



# Hooksett Police Department

## Approved

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### POLICE COMMISSION MEETING

#### Minutes of the Meeting of Tuesday December 7, 2010

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The Hooksett Police Commission held a public meeting on Tuesday December 7, 2010, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner Clark Karolian, Chief Stephen Agrafiotis and Town Councilor Gorton.

#### 1. Call to Order:

Chairperson McHugh called the meeting to order at 5:00 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.

Commissioner Karolian inquired about the recording equipment used at the Commission Meetings. He was advised there was audio and video recording being done.

Commissioner Karolian made a motion that when the Commission goes into non-public session that it be recorded and kept separate in the locked Commission file cabinet.

A discussion was held on storage for the recording on DVD, thumb drive, ect.

Chairperson McHugh stated she doesn't know how the Town addresses this issue. Commissioner Roy stated that they should inquire from LGC.

Chief Agrafiotis stated they would be secured like the non-public minutes. Chairperson McHugh stated they are not going to do the minutes verbatim. Commissioner Karolian stated they don't have to be verbatim and wants to keep the public and non-public recorded.

Chief Agrafiotis stated on November 22, 2010 he spoke with Attorney Halliquet from LGC about non-public minutes and she stated they have a right to record the non-public.

Commissioner McHugh asked how long do they have to keep them? Chief Agrafiotis stated they keep them indefinitely.

Commissioner Roy seconded the motion.

Commissioner Karolian asked if someone from the public requested a copy of the public meeting that was recorded, are they given copies? Chief Agrafiotis stated if someone submits a Right to Know request they would receive a copy and there is a \$20.00 fee.

Commissioner Karolian stated he was retracting his motion. Commissioner Roy retracted his motion also.

### **Non-Public Session**

At 5:08 PM, the Commission entered a non-public session by a motion made by Commissioner Karolian, 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). Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

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

The motion was made to come out of the non-public session at 6:59 PM.

Commissioner Karolian made a motion to seal the minutes of the non-public session, seconded by Chairperson McHugh. Commissioner Karolian Aye, Chairperson McHugh Aye. Commissioner Roy, Aye. Motion carried.

### **Public Session**

#### **4. Minutes of Last Meetings:**

A. A motion was made by Commissioner Karolian to accept the July 20, 2010 non-public minutes, seconded by Commissioner Roy, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

B. A motion was made by Commissioner Karolian to accept the July 29, 2010 non-public minutes, seconded by Commissioner Roy, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

C. A motion was made by Commissioner Karolian to accept the August 17, non-public minutes, seconded by Commissioner Roy, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

D. A motion was made by Commissioner Karolian to accept the September 13, 2010 non-public minutes, seconded by Commissioner Roy, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

E. A motion was made by Commissioner Roy to accept the October 19, 2010 non-public minutes, seconded by Commissioner Roy, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

Commissioner Karolian made a motion to have a non-public meeting in January to approve all the remaining non-public minutes, so they could release portions of the non-public minutes so they are in compliance RSA 91A:3 III. Seconded by Chairperson McHugh, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

## 5. Old Business:

### Budget 2011-2012

A. Chief Agrafiotis presented the 4<sup>th</sup> draft of the budget to the Commission. A discussion was held on the changes. He stated there was a decrease in the overtime and wage lines. He stated the telephone line has notes for past history and the cell phones have been decreased from 15 to 10 cell phones.

Chairperson McHugh asked if they need the \$25,000 in the vehicle maintenance line if they were going to put the 2 vehicles into service. Chief stated an average of the preventative maintenance was \$16,552 over the past 3 years.

Chairperson McHugh stated the numbers haven't changed they have only moved monies to the legal line and the community service line.

Chief Agrafiotis stated the 4<sup>th</sup> draft is \$3,463,416.74 which is 1% lower than the current budget which is what the Town Council requested.

Chairperson McHugh stated the Town Council wanted a dollar amount in the animal control line they need to put something there.

Vehicle maintenance line was discussed, oil changes, routine maintenance, ect. Commissioner Karolian stated if they had 3 and 1 coverage 24/7. There would be four cruisers used 24/7, and a spare for each one. That gives them 8 cruisers and we have a total of 12 cruisers. If they had only 8 cruisers it would lower the vehicle preventative maintenance. He stated to give 4 of the oldest vehicles to the Town with the highest mileage.

