

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Monday, February 1, 2010

The Hooksett Police Commission held a public meeting on Monday, February 1, 2010, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner David Gagnon, Chief Stephen Agrafiotis and Town Councilor Paul Loiselle.

1. Call to Order:

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

Public Session

2. Pledge of Allegiance:

The pledge of allegiance was held.

3. Public Input:

David Pearl, 79 Main Street, Hooksett, NH

A. Mr. Pearl asked permission to give the Commissioners a hand-out concerning a question he had regarding a subject brought up at the April 2009 meeting. He wanted to discuss whether or not Chief Agrafiotis unsnapped his holster while having a conversation with one of the officers.

Chief Agrafiotis responded by stating that the complaint filed against him regarding this matter had been investigated and he was cleared of any wrongdoing.

Mr. Pearl wanted to know in-depth information regarding the investigation and results from the investigation.

Chief Agrafiotis responded by repeating what he had said previously about the investigation and he was cleared of any wrongdoing.

Mr. Pearl then stated he would be filing a Right-To-Know Request regarding this question.

Public Input Continued:

Marc Miville 42 Main Street, Hooksett, NH

A. Mr. Miville had some “process” questions. He referred to the *Roberts Rules of Procedure* (Chapter 11) regarding the Agenda. He stated that Public Input should occur after the Minutes of the last meetings have been reviewed.

B. Mr. Miville then brought up that a couple of times the Right-To-Know requests deadlines have been missed. He went on to say that in these requests, he was only asking for numbers and feels that their refusal to respond is a violation. He stated that “personnel issues” should not always be used for the excuse.

C. Mr. Miville was also wondering why the December 15, 2009 Minutes were not posted as of yet and asked if they were still being worked on.

Chairperson McHugh did state that the December 15th Minutes are still being worked on and that is why they have not been posted.

D. Mr. Miville also wanted to know if the person responsible for not posting a meeting is going to be punished stating that other officers and staff have been written up for these types of errors. He also wanted to know why two previous meetings had been cancelled.

Chairperson McHugh also responded to Mr. Miville’s first concern regarding Public Input. She stated that it is not a law to have “public input” prior to the review of the Minutes or prior meetings, but they felt they should give the citizens a chance to speak to begin with. Commissioner McHugh said that she will look into the Agenda line-up issue and get make any necessary corrections.

Chairperson McHugh wanted to discuss the posting of the meetings issue. She stated that errors occur now and then and when they are brought to light, they are dealt with. The person at Town Hall that is supposed to post the meetings happened to be out that day and none of the Commissioners were aware of this. Since it did not get posted, Commissioner McHugh decided to not go forward with it. For future meetings, it will be posted at the Safety Facility, the Public Library, and on the Town’s website. She also stated that the Executive Assistant at the Police Dept. will now have access to post the meetings on the website.

Chairperson McHugh then stated that the second meeting was not held due to the fact that Commissioner Gagnon and Commissioner Roy could not make it due to work-related matters.

4. Minutes of Last Meetings

Chairperson McHugh stated they were going to table the Minutes for the December 8, 2009 Budget Workshop Minutes until the next meeting, or later in this meeting.

5. Monthly Reports/Proposed 2010/2011 Budget

Chairperson McHugh reviewed the Town Budget Report and Police Budget Report. She asked Chief Agrafiotis when do we pay the Maintenance Contracts?

Monthly Reports/Proposed 2010/2011 Budget Continued

Chief Agrafiotis responded once a year; usually in late winter or early spring.

Chairperson McHugh had a question regarding the Drug/Alcohol expenditure line stating that \$0 had been spent.

Chief Agrafiotis stated it is used on an "as needed basis" and fortunately, we have not had to use it. He clarified that this is for employees of the Police Department.

Chairperson McHugh then brought up that \$64,000 was the recommended cut from the Town Council regarding the police budget. They will be going in front of the Budget Committee this Saturday (Feb. 6, 2010) to present their proposal.

6. Old Business:

a. Crime Prevention / Neighborhood Watch Groups

Chief Agrafiotis informed the Commissioners that Captain Cecilio is out on vacation so would not be able to give his presentation on the Neighborhood Watch Group program. Investigator Bill Shackford was present and is also working on this project so he will give them an update of what has been accomplished so far.

Mr. Shackford began by explaining that due to these economic times, burglaries, robberies, etc. are on the rise. There were 32 burglaries in Hooksett over the last few months. After getting the public's input at a forum in November, Mr. Shackford started researching the issues.

