

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday December 15, 2009

The Hooksett Police Commission held a public meeting on Tuesday December 15, 2009, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner David Gagnon, Chief Stephen Agrafiotis, Captain Jon Daigle, Captain Paul Cecilio, Fire Fighter Earl Lincoln, Officer Peter Dyrkacz and Town Councilor Paul Loiselle.

1. Call to Order:

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

2. Proof of Posting:

Chairperson McHugh stated that she had proof of posting of the meeting.

3. Pledge of Allegiance:

The pledge of allegiance was held.

Public Session

Chairperson McHugh stated that the fire department wanted to discuss an item with the police commission and asked if they could speak first before the public input.

Fire Fighter Earl Lincoln and Officer Peter Dyrkacz wanted to speak to the Commissioners about planning a ceremonial park at the Safety Center. The fire department wanted to join with the police department to build the ceremonial park. The goal was to raise funds through donations and donated materials and the labor would be provided by the police officers and fire fighters. He also stated that when accepted by the town the town would take over the maintenance of the park just like any other town property.

Fire Fighter Lincoln stated the town administrator and town council are interested in the project and ready to approve the project. They wanted a representative from the police department at the meeting when the final proposal was presented.

They anticipate \$20,000 to \$30,000 for materials. He distributed a chart of what the park would look like and gave details of items that would be on display at the park as well as seating and landscaping information.

Chairperson McHugh asked what they wanted the police commission to do.

Officer Dyrkacz stated that the police officers were looking for permission to go with the fire fighter to solicit funds on their own time, dressed in uniform.

Fire Fighter Lincoln stated that the town hall is looking for official endorsement of the project so they know that the administrations on both sides are in agreement to work together on the project.

Chairperson McHugh stated that they were looking to raise approximately \$30,000 and there would be no impact to the taxpayers.

Fire Fighter Lincoln stated there would be not impact to the taxpayers.

First motion by Commissioner Gagnon, seconded by Commissioner Roy for supporting both the fire and police with the endeavor of this project and the motion was carried unanimously.

Chairperson McHugh stated that the second motion is to allow the police officers to solicit funding for services dressed in uniform. Commissioner Roy made the motion, seconded by Commissioner Gagnon and the motion was carried unanimously.

Chairperson McHugh stated that the third motion was they raise the funds with no impact to the Hooksett Police Department. Commissioner Roy made the motion, seconded by Commissioner Gagnon motion carried unanimously.

Fire Fighter Lincoln asked that the police commission draft a letter to the town council that the commission is in support of the project. Chairperson McHugh stated that they would send a letter to the town council.

4. Public Input:

Maura Ouellette 3 Summer Fare Street:

A. Mrs. Ouellette stated that on the agenda they had a topic on the exit interview research and asked the commission if they were still trying to determine if they were going to do exit interviews or not.

Chairperson McHugh advised they still had outstanding questions and work to do in order to move forward.

Mrs. Ouellette stated with the resignation of Sgt. Martakos she was wondering if an exit interview was going to be done, seeing that some of the wording on his resignation letter was severe. She requested the Commission talk to him.

Mrs. Ouellette asked if there is a policy in place to address and correct issues brought up by employees at this time.

Chief Agrafiotis advised formally they can write a letter and submit it stating what the issue is; informally they can use their chain of command and talk to their supervisor.

Mrs. Ouellette stated that this is the department's tenth employee they have lost in 2009. She wishes something to be in place to try and control this before it gets worse.

Chief Agrafiotis advised we can't discuss employee issues. Mrs. Ouellette said the overall morale is bad. Chief Agrafiotis commented that the morale in the last few months has gone up for a different reason which cannot be discussed. He stated that he understands Mrs. Ouellette's concerns but the commission knows the details and they would be getting more details on different issues tonight. They have to put some faith in the commission that the issues are being addressed.

Chairperson McHugh advised if the Commission decides to move forward with the exit interviews there will be an opportunity to answer those questions.

