



# Hooksett Police Department

## Approved

STEPHEN M. AGRAFIOTIS  
CHIEF OF POLICE

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### POLICE COMMISSION MEETING

### Minutes of the Meeting of Tuesday November 16, 2010

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The Hooksett Police Commission held a public meeting on Tuesday November 16, 2010, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Clark Karolian and Town Councilor Gorton.

Commissioner Roy and Chief Agrafiotis were excused.

#### 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 5:35 PM, the Commission entered a non-public session by a motion made by Commissioner Karolian, seconded by Chairperson McHugh, 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 (b).

#### 1. NH RSA 91-A:3, II, (b).

The motion was made to come out of the non-public session at 6:51 PM.

A motion was made by Commissioner Karolian 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. Chairperson McHugh Aye, Commissioner Karolian Aye.

### Public Session

#### 4. Minutes of Last Meetings:

A. Chairperson McHugh stated they would address all the non-public minutes in the non-public session.

B. Commissioner Karolian asked when the minutes are completed do they get approved by anyone. Executive Assistant Swafford stated copies are given to the Commission and the Chief for review at the meetings and corrections are done then. He asked if the Chief reviews the minutes for corrections before the meeting. Executive Assistant Swafford stated no.

C. Motion was made by Commissioner Karolian to accept the September 27, 2010 public hearing minutes with amendments, seconded by Chairperson McHugh. Commissioner Karolian Aye, Commissioner McHugh Aye, motion carried.

\*Page 3: It's a copy of a non-public meeting on the 8th at 5:30," and handed me.

Amend: It's a copy of a non-public meeting on the September 8th at 5:30," and handed me.

\*Page 4: **Commissioner Karolian:** On 8/31/09, when you were informed by the Chief, were you informed of what -- any charges that are being brought against you? Amend:

**Commissioner Karolian:** On 8/31/09, when you were informed by the Chief, were you informed of what charges that are being brought against you?

The Commissioner Gagnon, read a document, a vote was taken. Amend: Commissioner Gagnon, read a document, a vote was taken.

\*Page 5: In spite of what you just said, I think there still is the same feeling; that we want to continue and do the procedural first, so, we're going to go that direction. Amend: In spite of what you just said, I think there still is the same feeling; that we want to continue and do the procedural first, so, we're going to go in that direction.

\*Page 7: **Commissioner Karolian:** I understand that we follow due process to get to the termination phase. Amend: **Commissioner Karolian:** I understand that we have to follow due process to get to the termination phase.

\*Chairperson McHugh stated listen to the tape the sentence is confusing.

\***Attorney Bailey:** What happened as a consequence of that was that the Police Commission grew concerned that they felt that there was an issue that needed to be addressed Officer Defina and concerning his performance; concerning his cooperation with the training program that he had become a part of following his July 9, 2009 evaluation. Amend: **\*Attorney Bailey:** The September 8<sup>th</sup> meeting happened as a consequence of the fact on August 18, 2009 Officer Defina at his request met with the police commission to discuss the evaluation that you received, and what happened at the August 18<sup>th</sup> meeting was that the police commission heard from Officer Defina, Lt Cline, Captain Cecilio, and from Chief Agrafiotis about Officer Defina's evaluation. They asked questions of him, they asked questions of Officer Dyrkacz who was his field training officer, who was there at that meeting. What happened as a consequence of that was that the police commission was concerned that they felt that there was an issue that needed to be addressed concerning Officer Defina, his performance, his cooperation in the training program that he had become part of, following his July 9, 2009 evaluation.

\*Lieutenant Cline providing a chart to the Commission concerning the year in review with Officer Defina and he asked questions about that; Captain Cecilio also making statements. Amend:



Lieutenant Cline providing a chart to the Commission concerning the year in review with Officer Defina was he asked questions about that; Captain Cecilio also making statements.

\*Page 8: **Commissioner Karolian:** The Chief, on August 31, 2009, notified the employee that he was subject to termination. Amend: **Commissioner Karolian:** The Chief, on August 31, 2009, notified the employee that he was subject to termination?

\*Page 9: **Commissioner Karolian:** He told to leave the room as witnesses were brought in to the room? Amend: **Commissioner Karolian:** He was told to leave the room as witnesses were brought in to the room?