He stated that they first have to organize a group of people. The next step must be to train these people in 6 different areas so we won't have any vigilantes.

1. The responsibility of the people who want to be involved;
2. Upgrading homes with locks and lighting;
3. Volunteers to know how to identify a situation;
4. How to report a crime;
5. Alarm systems to be installed in homes;
6. Gun safety: what is needed to make guns safe (locks, storage)

Firearms is #1 for burglars to steal.

Mr. Shackford then stated that they'd like to take the program further with businesses. He sent for a catalog called "Business Alert" and would like to go around and discuss with businesses how to make their businesses safer.

Chairperson McHugh asked if gun safety ordinarily goes along with a Neighborhood Watch Program.

Mr. Shackford stated not necessarily. He then stated that about 80% of households in Hooksett have guns.

Commissioner Gagnon stated that he thinks it would be good to expand the gun safety information to more of the public and perhaps have a meeting at the Public Library.

Chief Agrafiotis stated that we need to check on liability to be sure they could hold this type of meeting at the library.

Chairperson McHugh is concerned about having the gun safety as part of the Neighborhood Watch Program or should it be a separate issue.

Mr. Shackford explained that they want to inform people on how to use guns safely and store them.

Chief Agrafiotis said he will have Bill Shackford research how they handle this in other communities.

Commissioner Gagnon stated that even if other communities do not do the gun safety part of it , there is nothing saying we can't be the first ones to do it and other communities would follow. He was also surprised at the figure of 80% of households in Hooksett own guns.

Paul Loiselle, Town Councilor also brought up that the volunteers on the Neighborhood Watch must learn the applicable laws and when they can use it.

Chairperson McHugh said that this subject will be revisited when Captain Cecilio returns.

Mary Farwell, Chairperson of the Library Trustees, offered the library to be open to the public for a Gun Safety meeting. She also recommended that the meeting be publicized on the website.

b. Town Attorney Research

Chairperson McHugh had a proposal that Carol Granfield had received from Hage & Hodes. In their proposal, they stated if the Commission have issues, they have 3 lawyers, a couple associates and law clerks who could work on it. They also included a fee schedule.

Commissioner Gagnon wanted to see fee schedules from other firms. He said he did not have the paperwork from Hage & Hodes. Francine Swafford will get that information to him.

c. Exit Interview Research

Chairperson McHugh spoke to Atty. Wieland for her opinion on Exit Interviews. She wanted to find out the best way to gather information on an employee leaving and what to do with the information – such as is the information accurate and how to follow up on it. The Commissioners need to research this. She also stated that they need to figure out who would be on a panel for Exit Interviews. She would like to ask other Town departments how they do it.

Commissioner Roy asked for Chairperson McHugh's notes from her meeting with Atty. Wieland on this issue. He would like to see a survey of what other departments are doing.

d. Vacation Policy/Non-Union Employees

This concerns Article 9 of the current contract.

Chief Agrafiotis submitted a "draft policy" to keep everyone on the same level playing field – basically union to non-union. He also stated that if the union changes their contract, then the changes for non-union personnel must go back in front of the Commission for review again.

Vacation Policy/Non-Union Employees Continued:

Commissioner Gagnon made a motion to accept the policy with the changes.

Chairperson McHugh asked all those in favor of the acceptance of the policy to signify by saying AYE, and motion was carried unanimously by roll call vote.

e. Mobile Computer/Impact Fees

Captain Daigle spoke about this matter. He stated that Lt. McDaniel and he had come up with a final plan. The figure to get the project completed would be \$28,207. They have \$100,000 worth of Impact Fees accessible. They had their quotes from vendors, and this is the figure they have come up with. Due to the timing of the project and the budget issues, the yearly fee to keep the project running is not in next year's budget. The yearly fee is \$7,202.32. They have not appeared before the Budget Committee as of yet.

Chairperson McHugh questioned whether or not they could use it from other accounts. They would need to coordinate this so there are not two entities tapping into the same funds. She also stated that the Town Council recommendation to cut \$64,000 to the Budget Committee does not mean they have to accept it.

There was a discussion on whether or not Town Council and the Budget Committee would add in the \$7,202.32 fee.

Town Councilor Loiselle said he doesn't see this being a problem.

Captain Daigle also pointed out that they are looking into a Grant to recoup some of the funds for the Town for this project.