B. Mary Farwell 24 Grant Drive, Hooksett, NH

Mrs. Farwell advised at the Community Meeting that was held at the Library there was discussion about a website for the police department and she wished to know what the status of the website was.

Chief Agrafiotis advised this topic will be discussed under Old Business.

Mrs. Farwell asked if she could give her public input at that time or should she do it now? Chairperson McHugh informed her how they conducted the meeting and when they got to that portion of the meeting it would depend on the other commissioners whether or not that interaction would be allowed. Chairperson McHugh stated that public input is only for public input there cannot be a debate.

Mrs. Farwell stated that people are eager to see this website, but she realizes they are short staffed and she knows of a person who has a degree in interactive digital media with a minor in computer science. She stated that she had spoken to him and that he is willing to volunteer his services to the Hooksett Police Department.

Chairperson McHugh asked Mrs. Farwell for his name. The Chief was very interested in this proposal.

C. Mark Miville 42 Main Street, Hooksett, NH

Mr. Miville stated that he thought the ceremonial park was a terrific idea. He stated that when he attended that town council meeting no taxpayer money would be expended and it was all going to be done through fundraising and included labor from the department. He stated that if they had \$30,000 they would also have to pay for the labor to the town as part of the fundraising as well.

Mr. Miville stated back in August he presented the commission with a list of questions that he would like to resubmit as it has been 4 months. He wanted to resubmit the questions again for a response. Chairperson McHugh stated that she would take the questions. Commissioner Gagnon stated that he thought they were answered and he apologized if he had not gotten a response.

Mr. Miville stated that last month he presented his public input which he read out loud and presented an envelope to the commission. He stated that there were 3 right to know requests in the envelope. Chairperson McHugh stated that they have the envelope.

Chairperson McHugh stated that she thought the commission had worked on them. But she needed to go back and verify. Mr. Miville stated that there were still questions in his mind that still needed to be answered that were not answered. He stated that as part of the right to know request, part of his reaching out to understand where some of these occurrences happened in a department so he can better understand where the money goes in the budget. It is a legitimate request to find out how many bottom line totals there are, he is not seeking any personnel information or confidential information.

Chairperson McHugh asked Mr. Miville to clarify again what he means by bottom line total as there is only one bottom line.

Mr. Miville stated that he requested over a period of 10 years how many total aggregate bottom line number suspensions had taken place in this department. He was just looking for the number. He stated that he did receive a response back stating that it was an internal practice that they don't present that kind of information.

Chairperson McHugh stated that he did get answers to his questions. He stated that basically his request was refused and he stated that he wanted to resubmit it again with a more clarifying request.

Mr. Miville stated back in September when the Union Leader or the Banner posted an article about employee's personnel information going out in public stating that a particular officer had a pending recommendation of a termination in public. He stated in his view this was against department policy. When he asked 2 months ago in a specifically targeted question. If they were going to be reviewing the Chief, just to make a point he stated that he would like information on that review. He stated that you cannot present the Chief's review or shouldn't be talking about this in public. He stated that was his point and he wanted the commission to readdress this one way or the other, something was wrong some violation occurred. Either publically presenting information to the public to the newspapers about a particular officers potential termination, or they are not allowed to use this information at all.

Chief Agrafiotis asked Mr. Miville just for the record he did receive the response. Mr. Miville stated that he had.

D. David Pearl 79 Main Street:

Mr. Pearl advised he filed a right to know on how many employees have left this year and he said he was refused. He stated he did not ask for any personnel information and only wanted a bottom line number and his response to that was it was refused. He feels that this is not justified and it should be public knowledge. He said it was directed to the Chief, but now wants the Commissioners to answer that question. Chairperson McHugh asked if he has submitted this question this evening and he replied that he didn't. He stated that he has the right to know that was refused, and has that on record.