\***Commissioner Karolian:** The Commission requested him to leave. Amend: **Commissioner Karolian:** The Commission requested him to leave?

\***Attorney Bailey:** There was a written motion made. Amend: **Attorney Bailey:** There was a written motion made at the September 8<sup>th</sup> 2009 meeting.

\*Page 10: **Attorney Bailey:** I was trying to talk about things in more detail was to try to put some of these things into context for you so that they would be more understandable. Amend: **Attorney Bailey:** I was trying to talk about things in more detail and was trying to put some of these things into context for you so that they would be more understandable.

\* **Commissioner Karolian:** -- It's the Commission's job is to sit and listen to whatever the procedure is, and make sure that due process is followed as well as the grievance is being followed, and from what I'm hearing from you and from the Chief, that doesn't seem to be what did happen. Amend: **Commissioner Karolian:** -- It's the Commission's job to sit and listen to whatever the procedure is, and make sure that due process is followed as well as the grievance steps are being followed, and from what I'm hearing from you and from the Chief, that doesn't seem to be what did happen.

\* Was advised to review the discussion for sequence per Chairperson McHugh.

**Attorney Cahill:** Commissioner Dave Gagnon, had asked that the people involved in preparing that evaluation, which were Lieutenant Cline and Captain Cecilio, be at that meeting to potentially answer any questions that the Commission may have of them reference the evaluation. After Officer Defina gave his input as far as his displeasure with the evaluation, the Commission, at that time, with Officer Defina present, started asking the people that prepared the evaluation their input as far as the points of disagreement with the evaluation.

The Commission at some point became concerned about the answers they were receiving. They were hearing information, as I was, for the first time about Officer Defina's behavior. The Chair asked Officer Defina to excuse himself from the room, and Officer Dyrkacz, who was the primary field-training officer, was brought into the room and the Commission started asking Officer Dyrkacz questions.

Amend: **Chief Agrafiotis:** Commissioner Dave Gagnon, had asked that the people involved in preparing that evaluation, which were Lieutenant Cline and Captain Cecilio, be at that meeting to potentially answer any questions that the Commission may have of them reference the evaluation. After Officer Defina gave his input as far as his displeasure with the evaluation, the Commission, at that time, with Officer Defina present, started asking the people that prepared the evaluation their input as far as the points of disagreement with the evaluation.

The Commission at some point became concerned about the answers they were receiving. They were hearing information, as I was, for the first time about Officer Defina's behavior. The Chair asked Officer Defina to excuse himself from the room, and Officer



Dyrkacz, who was the primary field-training officer, was brought into the room and the Commission started asking Officer Dyrkacz questions. Which they received the answers to.

\*Page 12: **Commissioner Karolian:** Motion was made for what? Amend: Directed by Commissioner Karolian to listen to tape to see if something was left out. Nothing left out.

\*Page 13: **Commissioner Karolian:** Prior to that meeting, was he given a pre-termination hearing? Amend: **Commissioner Karolian:** Prior to that meeting, was he given a pre-termination hearing? Chief can you answer?

\*Page 14: **Attorney Bailey:** It was a motion for termination that did reference the Chief's recommendation as such. Amend: **Attorney Bailey:** It was a motion for termination that did reference the Chief's recommendation as such. May I continue?

\*Page 17: They should not have terminated him at that point in time, and terminated him after due process; we probably wouldn't be here now. Amend: They should not have terminated him at that point in time, and if they terminated him after due process; we probably wouldn't be here now.

\*Page 19: It affects not just the employee, but it affects a full range of other people, including it affecting the employer. Amend: It affects not just the employee, but it affects a full range of other people, including affecting the employer.

D. Chairperson McHugh tabled the September 28, 2010 public minutes, and the October 4, 2010 public minutes.

E. Motion was made by Commissioner Karolian to accept the October 19, 2010 public minutes with amendments, seconded by Chairperson McHugh. Commissioner Karolian Aye, Commissioner McHugh Aye, motion carried.

\*Page 4: Chairperson McHugh stated there are steps in the contract that are followed and case law that applies to that. Amend: Chairperson McHugh stated there are steps in the contract that need to be followed and case law that applies to that. He was also provided with the name Loudermill for research.

