

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday September 15, 2009

The Hooksett Police Commission held a public meeting on Tuesday September 15, 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 5:37 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. Public Input:

David Pearl 79 Main Street:

A. Mr. Pearl referred to the two letters that were sent to the Town Council dated May 27, 2009 and June 2, 2009. He stated at the last meeting Commissioner Roy stated he had instructed Francine to put Mr. Patti and Mr. Karolian's name into a form letter and then came in to sign it separately. At the same meeting the Chief stated that they had discussed that letter in nonpublic session. Which occurred?

Commissioner Roy stated at the last meeting Mr. Pearl was told that it was a generic letter that was used. Francine was instructed to put the 2 candidates names on the letter and

Public Input Continued:

the same thing occurred when Mr. L'Heureux's letter came in.

Mr. Pearl stated then this was not discussed in nonpublic session.

Commissioner Roy stated there was no discussion there was a form letter and Francine was instructed to send it.

Mr. Pearl stated that he was asking because they entered the meeting under 91-A:3,II(c), he does not believe they had any right to discuss this at that time.

B. Mr. Pearl asked Chief Agrafiotis about an article that was published in the Banner on July 15, 2009 titled "Hooksett School Resources Officer in Defina Out". It stated that Defina found out that he has been replaced as SRO through a memo posted at the department, and no one at the department informed Defina directly. He asked if that was true. Chief Agrafiotis stated he did not remember, an order was done changing the assignment. He does not know if he received the order first or he received the notification from the supervisor.

Mr. Pearl discussed Defina's review and quoted Lt. Cline which stated "Given this officer's repeated pattern of incompetence and insubordination he was recommending that Officer Defina be terminated. He feared that retaining this Officer maybe subject to the department litigation or negligent retention." Mr. Pearl asked if that was true.

Chief Agrafiotis stated that he was not going to comment on any personnel issues.

The article also stated that as for the School Resource Officer, Chief Agrafiotis said the change is better for everyone. Mr. Pearl asked if that is how he felt. Chief Agrafiotis stated yes.

Mr. Pearl also commented that Chief Agrafiotis also stated in the article they are looking to improve on the program, the superintendent and I have worked together for years on the problem. We are the people to be dealing with those issues on the school side. He hoped they let the superintendent do his job, which is to deal with us and the school board shouldn't be involved in the day to day operation with the superintendent. Chief Agrafiotis stated that is correct.

Mr. Pearl asked that on July 14, 2009 if Defina had been recommended for termination. The Chief first stated that if Defina told you that he was lying, and about a half hour later the Chief retracted that statement saying that it did in fact recommend termination, but he had no reason to assume that Defina would be let go.

Mr. Pearl asked Chief Agrafiotis if he was revealing portions of Officer Defina personnel file to the public by saying this.

Chief Agrafiotis stated that he had already called the newspaper and he was responding to a request from the paper. He was trying to set the record straight and called the paper

Public Input Continued:

back when he realized he had made a mistake.

Mr. Pearl stated that the Chief confirmed information that was in Defina's personnel file. Chief Agrafiotis stated that his evaluation was not in his file at that point. He was only confirming or denying one specific point.

Maura Ouellette, 3 Summer Fare St:

A. Ms. Ouellette asked Chairperson Gagnon that at the last Commission meeting there had been a discussion regarding a detective that had left who had expressed an interest in meeting with the Commission. She asked if he had met with the Commission.

Chairperson Gagnon stated that he had not been contacted by him.

B. Ms. Ouellette asked if the Commission had changed their practice on exit interviews.

Chairperson Gagnon stated that this would be addressed today.

C. Ms. Ouellette asked Commissioner Roy about the job description that had been passed out with inappropriate memos attached to it. He was going to get his copy and give copies to the rest of the Commissioners. She asked if this had been done.

Commissioner Gagnon stated that he has not found it, and believed that Officer Defina was going to supply him with a copy.

JR Ouellette, 3 Summer Fare St:

A. Mr. Ouellette asked Commissioner Roy that he had made a statement in the past about a Laurie issue and was asking what a Laurie Case was.

Commissioner Roy stated that it was a case that addresses candor.

A discussion was held on how to obtain a copy of the Laurie Case.

Mr. Ouellette asked if Commissioner Roy had viewed information about a Laurie case. Commissioner Roy stated that he has read the Laurie case which addresses candor.

Councilor Loiselle asked for clarification on what a Laurie Case was.

Chief Agrafiotis gave a brief description and history on the Laurie Case.

5. Minutes of Last Meetings:

A. Motion was made by Chairperson Gagnon to accept the August 10, 2009 non-public minutes with amendments to page 1, second paragraph change replacement care to replacement car. Seconded by Commissioner Roy, motion carried unanimously.

Minutes of Last Meetings Continued:

B. Motion was made by Chairperson Gagnon to accept the August 18, 2009 non-public minutes, seconded by Commissioner Roy, motion carried unanimously.

C. Motion made by Commissioner McHugh to accept the August 10, 2009 public minutes seconded by Chairperson Gagnon, motion carried unanimously.