Chairperson McHugh stated she had concerns with the amount of the line being \$37,282 and the vehicle repair is \$25,000. She thinks the \$25,000 should be reduced and leave the amount for the servicing that needs to be done and take the money out for the 2 vehicles that are new.

Commissioner Karolian stated they would save on tires if they had 4 less cruisers, and asked what kind of oil is used. A discussion was held on how many vehicles the department has.

Commissioner Karolian asked what the Chief's recommendation was. Chief stated to leave the vehicles as is for now. They are in good shape right now with what they have, and as a vehicle go down they would replace the vehicles then.

Commissioner Karolian asked Captain Cecilio what this position was with the vehicles. He stated he is not involved in this process.

The Commission stated to reduce the dollar amount and reduce the fleet size.

Chief Agrafiotis asked if the Commission was going to reduce the vehicle repair line to let him know what figure and fleet size they wanted.

Commissioner Karolian read the vehicle mileage of the fleet. Chief stated the plan would work but they need to educate the other boards and citizens they need to have a certain number of vehicles.

Commissioner Karolian stated in the future if they needed a new vehicle because it was costing them too much in repairs he would be the first one to stand with him and ask for new vehicles.

Commission discussed the amounts spent on oil changes; they needed to get quotes from other businesses in Town, and the cost of preventative maintenance and vehicle repairs.

Chairperson McHugh recommended reducing the line by \$10,065 based on the discussion about the reduction of the oil and lube and putting 2 newer cruisers in service.

Commissioner Karolian stated to reduce it to \$15,000.

Chief Agrafiotis asked for clarification the sub account would go from \$25,000 to \$15,000. Commissioner Karolian stated with the understanding the Chief was going to reduce the fleet from 12 to 8 cruisers.

Chairperson McHugh stated the new amount on that line would be \$22,282. Commissioner Karolian asked if the Commission was in agreement reducing the fleet from 12 to 8? All agreed. Commissioner Karolian asked when this would go into effect?

Chief asked if the Commission wanted them to continue the rest of this year with the vehicles the way they are, or they would probably take the higher mileage vehicles and readjust the staffing so the 4 they would be getting rid of they would put the bulk of the mileage on, so they would be in good shape with the last 8 starting the budget in July.

Commissioner Karolian asked about the 2008 and the 2010 cruisers that are not in service now? Chief stated they would go into service if any of the 4 would breakdown between now and June 30.

Chairperson McHugh asked about the warranty on the vehicles. Chief stated the warranty start when they receive the vehicle.

Chairperson McHugh stated they are losing the benefit of the warranty and they should go into service now.

Chief asked the Commission if they want to put the 2 into service and pull the 4 highest mileage vehicles now?

Chairperson McHugh stated they still have not gotten an answer from the Town in regards to renumeration if they give up vehicles. Commissioner Karolian stated the money would go to the Town and not to the Police Department.

Chief stated they would remove 2 vehicles now and on July 1, 2011 they would start at 8 vehicles. Commissioner Karolian stated yes.

B. The wage lines were discussed, and the matrix system that is used.

C. Commissioner Karolian inquired about the Jag Grant. Chief stated the amount is currently at \$23,127. Commissioner Karolian asked what the grant is specific for? Chief stated that it is not to supplement deficiencies in funding; it's for unusual things like a snow storm, a crime scene the overtime could be used for that. It is not something they could use every week in place of the

money they would normally spend. They have to show they have an occurrence that is above and beyond the normal operations.

Commissioner Karolian stated the grant can't be used for overtime in patrol. Chief stated if it is above and beyond the normal circumstances they can. Chief stated looking at the Department of Justice rules and regulations he doesn't believe it qualifies.

Commissioner Karolian asked if they were having problems on certain nights why couldn't they use the funds for that. Chief stated they would have to verify that. He doesn't believe it is that much busier on those shifts to say they are having unusual occurrences. Commissioner Karolian asked the Chief if he would call to get clarification? Chief stated yes.

A discussion was held on the extra coverage that is being used. Chief stated he doesn't believe that it would be covered, the shifts are slow.