\*Page 5: He was told that they could ask questions by the Chair and if the answer was know they would be given the answers. It is not happening. Amend: He was told that they could ask questions by the Chair and if the answer was known they would be given the answers. It is not happening.

\*Page 7: A discussion was held on the budget, hiring extra officers, possibly adjusting of the command staff, shift coverage and hiring part-time police officers until they get to a full compliment of officers. Amend: A discussion was held on the budget, hiring extra officers, possibly adjusting of the command staff, shift coverage and hiring part-time police officers until they get to a full compliment of officers. Chief spoke about the part-time requirements set by PSTC and he advised the legal department that PSTC advised him part-timers have to fall under the same qualifications for hiring as a full-time officer. Commissioner Karolian asked who he had spoken to at PSTC and the Chief advised he spoke to Tim Merrill.

\* Page 8: It was decided the spending authority would remain the same. Amend: There was no decision on the spending authority at that time.



\*Page 9: Chairperson McHugh stated the Town Administrator had already made her recommendation. It hasn't been to the CIP yet and it is not close to what they commission will be proposing. A CIP was put in place to keep the tax rate from spiking. Amend: Chairperson McHugh stated the Town Administrator had already made her recommendation. It hasn't been to the CIP yet and it is not close to what they commission was proposing. That Chairperson McHugh explained the reason why the commission was asking for the extra \$40,000. A CIP was put in place to keep the tax rate from spiking.

\*Page 10: Chairperson McHugh wanted this amended in the discussion: He asked Chairperson McHugh if she gave the Chief the authority to contact the attorneys as indicated in the Union Leader.

Amend: He asked Chairperson McHugh if she gave the Chief the authority to contact the attorneys as indicated in the Union Leader?

Chairperson McHugh stated this is the way she dealt with it when she became Chair if there was an issue that came up and the Chief called her on something. She stated if it was an opinion that they needed to get she felt it was not her decision alone that should dictate whether or not they should do something it should be the commission. As discussed in the past they wanted to get an opinion in regard to the substitute commission, the commission decided that. There were times when the Chief did have specific things that he needed to get done he was given approval from her but she did not, and does not make it a practice to give the Chief approval for everything as far as attorneys.

Mr. Ouellette stated after reading the article it indicated that everything went through the Chair. She stated no. Chairperson McHugh asked the Chief who made the decision with regards to the commission getting an opinion from Attorney Lefevre? Who made the decision with getting Attorney Higgins opinion? Who made the decision to fight the union? Chief Agrafiotis stated the commission. She stated there are specific things she gave permission to do, but did not make it a practice.

Chairperson McHugh tabled the October 26, 2010 public minutes.

D. Motion was made by Commissioner Karolian to accept the November 1, 2010 public minutes with amendments, seconded by Chairperson McHugh. Commissioner Karolian Aye, Commissioner McHugh Aye, motion carried.

\*Page 2: Commissioner Karolian asked why the Chief did not come forward if this is how it has been over the past 10 years and has always been something that has happened before you put your budget forth to the Commission. Amend: Commissioner Karolian asked the Chief why he did not come forward before now if this is how it has been over the past 10 years and has always been something that has happened before you put your budget forth to the Commission.

\*Page 3: Stated that after they had gone through the first round on those areas, they could give some direction on what they wanted recalibrated. Amend: He stated that after they had gone through the first round on those areas, they could give some direction on what they wanted recalibrated.

\* She stated she feels that if they have more officers, it would not cost quite as much overall in the budget if they were paying people at straight time. Amend: She feels that if they have more officers, it would not cost quite as much overall in the budget if they were paying people at straight time

\*Page 9: Chairperson McHugh then stated that it is not preventing them from training. Amend: Chairperson McHugh stated that the training was not cut.

\*Page 10: Commissioner Clark wanted to know where we stand on how much ammunition we have and how many people can get qualified with the dollar amounts available. Amend: Commissioner Karolian wanted to know where we stand on how much ammunition we have and how many people can get qualified with the dollar amounts available.