Mr. Pearl wanted to discuss the situation the department is in they have had officers leaving, the SRO had been fired and has pending litigation, they lost the K-9 officer and there are 2 complaints against the Chief. The Chief has been picketed and printed in the paper. Mr. Pearl asked the Chief if he was to remain as Chief what is his plan to change the situation and to make the situation better.

Chairperson McHugh advised he has the right to ask questions, she stated that the Chief or the commission is not prepared to give him a response right now. She stated the question he is posing she would take it under advisement and discuss it with the commission and respond at a later date.

Mr. Pearls stated that his question was not to the commission but to the Chief who is the leader of the department. He stated that he would like to see a plan and they should not be a reactionary department and reacting to everything that happens. He stated that if the Chief wanted to consider answering it later he would appreciate it.

Chairperson McHugh commented that on the agenda the commission was going to discuss exit interviews. She thinks when exit interviews are done they can gather some of that information as to why people are leaving and put a plan into place or make some changes within the department.

Chairperson McHugh stated once again that this is a type of question that one would have to think about before one would respond, and they would be discussing this evening about exit interviews. She is not aware of all the reasons that people have left the department and she thinks that the commission and the Chief would have to sit down and discuss the reason why people left.

Chairperson McHugh stated that if the Chief wanted to make a statement that is his prerogative. Chief Agrafiotis stated that he agrees with the commission.

Mr. Pearl stated that he had submitted 81 questions back in April and had not been responded to yet. Chief Agrafiotis stated that they were mailed to him on December 14, 2009.

5. Minutes of Last Meetings:

A. Chairperson McHugh asked that the September 15, 2009 non-public minutes continue to be tabled.

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

C. The budget workshop minutes of November 16, 2009 were approved. Motion carried unanimously.

D. The minutes of November 17, 2009 public. Motion by Commissioner Roy to accept, seconded by Commissioner Gagnon. Chairperson McHugh wished to amend one line.

A motion to accept was made by Commissioner Roy, seconded by Commissioner Gagnon. Motion carried unanimously.

E. A motion was made by Commissioner Gagnon to accept the November 17, 2009 non public minutes. Chairperson McHugh has a problem with these minutes to be discussed in non-public.

F. A motion was made by Commissioner Roy to accept the December 1, 2009 workshop meeting, seconded by Commissioner Gagnon. Motion carried unanimously

G. December 1, 2009 non-public minutes will be discussed in non-public and August 18, 2009 has to be discussed in non-public also.

6. Monthly Reports:

A. Discussed the 2009-2010 budget the Town was in week 22 and expended 42.31% of the year and the Police Department was 34.14% expended. Changes were made on police budget and have been submitted to the town.

B. Chairperson McHugh asked if there are lines that are over expended, to have a report done each month. Chief Agrafiotis stated that is done each month with Francine's reports.

Chairperson McHugh asked Chief Agrafiotis to update the commission on changes to the budget.

Chief Agrafiotis stated they voted to submit a budget to the town as the town council has asked that the budget be level funded and the commission had accomplished this. He stated that when the finance director was reviewing the budget she found a couple of errors in the spreadsheet for the benefits. There was \$8,650 missing, he went back after discussing this with Chairperson McHugh and adjusted a number of lines but the bottom line did not change. Chief Agrafiotis adjusted the vehicle maintenance line #313 lowering the line from the \$50,565 to \$48,738. Training line #443 reduced the training ammunition by \$2000, and reduced the duty ammunition by \$500, reduced the first line supervisors course by \$500, and the management level course by \$1,000. The new amount for this line was \$19,759 from \$24,259. The police equipment line #713 lowering the veterinary

bills to \$1,500 from \$2,000 and reconstruction equipment from \$1,000 to \$500. This line was adjusted from \$31,726 to \$30,726. This made up the difference but they are still at the same bottom line. A new packet with the correction will be given to the commission when Francine comes back from vacation.