Commissioner Karolian asked in regards to Lt. McDaniel. It was his understanding when he moved Lt. McDaniel out of that position and put him in patrol, he would be doing patrol only. He asked why is he doing double duty? Why is he doing administrative things when he should be doing patrol?

Chief stated his administrative duties didn't go away, they still need to keep up on those things and for this month with the 2 new officers coming on he is the one that manages getting all the uniforms and all the admin things. They just got one officer back from the academy that started yesterday, and for the month of December he moved Lt. McDaniel back into his admin position in getting the 2 officers out on the road and catching up with the grants and anything else that he was working on before.

Commissioner Karolian stated that was not the direction he got from the Commission. The Chief was going to pull him and put him out on patrol and now he is doing the admin duties and not doing patrol. Chairperson McHugh stated that the Chief did release him from the night shift? Chief stated yes.

Chairperson McHugh asked the Chief with regards to the number of positions in the command staff when did he change the administrative part of the command staff to the level it is at now?

Commissioner Karolian stated that in 2003 they had 1 Chief, 1 Captain, 2 Lieutenants, 7 Sergeants, 4 Detectives, and 14 Patrol Officers, and including 5 new positions effective 1/1/2004. He asked how did the upper management structure change and go to 2 captains. Chief stated June 2007 a captain was added.

Chief Agrafiotis stated his recommendation is to not add the part-time positions and just look at what the Town Council requested they would be able to maintain the 25 sworn positions they will adjust some of the other lines with money they took out from the vehicle maintenance and put some of that into the animal control and still be where the Town Council wants them to be. He stated if they were going to look at the cost of living they needed to discuss that also.

Chairperson McHugh asked what the Town was doing for wages? Chief stated he receive an e-mail from the Town Administrator and it was sent to Chairperson McHugh also it was still being evaluated she doesn't believe it would be more than 1.5%. Chief stated the e-mail read it would be best this year if the Commission add the non-union increases in the operating budget as done in the past or a separate warrant article. He stated historically the Commission put in the wage line of the budget the same as what the Town was putting in.

Commissioner Karolian asked the Chief when the last COLA the Department received was in July of 2009? Chief stated yes. Chief stated if they wanted to do a wage pool it would be approximately \$16,000. Chairperson McHugh stated this is not the year to do something like this with the economy. She doesn't think it is going to get approved. Commissioner Karolian stated it needed to get past the Commission first and it is not going to.

The Commission discussed the overall budget and the different lines, redistributing funds to other lines.

Commissioner Karolian made a motion to move the budget forward at \$3,463,416.74, seconded by Commissioner Roy. Motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

Chief Agrafiotis asked for clarification as to some of the changes and redistribution, he asked Chairperson McHugh if she wanted to meet with him to go over the numbers to see where they want to put the funds. He wants to make sure they have the right numbers and wants to make sure the redistribution is done correctly. She stated she is not going to do it tomorrow.

## **6. New Business:**

### **Manifest:**

Chairperson McHugh stated they had the manifest for the expenditures and for payroll. She stated she did come in earlier today and reviewed the manifest. The manifest was reviewed by the Commission.

A discussion was held on the late fees that are accruing.

Commissioner Karolian made a motion to pay the manifest in the amount of \$13,576.75. Seconded by Commissioner Roy, motion carried unanimously by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye. The manifest was signed by the Commission.

### **Secretarial Services:**

Chairperson McHugh stated that the Commission in the past has been operating with one meeting a month and now we have at least 2 meetings a month. It has become difficult they have not been able to get their work done with one meeting, and the other reason is the Executive Assistant is unable to continue doing the secretarial services. She stated she talked to the Town Administrator and she told her she might have someone however that person cannot do it on the evening the Commission has their meeting scheduled. If they can't change the night of the meeting they would have to run an ad looking for a secretary to do it on those nights.

A discussion was held on moving the meeting day and it was decided to stay with Tuesday. It was decided an ad would be put out for the position.

## **C. Town Council Packets:**

Commissioner Karolian asked the Chief why does the supervisor have to deliver the packet to the Commission and Town Council as opposed to the officer on that route? Chief stated it is given to the supervisor and the supervisor can give it to the officer on that route or deliver it themselves. It

is not mandated that the supervisor deliver it. Chairperson McHugh asked why the packets aren't mailed? Chief stated it saves on postage and the officers are out there anyways.