Commissioner Roy asked if there is a place to look for what Impact Fees can be used for.

There was some discussion on this.

Marc Miville then stated that the Town Charter has a section on this that explains it in detail.

Chairperson McHugh then stated it was the Bruce Mayberry Study.

f. Special Detail Rates

Chief Agrafiotis submitted samples of rates from other towns for the Commissioners to review and give their input as to whether they should leave the fees as is, or change them. He noted that if the union contract changes, then they will need to bring this back in front of the Commissioners. Union contracts will be reviewed during the summer.

After a discussion regarding this, Chairperson McHugh made a motion to have the fees remain the same with the fact it will be brought back in front of the Commissioners this summer. This motion was seconded by Commissioner Gagnon. Motion was signified by saying AYE, and motion was carried unanimously.

g. Graffiti/Town Council

Councilor Loiselle talked about the fact the Town Council had reviewed this matter regarding passing an Ordinance. They have come up with a maximum fine of \$1,000. There will be a public hearing on this later this month and Town Council will decide if they should pass the Ordinance.

Chairperson McHugh wanted to know if it was in there that if they do the graffiti, are they responsible to clean it ... and also if they should have to do community service.

There was some discussion about this and they felt this would be up to the Judge.

Chief Agrafiotis also brought up that Prosecutor Kimberly Chabot is setting up a meeting with Carol Granfield to discuss getting ordinances codified.

There was more discussion about the subject regarding is there special equipment to be used and are there special funds for something like this.

7. New Business:

a. Annual Wrecker Meeting

Lt. McDaniel spoke about the fact he has met with wrecker companies to get their fees. After researching this, he suggested no changes and no recommendations. Leave everything the way it is for the calendar year 2010. If the Commission approves, they needed to sign the policy.

Commissioner Gagnon made the motion to approve it, Commissioner Roy seconded. Chairperson McHugh asked for them to signify their acceptance by saying AYE, motion carried unanimously.

b. Training Grant

This deals with officers getting specialized training. They now have 3 officers going to Mid-Management Training and a couple officers doing Field Training.

c. Proposed Warrant Article Status

The Emergency Communications Systems Development fund was not placed on a warrant by Town Council— its dead.

d. Emergency Communications – Code Red

Chief Agrafiotis explained what this system is and that the Town had asked the Police Dept. to help with the cost by putting \$1,900 towards the program.

Chief Agrafiotis recommends this amount and did state he may be able to get a grant to cover part of or the total amount. Commission agrees with the \$1,900 budget for this item.

Commissioner Roy made a motion to accept this budgeted amount, Commissioner Gagnon seconds, all in favor signify by saying AYE, accepted unanimously by roll call vote.

e. Intersection of Route 3 and Benton Road

Chairperson McHugh brought it up as a result of an issue raised by a citizen.

Chief Agrafiotis said he had been in that area and noticed that there are 2 green lights and one should have an arrow pointing to the right for the right hand lane. A quick fix for now would be to get the arrow up on the light. It appears that the lane just ends. Even with signage, it is not that obvious that the lane is going to end. He feels the state needs to take care of this.

Commissioner McHugh brought up that she thought there was going to be a widening of the roadway project. She had seen surveyors out in the area in the Fall of 2009.

There was some discussion regarding whether or not the widening of the road project is going to happen. It is supposed to be on Martins Ferry Road down to McDonald's. It is a \$4 million project. Joann Duffy is to give update.

There was a discussion about who should send a letter to DOT. Discussion on sending joint letter from Town Council and Police Dept.

From the public, Mary Farwell spoke about the fact that the signage should be way ahead of the intersection (by Walgreen's) to give people a chance to merge.

8. Other Business:

Discussion about whether or not this department is accredited. It is not budgeted for next year.

Lt. McDaniel is researching the cost.

Chairperson McHugh wanted to know what we need for full compliment. This needs to be put on the Agenda for the next meeting.

Captain Daigle stated they received 75 resumes for police officer positions that are open. There is testing going on this Saturday (Feb. 6, 2010). They have 40 confirmed attendees.

Public Input:

David Pearl 79 Main Street, Hooksett, NH

David Pearl wanted to know what the conclusion was to the 2 complaints filed many months ago.

Chairperson McHugh stated that they have researched it but the Commission needs to work on it more.

