

# APPROVED

## POLICE COMMISSION MEETING

### Minutes of the Meeting of Tuesday August 17, 2010

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The Hooksett Police Commission held a public meeting on Tuesday August 17, 2010, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner Clark Karolian, Chief Stephen Agrafiotis and Town Councilor James Gorton.

#### 1. Call to Order:

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

#### 2. Proof of Posting:

Chairperson McHugh provided a copy of the meeting notice.

#### 3. Pledge of Allegiance:

The pledge of allegiance was held.

#### Non-Public Session

At 5:31 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 non-public session in accordance with the provisions of NH RSA 91-A:3,II (a) & (c).

#### 1. NH RSA 91-A:3, II, (a) & (c).

A motion was made by Commissioner Roy to seal all the minutes of the non-public session. Seconded by Commissioner Karolian the motion carried unanimously by roll call vote. Commissioner Karolian, voted I, Chairperson McHugh voted I, Commissioner Roy voted I.

The motion was made to come out of the non-public session at 5:50 PM.

#### Public Session

#### 4. Minutes of Last Meetings

Commissioner Roy made a motion to table the June 15, 2010 minutes, seconded by Chairperson McHugh. Commissioner Karolian, abstained, Chairperson McHugh voted I, Commissioner Roy

Commissioner Karolian made a motion to table the July 20, 2010 public and non-public minutes, seconded by Commissioner Roy. Commissioner Karolian, voted I, Chairperson McHugh voted I, Commissioner Roy voted I. Motion carried.

Commissioner Karolian made a motion to table the July 29, 2010 public and non-public minutes, and the audio to be preserved to a later time, seconded by Chairperson McHugh. Commissioner Karolian, voted I, Chairperson McHugh voted I, Commissioner Roy abstained. Motion carried.

## **5. Public Input (5 minutes)**

Chairperson McHugh wanted to remind people before they begin to be considerate and not speak in a derogatory manner about someone else that this here. She asked they be respectfully.

### **Marc Miville, 42 Main Street, Hooksett, NH**

A. He wanted to follow up on a few things from the last meeting. He talked about the legal retainer fees that were discussed a few months ago, and in the June 18, 2010 Banner a comment was made by the Chief and quoted by Dan O'Brien who stated there was an inquiry to carry over funds and not a vote to actually encumber legal funds. He asked Chairperson McHugh that she had stated to him that the vote was to encumber legal funds which was determined not legal to do.

Chairperson McHugh stated that she was not saying that it was to encumber funds she felt that a motion like that should not of taken place. You could not spend in the 2009-2010 fiscal year if you were going to do it, it needed to be spent it in the 2010-2011 fiscal year.

He stated the vote that night between the 3 Commissioners to encumber funds for the previous year's budget as a retainer fee for the attorney. Chairperson McHugh stated you can't do that. He stated the statement in the paper by the Chief to say the vote was to carry over funds and not the actual vote to encumber funds was untruthful.

He stated at last months meeting Chairperson McHugh stated she had a conversation with the Finance Director and the Finance Director told her the commission and the department no longer have funds for a 25 officers, because there were funds taken out for the pay equity adjustment.

Chairperson McHugh stated the Finance Director stated to her was that the thought process may have been from the Budget Committee that they had funded 25 but in actuality when she went back to compute it they were probably using the funds from the raise to arrive at that amount.

He stated that he had spoken to the Finance Director the following morning, and he stated Chairperson McHugh had misunderstood. Based on his conversation with the Finance Director she told him she had no authority and no direction to say how monies are appropriated, and if she was lead to believe through the Finance Director that the funds were no longer available for 25 officers that's not what she said to her. He was lead to believe through the conversation was she was relaying information to Chairperson McHugh of a conversation between the Chief and the Finance Director. The actual information came from the Chief and not the Finance Director.

B. He learned from a town official this past month that the Chief had openly stated he estimates the loss of 8 officers by the end of this year. The Department has lost 4 officers this current year making the total of 14 officers or staff who have left the department in the last 1 ½ years. He asks the Commission to look into the management of the command staff that generate an unacceptable

level of well trained employees leaving the department and discuss management options. The command staff and commission must take urgent proactive action to prevent further resignation.

**Dan O'Brien**

A. Asked Chief Agrafiotis if it was true that he said that 8 officers are leaving the department.

Chief Agrafiotis stated that was a rumor in the patrol division because officers were upset about the budget status that was voted by the citizens.

He asked what the current number of officers was now. Chief Agrafiotis stated there are 10 patrol officers, a total of 22 sworn of all ranks and positions.

**Todd Lizotte, 21 Post Rd., Hooksett, NH**

A. He stated he had a copy of the pending complaints and legal issues that are facing the town. He wanted to ask the Police Commission to consider the following actions.

Have the Commission's attorney brief the staff about the legal obligations about maintaining the protection of sensitive materials pending the legal case. Have the commission attorney draft a nondisclosure agreement for the staff to sign allowing each member to verify and disclose in front of the Commission in a non-public session that no records have been altered, removed or destroyed. The Commission should consider instituting a process to remove the chance of a perceived conflict of interest when records are being requested by attorneys. Files can't be gathered or released through this staff and the 3<sup>rd</sup> party must be impartial to the request.

He stated the Chief and the Town are claimed as defendants. He recommends the Police Chief be placed on administrative leave to protect the Chief as well at the police department. He asked the Commission to consider these issues in non-public session tonight. If these allegations have merit what liabilities exist for the department and the Town in regards to further litigation if the Chief isn't put on administrative leave.

**Jr. Ouellette, 3 Summer Fare St., Hooksett, NH**

A. He stated last month Commissioner Karolian had concerns with having the Town Council representative seated at the table. He agreed it would give the impression that the Town Council and the Commission are closely tied. The Commission is designed to be separate from any other board if a town rep was a voting member like any other board then he would agree they should be seated at the table. The town rep doesn't have any voting authority they should not be seated at the table.

B. Last month Chairperson McHugh stated she needed to recuse herself from hearing Jason Defina's grievance hearing. The reason was due to improprieties from being told or being given information before hand. He hopes there was some type of reprimand given out for releasing this information.

C. He wanted to speak as a Budget Committee member this department expressed major concerns last years and got some citizens upset when they cut the budget by approximately \$206,000 and they still managed to return \$458,000 this year. He feels that more should have been returned. The end of May the department was under spent by approximately \$572,000 with only one month remaining. Taking into consideration what was returned this year he has to ask why they are making a big deal about the cuts. The budget cuts for this cycle was approximately

\$414,000 and they returned \$458,000. The department will have an additional \$44,000 to expend with and additional \$22,000 from a grant the department has received through a stimulus fund for overtime. There are a number of veteran officers that left the department and were replaced with lower paid officers, which is most likely enough to pay for the command staff raises.

