

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday November 17, 2009

The Hooksett Police Commission held a public meeting on Tuesday November 17, 2009, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner David Gagnon, Chief Stephen Agrafiotis, and Town Councilor Paul Loiselle.

1. Call to Order:

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

2. Roll Call:

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

3. Pledge of Allegiance:

The pledge of allegiance was held.

Non-Public Session

At 5:33 PM, the Commission entered a non-public session by a motion made by Chairperson McHugh, seconded by Commissioner Roy, the motion carried unanimously by roll call vote 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 5:43 PM.

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

Public Session

4. Public Input:

Mark Miville 42 Main Street, Hooksett, NH

A. Mr. Miville expressed his displeasure with the change in the commission agenda having only one public input session. He stated that at the prior meeting the Commission was going to wait and look into what other departments allowed for public input and later readdress the topic, and now they find out that they collectively decided on their own to allow only one public input session regardless of any inquiries of other departments as stated and any vote in a public session on the issue. He asked did they make that vote outside of public session. He stated that the commission is giving a clear message to the citizens they don't want to hear concerns. The citizens want to address issues and have input. The citizens want an open forum and get answers to the issues that are not resolved. He stated that they would have to go to the media so issues will get addressed. Too much happens with this police commission to go over everything with them in a 5 minute time period once a month. What is the commission afraid of listening to if their behavior is in accordance to the town ethics and proper administrative process. There are still issues that have not been addressed from months ago. They are citizen appointed commissioners accountable to the process and to those they represent. It is apparent that they dread to hear public input and try to reduce public input all together. He stated repeated attempts to get answers to issues have been met with move on, and we are not going to discuss that anymore. He stated that if they just answer the questions it would put the issues to rest, the commission doesn't care what the citizens think and don't want to hear about it, and it is apparent with them only having one public input. He stated that the citizens will have to move to a more public input by going to the media.

Chairperson McHugh stated there is only one public input on the agenda and it was an oversight there will be a second public input and if there is anyone to blame it would be her. This issue was going to be addressed later in the meeting.

David Pearl 79 Main Street:

A. Mr. Pearl asked if there were any updates on the 2 complaints that he had filed. He had received one letter stating that it was received.

Chairperson McHugh stated they have not been discussed as they have been holding the budget workshops.

Mr. Pearl stated he was going to submit what he was reading and wanted the commission to accept this as a formal request for an investigation into the following matter. A memo was written on November 14, 2008 by Officer Defina concerning issues in the Hooksett Schools and Officer Defina was called in on his day off to write a memo. It was alleged that he was to remain at the police station for 5 hours, and that he was told by his superiors to rewrite the memo until it stated what they wanted it to read. The memo was discussed on April 21, 2009 at the police commission meeting and Commissioner Gagnon stated they would investigate and that someone was lying, he had instructed the Chief to

Public Input Continued:

contact the sheriffs department and to start an investigation. There was an investigation but it did not cover this memo. He stated that this is a serious matter that must be settled. The police department will not be able to move ahead until they figure out what happened. The allegation that someone was lying was referring to a police officer. He asked that they consider engaging a third party to look into this matter.

Maura Ouellette 3 Summer Fare Street:

A. Ms. Ouellette stated the agenda was going to address the K-9 and whether to fund another K-9 with the departure of Officer Megowen. She stated that three K-9 officers have quit under Chief Agrafiotis tenure. She stated that the Chief can not justify the cost of the K-9 based on past performance, and the statistics have been manipulated for a desired outcome. The Chief had talked about how ineffective the program has been based on how many times the dog was used. She commented on how Officer Megowen was treated and moved from night to days and the hardship it caused him. She stated that when the commission questioned the Chief about the change his comment was because of the drugs in the school. She stated the first pot pipe was not found until 5 months after the dog had been put on days.

She stated that before they look at the effectiveness of the program they need to examine why they can not keep officers.