Mr. Pearl then brought up about public trust since there was an issue with the Chief unsnapping his holster during a conversation with an officer.

Chief Agrafiotis stated that the 2005 issue was investigated and he was cleared. He does not want to open his personnel file to the public.

Mr. Pearl wanted to know why he wouldn't open up his file to the public since it is not against the law and questioned if this was his choice, or did he feel it was a law.

Chief Agrafiotis stated it is his choice.

Public Input Continued:

Mr. Pearl went on to say that he didn't know why he wouldn't open it to the public since it would help the public to trust him.

Chairperson McHugh interrupted Mr. Pearl and stated that this is not the forum for a public debate and we are not getting anywhere with this. She asked him to submit the question and he agreed to do so.

Maura Ouellette, 3 Summerfare St., Hooksett, NH

Maura Ouellette spoke about her concerns about the police department losing 10 employees over the last year and 2 more Sergeants resigned. She stated that the Chief had said that morale was up. She wanted to know why if morale is up, why are so many leaving. She also wanted to know if the Town was safe with this many officers leaving. She stated that they felt that what happened to Officer Defina could have happened to them so that is why they are leaving.

It was also stated that one officer left for another department and took a \$5,000 pay cut, and another left taking a \$10,000 pay cut. She wanted to know why they would do this if morale is up.

Chief Agrafiotis said that that was incorrect information about the reason why they were leaving and also the amount of pay cuts.

Marc Miville 42 Main Street, Hooksett, NH

Marc Miville asked about the Exit Interviews. He was questioning why Chairperson McHugh was speaking to an attorney about the process instead of Liz Dionne. He was concerned that with so many employees leaving the department each month, why there is not a sense of urgency. They should be getting valuable information from these Exit Interviews.

Mr. Miville filed two more Right-To-Know Requests.

Chairperson McHugh explained the reason she met with Atty. Wieland was because the other commissioners had previously met with her before she came on the Commission and she wanted to know how to proceed with information they get during Exit Interviews.

JR Ouellette, 3 Summerfare St., Hooksett

JR Ouellette brought up the Police Department's Canine Program. He questioned the Chief's decision to put Officer Megowen on a day shift even after he had voiced his concerns over that his family needed him around during the day. He was also concerned about the fact that Officer Megowen was put on a day shift when it is more appropriate for a canine officer to be on at night.

Chairperson McHugh said they will have a response at the next meeting.

Mr. Ouellette went on to say he wanted to know about the loss of 3 canine units in the past and also the changes with the SRO unit.

Commissioner Gagnon and Chief Agrafiotis asked Lt. McDaniel to explain what has happened with the Canine Units.

Public Input Continued:

Lt. McDaniel stated that the first canine issue was in 1995 to Officer Gannon. The Police Dept. purchased a Jeep Cherokee for his use. He was put on revolving shifts. When Officer Gannon left in 2000 or 2001, his dog was 8 years old and would have been retiring. In 2000, they started up a second canine unit which overlapped for about 3 months with Officer Gannon. Officer Chabot was the canine officer. His dog was ailing and the Police Department took care of all the medical bills. Officer Chabot left after 3 ½ years on the canine unit. His dog would not have been able to continue on as it was not well. Lt. McDaniel had done some research on the longevity of a working dog. Most dogs retire between 8 to 10 years old.

Lt. McDaniel went on to say that Officer Rob Megowen was on the canine unit about 6 years with his dog, Bob.

Minutes of Last Meetings

A. December 8, 2009 Budget Workshop

Chairperson McHugh said she had a chance to look at the December 8 Budget Minutes and wanted to bring them forward for approval. Commissioner Gagnon pointed out that they did not have roll call. Chairperson McHugh pointed out that at the bottom of page 1, it is supposed to be Donna Fitzpatrick.

Chairperson McHugh asked all those in favor of the approval with the corrections to the December 8th Minutes signify by saying AYE, and motion was carried unanimously by roll call vote.

Non-Public Session

At 7:20 PM, the Commission entered a non-public session to discuss personnel issues. Commissioner Roy motioned, seconded by Commissioner Gagnon, the motion carried unanimously by roll call vote to enter non-public session in accordance with the provisions of NH RSA 91-A:3,II (a),(c).

The motion was made to come out of the non-public session at 7:49 PM.

A motion was made by Commissioner McHugh 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.

Meeting adjourned at 7:49 PM.

Drafted by: Prosecution Assistant Cynthia Ullrich