D. He wanted to express his displeasure with the salary amount this command staff is earning. The Chief is earning approximately \$18,000 more than a Chief that has a 30% larger population to protect a larger department, a department that is internationally accredited and is proactive with numerous programs like Goffstown. The captains are making almost as much as the chief in Goffstown this Commission should make every effort to find a way to remove these raises given to the command staff. He doesn't know for a fact that the command staff's salaries are frozen due to the fact they filed paperwork to form a union. If this is the case there isn't much they can do to relinquish the raises, but the Chief's salary can be adjusted. Can the Commission remove a position if they have budget concerns, it is well known this department is top heavy can one of the command staff positions be eliminated and replace with a patrol position. This should save money and give added protection were it is needed for the community. He wanted to ask why the department's highest paying assistant is taking notes here if they have budget concerns. The department needs to be more frugal with the expenditures. Goffstown does not allow the Chief's Executive assistant to work any overtime unless no one else is available to cover for a dispatch position.

He has many concerns with the wasteful spending and decisions being made by this administration over the years. The purchase of the transport vehicle all the patrol cars are set up with cages for transport. If the court did close they could use the Sheriff's Department for a transport, if the Sheriff's Department was unavailable they could use the vehicles already set up for transport. Laconia was the town used in making the decision. Laconia is 30% larger then Hooksett and they have a huge influx of population during the summer months. Laconia was not even close in comparison, Goffstown should have been used they purchased a transport vehicle some time ago and realized that it was not practical for the size of the department. It was converted into something else as this department would most likely do. This was not a good purchase it was a waste of the tax dollars.

### **Maura Ouellette 3 Summer Fare St., Hooksett NH**

A. She stated at the last meeting Town Council Chair Bill Gahara had requested they hold the meeting at the Town Council chambers. She had some concerns about it this. A system had been installed to record the meetings at the Safety Center. The taxpayers spent \$5,000 for the equipment. With all the problems going on in the department she would like to see the Commission stay here as much as possible to oversee things.

### **David Pearl 79 Main St, Hooksett, NH**

A. He wanted to remind the Commission in conforming with the format about asking questions. He had filed 2 sets of questions about 4 of 5 months ago. He has not received any answers to them. He wanted to know if he had to resubmit them. He assumed if he had submitted them in writing he would get a response.

Chairperson McHugh stated that she would check on those and with regards to the other issue he had pending he should receive a response shortly.

## **6. Monthly Reports:**

A. Chairperson McHugh asked the Executive Assistant to research some of the higher line items in the June 2010 budget and wanted to know what they were as they prepare the budget down the road there may not be sufficient funds in these lines.

B. Chairperson McHugh discussed an over expenditure report and a sample that the school uses. She asked the commission if this was something that they would consider.

The first report represents the accounts that are over expended and the other report the board would approve the over expenditures with the understanding of where the amounts would be taken from. Her concern is when they go to prepare a budget there are lines that don't accurately depict what they are looking for.

Commissioner Karolian discussed the reports briefly and it was decided to discuss this next month.

Commissioner Roy stated this is changing line items then moving funds to different line items. A discussion was held on this.

Chief Agrafiotis stated it is a bottom line budget if any line goes over for any reason money is not transferred from another line, at the monthly meetings when a line was getting over spend they would discuss it. The money would come from the bottom line but we generally would look at the other lines and verbally discuss this, he would project out each line and do it that way instead of transferring line to line it was a verbal understanding with the commission of asking the questions instead of physically moving the money, the money was still within the bottom line.

Chairperson McHugh stated she has never heard a discussion on this. Chief Agrafiotis stated unless the commission ask if there is a question line by line, if they get  $\frac{3}{4}$  of the way into the year and the maintenance was at 100% at that point the commission would ask they are  $\frac{3}{4}$  of the way through the year and looking at the budget report maintenance is at a 100% what do they anticipate that going to be at the end of the year.

Commissioner Karolian stated the commission receives their monthly financial report and it is up to the commission to look at that and find out what is going on and make an inquiry to the department head. He thinks it would be beneficial to everyone involved and that nothing is being hidden. It would eliminate anyone questioning.

Chief Agrafiotis asked they review the information and if they don't think the current report is adequate, he wants to make sure the commission gets what they want for information and make sure everyone is on the same page.

Mary Farwell asked to speak and stated she is the library trustee and told the commission what they do they also have a bottom line budget. Maintenance is overspent and the monies are coming from other areas, but it is discussed at the end of the year it is a maintenance line that is 150% spent they need to put more in to that line. You can see what is over spent and what is under spent.

## **7. Old Business**

### **1. Bids:**

A. Chairperson McHugh stated when Councilor Loiselle was here he asked the commission if they were soliciting bids. She stated that she couldn't answer the questions sometimes they were and sometime they didn't.

Chief Agrafiotis stated SOP A-120 purchasing on page 2 explains what the department's current procedure is. Bids would be obtained from at least 3 sources when possible. Many times police specific items they cannot get 3 bids for the type of equipment needed as there are not 3 manufacturers. If they could be obtained they would go out and research 3 bids. He asked the commission to read A-120 and if they wanted to modify the policy they would do this.

Chairperson McHugh asked if Councilor Gorton knew what the Town Council did. He stated 3 bids are taken and the Town Administrator is authorized he believes \$7,500. It doesn't have to come back before the Town Council for approval. He stated there are 3 bids that are normally obtained but not in all cases there are certain instances.

## 2. Expenditure Authority:

A. Chairperson McHugh stated she is not clear on the expenditure authority.

Chief Agrafiotis stated that the Hooksett Police Commission minutes of June 18, 2002 a motion was made by Commissioner Hess to set up purchasing guidelines as stated, the Chief is authorized to purchase anything up to \$7,500, Chief and the Commissioner Chairperson is authorized to purchase up to \$10,000, and anything above \$10,000 needed the full Commission approval. Seconded by Commissioner Bariam, motion carried unanimously.

Chairperson McHugh stated she thinks it should be the full Commission and not the Chair. Some of these things that are imbedded in minutes need to be put into formal policies.

Chief Agrafiotis asked the Commission to review the numbers and the level of authority and once they agreed the commission could issue a vote with a policy.

Commissioner Karolian motioned to discuss this further, seconded by Commissioner Roy. Commissioner Karolian voted I, Chairperson McHugh voted I, Commissioner Roy voted I. Motion carried unanimously.

Commissioner Karolian agrees with the Chair that it needs to be put into a policy under rules and regulations for the Hooksett Police Department. He doesn't think the Chair should have the sole authority to expend money that way without the full commission weighing in, and the dollar amount should be lowered. A discussion was held reference possibly lowering the amount to \$1,500. Discussed expenses and amounts. Vehicle maintenance amounts were discussed and Chairperson McHugh asked if they could send an e-mail asking approval. Chief Agrafiotis stated it would be considered a meeting it needed to be posted. Chairperson McHugh stated on the school side there have been phone polls and they then go to the meeting and make an official motion.

Chairperson McHugh directed Chief Agrafiotis to speak with LGC to see if they could take a phone pole and what the proper process would be.