\* Chief Agrafiotis stated that they are looking at that right now and reminded him that in doing this budget. Amend: Chief Agrafiotis stated that they are looking at that right now and reminded him that in doing this budget, they are looking at figures for qualifying new people (like part-timers).

\* Chairperson McHugh stated that she does not like the procedure the Town uses and it seems to be selective in the way they approach it. Amend: Chairperson McHugh stated that she has questions about the procedure the Town uses and it seems to be selective in the way they approach it.

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

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

He thought the reason for an adoption of a Police Commission for the Town was to isolate the influence of the Town Council over the Police Chief and vice versa. He was under the impression that all documents in the department are provided to the Council but must first be approved by the Police Commission. The 2 Commissioners were accused of wrong doing and were not provided with professional courtesy of being notified about the allegations. He stated the Chief issued a documents and hold agreement to the members of the department.

He asked did the Commission authorize the delivery of documents by the Police Department to be delivered by a sergeant be sent to Councilor Gorton's residence? It was attempted twice before it was delivered, is this standard procedure? With the manpower shortages they have was this done because that information was confidential, and if so does that disclosure compromise this department in any way.

Commissioner Karolian asked Executive Assistant Swafford if packages are sent to Councilor Gorton? She stated they are as he is the liaison for the Town Council.

Mr. Lizotte stated the packet was delivered on November 6, 2010.

### **JR Ouellette, 3 Summerfare Street, Hooksett, NH**

A. He stated he examined the ammunition after the budget workshop on November 1, 2010. There is a sizable stockpile of ammunition and the ammunition and other equipment is extremely disorganized. He wanted to ask seeing the Chief was not here if someone from the command staff could answer some question relating to this.

Chairperson McHugh stated they were not going to entertain a back and forth discussion. She asked Lt. Cline if he wanted to answer the question. Lt Cline stated that he strongly disagreed; he has an accurate account of every piece of ammunition the department has. Mr. Ouellette stated the following day 2 officers spent a considerable amount of time counting the ammunition. He is



concerned that the inventory is not being kept track of on a normal basis, and wanted to know if there are records that the inventory is being taken care of on a weekly or monthly basis or how it is being inventoried.

Commissioner Karolian asked Lt Cline if an inventory was done the day after these people went and looked at it? Lt. Cline stated it is done twice a year in the spring and fall. Coincidentally it happened that way, and he has the records.

B. Mr. Ouellette handed a formal complaint to the Police Commission on Chief Agrafiotis in regards to the uncovered legal retainer. He believes the initial bills submitted to the Finance Department should not have been redacted, and the balance of the retainer should have been returned to the general fund when the Chief was made aware that it was illegal to have retainers.

C. He wanted the Commission to check into the purchase of 2 new vehicles that have not been used.

**Maura Ouellette, 3 Summerfare Street, Hooksett, NH**

A. Submitted a Right to Know Request requesting the contents of the packet that was delivered by a sergeant to Councilor Gorton on November 6, 2010. She stated there were no Police Commission meetings. It was attempted to be delivered 3 times by a sergeant and with the manpower shortage it is insulting to the taxpayers.

Commissioner Karolian asked Executive Assistant Swafford if a package was delivered to Councilor Gorton on November 6, 2010 that was not sent out to anyone else? She stated she did not know as she was on vacation that week.

Commissioner Karolian asked Councilor Gorton if he received a packet on November 6, 2010? He stated he received a packet around that time and it was a request he had made for information from the Chief. Commissioner Karolian asked what type of information? Councilor Gorton stated it was information in reference to the allegations he had made, and documentation the Chief could provide on the Right to Know Law. He stated the Chief provided him with a copy of the Attorney Generals Right to Know Law RSA 91:A. , and some statements the Chief had received from the officers that he seen the Commissioners together.

**Greg Martakos, 1465 Hooksett Rd #276, Hooksett, NH**

A. He thanked the Commissioners for coming on during a difficult time and showing some transparency. The illegal meeting the Commission supposedly had, Chief Agrafiotis should know that 2 people meeting is not an illegal meeting. He has witnessed the Chief with 2 other Commissioners in the parking lot after Police Commission meetings.

Todd Lizotte asked the Commission if interdepartmental memos from the Commission to the Chief are considered confidential? The Commission stated if it involved personnel issues it would be.