Todd Lizotte, 21 Post Road, Hooksett, NH

A. Mr. Lizotte stated that he was concerned with implications when reading in the newspaper about the legal fees. He stated that the Chief agrees there is a morale problem. It is obvious the failure to boost morale has increased an exodus of officers. He stated that these officers have collectively attempted to create cohesion by forming a patrolman's association, organizing a policeman's ball, or other social gathering. He stated that these are the types of issues and behaviors that officers view as reasons for abandoning this Chief. He recommends the commission seek a means of interviewing the patrol officers and civilian personnel that remain to better understand how those view the weaknesses of the organization. He commented that if this is not done they will be losing more officers.

JR Ouellette, 3 Summer Fare Street, Hooksett, NH

A. Mr. Ouellette stated he has been attending many of the commission meetings since April 2006 as a concerned citizen. He wanted them to know that in no way has he acted on behalf of the budget committee, any budget issues he addresses is his own concerns and in no way relate to the budget committee.

He commented the Chief made a statement last month to a former budget committee member about the budget committee removing funding for 2 officers was an incorrect statement. Mr. Ouellette stated that the funding for a vacant lieutenant detective position was eliminated and the funding for a vacant supervisors dispatch position was eliminated.

Public Input Continued:

He stated both positions were vacant for an extended period of time or never been filled. He stated that the department is top heavy and it is the only department that has more admin than patrol officers.

Mr. Ouellette wanted to clarify what he said last month about the under expended funds. Over the last 6 years the wage line had been under expended. He stated that the Chief did a disservice last month to the community by saying the budget committee cut 2 police officer positions. He stated the Chief continues to make inaccurate and misleading statements and no one every questions him. It is clear that the citizens are concerned about the patrol officers positions not admin or dispatch. He stated that Commissioner Roy and Commissioner Gagnon allowed the Chief to make false statements and let concerned citizens leave without being properly informed.

Mr. Ouellette requested they have an investigation conducted on the Chief for changing the scope of the sheriff's investigation. He discussed the issues leading up to the investigation. He said that the investigation should be done by an independent unbiased investigator that would complete a detailed audit of the department including interviewing past and present employees in addition to investigating the Chief's management practices. He also requested that the commission unseal the 2005 investigation report, seeing the Chief was cleared, stating that the public has a right to view the findings.

6. Minutes of Last Meetings:

A. A motion was made by Commissioner Gagnon to accept the September 8, 2009 non-public minutes. Seconded by Commissioner Roy, motion carried unanimously.

B. A motion was made by Commissioner Roy to accept the September 15, 2009 public minutes. Seconded Commissioner Gagnon, motion carried unanimously.

Chairperson McHugh asked to set the September 15, 2009 non-public minutes aside to be discussed in non-public session.

C. A motion was made by Commissioner Gagnon to accept the September 28, 2009 public minutes. Seconded Commissioner Roy, motion carried unanimously.

D. A motion was made by Commissioner Roy to accept the October 6, 2009 non-public minutes. Seconded Commissioner Gagnon, motion carried unanimously.

E. A motion was made by Commissioner Gagnon to accept the October 20, 2009 public minutes. Seconded Commissioner Roy, motion carried unanimously.

A motion was made by Commissioner Roy to accept the October 20, 2009 non-public minutes. Seconded Commissioner Roy, motion carried unanimously.

F. A motion was made by Commissioner Gagnon to accept the October 27, 2009 non-public minutes and change the word agreeance to agreement. Seconded Commissioner

Minutes of Last Meetings Continued:

Roy, motion carried unanimously.

A motion was made by Commissioner Gagnon to accept the October 27, 2009 public minutes. Seconded Commissioner Roy, motion carried unanimously

A motion was made by Commissioner Gagnon to accept the November 4, 2009 non-public minutes. Seconded Chairperson McHugh, motion carried, Commissioner Roy abstained.

7. Monthly Reports:

A. Discussed the 2009-2010 budget the Town was in week 17 and expended 32.69% of the year and the Police Department was 27.37% expended.