D. Motion made by Chairperson Gagnon to accept the August 18, 2009 public minutes as amended by moving the attachments to the end of the minutes. Correction to page 8 change James Sullivan to Richard Sullivan. A correction was made and needed to be reflected to the July 21, 2009 minutes, page 4 change the word preformed to performed. Seconded by Commissioner Roy, motion carried unanimously.

6. Monthly Reports;

A. Chief Agrafiotis stated that the Town was 9 weeks into the budget year and 17.31% expended and the Police Department was 12.65% expended.

Commissioner McHugh asked for clarification on the police equipment line. Chief Agrafiotis explained that it was any equipment that an officer would need to do their job.

She also inquired about the personnel equipment line. Chief Agrafiotis stated that personnel equipment was for uniforms.

7. New Business:

A. Citizen Program Memo:

A. Chief Agrafiotis gave a memo to the Commission about citizen program ideas that were discussed briefly at the last meeting. He wanted to see as they were heading into the budget season if they had any ideas.

The Town Administrator held an input session with citizens, and he was wondering if that was something prior getting into the budget process that the Commission might want to do. Seeing the economy is bad the Town is still seeing growth and that is going to be a tough issue to face at budget time.

He asked what the Commission wanted to see for the future from the police department and give the department some direction.

Commissioner McHugh stated that there are programs in other communities like neighborhood watches. She stated that a burglary happened across the street from her home in the day time. Is this something as a community the department could inform the citizens.

Chief Agrafiotis stated when there are problems they would meet with citizens in the neighborhood and tailor something for the neighborhood instead of a Town wide approach,

Citizen Program Memo Continued:

they have done this in the past when certain neighborhoods have contacted the department. They have not done one town wide due to manpower.

A discussion was held on how to educate the public on having a better awareness of their surroundings and needs.

Chief Agrafiotis stated if the Commission could think about what was discussed and contact him and he will come up with a master list of different ideas.

Councilor Loiselle stated that this was a good idea and would take the information to the Council.

Chief Agrafiotis asked Councilor Loiselle if they have any ideas to pass the information on to the Chief and he would put together a master list.

Chairperson Gagnon stated that he would like to see this move along with winter coming.

B. Commission Budget Representative:

A. It was decided that Commissioner McHugh would be the Commission Budget Representative.

C. Memo of Understanding/SAU:

A. An updated Memo of Understanding with the SAU had been signed.

D. CIP Program:

A. CIP paperwork was given to the Commission for review Chief Agrafiotis would meet with Commissioner McHugh and see if they wanted to have any additional meetings, and have the Commission decide on what would be turned into the Town for CIP requests.

Other Business:

A. Commissioner McHugh asked if they could add a new section titled Other Business on the agenda.

A discussion was held to see if the impact fees could be used for the laptops in the cruisers. It was decided that Chief Agrafiotis would look into this.

Commissioner McHugh inquired from Councilor Loiselle if the A & E Review is being done for the building and is there any consideration going to be given to expansion of the building.

Chief Agrafiotis stated that the Facility Committee will be touring the building tomorrow morning and reviewing the summary sheet of problems and future needs.

Other Business Continued:

Councilor Loiselle stated that he would ask the Town Administrator to ask the engineering firm to consider that as additional input, as to whether expansion can be part of the equation.

9. Old Business:

A. DARE Account Status:

A. Chief Agrafiotis discussed a memo from the Finance Department reference funds that are in the DARE account. A discussion was held on what to do with the funds as DARE is no longer used in the schools.

It was decided that Chief Agrafiotis and Commissioner McHugh would meet with the Finance Department to see what can be legally done with the funds.

B. PD Training to School Officials:

A. Chief Agrafiotis stated that the Police Department had training with school officials, the Memorandum of Understanding has been signed, and the safe schools act, and schools requirements under the Department of Ed Rule were addressed.

B. Mr. Lizotte asked if the education of school officials is done annually. Chief Agrafiotis stated that this was the first time it was done.

Facility Committee:

A. Chief Agrafiotis stated that the Committee will be touring the building tomorrow at 8:00 am and the Chief, Captain Daigle and Francine will meet with the members and discuss the questionnaire and issues.

Other Business:

A. Commissioner McHugh inquired if Hooksett had any type of a program reference addressing issues on graffiti.

Chief Agrafiotis stated that an informational report is done and they try to identify gangs or who it is related to. He stated that the detectives attended a Merrimack County Investigators meeting. Local gang activity that was occurring in other communities was discussed, and a packet of information was obtained. They keep track of this but there is no formal program. A brief discussion was held about how to address and handle the graffiti in town.

Councilor Loiselle stated he would bring it up to the Council as it is a Town issue. He stated that they might have to establish an ordinance.

Commissioner McHugh stated that she wanted to put on the next agenda that the

Other Business Continued:

Commission discuss what constitutes being put on an agenda, what criteria they need to meet. Also some of the policies they have in place whether or not they want to continue with the 5 minute input, or do they want to change it, and discuss exit interviews.

Chief Agrafiotis stated that he was going to discuss the exit interviews in non-public tonight.

