

APPROVED

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday May 18, 2010

The Hooksett Police Commission held a public meeting on Tuesday May 18, 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.

2. Proof of Posting:

Chairperson McHugh provided a copy of the meeting notice.

3. Pledge of Allegiance:

The pledge of allegiance was held.

Public Session

4. Minutes of Last Meetings:

A. Commissioner Gagnon motioned to accept the March 2, 2010 public minutes seconded by Chairperson McHugh as amended. Chairperson McHugh amended page 5 changes to reflect we need to ensure the safety of the community. Page 7 remove the first sentence in paragraph 8, and add at the end of the paragraph if he thought it was the right thing to do to suspend the equity pay raises? Remove the observation in paragraph 13. Commissioner Roy abstained. Motion carried.

B. Motion was made by Commissioner Roy to accept the March 16, 2010 public minutes, seconded by Commissioner Gagnon, motion carried unanimously by roll call vote.

B. Motion was made by Commissioner Roy to accept the April 15, 2010 public minutes seconded by Commissioner Gagnon as amended. Chairperson McHugh amended page 12 change public input under Mr. Pearl paragraph c to change the word to no. Page 13 public input under Mr. Ouellette paragraph c to change the number to 25.

Chairperson McHugh stated that she wanted the second paragraph under public input of Mr. Sorel to be added as an attachment to the minutes. The Commission stated in the past they were not doing minutes verbatim. Page 11 last paragraph change the word to providing. Page 3 public input

under Mr. Miville paragraph c change word to mourning. Motion carried unanimously by roll call vote.

Chairperson McHugh stated that the non-public minutes would be done in non-public session due to corrections.

Commissioner Roy stated that he wanted to make a change to the agenda so that people at this meeting could attend the school committee meeting at 7:00 pm. He wanted to move into business immediately and if there is time to have public input at the end of the meeting. He asked if Chairperson McHugh wanted a motion he would make the motion.

Chairperson McHugh asked the public if they would be willing to hold their comments until the end of the meeting so they could attend the school meeting. It was agreed upon.

5. Monthly Reports:

A. Chief Agrafiotis discussed the 2009-2010 budget the Town was in week 43 of 52 and expended 82.56% of the year and the Police Department was 72.62% expended.

Chairperson McHugh inquired about the increase under the regular salary wages. She was informed that there were 5 payrolls in the month of April.

Commissioner Gagnon asked what was paid in March for Community Service. He was informed that it was payment for CodeRed.

He also inquired about the office equipment rentals as there was a large payment in March. Chairperson McHugh stated that it was for the contracts that were paid.

Chairperson McHugh stated that there were a few lines that were over budgeted. She asked if the Chief could inform the Commission next month where they would be taking the money from. Chief Agrafiotis stated that it is a bottom line budget they do not transfer from line to line. Commissioner Gagnon stated that is why it is shown this way to show exactly where it was taken from. Chairperson McHugh stated that that was fine.

6. Old Business

a. Crime Prevention Activities

1. Status Neighborhood Watch Program

A. Captain Cecilio informed the Commission that the core group is starting to spread out there has been 3 meetings. There is more interest in starting up the program in different neighborhoods. He stated there are meetings scheduled for next week at Campbell Hills, Berry Hills Estates and Webster Woods. He stated that the citizens are inquiring about the signs when they will be purchased. The program is moving forward.

2. Crimeline

A. Chairperson McHugh asked Captain Cecilio if he had anymore information other than the survey that was done on how other communities handle fundraising.

Chairperson McHugh asked what his suggestion was for fundraising. Is it something they want to

start planning? Captain Cecilio stated that the commission needs to decide what needs to be done.

Chief Agrafiotis stated at last months meeting they were told to do the survey and the commission was going to decide how to proceed.

Commission Gagnon stated possibly having an outside agency handle the fundraising.

Chairperson McHugh asked if they might start with the neighborhoods that are having the neighborhood watches to see if they could collect funds, or there is an election in September if they wanted to do a canteen for people entering. She was looking for suggestions.