8. New Business

Police Detail Fees:

A. Chief Agrafiotis addressed the detail fees, the police officers have received an increase in their fees, the finance department was asked to review the rates and what it would cost the town to make sure the town is not losing money.

A discussion was held about the details, and the rates were reviewed.

Chairperson McHugh stated they don't want the taxpayer to pick up the burden of details.

Councilor Loiselle asked what the private sector was being paid now and compare.

The commission decided to have Chief Agrafiotis check with other agencies and see what they are charging for fees.

Chairperson McHugh stated to put the police detail fees on the agenda for the December meeting under old business.

Community Awareness Program:

A. The Community Awareness Program was held on November 9, 2009. Chief Agrafiotis stated that the commission still needed to chose a representative for the Manchester Crime Line panel.

The commission asked what it would involve, when do they meet, and what the expectation is before someone commits to it. Chief Agrafiotis stated that he would get the requested information.

Commissioner Gagnon inquired if this would still move forward without a representative. Chief Agrafiotis stated yes.

K-9 Program:

A. Chairperson McHugh stated the department no longer has a K-9 officer, and is it something they feel the department should have or shouldn't.

Chief Agrafiotis asked Lt. Cline to speak about this program.

Lt. Cline stated that he has a staffing concern right now. He is a K-9 advocate but wants to wait a little while to get the new officers trained, and some of the field training officers who are interested in the position are training new officers and it would make it difficult. He stated that he wants a K-9 but he wants to get back up to full staff first.

Commissioner Roy asked what is being done when the department is without a K-9. Lt. Cline stated that they call on other K-9 units from other departments. He stated that they are readily available, but it also depends on what is going on with their own agency at the time they request assistance.

Commissioner Gagnon stated that he was a big supporter of the K-9 and a lot of equipment was purchased.

He stated that if they were going to do it right that the board and the agency needs to have 2 dogs. One dog can not be on call 24 hours a day 7 days a week.

Commissioner Gagnon stated Officer Megowen had put a lot of time and effort into this dog with researching the program. That is way they accepted getting another dog is because of his enthusiasm. They believe it is a good program for the right people.

Lt. Cline stated that Commissioner Gagnon was right and that they had to be very selective in choosing the right officer for the program. He stated that he would do a detailed proposal on what he wanted to see in terms of a K-9 program whether it be one or two dogs.

Lt. Cline stated that in the interim he wanted to get the staff up to speed first in the patrol section instead of jumping into the K-9 program.

Chairperson McHugh agrees with this whether it is for one or two dogs, she doesn't want the mindset that it is all or nothing. If they could get one K-9 then they should go with one.

She stated that it is the responsibility of the commission to keep the community safe.

Chief Agrafiotis reminded the commission that the budget for 2010 – 2011 does not have a K-9 in it.

Commissioner Roy asked the Chief what kind of expense it would be and to bring back the numbers before the next budget workshop.

9. Old Business:

A. Conversion of Unused Vacation Time:

A. A discussion was held on the conversion of the unused vacation time and Chairperson McHugh asked if there was a policy in reference to this. Chief Agrafiotis gave her a copy of the minutes from November 8, 2005 which read this was authorized by the commission.

A discussion was held and Chairperson McHugh directed the Chief to bring forth a policy on vacation time for non-union employees.

B. Commission Expansion:

A. Chairperson McHugh asked the commission if they wanted to discuss the possible expansion of the commission board.

Commissioner Gagnon stated that they haven't been asked for their opinion.

Commissioner Roy stated they have no control over a bill being introduced to the legislature.

Councilor Loiselle stated that there will be a hearing and it will go to the voters to make the final decision.

It was decided to wait for the public input at the hearing.

C. Exit Interview:

A. Chief Agrafiotis stated that the commission was going to discuss the exit interview process and address it at a future meeting.