Commissioner Karolian stated he is concerned about what the Councilor stated reference what he received from the Chief. Commissioner Karolian asked Councilor Gorton again as he wanted to be clear that he had stated the Chief forwarded written information to Councilor Gorton, and he received statements from 2 officers that observed them having an illegal meeting? Chairperson McHugh asked where was the meeting? Councilor Gorton stated here in the station. Commissioner Karolian asked if Councilor Gorton would forward copies of what he was given. Councilor Gorton stated yes. Councilor Gorton stated he followed up with the Chief after he



indicated to him when he and the command staff were attending training in Concord the two Commissioners were here and in his opinion it was an illegal meeting. The Chief was informing him so he was aware of it as the liaison to the Town Council.

## **6. Monthly Reports:**

A. Would be discussed later.

## **7. Old Business**

Update Police Department Website/Neighborhood Watch:

A. Captain Cecilio updated the Commission he stated there was a memo that was given to the Commission in reference to him requesting some items. A press release was done stating on November 20, 2010 there will be a neighborhood watch meeting held and if anyone had any interest to come, and they could have a tour of the station. There would be a neighborhood watch page added to the website, which would show maps of Hooksett and crimes that are occurring in Hooksett.

A discussion was held on the memo that was received Chairperson McHugh asked Captain Cecilio if he was asking for money to be approved to purchase these items? He stated yes. He was asking for neighborhood watch books \$109.00, and stickers that cost \$99.95, and he was requesting 8 hours of overtime for two people to help with the tours.

Commissioner Karolian asked if he had asked the Chief for the money. He stated yes, and he was told he needed to ask the Commission for approval. Captain Cecilio stated if it is not approved he will have to scale it back the best he can. He has Pastor Donati and Bill Shackford volunteering to help. Captain Cecilio stated they have 3 groups and 3 new groups that want to join, and the signs are up.

Chairperson McHugh stated it may be helpful to look at other neighborhood watch groups that have been successful and to see whoever is running their group to write up a synopsis to be posted on the website. She stated if the public hears that some of them are successful it might be easier to promote. Captain Cecilio explained what he was planning on doing at the meeting and setting up e-mail communications.

Captain Cecilio stated there are still a few bugs reference posting of meetings. He said he has been working with Ben Davis on these issues.

Chairperson McHugh asked if the meetings and minutes will be posted to the website. Captain Cecilio stated he will have to show the Executive Assistant how to do this once it is completed.

Commissioner Karolian stated when Captain Cecilio presented this request to the Chief the Chief told him what? Captain Cecilio stated he would forward it and he would know by the end of the meeting. Chairperson McHugh asked if the Chief was recommending it? Captain Cecilio stated yes. She asked if he has a total of the cost? She asked what the overtime would cost? He stated he could average out the officer's salary, but would not know the full cost until the event is over. Commissioner Karolian stated he doesn't understand why the Chief doesn't come to the Commission and ask for this. Commissioner Karolian stated the Chief instructed Captain Cecilio back on November 3, 2010 that he had to come before the Commission to get approval that is his job to do this. Chairperson McHugh asked what the Commission wanted to do with this, it is scheduled to go forward this Saturday. Captain Cecilio stated he would not need the books or the



stickers on Saturday, as they would be setting up the time for the trainings for the new groups. He will need the books before the new groups meet. Chairperson McHugh stated he had two people volunteering to help and to use them instead of using the overtime. Captain Cecilio stated the books are \$109.00, and \$99.95 for the stickers plus the shipping and handling. Commissioner Karolian asked what the Chief was recommending. Captain Cecilio stated if he had gotten this approved he wouldn't be there. Commissioner Karolian stated the Chief didn't make a decision on it, he said go to the Commission? Captain Cecilio stated yes.

Chairperson McHugh asked if Commissioner Karolian wanted to make a motion on this. Chairperson McHugh stated she was not going to get a second to the motion Captain Cecilio would have to go forward with what he has. She stated he said he would make it work as far as having volunteering. She stated the purchase of the books and stickers are on hold.