A discussion was held. Chairperson McHugh stated that the Commission needed to think about this and decide how to proceed.

3. Status of Police Department Website

A. Captain Cecilio was waiting for the letter to be signed by the Commissioner to be given to Ben Davis. He stated that nothing has changed on the website as he needs the program.

Chairperson McHugh stated she had spoken with Town Administrator Granfield and was told the town does not use the person to do this type of service. Specific department are in charge of doing the updating, and are able to do it as everything is in place. She stated that Mr. Pearl was going to give the commission some names of people he has dealt with that could do this. She didn't want to take up all of Captain Cecilio's time handling this website. She didn't know if this was something that Mr. Davis could do and be paid for.

Captain Cecilio asked permission to have Mr. Davis return and make some changes, as of the last meeting everything was put on hold as he was waiting to receive more information on how to proceed.

Commissioner Gagnon asked if it is possible to have Mr. Davis return on an on call basis, and pay him he does not have a problem with this. They need to get someone in on an as needed basis.

Captain Cecilio was directed to contact Mr. Davis and to prepare a memo in the next commission packet.

Mr. Pearl stated there are some do it yourself websites that are inexpensive and easy to run. He suggested they need to follow the route the Town went, even if they don't have a company they are able to update their system because they have contact management system. If the police department can get a contact management system updating would be quick and easy. The commission held a discussion on this.

Commissioner Gagnon motioned not to exceed \$2,500 for the contact management system. Seconded by Commissioner Roy, Chairperson McHugh abstained. Motion carried.

B. PELRB Decision

A. Chief Agrafiotis informed the commission on April 29, 2010 the Public Employee Labor Relations Board issued a decision and order in the case of Teamsters Local 633 v. the Hooksett Police Commission. The decision was to grant the commission's motion to dismiss the Teamsters complaint. This is public formation which is on the PELRB website.

C. Town Budget Vote

A. Chief Agrafiotis stated he has been meeting with the employees and soliciting ideas from them in reference to dealing with the 10% cut to the budget. He has received a lot of ideas and he was requesting that before the next commission meeting he would like to meet with the Chair to discuss the ideas.

Chairperson McHugh inquired about the JAG grant funds. Chief Agrafiotis stated that money can be used for the overtime.

B. Commissioner Roy asked if they could take the memo that Captain Daigle and Captain Cecilio prepared and attach it to the minutes so the public is aware of what they are doing.

Chairperson McHugh stated this was the same memo that was presented to the budget committee.

Commissioner Roy motioned to attach the memo dated March 3, 2010 from Captain Daigle and Captain Cecilio regarding the current staffing issues that was presented to the budget committee during the budget process, seconded by Commissioner Gagnon. Motion carried unanimously by roll call vote.

C. Chief Agrafiotis stated that the safety center bond did not pass. He had a brief discussion with the Town Administrator and they will deal with issues the best they can.

Councilor Loiselle stated that the Town Administrator is meeting with the engineering firm to see if they can address the building issues in steps.

Commissioner Gagnon asked if they are 100% convinced that there are no mold issues in the building. A discussion was held and Chairperson McHugh asked Chief Agrafiotis to follow up with the town on this issue.

Councilor Loiselle stated that he would follow up on this and get back to the commission.

D. Cruiser Purchase

A. The commission discussed the memo received from Lt. McDaniel. Chief Agrafiotis stated he recommended they purchase the vehicle that is in this years budget that has already been approved, and they had told the budget committee that was part of the reason they did not need any vehicles for next year as the fleet was in good shape, and with the one that was authorized to be purchased this year would carry them though next year.

Chairperson McHugh asked why are they giving vehicles to the town and fire department and then state they need a vehicle as stated in the memo. Chief Agrafiotis stated that they were higher mileage vehicles that were purchased years ago.

Chairperson McHugh discussed the Ford Expedition that had 23,000 miles on it. Commissioner Gagnon stated the vehicle did not work as a police vehicle package and the fire department had a need for that type of vehicle.

