy asked Reporter Lauren Saucier why an article did not appear reference Hooksett being voted as #66 of the best places to live. She stated an article did appear in the Union Leader, that she did not write it, and advised Hooksett was left off. The Union Leader did run a correction the next day stating it was on the list.

He stated that safety was a criterion which means a good fire and police department.

Non-Public Session

At 7:25 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),(e),&(i).

The motion was made to come out of the non-public session at 8:30 PM.

1. Personnel Issues:

A. The resignation of Dispatcher Alan Young was accepted.

B. A motion made by Commissioner McHugh to authorize the Chief to hire a part-time employee. Seconded by Commissioner Roy, motion carried unanimously.

A motion was made by Chairperson Gagnon to seal parts of 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 8:32 PM.

Drafted by: Executive Assistant Francine Swafford

Attachment #1 reference Mr. Miville's speech.

There's an old saying -- "When the facts support your opinion, you pound the facts; when one's opinion doesn't support the facts, you pound the table!"

There's a lot of table pounding going on by the Police Commission, Police command staff and Naysayers, and the noise is deafening.

Semantics are the way out of answering any questions.

There are those who resist listening to the facts, and instead prefer to attack the individual for stating them, to deflect the argument away from the reality that they can't possibly say anything else to dispute the truth or support their case.

It seems evident that there are a limited amount of persons in town, the Naysayers, who make a big stink when someone questions the status quo processes -- who attack the messenger of a fact or opinion, and demean the person -- to try to stop them from talking.

They have been involved in town for decades, who like to keep things the way they currently are, but who blindly support individuals and events simply due to loyalties to them, yet not based on facts or evidence to support their loyalties, and just want the detractors to shut up and go away.

"Get rid of that blog..." is what they say.

Yet times change and people's relationships change, and we must change with it.

To give this a historical perspective, and to extrapolate from this notion --

Some short-sighted people in this town would have also criticized Thomas Jefferson for writing the Declaration of Independence and the start of the American Revolution itself, criticized Martin Luther King Jr. for his "I have a Dream" speech, criticized the actions taken at the Boston Tea Party, criticized Reagan for demanding to tear down of the Berlin Wall, and criticized Abraham Lincoln for his Emancipation Proclamation in freeing the slaves. Those great American icons literally died for their opinions and beliefs, but changed the world because of what they believed in.

The Naysayers would have said "shut up and go away, we like it the way it is."

They don't want to hear "Yes We Can"... for them, it's "No We Mustn't."

We must follow in those footsteps, and make this Town a better place to live for all.

Nothing moves forward in a positive way, if time is spent criticizing the messenger.

"And that government of the people, by the people, and for the people shall not perish from the earth." -- NH's own Daniel Webster, used by Abraham Lincoln.

"The time is always right to do what is right." -- ML King Jr.