Commissioner Karolian stated he is not against the neighborhood watch, but he is not going forward with this as the Chief should be coming to the Commission requesting the overtime and his recommendation.

#### Exit Interviews:

A. Chairperson McHugh stated that the last meeting she was asked to inquire about exit interviews with MRI. There have been numerous discussions about exit interviews, and they are not able to use the human resources person from the Town. She stated MRI has a number of people on staff that are retired police chiefs and people from law enforcement that could do this but there is a fee involved.

Commissioner Karolian stated exit interviews are important it gets feed back to the Commission as well as the Police Department as to why people are leaving the job here in Hooksett. He said it is a good idea to go with MRI. She suggested having several exit interviews done at one time to get their monies worth. She stated the fee was \$85.00. Commissioner Karolian asked if it was \$85.00 per interview or per hour? She stated she was not sure she would look into this.

Commissioner Karolian stated to go forward pending the amount if it is \$85.00 per interview.

Commissioner Karolian made a motion to go forward with obtaining the services of MRI to help with regards to exit interviews to get someone who has police background experience to help with the exit interviews. Seconded by Chairperson McHugh. Commissioner Karolian Aye, Chairperson McHugh Aye. Motion carried.

Chairperson McHugh stated she would follow up with the fee amount and give the information to the Executive Assistant so she could provide it to the Commission.

#### 2011-2012 Budget:

A. Chairperson McHugh stated the Chief is not here due to him being ill. She contacted the Town Administrator asking if this would cause a problem with the Town Council with them not having the budget completed by November 20, 2010. The Town Administrator stated they wanted to have everything to the Town Council by the week of the 29<sup>th</sup> for review. The Town Administrator stated if everything is not in final format now they could come back with additional information. Chairperson McHugh stated she spoke with the Chief before the meeting and asked Captain Cecilio to speak on the matter. Captain Cecilio stated he doesn't know what documents the commission has. She stated they have the 3<sup>rd</sup> draft with the amount that was requested by the Town Council which reflects a 1% decrease from last year's budget.

She stated they did receive a supplemental wage sheet that she had questions on.

Commissioner Karolian stated he understands that Captain Cecilio has nothing to do with the budget process. He stated he understood Captain Cecilio was he messenger. Commissioner Karolian stated he had a question for the Chief, under wages he has a dollar amount of \$262812.16, and he wanted to know who is getting paid what? How much are the 10 part-time officers getting paid hourly, how much is the admin assistant and part-time dispatcher getting paid? He stated that is the largest line here is the wages and the supplemental. There are some questions that need to be answered before he can approve it. Executive Assistant Swafford stated on the second page of the supplemental there is a wage breakdown.

Chairperson McHugh asked if this was to supplant the way it is included in the budget or is this over and above? Captain Cecilio stated that is his understanding it is over and above this budget. Commissioner Karolian stated they needed to address these questions with the Chief to get the answers. The Commission decided not to go forward with the budget until they speak with the Chief.

Chairperson McHugh asked the Town Councilor Gorton to inform the Town Council they are unable to complete the budget due to the Chief being ill.

Hiring Status:

Was not discussed.

## **9. New Business**

CIP Update:

A. Chairperson McHugh stated they made their presentation to the CIP Committee with regards to their request, the Chief was not here to discuss.

Town Council Forum with the Police Commission:

A. Chairperson McHugh informed everyone they would be meeting on this tomorrow evening at 6:30 pm at Town Council chambers.

Manifest:

Chairperson McHugh stated she would let Commissioner Karolian review the manifest and move forward to public input.

## **10: Public Input:**

Maura Ouellette, 3 Summer fare Street, Hooksett, NH

She stated residences wrote and circulated a non-binding petition. She gave a copy to the Commission. It was asking to place Chief Agrafiotis on paid leave immediately, and have an audit done by an outside independent agency to investigate the practices and management of the Hooksett Police Department during the Chief's tenure. And the Chief only have access to the attorney provided to him by LGC. If an audit is conducted they request the results be made public



and also forwarded to the Attorney General's Office and the New Hampshire Police Standards and Training Council for their review.