## C. Manifest

Chairperson McHugh stated they wanted to create a manifest and someone to review the manifest every month and the checks be sent out, or is that beyond what the Commission wants to see here. She believes the Town Administrator approves the manifest. Councilor Gorton stated that he has never heard of it. It has never been discussed at any meetings he has attended in the past 4 years.

Chairperson McHugh stated from the Town Administrators point of view that is not something that she can approve. Chief Agrafiotis stated that is correct.

Commissioner Roy stated the process has worked fine all these years there are enough checks and balances. The Executive Assistant reviews the bills weekly they go to the Chief they are approved he initials everything, they go up to finance for processing and the check is sent from there. There is a monthly report that comes from finance it is matched up with the department's paperwork. There are plenty of checks and balances here he does not know why they want to change anything. When you start delaying things and waiting for things to be approved you are going to run into late fee and other issues.

Commissioner Karolian stated it boils down to the budget and what is being spent and where it is being spent. He thinks this is where they are looking at the checks and balances.

Commissioner Roy stated the Commission receives a monthly report with an over expenditure report every month by line items and the percent expended. Chairperson McHugh stated it doesn't give them detailed expenditures. It has already been approved, paid and sent out at that point.

Commissioner Roy stated is has been approved by the Executive Assistant, Chief and finance.

Commissioner Karolian wanted to know before it gets approved where the money is going to opposed to where the money went.

Commissioner Roy stated that Commissioner Karolian wants all bills held back for a month. Chairperson McHugh stated however often they do the bills. Commissioner Roy stated they do them weekly.

Chairperson McHugh stated that she would speak with the Town Administrator again. She stated to her that she has no oversight on that at all.

#### D. Commission Rules and Regulations:

##### 1. Chairperson McHugh discussed the rules & regulation changes.

Chief Agrafiotis stated most of the language that is in the rules and regulations they were rules and regulations that were brought to the department back in the late 70's when Chief Oliver was appointed Chief. He stated the suggested changes are in red for their review, and the items came from legal seminars that were attended by staff.

Chairperson McHugh asked the Chief to explain some of the verbiage to her that she did not understand. She inquired about the mutual aid, it was explained to her by Chief Agrafiotis on how other agencies may need assistance at times and how it works.

Chairperson McHugh inquired why the wording on line of duty disability would not reflect medical physician instead of medical authority. Chief Agrafiotis stated medical authority goes with what the level of the medical issue is.

Chief Agrafiotis stated by law the Commission is responsible for the rules and regulations this is his purpose for bringing the changes forward changes are rarely made and the purpose for these changes which are in red are for the electronic devices.

Commissioner Roy asked that all the verbiage on the electronic devices are coming from legal seminars that staff has attended. Chief Agrafiotis stated yes.

Commissioner Karolian asked if changes are made to bring forward the page that is being changed and not the whole chapter. Chief Agrafiotis stated that the whole chapter was given to the commission as they did not have an AOM manual and he wanted them to have the complete chapter as the prior commissioners did not want to have copies of the AOM manuals. He stated that now the new commission has the complete AOM manual they will receive only the page that was changed.

Commissioner Karolian asked when these updates were done. Lt. McDaniel stated he believe they were made back in April 2010. Chief Agrafiotis stated the issue was not addressed and they were in the transition, and the last meeting he was asked to put it in the packets and start fresh.

Chairperson McHugh stated they needed a motion to approve the changes as it requires the commission's signature.

Commissioner Roy motioned to adopt the recommended additions and changes to chapter one of the rules and regulations, seconded by Commissioner Karolian. Commissioner Karolian voted I, Chairperson McHugh voted I, Commissioner Roy voted I. Motion carried unanimously.

2. Commissioner Karolian discussed a letter he received dated June 23, 2005 reference the chain of command that was sent out from the police commission. It stated to all Hooksett Police and Communications employees reference the chain of command as you all know a police department is a paramilitary organization and has paramilitary structure. There is a chain of command the police commission is situated at the top of the chain of command and therefore any employee to have access to the commission must utilize the chain of command to reach the commission. Effective immediately all employees of the Hooksett Police Department will follow the chain of command as outlined in the departments AOM's which also governs employee's access to the commission. Employees are asked any member of the command staff for clarification on how the chain of command works.

He stated he wanted to make a motion to rescind this, if a department employee wants to make a complaint they would have to go up the chain of command and it could get stopped or blocked at any time. He believes that any employee should have access to the police commission regards to a complaint. If a complaint comes into the commission they would properly handle it.

Chief Agrafiotis stated that this letter was signed by 3 commissioners that are no longer here. He stated an officer does not have to tell their supervisor what the issue is they make the request to talk to the next level. If the request is denied that employee has the right to skip that level and go to the commission. Commissioner Karolian asked if an employee wants to make a complaint against a captain or chief of police they would have to follow this SOP and go to a sergeant and if the sergeant doesn't move the complaint forward were does it go. Chief Agrafiotis stated they have to move it forward. The employee doesn't have to tell the sergeant what it is about and if they don't move it forward that sergeant would be disciplined. The permission can't be blocked from moving up the chain. A discussion was held on how the process works and a variety of examples were given.

Commissioner Karolian stated he finds this letter to be sarcastic and its sending a clear message to an employee you follow the chain of command the commission is untouchable.

Chief Agrafiotis stated that letter was a response to a specific circumstance. He stated he can't



answer why they drafted it the way they did and what they were thinking when they drafted it. He was not involved with that.

Commissioner Karolian asked if the rules and regulations have a chain of command that prevents a patrol officer or a civilian employee from accessing the commission without going through the chain of command. Chief Agrafiotis stated he doesn't believe so he could look up the language. His understanding from this letter was to reinforce to the employees to follow the procedure as stated in the AOM.

Commissioner Karolian asked if someone could retrieve a copy of AOM A-102. Lt. McDaniel gave the requested information to the commission.

e. Graffiti Ordinance:

1. Chairperson McHugh discussed the graffiti issues she stated that she heard if you are vigilant on removing the graffiti it will reoccur less, the concern seems to be in regards to graffiti and gangs, there is a message that is portrayed in the graffiti. She would like to see the department follow up on this if there is any graffiti in the town to get the state to help them remove it and look into the gang graffiti language.

Chief Agrafiotis stated the graffiti is not new to Hooksett, if graffiti occurs pictures are taken and detectives talk to other departments and see if there is a meaning in it. He discussed the bridge by Robie's store that has been tagged, the state has been repainting it and it got tagged again. There is an ongoing operation looking into this. Some staff members attended the meeting that was held in Manchester reference this issue. They are looking at the current issues and they are working with the state.

f. CodeRed

1. Chairperson McHugh asked if CodeRed was looked into on how they were going to indicate road closures. Chief Agrafiotis stated it was discussed at the last department head meeting the emergency management director gave an overview to make sure the departments don't forget this program exists. It would be the department's responsibility to let emergency management know of the road closure and emergency management would put out the information. It would not be on any individual department website it would be on the CodeRed site.

g. Workshop

1. Chairperson McHugh asked the Chief to discuss the workshop they were looking to hold. Chief Agrafiotis stated LGC stated they had to post it as a meeting. It is up to the commission to decide do they want to hold a workshop, when do they want to hold it, what they want on the agenda, and what resources do they want at the meeting.