Town Councilor Loiselle asked what the biggest increase was in the budget. He stated that 6 line items were reduced that come to some dollar amount. Chairperson McHugh stated that they have the evergreen law that has a big impact on the budget. Chief Agrafiotis stated that the original budget that was put together was approximately six hundred and fifty thousand dollars higher than the budget that they had submitted to the town. They then looked at the budget and tried to meet the town council's goal so the items that are reduced add up to that in addition to absorbing the cost they outlined on page two. Town Councilor Loiselle stated the evergreen law has a big impact on the budget.

Chairperson McHugh stated that the administration had in their budget certain parts of this that now have been parceled out to the department. It took substantial effort to come to this amount.

Town Councilor Loiselle stated that it is a four million dollar budget and the Chief is stating the goal is met but not without reduction to police services. Chief Agrafiotis and Chairperson McHugh stated that was correct.

7. Old Business

A. Crime Prevention

A. Captain Cecilio was asked to give information on the department website, Twitter and neighborhood watch. He stated that Twitter is up and running. Facebook has been set up and he wanted to clarify with the commission before he releases the page. He stated that on the left side of the page is what he can control and once the site is open there is an area called a wall which is what everyone can post to. He will not have control of what gets posted there. Whoever is going to be the administrator on the account can delete what is put on the wall, but if something is posted on the wall at two in the morning he will not see it until the next time he views the sight. He wanted the commission aware of this. The layout of the Facebook page was explained. Captain Cecilio stated that recently the town hall had a problem with the company that maintained the website as they had gone out of business. The Town is looking at using someone else.

Captain Cecilio stated the Twitter account is accessible by all cell phones. This system will provide text messages to cell phones with updates/alerts.

He stated that he would get this information out to the Union Leader to see if more people will sign on to Twitter. He also is working on writing a policy.

Captain Cecilio described what would be on the website once it was up and running.

He stated that it would cost \$995.00 to have the department's computer company come in

and set up the process for the export file. \$90.00 a month for the first year to pay crimereport.com to do the map and posting. There is a 30 day trial period.

Chairperson McHugh asked Town Councilor Loiselle about the person the town hired for the town website what it involved. He stated that it was for labor and maintenance. She asked if other departments could use this service. He stated that it was for town hall only, and she could discuss this with the town administrator.

Captain Cecilio stated that he had a goal within the next 60 days to have a template up and running to show the commission.

A discussion was held on the difference between the Twitter account and Facebook and security access.

Mary Farwell advised that PSNH used Twitter last year during the ice storm and it was tremendously successful.

JR Ouellette advised his children go to UNH and they have a UNH Emergency Alert System and it works great. This system is a reverse 911 which is secure which goes to your cell phone or email. Bright Arrow is another one to look into. Captain Cecilio will look into the other systems.

Mark Miville inquired about the neighborhood watch. Captain Cecilio advised they have Bill Shackford who is going to be helping in this area.

B. Town Attorney Research:

Chief Agrafiotis has talked to the Town Administrator about questions they had about the new law firm the town uses and if it could be used by the police commission. He stated that they are still looking at this from the firm's point of view. They had 3 questions: They asked whether it would be a conflict of interest for that firm to represent the commission in any issue that may arise, or give advice where they are already giving advice to council. Commission Gagnon asked why it would be a conflict. Chief Agrafiotis stated that the boards could have different issues. Chairperson McHugh stated that the firm hasn't decided whether or not as they are a small firm. They are looking into what the town has asked them to. What the RFP was and whether that skill level or background level of work that the commission would need. Chief Agrafiotis stated that the town hall may deal with municipal law and the commission maybe dealing with personnel laws or other issues, and are they interested in taking on any additional clients and if so what would the cost be.

C. Exit Interview:

Chief Agrafiotis provided the Commission with exit interview research of what the Town currently does for exit interviews. He also provided an old exit interview form that they had used in the past, and was adopted from the town's form.

Chief Agrafiotis spoke with LGC and they stated that they would not give an opinion on whether they should do them or not. It is up to the individual, community, or board.

Chief Agrafiotis asked if the Commission wanted to proceed with using the same town forms, they needed to decide on a time frame, and how they want to do the exit interviews.