They received signatures at the elections and collected 956 signatures. She referenced standard operation procedures that relate to and support an audit. A-201 Introduction to Line and Staff Inspections, and P-252 Administrative Investigation. She stated the community served usually gets what it demands. If the community fails to react to police misconduct official abuse of authority and negligent police performance it cannot complain when it receives that kind of police service. A concerned and informed community can demand and will support effective investigations of alleged police misconduct. Communities clamor to take this responsibility from police when they sense right to wrong that the police agency can or won't do the job. She believes as Commissioners when they recognize a problem they are obligated to respond. They do not have the luxury of waiting for the outcome of the current lawsuits filed against Chief Agrafiotis or the Town of Hooksett. The petition shows the support of the community.

Chairperson McHugh asked Ms. Ouellette if this petition was to go on a warrant. Ms Ouellette stated no it is a non-binding petition, they are asking the Police Commission to take action and place the Chief on paid administrative leave and conduct a full audit.

Chairperson McHugh stated this is to convey the sentiments of the public. She stated yes.

Greg Martakos, 1465 Hooksett Road, #276, Hooksett, NH

He stated as a former officer and a taxpayer he asked the Commission to place the Chief on leave with the unethical behaviors that have gone on. He stated an example that was discussed tonight of a packet that was delivered behind the Commissions back accusing them of holding illegal meetings. This is the practice of the Police Chief that is supposed to have integrity and honesty. He was one of the drafters of the 2005 complaint and the same behaviors are going on today 5 years later something needs to be done.

Todd Lizotte, 21 Post Road, Hooksett, NH

He stated with the pending lawsuits and the delivery of a packet where he believes is a violation of the failure to follow the chain of command, the Commission having to defend themselves at the Town Council meeting and after that they have an investigation and affidavits are being taken. Who is in charge of this investigation internally?

Commissioner Karolian asked him about his comment on the affidavits. Mr. Lizotte stated Councilor Gorton stated he was provided with a statement from an officer. Mr. Lizotte asked if the affidavit or statement were taken after the fact? Mr. Lizotte stated he feels the Commission is being set up. Mr. Lizotte stated there is a stark contrast on the Chief's ability to quote RSA, present case studied in defense of protecting information. He stated the problem he sees is instead of a culture of information sharing in the department there is a culture of information of protection.

John Lyscars 142 Hackett Hill Road, Hooksett, NH

He stated they saw another example of the Chief of Police not doing his job. To either approve or disapprove Captain Cecilio's request for the funding of what he needs for the neighborhood watch program and forcing him to come to the Commission.

He asked if the remaining retainer had been requested to be returned to the department?  
Chairperson McHugh stated the request was made and the money was received.

David Pearl 79 Main Street, Hooksett, NH

He stood at the polls and took the names on the petition a concern he had was there were a number of people that agreed with them but were afraid to put their names on the petition. He believes there is an environment here where things need to be changed, and the names on the petition supports this is not a small group of people that are dissatisfied with the Police Department. He witnessed many people expressing that opinion but not wanting to sign the petition.

## **11. Next Agenda**

- A. Hiring Status
- B. Budget Finalization
- C. Items for Neighborhood Watch
- D. Manifest (to be done twice a month)
- E. Police Budget report
- F. Exit Interview Fee
- G. CIP Update
- H. Update Department Website

Manifest:

The Commission reviewed the manifest and bills. Commissioner Karolian stated he wanted the bills from Verizon \$1147.79, Legal bill for \$17,775 and Ford Quality bill \$1946.89 to be set aside for review.

A motion was made by Commissioner Karolian to approve the manifest in the amount of \$15,610.65, seconded Chairperson McHugh. Commissioner Karolian Aye, Chairperson McHugh Aye. Motion carried.

### **Non-Public Session**

At 8:38 PM, the Commission entered a non-public session by a motion made by Commissioner Karolian, seconded by Chairperson McHugh, 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).

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

The motion was made to come out of the non-public session at 10:27 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. Motion carried.

Commissioner Karolian made a motion to adjourn. Seconded by Chairperson McHugh, Commissioner Karolian Aye, Chairperson McHugh Aye, motion carried.

Meeting adjourned at 10:28 PM.

Drafted by: Executive Assistant Francine Swafford  
November 22, 2010  
Amended: Recording Clerk Dawn McDonald