Chairperson McHugh inquired if the commission wanted to do exit interviews. She was interested in doing exit interviews and thought it was a good idea and maybe allow some time to pass once an employee has left before doing them. She asked who would be involved in doing the exit interview and what the town does.

A discussion was held on different processes and what would be needed. The Chief was directed to compile all the information again on the exit interviews for the commission to review and find out how the Town handles them for the next meeting.

D. Sex Offender Issues:

A. Chairperson McHugh inquired about the sex offender issues, and asked if the commission should be doing anything else.

Chief Agrafiotis stated that he does not believe there is anything more to do. They deal with the issues one on one.

Sex Offender Issues Continued:

Lt. Cline stated that the department did provide a map of Hooksett with locations of sex offenders.

Commissioner Gagnon stated that if the department is going to provide something they need to keep it updated, and if it is not being updated they should remove it and use the States website information. He stated to look into this and see if it is being updated.

Chief Agrafiotis stated that he will check to make sure that things are in place and being handled correctly.

E. CIP Proposal Results:

A. Chief Agrafiotis gave an update and stated that on November 10, 2009 the CIP proposal was presented which was the emergency radio communications system replacement. The proposal went well the committee understood that in past years the CIP item was not funded to the level that it should have been. The committee was going to consider once they reviewed all the CIP items for the year what the needs were for the town, and what the ability to pay would be, and possible put money in the CIP and not zero it out this year.

They requested if that type of electronic equipment could be leased and not purchased. Chief Agrafiotis stated that they have checked with Ossipee Mountain Electronics they do not lease equipment, but there are third party companies that they are looking into in order to have the information for the next CIP meeting scheduled for November 24, 2009.

Chairperson McHugh stated that the general consensus of the CIP committee was that they were in agreement that putting aside \$10,000 does not get them anywhere. They are aware of the directive they received from the council as they do not want to spike the tax rate. They are in agreement that it is something that they should set aside funds for.

F. Impact Fees:

Chief Agrafiotis stated the impact fees can be used for the cruiser laptops, he had received advice from legal council on this stating the funds could be used.

The Town Administrator is working with the facilities committee to make sure that the committee is not looking to tap into this money, so there will not be 2 entities tapping into the same funds.

Councilor Loiselle asked Chief Agrafiotis what the time frame was to use the impact fees.

Commissioner Gagnon asked Chief Agrafiotis to check when the earliest expiration date is for the funds.

10. Other Business:

A. Chairperson McHugh asked Councilor Loiselle if he had asked the council if they were going to look into the graffiti issue.

Councilor Loiselle stated that he would look into this at the next council meeting and get back to the commission.

B. Chairperson McHugh asked that the minutes be done double sided.

C. Chairperson McHugh asked that the items that were discussed tonight be put on the next agenda.

D. Chairperson McHugh discussed the public input, she stated in past meeting there were some discussions on public input and they were inquiring from other committees and other departments how they went about handling the public input.

She stated that she had looked at other departments within town and stated that most of them had a public input at the beginning and one at the end. She asked how long they wanted to make the public input.

Commissioner Gagnon stated that they should have the 2 public inputs and 5 minutes each.

Councilor Loiselle stated that the council allows 5 minutes but they also allow appointments, which is put on the agenda and is different from public input. He stated that public input is not a dialog. He stated that its input that comes in and they thank them and that is it.

When they are put on the agenda by appointment then they are looking to the councilor to respond on an issue.

Councilor Loiselle stated the Chair is the one who decides who will be put on the agenda and given a certain amount of time to speak.

Commissioner Gagnon made a motion to have a 5 minute public input at the beginning and end of the meeting, and the chair will decide on the appointments. Seconded by Chairperson McHugh.

Councilor Loiselle also stated that a time limit is given to individuals that have appointments and it is usually 5 minutes.

Chairperson McHugh stated they would try this and if there are problems they will revisit it again.

It was decided that if someone wanted to be put on the agenda they would have to call one week prior to the meeting.