Chairperson McHugh stated that she spoke with the Town Administrator and she stated they do them and it is required per the personnel plan.

Chairperson McHugh asked when would they want to do an exit interview and who would be part of this process.

Chairperson McHugh asked if the commission wanted to use the Hooksett Police Department exit interview form. The commission agreed to use this form. She asked if the commission wanted to wait a certain period of time after the employee left the department, or did they want to do it as the employee is leaving. It was decided that they would wait 2 weeks after receiving the resignation. The commission was in agreement with this.

Chairperson McHugh asked who would be on the panel. It was decided the panel would be the employee, the chief, and a police commissioner. The commission was in agreement with this.

Chairperson McHugh motioned to continue with the exit interview based on using the Hooksett Police Department exit interview form, to be done 2 weeks after the resignation was given, and the panel would be comprised of the employee, the Chief, and a police commissioner.

Commissioner Gagnon asked if the commission has the authority to review the employee's personnel file. Chief Agrafiotis stated yes.

Chairperson McHugh stated that this was a question that needed to be looked into. She stated that when she was on another board it was not the practice to look at someone's personnel file. Commissioner Gagnon stated that if you do not you don't know the history, other than one person's word against the other.

Chairperson McHugh asked if it was the job of the panel to resolve the issue, or only to take the input as an exit interview.

Chief Agrafiotis stated if a safety issue was brought up, the department would deal with it, if it was a personnel matter the one commissioner would report to the other commissioners and have the full board look at the personnel file based on what was discussed.

Commissioner Gagnon commented that the employee is already gone; looking at the file does not taint any decision.

Chief Agrafiotis stated they needed to be done case by case. Would the commission be asked to do an exit interview with an employee they were going to terminate. Chairperson McHugh stated they needed to clarify this.

Commissioner Gagnon stated that is why it was stopped because of legal advice for such reasons. You can't pick and choose who you are going to do an exit interview with. It should be with everyone or no one gets an exit interview.

Chief Agrafiotis asked the commission if they wanted to discuss this with the attorney that gave the advice of not doing them.

Chairperson McHugh asked if this attorney told the Chief to cease all exit interviews because of that.

Chief Agrafiotis stated because of that and the size of agency the chances of them not knowing why an employee was leaving would be rare.

Chairperson McHugh stated that was not the advice she had gotten from the town administrator.

Councilor Loiselle asked if the members of the commission have the authority to look at personnel records.

Chief Agrafiotis stated that they do but it is recommended that they do not.

Commissioner Gagnon stated that they have never looked at a personnel file. Chief Agrafiotis stated that they could, but if they do and an issue arises they would have to recuse themselves from making a decision.

Chairperson McHugh stated they would put this item aside until they get more information on why this was suggested to the commission.

D. Unused vacation time:

Chief Agrafiotis gave the Commission a policy regarding how vacation time is used by union employees in the contract. He stated that the commission could adopt basically the same language for the non-union employees.

Chairperson McHugh asked what has been the past experience with the employees that are in the union and how many times have they been paid for unused vacation time. Chief Agrafiotis stated that it has not happened that often. He stated that if they adopt this it would be the same for all employees with the same guidelines in place.

Chief Agrafiotis stated that the commission had voted in the other option years ago it was allowed as long as the Chief brought the situation in a timely manner to the commission. He stated that the commission brought this item up and he wanted to bring everybody in line. If they were going to change and take away what was granted by the commission a number of years ago. He would suggest using the same language for everyone. He stated that November 2005 the commission voted unanimously to allow this.

Chairperson McHugh stated that this should be a formal policy and not located in the minutes. Chief Agrafiotis commented that they could write the motion into a policy format. He stated that is what the attorney's were working on was an update on the whole personnel plan. Chairperson McHugh asked what the commission wanted to do in reference to this. It was decided that they would wait for the attorneys to finish working on the policies.

Commissioner Gagnon motioned to accept that vote from 2005 as a policy form. Seconded by Commissioner Roy, motion carried unanimously.