Chairperson McHugh asked if there is any renumeration from other departments? Commissioner Gagnon stated that when vehicle are sold at auction the funds go to the general fund.

Chairperson McHugh stated they should have a conversation with the town council or the budget committee about this. She stated that the budget is being scrutinized she thinks there needs to be some compensation.

Commissioner Roy motioned to purchase the vehicle that was authorized and budgeted for, seconded by Commissioner Gagnon.

Chairperson McHugh asked the commissioner if they did see any point in trying to get any remuneration. Commissioner Gagnon stated he agrees with her but it is a separate issue and Commissioner Roy is voting on purchasing the cruiser, he thinks it is a new point of business that has to be brought up.

Chairperson McHugh asked why they bought the Ford Expedition. Commissioner Gagnon informed her that the vehicle became unsafe for the type of work they were using it for. It was not a vehicle they wanted to pursue vehicles with.

Chairperson McHugh asked how often the transport van is being used. Chief Agrafiotis stated it is being used everyday by the supervisor.

Commissioner Roy asked to move the question. Chairperson McHugh asked all those in favor of the motion Commissioner Roy made to purchase the vehicle that was authorized and budgeted for, seconded by Commissioner Gagnon. Chairperson McHugh was opposed. Motion carried.

E. Replacement Commission

A. A discussion was held the Commission needed to pick a 3rd replacement commissioner. Commissioner Roy stated that Mr. Riley had stated yes, Mr. Bishop had stated yes but has since recanted, and Ms. Hess stated yes.

The Commission wrote their votes on paper. Chairperson McHugh stated it was unanimous, Mr. Riley was chosen. Chairperson McHugh stated that she would contact him.

8. New Business

A. AOM Chapter One, Rules & Regulations Chapter

A. Chief Agrafiotis stated the commission had received a copy of the rules and regulations with suggested changes in red and if there were any questions. If not he asked if they would approve and sign the signature sheet.

A discussion was held on the changes and what other departments do and who they look to for the language that is used. It was decided that Chairperson McHugh would make some changes and give the information back to Chief Agrafiotis.

B. Recording System

A. Chief Agrafiotis discussed the memo reference the backup recording system that failed. They have 2 systems and the backup system is no longer working. His suggestion is to purchase a replacement system and the current system would become the backup system. One is priced at \$16,000 and the other at \$8,850. He recommended they purchase the \$8,850 system.

Commissioner Gagnon motioned to purchase the backup system in the amount of \$8,850,

seconded by Commissioner Roy. Motion carried unanimously by roll call vote.

C. Union Negotiations

A. Commissioner Roy stated that Attorney Higgins has informed him that the teamsters would like to start their negotiations early this summer, or September the latest, and he would like to retain Attorney Higgins as council for the negotiations.

Chairperson McHugh stated that she would be more inclined to wait until the new board sits. So they do not take away that vote from someone, and is Commissioner Roy interested in doing negotiations again. He stated yes, but he is not going without counsel. Commissioner Roy stated they have always used Attorney Higgins and the fire department uses him also. He doesn't understand why they can't tell him that they are going to retain his services.

Commissioner Roy motioned to retain Attorney Higgins for legal negotiations on the upcoming contract. Seconded by Commissioner Gagnon. Commissioner Roy stated that he can bill them for the usual retainer. Commissioner McHugh abstained. Motion carried. Commissioner Roy will contact Attorney Higgins and advise him of this.

D. Officer Safety

A. Commissioner Gagnon stated he had been approached by some officers about purchasing mini mag lights. He stated he asked Lt. McDaniel to get him pricing, and he has not received them. He believed they were approximately \$89.00 each.

It was decided to table this to old business for next month. Commissioner Gagnon directed Lt. Cline to meet with Lt. McDaniel to get the exact models and figures.

E. Animal Control

A. Chairperson McHugh wanted to discuss the animal control issue, and stated she had spoken with the Town Administrator and Chairperson McHugh still has concerns about this because the Town collects the funds for the dog licensing, but the police department is taking care of the other expenses. She wanted this looked into more.