Chairperson McHugh asked the commissioners to prepare available dates, and items they want included on the agenda for the workshop so they can plan for the resources they need.

Commission Rules and Regulations continued:

Commissioner Karolian reviewed the requested SOP A-102 and stated intra department communications states all employees are required to follow the chain of command. He wants to get specific he stated this is correct all employees should follow the chain of command when it comes to fulfilling their duties and carrying out their orders. His concerns are in regards to

complaints when it comes to the chain of command there should be an exception to allow the personnel to come to the police commission.

Chief Agrafiotis stated they should look at the AOM that discusses complaints the intake and investigations and any of the others in the authority section to see what that language is and make the modifications to this.

Captain Daigle stated he wanted the commission to know in regards to the letter they are referring to he has direct knowledge and the reason behind why the letter was written, but could not discuss it in public. He would explain his part in it in non-public session if the commission wanted to.

Commissioner Karolian stated he did not dig this up on his own it was put into his packet. Chief Agrafiotis stated he put it into the packets and was keeping the commission informed of what prior boards had done.

Chairperson McHugh asked if the Chief was suggesting they go back and do some research before they put the language together. He stated yes.

Commissioner Karolian stated they need to review P-252 make an amendment, change specific to the chain of command and complaints about superior.

Commissioner Karolian stated he received it in his packet and did not know what it was about other than what it states. It involves something that is a personnel issue and doesn't need to know about that and he now understands what they are talking about. From his perspective there is a block based on this and they will address this in the future to change P-252.

Chairperson McHugh stated to put this item on the agenda P-252.

#### H. Legal Opinion

1. Commissioner Karolian stated they received an outside legal opinion from David LeFevre from Hage and Hodes reference the grievance hearing. He reaffirmed his position they can't appoint a substitute commission to hear the case and the current commission should not excuse themselves from hearing it. He was going to make a motion that they immediately disband or cancel the substitute commission that has been put in place in regards to the Defina case, notify both sides and set a hearing date that is agreeable to both sides.

Chairperson McHugh commented what Attorney LeFevre stated is the commission has no authority to do this, and the only authority could come from the superior court.

Commissioner Karolian stated the only way that could happen if the commission decides to recues themselves. He read from the opinion, based on the foregoing and the absence of any controlling law. I can only conclude that in the event of the disqualification of a majority or all the members of the commission the only recourse is to petition the superior court to appoint a substitute commission. He stated Attorney LeFevre gives the opinion the commission couldn't legally appoint another substitute commission to hear the case and not to recues themselves.

Commissioner Roy stated he disagrees they have two attorneys that said we can do this and now we have one that says we can't. How are they going to get the commission to hear this  
Chairperson McHugh stated she was going to recues herself, and he was going to recues himself there is not a majority. It goes to superior court what are you going to tell the judge you have to give him some names.

Chairperson McHugh stated at the last meeting they all agreed they would look to the towns attorney and they asked the town administrator if they could use the town's attorney and the commission would be paying the cost. There was a sense that this was not right and if they move forward and find out they were wrong, this was a way of clarifying, so they do have a different opinion. She asked if Commissioner Roy could give the commission the opinion that comes from the two other attorneys. Commissioner Roy stated they should at least discuss this with Attorney Higgins. He asked what it cost for the opinion. He was informed that it cost \$2016.00. He asked if it was broken down into hours and wanted to see what was spent on this opinion.

Commissioner Karolian stated before anyone wanted to recuse themselves they would have to indicate why. Commissioner Roy stated they have already heard it. Commissioner Karolian asked what he heard. He stated he heard the case here before if you get beat at district court you don't appeal at district court you go to a higher level. It doesn't make any sense they are going to hear this again.

Commissioner Karolian stated it does in the judicial system when a judge makes a decision and it gets appealed to a higher authority they send it back to the same judge to hear it again. There is case law on that stating it is ok to do.

Chairperson McHugh stated they have this opinion and the other opinions she stated they are going to have these attorneys speak to one another and explain why they feel the way they do in regards to the law. The only other option is if people recuse themselves it is going to have to go to superior court, but in this opinion the attorney does speak to the point of recusal.

Commissioner Roy agrees with Chairperson McHugh the attorneys should get together and discuss it. Commissioner Karolian asked how many opinions do they have to get. Chairperson McHugh stated she thought they only had one opinion Attorney Higgins opinion. Commissioner Roy stated that Attorney Bailey is probably of the same opinion. Chairperson McHugh asked if she had weighed in. Commissioner Roy stated he doesn't believe it's in writing. Chairperson McHugh stated to have them speak to one another. Commissioner Roy stated have Attorney Higgins talk to Attorney LeFevre. Commissioner Karolian stated they have two opinions, one opinion that says you can hear it, and another opinion that says you can't hear it. He has not seen the opinion from Attorney Higgins that says you can't hear this case. Commissioner Roy stated they tried to get Commissioner Karolian to talk to Attorney Higgins at the last meeting and he made a motion to go to Hage and Hodes. He stated he has made it very clear he doesn't want to hear anything about this case.

Chairperson McHugh asked if they could have Attorney Higgins contact Attorney LeFevre.

Commissioner Karolian stated he has a motion on the floor.

Commissioner Roy stated he agrees with what Chairperson McHugh is stating.

Chairperson McHugh asked the Chief if he had a copy of the opinion.

Chief Agrafiotis stated he wasn't part of that meeting the commission met with the attorney. He stated they would have to talk to the commission that was sitting at that time.

Commissioner Roy stated he did not know if it was in writing but he thinks they should get Attorney Higgins to come in to explain it to Commissioner Karolian.

Chief Agrafiotis stated that Attorney Higgins held a number of meetings with the commission and the Chief was not a part of that.

Commissioner Karolian stated he has not seen any written opinion from Attorney Higgins.

Chairperson McHugh stated they need to stay on point and discuss how they are going to resolve this. Do they want Attorney Higgins to speak to Attorney LeFevre to explain where they see this in the law. Commissioner Karolian stated they are going to give their opinions and where is the resolution the resolution rest with the commission. He stated Commissioner Roy had said he had already heard this case it has already been sent back from the PELRB that they are to hear this case. They have an opinion it's not the opinion Commissioner Roy wants to hear it is the opinion that has come down and they need to make a decision on this.

Chairperson McHugh stated she had a problem with the recusal but Attorney LeFevre had addressed it. Commissioner Karolian stated his information was yes, you can hear the case.

Commissioner Karolian made a motion they immediately disband the substitute commission that was appointed to hear the Defina case. Seconded by Chairperson McHugh.

Commissioner Roy stated he can't believe they are not going to hear Attorney Higgins rebuttal. Chairperson McHugh stated they are only starting with disbanding the substitute commission. She is not saying as they go on there may not be a motion to that. Commissioner Roy asked if it is conceivable to go back and appoint another replacement commission. Commissioner Karolian stated that would be illegal. Chairperson McHugh stated or the superior court can.