E. Mobile Computer/Impact Fees:

A. Commission was given a report on the update of this project. Captain Daigle is working on this and moving forward.

Chairperson McHugh asked how much longer it would be before they had all the figures on this project. Chief Agrafiotis stated that purchasing the equipment and installing it would come from the impact fees. He stated that when they get everything together they would be looking at a monthly fee for having the cruisers connected. Chairperson McHugh stated that this is not in the budget, and if this budget went forward to the council and the voters there is no funding for this.

Chairperson McHugh stated they did not want to miss being able to use the impact fees. Chief Agrafiotis stated that they have until 2012 to use the impact fees.

Chief Agrafiotis stated that they still don't know what the total packet will cost to know if the total impact fees would cover this. Captain Daigle stated that the department's crime track vendor will not be charging any fees for time being spent on this project. UNH who does Car 54 in the cruisers will not charge for the setup to the cruisers. The cost would be for Verizon to purchase the air cards and have them installed in the cruisers and the modem at the station. The laptops need to be ordered. There would be some cost for the IT people. Commissioner Gagnon asked if they equipment every vehicle with laptops, how many laptops are they looking to purchase. Captain Daigle stated they would have to purchase approximately 6 to 7 more. Commissioner Gagnon asked if they would be able to stay under the one hundred thousand dollars. He stated that everything else should be covered except for the air cards by the impact fees.

Town Councilor Loiselle asked when they submit the budget to the council to do a paragraph on this topic, and state that it is not included in the budget there is a shortfall projected of \$8,000.

Chairperson McHugh stated that she would present this to the council.

F. Special Detail Rates:

Chief Agrafiotis presented the information at the last meeting. Francine Swafford was asked to clarify some information and was asked to do a survey that is still being prepared.

Chairperson McHugh asked for clarification on this and if the department takes in the revenue and then pays it out. Chief Agrafiotis stated that there is a separate account. She asked why the department does not have to budget it. Chief Agrafiotis stated that it is a revolving fund, and it use to be in the budget until the revolving fund was set up.

G. CIP Voting Results:

A. Chief Agrafiotis stated the planning board did vote in the \$30,000 CIP. Chairperson McHugh stated that was not the amount that the commission had requested but it was something.

Chief Agrafiotis stated the planning board and CIP are trying to address this issue.

Marc Miville stated the CIP was trying to make every attempt to level off everything. It was the committee's decision if they maintained the \$87,000 in this year. The \$87,000 would not pass at all and they decided the \$30,000 might pass.

8. New Business:

A. K-9 Program:

A. Chief Agrafiotis stated that at the last meeting they heard information from a citizen of the history of the police K-9 program. The staff did some research and put together history for the commission to read. He stated that the information given last month was not correct and he wanted the commission to have the correct information. A memo was given to the commission on the history of the last 10 years of the K-9 program.

B. Annual Wrecker Meeting:

A. Chief Agrafiotis informed the commission that the meeting was scheduled for December 17, 2009 at 1:30 pm. Commissioner Gagnon stated that he would try to attend the meeting. This meeting is held once a year as part of updating the wrecker policy.

C. Heliport Registration:

A. Chief Agrafiotis informed the commission that the heliport has been registered. He also wanted to address information that was out there about him having a helicopter land for a photo opportunity. This was not true the fire department was holding a training session with D.A.R.T. helicopter and photos were taken. He wanted this on the record and stated that this is a federally licensed heliport. Harold Murray is the heliport manager and the license is renewed every year.

9. Other Business:

A. Chairperson McHugh asked Councilor Loiselle if he has spoken to the council about the graffiti issue. He stated that he has not brought it to the council yet as the chairperson has been absent from the last two meetings.

B. Chairperson McHugh asked who is responsible for the Space Center for recommending their liquor license approval. Captain Cecilio stated they apply for a permit through the state liquor department. He explained the process to the commission.