9. Other Business

A. Councilor Loiselle stated that they voted to purchase the cruiser but they did not state the amount.

Commissioner Roy motioned to amend the purchase of the cruiser in the amount of \$24,515, seconded by Commissioner Gagnon. Chairperson McHugh was opposed. Motion carried.

B. Commissioner Roy wanted to discuss the Town Council minutes of April 21, 2010. It stated the police commission was looking for ways to save money and would like to have vehicle maintenance done in house instead of having an outside vendor. Public works would have to hire a certified mechanic to take care of the police vehicles. He stated he didn't remember that being the commission's request.

Chairperson McHugh stated they had already vetted that out.

Councilor Loiselle stated the intent was to see if they could save any money by having vehicle

maintained by the Highway Department. They sat down with the Town Administrator, and Dale Hemeon it was not in the budget and it would not be cost effective.

10. Next Agenda

1. Purchase of mini mag lights

11. Public Input (5 minutes)

Michael Sorel 54 Cross Road, Hooksett, NH

A. He stated several weeks ago he had sent a letters to Chairman Pieroni of the budget committee with attachments, Chairman of the Town Council, Town Administrator and Chairperson McHugh and he has not heard from anyone in reference to the letters.

He was not asking for a response he was asking who received it, and if it was shared with the other commissioners. Chairperson McHugh stated she received it, and had not had the opportunity to share it with the other commissioners.

Todd Lizotte 21 Post Road, Hooksett, NH

A. He stated he had filed a right to know request in regards to the AOM and IA investigations in trying to get an idea in regards to what the types where. He did receive a response from Chief Agrafiotis and Mr. Lizotte gave copies to the commissioners. The concern Mr. Lizotte has is he was under the impression a year ago when he approached the subject about accreditation it stated the AOM reflected all the standards of CALEA. It reflected all the footnotes from CALEA and the Chief has now indicated that the footnotes that he was referencing had been removed from the AOM. He stated if they were going to head towards accreditation why would you remove the footnotes.

He is concerned with the concept of deliberative indifference. He stated Mr. Pearl's filing of his complaint didn't follow the SOP which is in the AOM. He did not come away with the police commission has no oversight in regards to the directive within the AOM. The Chief indicated that the only portion the commission has control over is the first chapter. He stated that the Commission in the past received the changes and directives but they changed so often, was there a shift or a change in regards to the oversight of the AOM directives. He was always under the impression that the AOM was the operating manual for the department.

He also discussed the RSA covering what was confidential and what was not. When he reviewed the information that was provided to him about 90% was redacted. He asked if the information that was redacted did it fall under the RSA of confidentiality, or has it been wrongly redacted.

David Pearl 79 Main Street, Hooksett, NH

A. Mr. Pearl was commenting on the letter he received from the police commission dated April 14, 2010, it was in response to his complaint that he filed on October 21, 2009. He stated he had concerns about the letter it stated that after careful review he assumed his complaint would have been investigated. He stated that he filed a complaint, it was not investigated it stated that it was reviewed. His allegation was the scope of the investigation it did not match the order that Commissioner Gagnon gave that night. The letter stated the wording cover-up is saying it is the same as someone lied. This statement needed to be clarified. He went on to discuss the contents of the letter stating it was investigated by the sheriffs department, and he was disagreeing. The

results were not made know to him by the sheriffs department. He filed another right to know request and the Chief denied him that right to know request. He doesn't understand, they are saying the results were made know to him, and on the other hand you refused to provide the information.

Mr. Pearl stated Commissioner Gagnon had stated someone had lied about the memo he was referring to Jason Defina or someone else. He doesn't understand how it can be left uninvestigated. It was an allegation by the highest ranking person in the department that an officer lied. He stated it has not been adjudicated.

He asked if there were any answers to complaint 1 he had filed with the commission.

Chairperson McHugh stated that he had received a response to complaint 1.

Mr. Pearl stated he filed 4 questions after the follow up. Mr. Pearl submitted 4 new questions he had for complaint 2; they were given to Chairperson McHugh. Mr. Pearl stated that he had submitted the other questions at the prior meeting.