Commissioner Karolian asked the Chief if the Town Council packets it is general information that is given. Chief stated it is general public information.

Commissioner Karolian asked why the Town Council Liaison if getting information ahead of the public, they need to extend courtesy to the public as well. Chief stated it is given early to the liaison as a courtesy. A discussion was held on the distribution of the packet.

Chairperson McHugh stated they need to discuss this with the Town Administrator. The Town Council is the liaison to the Commission; this has been the past practice sending packets of info about the meetings.

Commissioner Karolian stated the Town Councilor Liaison is an observer not a participant.

Chairperson McHugh stated they are expected to communicate at meetings and answer questions. She stated she had a discussion with the Town Administrator and the Town Councilor is the liaison to the Police Commission, and it has been the practice that a packet of information is sent that has to do with the meetings.

A discussion was held on how other boards handle these situations.

Commissioner Karolian made a motion to not include anything in the packet except for the agenda. Chairperson McHugh stated she is not going to second the motion, as stated she had a discussion with the Town Administrator and was satisfied with the response of what she was given.

Chairperson McHugh stated that for the Councilors at the meeting tonight the information he receive they need to make sure that the information is accurate, because the information he received was totally inaccurate. Commissioner Roy stated he was not going to second it also.

#### **Payroll Manifest:**

Chairperson McHugh stated they needed to approve the payroll manifest for November 2010.

Commissioner Karolian asked the Chief for the month of December there was no overtime they have been taking detectives out for a month of rotation, on patrol and then a month later goes back to detectives and another detective is put into patrol? Chief stated if they are needed it depends on what the availability of officers are. A discussion was held on shift coverage for detectives and patrol. Commissioner Karolian asked why do they need the extra detective in detectives if they are not going to utilize the detective. Chief stated they are doing that for manpower in addition to overtime. A discussion was held on scheduling.

Commissioner Karolian stated they are paying a detective to come out on the street at a higher rate than a patrol officer and they are doing patrol work and not detective work. If they have been without a detective all that time how do they justify having a slot for the detective.

Captain Cecilio stated they had this conversation with the Commission about moving the detective to patrol. Commissioner Karolian stated they thought they rectified that with the mandatory overtime. Captain Cecilio stated they have been doing this all along since possibly March. He stated a memo was done that was submitted to the Budget Committee outlining this. He gave a copy of the stated memo to the Commission.

Commissioner Karolian asked why are they not filling it with overtime instead of pulling a detective? Chief Agrafiotis stated Lt. Cline still needs to force the overtime even with using the detective.

Commissioner Roy asked the Chief with the 3 officers coming on board July 1, will they be able to free up the detective? Chief stated yes that is the plan.

Captain Cecilio stated when they are using detectives they are closing down the detective unit. He didn't want to put a detective in patrol. Chief stated they are using overtime to fill the other shifts and there are only so many patrol shifts the officers are willing to take, they need both.

Chairperson McHugh stated the memo stated the detective fills in as O.I.C. or as a patrol officer if needed.

A motion was made by Commissioner Roy to approve the payroll manifest in the amount of \$22373.89. Seconded by Commissioner Karolian, motion carried unanimously by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

#### **D. HPD Yahoo E-mail Account:**

A. Commissioner Karolian stated the Chief needs to have his own account with him only having the password to it, and one set up for the Executive Assistant.

#### **E. SRO Assignment**

A. Commissioner Karolian made a motion that the Chief return Officer Defina to the SRO position, and the sergeant be pulled from the schools.

Chief Agrafiotis stated he gave his opinion to the Commission in the last non-public and he is going to stick with that.

Commissioner Karolian stated his motion is to instruct the Chief to move Defina back into the schools.

Chairperson McHugh stated she needed more of an explanation from the Chief.

Chief stated they need to go back into non-public to discuss it.

Chairperson McHugh made a motion to go into non-public session at 9:17 pm. Seconded by Commissioner Roy, motion carried.

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Present were Chairperson McHugh, Commissioner Roy, Commissioner Karolian and Chief Agrafiotis.