10. Public Input:

Councilor Loiselle asked about a packet that he was given for the meeting reference the employee agreement on page 6 article 4. He stated that holiday pay is paid in one check on December 1. He asked why the police department gets one check a year for holiday pay. Chief Agrafiotis stated that language was worked out years ago in the contract. He wanted to know what the value would be for the town to do this. The process was explained.

Maura Ouellette 3 Summer Fare Street:

A. Mrs. Ouellette asked about the budget and the evergreen clause, Chairperson McHugh explained the evergreen clause to her. Mrs. Ouellette disagreed and Commissioner Roy was told to look into this.

Mrs. Ouellette inquired about the vet bills being in the budget but having no K-9. Chief Agrafiotis advised that next year they would be putting a K-9 on if they chose too.

Mrs. Ouellette asked if the funding for the officers was at 29 officers. Chairperson McHugh stated that it was at 27 officers.

She stated that they owed it to the taxpayers to be doing the exit interviews.

Marc Miville 42 Main Street:

A. He stated that he does exit interviews at his job, and it is not a debate. You are there to listen to an employee, and no action should be taken towards the employee based on what they are saying. There should be no examination of their profiles based on their comments are. There is no reason why the commission has to look at a personnel file. He stated that if that was to be done that would be a form of harassment. The employee's opinion is all that should matter, and he assumed that confidentiality will be used. He stated that the police commissions view during the exit interview is irrelevant it is whatever the employee has to say.

Todd Lizotte 21 Post Road:

He spoke about exit interviews which should be done. He still thinks the department has a problem as he has spoken to a number of the officers who have left, and some that are still here. There were a lot of systems in place prior to 2001 that were taken away, and a lot of systems that gave the commission awareness of what was going on. Mr. Lizotte stated there is a communication problem as the Chief states something and most likely he did not state it, but the perception by that person was what he said. The personnel files should not be viewed. He commented that maybe the exit interviews should be a blind type of surveys of trying to understand what is going on with the employees.

Chief Agrafiotis stated he wanted to set the record straight on a couple of issues. He stated the exit interview form that was discussed earlier, he had initiated that. It was something that did not exist when he was hired as Chief and it was put into place. It was not something that was taken away and that existed before he was here. The advice on the exit interviews was given to the commission not to him by an attorney, and it was the same attorney that would be coming in to do the follow-up with the commission.

Mr. Lizotte stated he still believes that the commission does not have enough feedback in order to obtain situational awareness. He stated there is something still there maybe the Chief is misinterpreted that might be the case.

Chairperson McHugh wanted to clarify that there has been no decision to look at personnel files people don't need to concern themselves with the commission doing this.

David Pearl 79 Main Street:

He stated that the commission has not funded accreditation and they have decided not to follow it up. He still observes in the meetings a number of items that come back on the agenda that can't be decided on, he thinks this could be served by accreditation. It gives guidelines to follow. It has been asked if the department has been audited or investigated that would be a big cost that would serve one purpose. He stated that he criticizes the department but many time he could be wrong. When he finds out the facts he may have to correct himself. He would like to see a third party that they could get information from and they could judge if the police department is properly staffed and operating and have some type of standard to go by. He thinks the cost would be minimal take money off of the legal line by avoiding litigation.

Chairperson McHugh stated they have inquired about accreditation, and there was a decision made by the commission not to fund this.

He had asked the leadership in the past about how they were going to move on from the point they are to a better place, he thinks accreditation would take them there.

Mr. Pearl asked if there has been any action on the two complaints he filed.

Chairperson McHugh advised she doesn't have an answer yet it is still being worked on.

Mr. Pearl asked what the status of the replacement commission that was formed. Has it been disbanded.

Chairperson McHugh advised that it hasn't come forward yet. It is going to the PELRB. The panel is still in place and if required to sit they will sit.

Marc Miville 42 Main Street:

He stated once again that the exit interviews are an opportunity for the commission to learn, not to participate in and that is his understanding of an exit interview.