Chairperson McHugh asked all those in favor of the motion. Commissioner Karolian I, Chairperson McHugh, I, Commissioner Roy, no. Motion carried.

Chairperson McHugh stated in regards to the second part of the motion if there is something else he wanted to add or request, he should make it know. Commissioner Roy stated he thinks Attorney Higgins should come in and be given a chance to rebut this attorney.

Commissioner Roy made a motion to have Attorney Higgins come in and be given a chance to rebut Attorney LeFevre. Commissioner Karolian stated he was not going to second it. Chairperson McHugh stated she thinks they should allow the attorneys to have the discussion but to amend the motion to state as soon as possible within the next couple of days.

Commissioner Karolian asked why doesn't Attorney Higgins give them what his written opinion is. Commissioner Roy stated he thinks Commissioner Karolian should meet him.

Executive Assistant asked for clarification on the motion. Attorney Higgins should come in and explain his rebuttal to Hage and Hodes opinion. Chairperson McHugh stated this has to be very specific to the law.

Commissioner Roy withdraws his motion.

Commissioner Roy made a new motion that they receive a written rebuttal from Attorney Higgins as soon as possible.

Commissioner Karolian asked if Attorney Higgins would receive a copy of Hage and Hodes opinion. Commissioner Roy stated he would give it to him tomorrow. It was decided to mail the opinion. Commissioner Karolian asked who was going to pay for this.

Chairperson McHugh stated all those in favor of Attorney Higgins to weigh in. Commissioner Karolian stated point of order they did not get a second. Chairperson McHugh stated she did second it.

Chairperson McHugh stated the motion is to get Attorney Higgins written opinion and it shouldn't cost anything if he has already weighed in why he doesn't send what he originally had. Chairperson McHugh stated she can't understand why they don't have a copy of this. Commissioner Karolian commented that this would be dated a while ago and not dated tomorrow. Chairperson McHugh stated before they call for a vote she asked Commissioner Roy when that opinion was rendered to him was there a letter. Commissioner Roy stated he is not sure they have been working on this for over a year. He stated it could have been oral, Attorney Higgins stated they could do it. Commissioner Roy stated she was there, they had more than one meeting with him. Chairperson McHugh stated that she did not recall that.

Chairperson McHugh asked the motion be read again. Executive Assistant Swafford stated the motion was to get Attorney Higgins written opinion.

Commissioner Roy wanted his rebuttal why he disagrees with Hage and Hodes. Commissioner Karolian asked if they are going to give Attorney LeFevre the opportunity to rebut the rebuttal.

Chairperson McHugh stated why can't they just receive a copy of what Attorney Higgins stated originally, that is what they should be receiving, Commissioner Roy is asking for is a rebuttal to his opinion. Commissioner Roy stated or Attorney Higgins opinion as to why the commission can rename a replacement commission.

Commissioner Karolian stated that this was a year ago Commissioner Roy rendered this opinion. He asked how long ago was it that they heard the case. Chairperson McHugh stated September. Commissioner Karolian stated she is able to recuse herself because she has already heard it and she has recollection of that, but she doesn't have recollection of this opinion.

Chairperson McHugh stated she did not see the letter. She wanted a copy of the opinion. She wanted to amend the motion if it is anything else other than what the original opinion was. Commissioner Roy stated what if it was oral why did they proceed if he didn't tell them to go ahead at have a replacement commission.

Chairperson McHugh stated her circumstance was a different one she needed to recues herself because of the information. Chairperson McHugh stated this opinion is telling her something totally different than what she was told. She stated she needed that opinion.

Chairperson McHugh asked the motion be read again. Executive Assistant Swafford stated the motion read motion to get Attorney Higgins written opinion that he gave to the commission and they do not want to see anything other than what the original opinion was.

Chairperson McHugh stated all those in favor of the motion to see the original opinion of Attorney Higgins and not to be the rebuttal of Attorney LeFevre.

All in favor Chairperson McHugh I, Commissioner Roy I, Commissioner Karolian opposed. Motion carried.

Commissioner Karolian made a motion they schedule the Defina hearing as soon as possible to be heard by this commission with dates that are agreeable to both side. Chairperson McHugh asked

if he would be in favor of amending the motion as soon as they receive the opinion back. Commissioner Karolian stated no. Seconded by Chairperson McHugh.

Commissioner Roy asked if all things are suppose to be equal on this hearing. They should bring David Gagnon back to hear it again. He is saying that all things should be equal. Commissioner Karolian stated for both sides they should be. They are the ones that are sworn to uphold the duties of the police commission. Commissioner Roy stated he doesn't believe they are going to get a quorum they are going to end up at superior court. Commissioner Karolian asked why they are not going to get a quorum. Commissioner Roy stated Chairperson McHugh stated she was already going to recuse herself. Commissioner Karolian stated this was prior to the opinion that was sent out and paid \$2000.00 for from this attorney that states she is not to recue herself.

Chairperson McHugh asked for the motion again. Executive Assistant Swafford stated the motion is the sitting commission will hear the case reference the Defina hearing as soon as possible with dates agreeable with the commission, the grievant, and the department.

All in favor Chairperson McHugh I, Commissioner Karolian I, Commissioner Roy no. Motion carried.

Commissioner Karolian asked for clarification the vote carried. Chairperson McHugh stated they have abolished the substitute commission and they are going to request from Attorney Higgins his opinion that he originally gave and they are going to set up a hearing date.

## **9. New Business**

### **A. Detail Account**

1. Commissioner Karolian stated he had a question about the breakdown of the detail rate. He was looking at the report from finance and had a question about the calculations. He notice the retirement rate is 19.51% but what is being billed into the cost they are going to charge to contractor for is both sides of the retirement as opposed to the employee paying their share which is half and the town pays the other half which is recouped from the contractor. These figures are showing the officer working the detail; they are charging the contractor the full 19.51% instead of charging him half of that, which would be the town's portion of the retirement. He thinks there is a miscalculation on finance part. He doesn't believe the numbers are accurate. He stated they should charge the town's portion of the employee's retirement to the contractor instead of charging them the full 19.51%. He hasn't asked any officer to see if their check is being reduced by that amount and if that is the case there is 1 ½ times being taken out or added onto this and it shouldn't be that way.

It was decided the Chief would contact finance and look into this. Commissioner Karolian stated the retirement rate listed by finance shows 19.51% and it shows out of \$38.00, 19.51% is \$7.41 and it shows a direct cost of \$47.07 when in reality that is not accurate. The retirement should only be 50%, 50% of the 19.51% added onto the \$38.00 detail rate.

Commissioner Karolian stated it is the same thing with the sergeants if you go down to the admin fees there is another \$2.90 at that rate that boost up the cost per hour. He stated if this calculation is correct his follow up question would be why they are only charging \$52.00 per hour if the cost is going to be \$54.35.