11. Public Input:

Todd Lizotte 21 Post Road, Hooksett, NH:

A. Mr. Lizotte stated that he was in agreement with Lt. Cline in support of the K-9.

He stated that he was addressing morale issues and that he has read through the minutes and the department is engaging in new programs but they loose the people. He stated it goes back to the morale issue. If you have a toxic environment you will continue to loose people.

He stated that the commission needs to look at ways to survey the personnel. There is a lot of distrust and they need to get to the heart of the matter. They are still going to lose people and they are not going to be able to sustain these programs.

Maura Ouellette, 3 Summer Fare Street, Hooksett, NH

A. She wanted to ask questions about the legal line. She asked why they needed 2 attorneys and why the legal lines are listed as union and commission in the town report. She asked if Attorney Higgins represents the commission and Attorney Bailey represents the Chief.

Chief Agrafiotis stated that there are 2 lines the commission line is for general issues the union in for negotiations or other issues that relate to the contract. Attorney Higgins negotiates the contracts on behalf of the commission. Attorney Bailey represents the department and Attorney Higgins advises the commission on procedural steps.

Ms. Ouellette asked why they could not use just one attorney.

Chief Agrafiotis gave a brief example of how the process works.

Ms. Ouellette stated that it is alarming to see a small department with all these issues; she had never seen a grievance or all these issues on the school side.

She also asked who reviews the legal bills.

Chief Agrafiotis stated that he does.

Ms. Ouellette stated that with a right to know request she received a copy of the April 2009 legal bills. She assumes that the bills represent in part the public grievance hearings of Officer Defina. She stated that the bottom of Attorney Higgins bill states labor negotiations, and it did not make sense to her as it was in a year they were not in labor negotiations.

Chief Agrafiotis stated that the labor negotiations in the spring were the second attempt in the last year of the sergeants attempting to form a union. Attorney Higgins deals with this as it was a union issue.

Public Input Continued:

Ms. Ouellette stated that she created a graph of the police department's legal expenses from the 1997 -1998 fiscal year until the most recent available numbers of 2008 – 2009. She distributed it to the commission. She stated that she finds it disgraceful as it is in a time when the economy has placed many families in hardship, this type of flagrant disregard of the Hooksett taxpayers can not be tolerated. She commented that in an attempt to justify the high legal bill Chief Agrafiotis said that if maybe the Town Council had done the same the Hooksett four fiasco could have been averted.

She wanted to ask the Chief if any of the upcoming legal battles would he consider resigning seeing the legal strategy has not worked.

Chairperson McHugh stated that if she has those types of questions she needed to submit them.

JR Ouellette, 3 Summer Fare Street

A. He stated that the union negotiations spent \$21,000 plus this year, he asked if that was correct.

Chairperson McHugh stated that if that is a question Mr. Ouellette is asking he has to submit it and they will look into it.

Mr. Ouellette stated that he agrees with Lt. Cline as far as trying to get the police force to where it needs to be. They do have the funding for the K-9 in place other than purchasing the new K-9 and the training. He stated that the Town needs a K-9. He stated that they need to look at the cost associated with this, and they have retired three K-9's in approximately 8 years.

Councilor Loiselle stated that Manchester and Hooksett Police Department had done a great job on the presentation on the community awareness meeting.

Non-Public Session

At 7:25 PM, the Commission entered a non-public session by a motion made by Chairperson McHugh, seconded by Commissioner Roy, the motion carried unanimously by roll call vote to enter in accordance with the provisions of NH RSA 91-A:3, II (a), (b), (c) & (e).

The motion was made to come out of the non-public session at 8:43 PM.

A motion made by Commissioner Roy to authorize the Chief to hire Terri Gibson as a dispatcher. Seconded by Commissioner Gagnon, 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

Non-Public Session Continued:

unanimously by roll call vote.

A motion was made to adjourn at 8:43 PM.

Drafted by: Executive Assistant Francine Swafford