He asked Captain Cecilio a question about the liquor commission and he stated that it is his understanding that they are law enforcement officers with full arresting duties. He stated they don't have to do anything else they handle it as law enforcement officers. Captain Cecilio stated the liquor commission has the ability to revoke the liquor license.

He stated that at the December 8, 2009 budget workshop there was no public input.

Chairperson McHugh stated there was not public input at workshops.

He stated he was concerned when given the mandate to do a level funded limited warrant article the commission decides the first thing that needs to go is staff. He doesn't know if they didn't look elsewhere first, but the bottom line is staff is reduced. He is concerned the citizens would be better served by money spent on an almost four million dollar budget. They would staff everything first and then look to remove elsewhere.

He stated that the Chairperson had asked the Chief where he saw the fund balance to be anticipated by next June. His answer was around a hundred and fifty thousand or so unspent. He is concerned by this statement they are discussing laptops and position that are unfilled now and already know there is a hundred and fifty thousand that will be unspent by the end of the budget year. His comment was he would buy tires and supplies instead of filling those positions to make up the money.

Chairperson McHugh stated there were a couple of positions that were not filled and the commission decided not to fill those positions. They were not positions of officers. She stated that Commissioner Roy had previously stated that it was their duty as commissioners to make sure that the community was protected. A position of a receptionist did not have the same importance as a police officer. That may have been a position that was cut.

Mr. Miville said Commissioner Gagnon stated they wanted to freeze the hiring process now because they were concerned that the hiring process right now the officers were going through would possibly be laid off in June. He stated you take that amount and the hundred and fifty thousand that maybe be unspent there are your two officers.

Commissioner Gagnon stated he did state that and commented that if you take the hundred and fifty thousand how are they going to pay for them next year you cannot carry over that money to pay salaries. If the budget goes forward the way it is presented today they would hire people to lay them off July 1, 2010, that is why he stated this. If the budget changes and positions get added on they can move forward with every position they have.

Mr. Miville stated that when you look at the budget and they are deciding what money should be spent on what but every single year the department is always running under spent. So to be concerned that the officers would not be paid next July 1, 2010 the money will be there.

Chairperson McHugh said the Chief stated there would be a hundred and fifty thousand dollars remaining based on what happens now officers have left there are positions that

are not filled. They did explain that there was a certain amount of dollars that had to be absorbed for the evergreen clause, and the health insurance. They are still basing it on last year's figure and are they going to have the ability to hire people. When reviewing the budget the commission had heard what the community had to say with regards with what was going on in the community that they were mindful to make sure the citizens were protected.

Mr. Miville stated that is why 2 positions have not been filled.

Chief Agrafiotis stated that the 2 positions that will not be filled would be the difference between the 27 officers authorized now and funded and the 25 that is asked for in next year's budget those two wouldn't be filled. They wouldn't be filled this year if they filled them and they are filled above the money that is authorized then you go into next year with 29 potential bodies and the funding for 27. He stated they are budgeted for seven dispatchers in the proposed budget they have only put in for six dispatchers. If he moved ahead now to pay the seventh dispatcher and the budget goes through as presented on July 1, 2010 money will exist for only six dispatchers. They would have to figure out where they would absorb that cost of salary and benefits or they lay the person off.

Chairperson McHugh advised the items for the next agenda will be crime prevention, the town attorney research, the exit interview research, the mobile computers with the impact fees and the detail rates. Francine's update of the police budget will also be done.

Non-Public Session

At 8:08 PM, the Commission entered a non-public session by a motion made by Commissioner Roy, Commissioner Gagnon seconded the motion, carried unanimously by roll call vote to enter in accordance with the provisions of NH RSA 91-A:3, II (a) & (e).

The motion was made to come out of the non-public session at 8:08 PM.

A motion was made by Chairperson Gagnon to seal all 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 9:03 PM.

Drafted by: Administrative Clerk Lorraine Keach

Edited by: Executive Assistant Francine Swafford