### **b. Chain of Command**

Commissioner Karolian stated this was already addressed.

c. Exit interviews

1. Commissioner Karolian stated he received a call from a former employee who would like to have an exit interview conducted.

Chairperson McHugh stated exit interviews were held over from the prior commission. The commission was doing exit interviews then stopped. Research was done on exit interviews and how the town conducted theirs and who would be on the panel. It never was decided who would be doing the exit interviews. They needed to decide what to do.

Commissioner Karolian stated if they are going to go to an outside group is there going to be a cost involved. Chairperson McHugh stated they did not explore if a cost would be involved. They would check into this.

Commissioner Karolian stated they could bring back exit interviews and have the commission sit and conduct the exit interview and if it comes back that these retired officer don't charge they can revert and use them.

A motion was made by Commissioner Karolian in the interim of finding out if a cost is involved that the sitting commission conduct exit interviews on any employees that are leaving the department and would like to be involved in an exit interview. Seconded by Chairperson McHugh.

All in favor Chairperson McHugh I, Commissioner Karolian I, Commissioner Roy I. Motion carried unanimously.

d. Overtime- Patrol Officer Staffing

1. Chairperson McHugh asked the question on how much was being spent in regards to overtime for the Executive Assistants position. She did receive the information, \$7,500 for the 2009-2010 budget.

Commissioner Karolian asked if they are looking to reduce this. Chairperson McHugh stated that was the question that can up and she was asked to find out. There was some concern about the money that was set aside for overtime and whether or not they were going to have sufficient funds in the new budget.

The commission looked at the 2010-2011 budget for what was being budgeted for overtime. Chief Agrafiotis stated the overtime wages appropriated for this year is \$142,873 which averages out to \$11,906 month, and in July they spent under \$9,000. The commission discussed the July monthly report for overtime wages and the yearly budget. Chief Agrafiotis stated that there is an overtime pool that is used.

Commissioner Karolian discussed proposed wage sheet he stated the part-time investigator shows \$40,102.40 for a salary. He asked if this is the investigator that investigates internal affairs. Chief Agrafiotis stated most of the time he is doing backgrounds on applicants.

Chairperson McHugh inquired if there wasn't any type of that work he would not work. Chief Agrafiotis stated that was correct, he stated they are short on admin staff and he is being used to do admin paperwork. If there is no work he doesn't work. Chairperson McHugh asked if there was

a pool of staff they could use. Chief Agrafiotis stated that was the e-mail that was sent to the commission as far as the fill-ins reference personnel issues.

Commissioner Karolian asked if the investigator helps with admin work. Chief Agrafiotis state yes it is very rare. Commissioner Karolian asked how many hours is part time. Chief Agrafiotis stated it is based on 32 hours a week is the maximum they could work. Commissioner Karolian stated he didn't want to pay someone \$24.10 to do clerical work. Chief Agrafiotis stated that is why the e-mail was sent to the Commission about a week and a half ago asking to use the town floaters. He wanted to tap into the pool that the town hall has.

Chairperson McHugh asked if there is an executive assistant and administrative assistant. The administrative assistant they still have that position. Chief stated yes. She asked if that person had set duties and you put in for a specific amount of overtime for that person also, and for the executive assistant position is that just for meetings. Chief Agrafiotis stated for meetings and if meetings run long so the minutes are going to take a lot longer to complete.

Chairperson McHugh asked about having a regular secretary come in at straight time.

Chief Agrafiotis stated you would be taking away from that job the executive assistant works for the commission.

Chairperson McHugh stated they have lost positions and need to use the overtime.

Chief Agrafiotis stated they have the captain and patrol supervisor filling shifts in patrol.

Chairperson McHugh asked if the west side of the river has the coverage it needs. Chief Agrafiotis stated with moving some of the staff and the detectives fill in as needed, they are not running any fewer shifts than they did last year. Last year with the overtime money they would pay an officer to come in and do this, they are shifting staff from one position to another. The detective work maybe suffering but they are covering the road and keeping the overtime down.

Commissioner Karolian stated he was under the impression there was no west side car. Chief Agrafiotis stated he was taking about covering it not having someone assigned to that sector.

Commissioner Karolian asked how many patrol officers does the department have. Chief Agrafiotis stated there are a total of 22 sworn, currently there are 10 patrol officers, 3 detective, 1 detective sergeant, 3 patrol sergeants, 2 lieutenants, 2 captains and 1 chief. Chief Agrafiotis stated they would be down to 9 patrol officers on August 25, 2010.

Commissioner Karolian discussed the staffing of officers on the shifts. Chief Agrafiotis asked Commissioner Karolian to review the budget to see the actual budgeted numbers. He stated they have 2 officers on with a supervisor. Commissioner Karolian asked what it would take to get 3 officers per shift, they would have to dip into the overtime line. Chief Agrafiotis stated there is no way they can do 3 officers per shift with the money they have. Commissioner Karolian stated what if they took the money from another line. Chief Agrafiotis stated he doesn't think they would have enough funds. He doesn't believe you can run 3 officers plus a supervisor. The original budget that was proposed to the commission had 29 officers, all the dispatchers, all the staff, the commission cut money out of that and then it went to the next level, and they were brought to the levels they were brought to now.

Commissioner Karolian asked why they couldn't take some drastic measures to fund the overtime to put those people on the street with mandatory overtime. Chairperson McHugh asked



Commissioner Karolian if he knew how much money he was talking about. Chief Agrafiotis asked Chairperson McHugh if she remembered the numbers he reviewed with her he could review these same numbers with him. He stated they do not have the manpower.

Chairperson McHugh asked about suspending other overtime.

Commissioner Karolian asked the Chief if they don't have the manpower or the money. Chief Agrafiotis stated both. Commissioner Karolian asked if each one of these officers could work one mandatory shift of overtime per week until they are able to bring up the compliment. That wouldn't be outrageous to do and it wouldn't be a burden asking them to work all kinds of hours above and beyond their regular work week. Why can't they make it mandatory it is almost boarding on an emergency situation.

Chief Agrafiotis stated they should sit down and look at the schedule and see how many people are there. He can't answer his question without looking at the schedule.

Captain Cecilio stated they currently have 2 officers and 1 supervisor on per shift. If they have people call in sick or vacation they are getting forced overtime already.

Commissioner Karolian asked what it is going to take to get 3 officers on the road. Captain Cecilio stated it takes 5 bodies to man one car for a 24 hour period. Chief Agrafiotis stated look at the organizational chart you come to 29 sworn bodies to answer his question to put the plan to have 3 officers on a shift north, south and a west patrol and a supervisor would be the 13 officers 5 sergeants and with the appropriate overtime, that was what they figured would do the 3 officers and a sergeant per shift and not be stealing detectives all the time.

Commissioner Karolian stated they need 13 officers to fill 3 cars 24/7. Chief Agrafiotis stated with the appropriate amount of overtime. He was asking how many officers would then need to cover.

Captain Cecilio stated he believes it takes 5 persons for one car 3 cars times 5 is 15 bodies. Chief Agrafiotis stated ideally 15.