#### **Non-Public Session**

At 9:17 PM, the Commission entered a non-public session by a motion made by Chairperson McHugh, seconded by Commissioner Roy, the motion carried in accordance with the provisions of NH RSA 91-A:3,II (c).



**1. NH RSA 91-A:3, II, (c).**

At 9:52 pm the Commission came out of non-public session.

Chairperson McHugh made a motion to seal all parts of the minutes of the non-public session. Seconded by Commissioner Roy, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

Commissioner Karolian stated he had a motion on the table when they went into non-public. Commissioner Roy stated it wasn't seconded. Chairperson McHugh stated the reason she didn't second it was she is still looking for information and the Chief knows what it is.

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**Public Session**

**7. Other Business:**

A. Chief stated he had sent an e-mail to the Commission about a meeting for Friday December 10, 2010 to interview a new candidate. He wasn't sure who could attend.

Chairperson McHugh stated she could not attend. Commissioner Roy stated he could attend.

Commissioner Karolian stated they didn't need to interview him, if the Chief's recommendation is to hire him. Chief stated he will meet with the candidate at 1:00 pm on Friday and the next step would be to come to the Commission. The Chief asked if they are not going to do this the issue would be they need to look at the matrix for his experience.

Commissioner Karolian stated the candidate doesn't have to meet with the Commission. Chief stated they are the hiring authority unless they vote to delegate that decision to him this one time.

The Commission decided to hold a non-public meeting on December 10, 2010 at 2:00 pm.

B. Chief Agrafiotis stated the Town Council will be meeting next Wednesday to discuss the CIP. He asked if the Commission wanted to attend the meeting or not. Chairperson McHugh stated the Chief could attend the meeting and answer any questions.

C. Chairperson McHugh asked if they had followed up on the railroad issue. Chief stated the person was contacted and they will be calling the B&M railroad police to make sure there are no pending issues.

D. Chairperson McHugh asked if someone calls Communications does the department have caller ID? Chief stated no. She stated they should look into this and see what it would cost. Chief stated he would.

**7. Public Input:**

David Pearl, 79 Main Street, Hooksett, NH

He stated at the last meeting Commissioner Karolian asked the Chief about the reporting the alleged illegal meeting, and the Chief referred him to the Whistle Blower Act. He stated there is

nothing in there that stops him from having to answer a question, the law protects the person from retribution from an answer or a report they might give. He doesn't understand how the Chief can use this reference to that law as an answer to the question from his superior the Police Commission.

Marc Miville, 42 Main Street, Hooksett, NH

A. He asked for clarification if Commissioner Roy seconded the motion by Commissioner Karolian regarding the SRO. He stated he mumbled his response and he thought he said second.

Commissioner Roy stated he did not second it.

B. He wanted to thank Commissioner McHugh and Karolian for doing an outstanding job. He asked them to continue to scrutinize the Department the citizens appreciate the transparency in making the Police Department accountable. He stated the Town Council's vote in the past week recommending to abolish the Police Commission fails to identify its current source, and their vote was impulsive and ill advised in his opinion.

C. He discussed the replacement of the Secretarial person for the meeting. He stated the current person had a lot of knowledge and attendance at non-public meetings. He stated other boards when they go into non-public do not have the secretary present, and a board member takes the non-public minutes. He stated if they are going to hire a person for \$12.00 and hour to not have that person take the non-public information.

D. He asked about the liaison packets and would it require a Right to Know request and receive copies. Commissioner Karolian stated as far as he is concerned the packet that goes to the liaison is public information. He stated the problem he has is how do they disseminate the information to the public. He stated his point of view is just the agenda should be given. Mr. Miville asked if they would take that into consideration he will submit an e-mail requesting the information or how would they direct him to receive the information.

He stated there has been a lot said about the separation of powers from the Town Council. He asked why should the liaison receive information from the Police Commission on police matters when they have no jurisdiction over it.

#### **New Business:**

A. The manifest was discussed. Commissioner Karolian stated the Commission could come in on their own to review it and sign off on it. Chairperson McHugh asked if just signing it would be fine without making a public motion for the amount? She stated she would check with the Town Administrator.

Meeting adjourned at 10:11 PM.

Drafted by: Executive Assistant Francine Swafford  
Drafted: December 10, 2010  
Amended by Recording Clerk Dawn McDonald