Chairperson McHugh directed the questions be given to Chief Agrafiotis. Chief Agrafiotis stated that he did not want complaints about himself that the commission already handled. They were given to Chairperson McHugh.

Jr. Ouellette, 3 Summerfare Street, Hooksett, NH

A. Mr. Ouellette wanted to discuss the memo that was passed out reference the budget cuts. He stated that based on the memo he doesn't understand why the department has to cut to make the changes stated. He stated the department has averaged 25 1/3 officers over the last 6 years.

B. He stated he received the letter dated April 23, 2010 regarding the questions he had asked on October 20, 2009 about the former K-9 officer program. The reason behind his questions it many of the officers that left the department felt as if they were targeted, and based on all the information he has seen it appears the K-9 officer was targeted as well.

He discussed the comment from the letter on the assignment of employees it is based on the needs of the department as determined by the Chief and part of the management right clause of the bargaining agreements. He finds it hard to believe that other departments with only one K-9 unit would move their unit to a day shift. He asked who prepared the letter that he received.

Chairperson McHugh stated she worked on it with Chief Agrafiotis.

He went on to state that the letter said there has never been an agreement with the K-9 officer to work a guaranteed shift. That was not his question he was asking did the Chief have an agreement with the former K-9 officer that he would be working the night shift if he became a K-9 officer not a guaranteed shift.

Chairperson McHugh asked if he had follow up questions.

Mr. Ouellette stated it is the same question that he had given her and the question got modified to a guaranteed shift that was not the question. He stated it was a yes or no answer.

Commissioner Gagnon stated that would be a guaranteed shift if it is an agreement. Mr. Ouellette stated not necessarily.

Chairperson McHugh asked for the question again.

C. Mr. Ouellette stated based on the comment of the movement of the K-9 to days reference possible drugs in the school was done based on the letter to the Hooksett Banner by Maura Ouellette that alleged drug issues in the school.

Chairperson McHugh asked him to give her his notes or frame what he wanted so she can go back and look into it.

Marc Miville, 42 Main Street, Hooksett, NH

A. He asked if there was 10% left in the budget was it with 1 month or 2 months remaining. Chairperson McHugh stated that was from the end of April.

B. He asked if there was any June encumbrances anticipated. He stated at the budget committee meetings there were going to be no anticipated encumbrances unless something came up.

C. He asked based on the replacement commissioners which one left and who are the ones remaining?

D. He asked where the neighborhood watchers are being formed, and is the Main Street area being organized.

E. He stated he had questions that were submitted to the commission in August 2009. He received the response last month to them.

He stated that the commission is a citizen based commission representing him who oversees the police department operations and treatment of its officers and budgetary. When a citizen is asking a question to the commission they are asking a fellow citizen to help him understand what is happening with the department. It is frustrating when they get blank stares and 8 months worth of questions not being answered. He stated they work for him when they leave this appointment they will go back to being regular citizens. There is supposed to be a separation between the police commission and the police department. He stated the only thing that he knew about the sheriff's investigation was in the last paragraph were they suggested there is too much lack of separation and they both work as one entity and they need to stop it.

F. He went on to state he received the answers from his questions from August; he did not get any answers except for 1 question. He was asking specific questions and he wanted to submit it back to the Chairperson with his own responses. He stated there were no answers to the questions.

Chairperson McHugh asked if he had gotten the response. He stated that he did but they were not complete.

G. Chairperson McHugh stated if someone from Main Street would contact Captain Cecilio and see if a neighborhood watch could be done.

Chairperson McHugh stated that the Commission does represent the community and if he feels she gives him a blank stare she apologizes.

Non-Public Session

At 7:11 PM, the Commission entered a non-public session by a motion made by Commissioner Gagnon, 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 parts of the minutes of the non-public session. The motion was seconded by Chairperson McHugh and the motion was carried unanimously by roll call vote.

The motion was made to come out of the non-public session at 7:21 PM.

Meeting adjourned at 7:21 PM.

Drafted by: Executive Assistant Francine Swafford