Commissioner Karolian stated that 15 would be needed to make the coverage without overtime. Chief Agrafiotis stated he couldn't say without overtime. Commissioner Karolian asked why can't they go up from 9 officers next week and get more bodies out there to get the compliment up.

Chief Agrafiotis stated he can't answer that without looking at the schedule.

Chairperson McHugh said the Chief stated repeatedly the funds are not there. There are some accounts in the budget worksheet they purchased a vehicle and the appropriation for the maintenance vehicle is up there. The new vehicle will not need all this maintenance. The second part the personnel equipment they just purchased flashlights she suggested they look in both of those places and some of the other overtime that was discussed earlier. That maybe a way of being able to meet those funds. She stated the big concern she hears from the public is the lack of coverage on the west side. If they try to provide coverage and they can't meet it with the funds they have at least made the attempt and she is hoping she can convince the budget committee of that need. She stated they can't just back away from it saying they can't do it after a while they won't be able to do anything.

Chief Agrafiotis stated it is great to have the discussion but until they look at the schedule there is no way they can have this discussion without this information.

Chairperson McHugh stated she can understand what he is saying. But when they went to the budget committee they said you only have so many positions so you don't need the money. This is what she heard at both the deliberative session and the voting day why would I appropriate money and raise the taxes for things that are not going to be used.

Chief Agrafiotis stated it was not a matter asking for money and not using it they can't fill positions if people do not meet the state standards to be hired. They are in a hiring process if they don't meet the state standards they can't be hired.

Commissioner Karolian asked if there are a lot of people that don't meet the state standards that apply. Chief Agrafiotis stated the State of New Hampshire he thinks its RSA 541 have the criteria for hiring. If they don't meet that level you can't send them to the academy.

Commissioner Karolian asked what some of the state standards were. Captain Daigle stated when doing a background check you can't have a felony on your record that has not been annulled. There is drug usage, physiological and medical factors. There is a list of standards.

Commissioner Karolian stated he finds it difficult to believe that Hooksett is getting all these rejects that can't past these standards. There are plenty of guys coming out of the military looking for work. Captain Cecilio stated they are not getting those applicants. Chief Agrafiotis stated that if he checked nationwide the pool had been for years been prior military that does not exist nationwide. There were articles about 2 or 3 years ago about Manchester talking about losing people and not being able to find qualified applicants and the city was talking about raising the pay to try to attract people.

Commissioner Karolian asked what are they getting for applications coming in.

Captain Daigle stated he received 16 resumes in the mail and 10 more through the sites they advertise on. There are approximately 28 applications and total on hand is 44.

Chairperson McHugh stated she doesn't understand, the unemployment rate for New Hampshire is better than the rest of the nation, are the people ignoring this as a profession.

Captain Daigle had a large pool to choose from last time and they did hire a couple from that process. They have a rating system when they go through the oral boards. They are scored highly desirable or desirable the investigator goes through that list they are on the 7<sup>th</sup> applicant they have disqualified. Based on the background they can't be hired.

Captain Cecilio stated the oral boards aren't just Hooksett Police Officers they bring in officers from other agencies.

Commissioner Karolian stated he is hearing they have an unusual amount of applicants that are not making the grade. Chief Agrafiotis stated he doesn't think it is unusual compared to other departments.

Chairperson McHugh commented the Chief also stated the reason for a lot of them leaving is the fact of the pay. Does he feel that Hooksett has to offer more to attract. Chief Agrafiotis state yes.

Commissioner Karolian does not want to compromise the public safety because they threw up their hands and say they put in for this budget but you deducted our budget you get what you deserve.

Chief Agrafiotis stated if they sit down with the staff and look at the schedule that has been prepared they will see they are doing that. The money they have and the bodies and the amount of hour's people can physically stand to work. He would invite any commissioner to come in and look at the schedule and sit with the staff.

Chairperson McHugh stated she is agreeable to look at this but also wants the Chief to go back and look at the budget at the areas discussed.

Commissioner Karolian asked if they could take 2 detectives and temporarily assign them to patrol. Chief Agrafiotis stated they had already talked about this. He stated instead of doing this they decided to move the captain and the lieutenant into the patrol supervisor shifts rather than shutting down detectives.

Commissioner Karolian stated they need to fill some of these voids. Captain Cecilio stated they would shut down detectives if they pull the 2 detectives. Commissioner Karolian stated you would have to prioritize what would be investigated and what would not. He asked if they have such major crimes in Hooksett that it can't be worked on. Captain Cecilio stated today alone they had 3 commercial burglaries and 1 residential burglary. One unit had to go to court and they lost 1 car for ½ a day to go to court, that brings it down to 1 patrol car and himself that is what was out there.

Chairperson McHugh asked if they could take on retired people from other departments. Chief Agrafiotis stated to be part time there are state standards for this.

Commissioner Karolian asked why they couldn't use part time officers from surrounding agencies. Chief Agrafiotis stated they can explore this but he thinks it may be a major liability.

Chief Agrafiotis asked they sit with them to understand what they are filling and what they are not filling. If they want to entertain hiring part time officers they would have to go back into the budget where is the money going to come from for uniforms.

Captain Daigle stated they thought about using part timers in dispatch and there was an issue with the union. He did not know what the resolution was for the union.

Commissioner Karolian made a motion to go past 9:30. Seconded by Chairperson McHugh.

All in favor Chairperson McHugh I, Commissioner Karolian I, Commissioner Roy no. Motion carried.

#### e. Blogs

1. Chairperson McHugh asked why they have copies of all the e-mails from the blogs. Chief Agrafiotis stated he puts them in there to see what people are saying about the agency. If they don't want them he will not put them in there. Commissioner Karolian does not want to receive this information.

#### f. Traffic Details

1. Commissioner Karolian asked if Cinemagic called for details for the past weekend. He stated they were aware the police department was giving them and order to stop. Chief Agrafiotis stated they received a phone call and a follow up letter from the administrator. Commissioner Karolian stated they were told to have 2 officers and 2 cruisers. Commissioner McHugh stated this became an issue when the movie Avatar was playing and they were told then they needed to do a better

job. There was language when they got their approval that if and when it becomes a problem they would have to provide flaggers or detail officers. Chief Agrafiotis stated they found out through DOT they could put private people out there and that is what is happening.

Commissioner Karolian said he was concerned with them being required to hire 2 officers and 2 cruisers. It has been researched and it was found out that it was illegal to have a flagger out there. He stated they should reduce it to 1 officer and 1 cruiser, and if the shift supervisor feels it is not enough they could revisit that. They need to amend what has been told to them. Chief Agrafiotis stated the consensus from the board is 1 officer and 1 cruiser. Chairperson McHugh stated yes.

Commissioner Roy asked if there had been any major accidents at this location. Captain Cecilio stated none that he is aware of.

Chief Agrafiotis stated he would give Cinemagic a call and inform them they could use 1 officer and 1 cruiser.

g. Chairperson McHugh asked if the neighborhood watch signs were in. Captain Cecilio stated they have been ordered but are not in yet.