Public Input:

David Pearl 79 Main Street:

A. Mr. Pearl asked the Commission if there was a specific reason why there was an attorney present tonight.

Commissioner Roy stated that they had a consultation with the attorney prior to the meeting.

B. Mr. Pearl discussed an article from the Union Leader on September 10, 2009 the Chief was quoted as saying "That is what I was going to go there and tell them what's happening". Referring to the possible Hooksett Commission expansion bill that would be furthered in the legislature. He asked what the Chief was referring to in the paper.

Chief Agrafiotis stated over the last year there have been a lot of issues and allegations thrown at him and the Commission. The Commission has been following the laws of the State of New Hampshire and the Rules and Regulations of the Department, in terms of the collective bargaining agreement, and legal advice. He commented that he knows it is aggravating for citizens that they can not hear what is going on, but that is the law in the State of New Hampshire as far as personnel issues.

Mr. Pearl also asked if the Chief denied making the statement to Councilor Boutin that he would air out Hooksett's dirty laundry.

Chief Agrafiotis stated that he did not make that statement.

C. Mr. Pearl asked Chairperson Gagnon if he did obtain a copy of Defina's memo.

Chairperson Gagnon stated that he would get a copy and did not get it.

D. Mr. Pearl asked Chief Agrafiotis if he thought the SRO program failed last year.

Chief Agrafiotis stated not totally.

Todd Lizotte 21 Post Road:

A. Mr. Lizotte expressed his disappointment in the firing of Officer Defina. He spoke of some of Officer Defina's high points in his career. Mr. Lizotte wants to figure out what

Public Input Continued:

really happened to Officer Defina and not let it happen to another officer.

Maura Ouellette 3 Summer Fare St:

A. Ms. Ouellette asked what happens to a court case when an officer leaves or is terminated from the department.

Chief Agrafiotis stated that the cases would continue and the Officer would be subpoenaed to appear in court.

B. Ms. Ouellette stated that she had attended the Hooksett Idea seminar and the topic of graffiti was discussed. They had a discussion as to how things could be handled. She also stated that the workshop idea the Chief had talked about sounded like a great idea.

C. Ms. Ouellette stated that at a prior meeting the Chief had discussed the pros and cons of going from a 3 to a 5 Commission board and she could not think of any cons, and wanted to know what cons he had in mind.

Chief Agrafiotis stated that he does, and that he does not want to discuss them with the allegation that is out there currently.

JR Ouellette 3 Summer Fare St:

A. Mr. Ouellette asked Commissioner Roy if the Laurie Case he reviewed was relating to an officer of Hooksett or was it a generic case.

Commissioner Roy stated that it was a generic case.

B. Mr. Ouellette inquired about the laptops, and he stated that it sounds like they did not want to hook up the laptops.

Chairperson Gagnon stated that he directed Chief Agrafiotis to find out if the impact fees could be used to fund the laptops.

C. Mr. Ouellette asked if an officer was at the end of his shift and still working a case are they allowed to continue working and get compensated for it.

Chief Agrafiotis stated if they continue working they have to be compensated. If the work they are doing is relevant and justified they are allowed to continue working.

D. Mr. Ouellette asked why Captain Cecilio thinks the sheriffs investigation was conducted on him.

Captain Cecilio stated the sheriffs department asked him what he thought the interview was about. He stated he thought he was the subject of the investigation and he was not corrected. He stated you have to have a subject of in an internal investigation as well as

Public Input Continued:

witnesses.

E. Mr. Ouellette asked why the sheriff's investigation was not part of the SRO memo as previously instructed by Chairperson Gagnon. He wanted to know who made the formal request of the sheriff's investigation.

Chief Agrafiotis stated that the letter was in Chairperson Gagnon's packet, as he had asked about it last month. He stated that the Commission discussed having the Sheriff's Department look into it, and the question that was discussed here. The question was did any member of the Hooksett Police Department intentionally try to cover up the existence of safe school reports regarding the Cawley School or attempt to cover up the safety issues in the Hooksett Public Schools.

Mr. Ouellette stated that Chairperson Gagnon stated that he wanted the investigation done on Defina's memo. He wanted to know how it came from the memo to doing it on safe school reports.

Chairperson Gagnon stated that everything was based on the safe school reports. They were accused of lying on the safe school reports. He stated that going from memory it was based on 2 conflicting stories and they felt that someone was lying on the safe school reports.

A discussion was held and Mr. Ouellette suggested that Chairperson Gagnon read the memos.

Non-Public Session

At 7:07 PM, the Commission entered a non-public session to discuss personnel issues. Chairperson Gagnon motioned, seconded by Commissioner McHugh, 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 8:09 PM.

1. Personnel Issues:

A. The Commission accept the resignation of Detective Brown with regrets effective August 16, 2009.

B. Commissioner McHugh motioned to approve Sgt. Blanchette's request to carry over his unused vacation time. Seconded by Commissioner Roy, motion carried unanimously.

A motion was made by Commissioner McHugh to seal certain 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.

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A motion was made to adjourn at 8:11 PM.

Drafted by: Executive Assistant Francine Swafford