Chairperson McHugh stated the commission had received a letter from Tom Noonan as proper notice of the union's intent to begin to negotiations.

## **10. Other Business**

Union Negotiations:

Commissioner Karolian asked who would be handling negotiations. Chairperson McHugh stated they have not assigned who would do the negotiations. Are they going to have an attorney do the negotiations or whether they are going to have the commission and the police department do the negotiations and then have it reviewed by an attorney.

Chairperson McHugh stated there are no funds for negotiations. Commissioner Karolian stated he did not see a need to have an attorney to do negotiations. He thinks the commission and the police department could do this.

Commissioner Roy stated he would not do negotiations without an attorney. He stated 10 years ago they tried that without an attorney and it ended up costing the department \$100,000. Commissioner Karolian asked what happened. Commissioner Roy stated he did not want to get into the details in public session.

Chairperson McHugh stated they could use the services of LGC. Chief Agrafiotis stated they would have to check with them.

Commissioner Roy stated he thinks Attorney Higgins was involved after every meeting with the fire department not just at the end. They can check with Attorney Higgins.

It was decided the commission could have it reviewed periodically by legal counsel as they go along with negotiations.

Chief Agrafiotis stated they need to respond to Tom Noonan's letter to work on dates, and he agrees with what Commissioner Roy said they don't know what they are going to propose. It goes back to what he stated happened years ago. They need to decide what to do.

Chief Agrafiotis asked the commission to sign the authority page also. This was signed by the commission.

Transport Vehicle:

Commissioner Karolian asked for a brief history on how they went about obtaining the transport vehicle. Chief Agrafiotis updated the commission on the possibility of the court closing. The commission looked at the issue if it did close they would be taken to Concord, the commission felt it would not hurt to have the van. Commission authorized to purchase the van. It is used now as the supervisor's primary vehicle only on the day shift. A discussion was held in reference to this.

Commissioner Karolian made a motion have a directive that the transport vehicle only be used for what it is designed for to take multiply prisoners to Boscawen or to court. I should not be used as a patrol vehicle by a supervisor.

Commissioner Roy stated it was bought because of the possibility of the court closing.

Commissioner Roy stated he believes they are micro managing if they want to use the transport vehicle that is fine.

Chief Agrafiotis stated the motion talked about multiple prisoners what if it is an unruly prisoner would it be ok to use the vehicle to take someone from here to county for that purpose.

Commissioner Karolian stated it doesn't make sense to have the vehicle out on a regular patrol. It is common sense to use the vehicle for what it is intended for.

Commissioner Karolian made a motion to have a directive that the transport vehicle only be used for what it is designed for, to take multiply and or unruly prisoners to Boscawen or to court. Seconded by Commissioner McHugh.

Commissioner Roy stated he has not heard on negative comment about the transport vehicle.

All in favor Chairperson McHugh I, Commissioner Karolian I, Commissioner Roy no. Motion carried.

## **11. Next Agenda**

1. Detail Account
2. Expenditure Authority
3. Manifest
4. P-252

## **12. Public Input (5 minutes)**

**Mr. David Pearl 79 Main St., Hooksett, NH**

A. He wanted to thank the commission for taking the time to get into these issues. He likes seeing some of these things resolved and not pushed to the next agenda.

B. He stated seeing things brought up from the 2002 and the 2005 minute they are creating a mind field for an employee to follow the rules it needs to be organized into a policy if that is a rule they are suppose to follow.

C. He stated reference the employment situation they need to make Hooksett a more desirable place to work. He thinks accreditation would serve this purpose and it would serve to help organize the different directives they have.

**Maura Ouellette, 3 Summer fare St., Hooksett, NH**

A. Officer staffing was discussed tonight and the one thing she doesn't hear is they do have qualified officers, and they can't keep them, and there is something that is not being addressed that needs to be addressed. She stated she heard the Chief state they have 10 certified patrol officers with the 1 that is leaving would be 9 a total of 21 certified when this officer leaves. Chief Agrafiotis stated sworn not certified they have 1 officer going into the academy.

B. She stated the union had filed a grievance complaining about some of the shifts, one officer and one supervisor. It seems in her opinion it is being done in an attempt to retaliate. The officer's talk about overtime not being used, overtime shifts that were allotted and taken away. One time an overtime shift wasn't given sufficient notice it was taken away and it was grieved and they had to pay for that even though this person didn't work. She doesn't understand the problem with the budget if they are saying they have 21 sworn officers and they have a budget for 25 there is plenty of money there for overtime, there isn't an issue. She wanted the commission to look into this grievance it was brought forward and denied by the Chief the next process should be going to the commission. That was forwarded through the Chief and was suppose to go onto the commission. She was not sure if it had reached them and it was done on July 31, 2010. Asking the Chief to forward that to the commission she stated she had copies she can give it to the commission. They are concerned with their own safety and she doesn't believe it should wait another month.

Commissioner Karolian stated he wanted to hold off on receiving this. He doesn't want to take this, they will talk about this.

**Marc Miville 42 Main St., Hooksett, NH**

A. He stated Commissioner Roy commented delaying things in regards to the manifest. Delaying things and waiting for something to be approved it is called commission scrutiny. It is not micro management it is the job they are appointed to do.

B. He heard the word paramilitary and wanted to stress they are talking about going from level to level. He agrees with Commissioner Karolian that too many people know about it and it doesn't conserve confidentiality it only promotes gossip. Paramilitary doesn't preclude respect of the individuals who work here. They are employees who are people with personal lives and families attached to those people who work here. He asked where the human resource director comes into all this. Who is qualified here to handle human resources. Liz Dionne who is qualified to handle these kinds of things should be involved in this.

C. He was stunned and appalled by the stubborn advocacy against the rights the citizens and employees by Commissioner Roy's demeanor tonight. He needs to get into the game he did not talk for almost an hour and a 1/2.

Chairperson McHugh stated at the beginning of the meeting she asked they refrain from derogatory comments.

He stated he would stick to the facts. He heard the words to describe Commissioner Roy sarcasm, speculative and in his mind dilatory and derogatory. He was concerned about \$2000 of legal fees after a year of \$175,000 spent on legal fees.

He wanted to remind the commission he stated last month that Attorney Higgins presented a statement in the minutes about a year ago that quoted a chapter of what his statement was and Commissioner Gagnon read that statement when he asked what was the justification for the replacement commission and he read a statement quoting a chapter. He suggested the commission look into and save all kinds of legal fees by examining the minutes. It also shocks him if Attorney Higgins did not put it in writing and the question was raised what if it was oral. He needs to be reprimanded for that it is a legal procedure.

### **Non-Public Session**

At 10:28 PM, the Commission entered a non-public session by a motion made by Commissioner Roy, seconded by Commissioner Karolian, 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).

#### **1. NH RSA 91-A:3, II, (a),(c)&(e).**

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

The motion was made to come out of the non-public session at 11:05 PM.

Meeting adjourned at 11:05 PM.

Drafted by: Executive Assistant Francine Swafford