



Approved
Hooksett Police Department

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POLICE COMMISSION MEETING

Minutes of the Meeting of Monday October 4, 2010

The Hooksett Police Commission held a public meeting on Monday October 4, 2010, at the Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner Clark Karolian, Chief Stephen Agrafiotis and Town Councilor James Gorton.

1. Call to Order:

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

2. Proof of Posting:

Chairperson McHugh provided a copy of the meeting notice.

3. Pledge of Allegiance:

The pledge of allegiance was held.

Non-Public Session

At 5:30 PM, the Commission entered a non-public session by a motion made by Chairperson McHugh, seconded by Commissioner Roy, the motion carried unanimously by roll call vote to enter non-public session in accordance with the provisions of NH RSA 91-A:3,II (c) & (e).

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

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

The motion was made to come out of the non-public session at 6:16 PM.

Public Session

4. Minutes of Last Meetings:

Commissioner Karolian made a motion to table the minutes of

- a. June 15, 2010 public and non-public minutes,
- b. July 20, 2010 public and non-public minutes,
- c. July 29, 2010 public and non-public minutes,

- d. August 17, 2010 public and non-public minutes,
- e. August 27, 2010 public and non-public minutes,
- f. September 7, 2010 public workshop minutes,
- g. September 13, 2010 public and non-public minutes.

Seconded by Commissioner Roy. Commissioner Karolian I, Commissioner Roy I, Chairperson McHugh I. Motion carried.

5. Public Input (5 minutes)

Chairperson McHugh asked the audience to be aware of the facts they do not make statements that are derogatory towards anyone, and present statement of facts only.

David Pearl 79 Main St., Hooksett, NH

A. He stated they have an integrity problem with the leadership of the Police Department going back to 2005 the unsnapping of the holster issue, which the Chief has not denied. He stated at the library he asked the Chief about the fact that he did not surrender his badge when asked to by the Police Commission in 2005. Last summer they had an incident where the Chief called Officer Defina a liar in the Banner and did not apologize. He gave a presentation where he believes the Chief was dishonest to the public and with the Commission as far as relaying information to the Sheriffs Department. Last week at the hearing for over a year the Chief, he assumed he believed that there was no hearing yet knowing that due process required a hearing and paying lawyers to defend this position. He asked if the Chief would consider resignation now.

Chairperson McHugh stated he was not going to answer.

Vincent Lembo 56 Main Street, Hooksett, NH

A. He stated he was a Town Councilor but was here as a concerned citizen.

In reference to what Mr Pearl stated the reason that Officer Defina was returned to duty. He asked were does it say in the contract you need a pre-termination hearing.

Chairperson McHugh stated with regards to any of those questions that pertain to the language she doesn't have anything here now to show him. If it is a question he has she stated to have him speak with the Chief.

He stated he is a union person and listened to the hearings and he was in awe there was a clause in the contract of a pre-termination hearing.

Chairperson McHugh stated she believes what he is asking has to do with the steps that are required as part of a grievance. If he sits down with the Chief he could explain that to him. She was not going to address questions that have to do with the hearing.

He stated it has nothing to do with the hearing it is about the police contract. She stated that is part of the steps she will let the Chief explain.

He asked her to refer to the step she was talking about so he could research.

She stated she doesn't have a contract and was not going to get into it. They know what the steps are and they know the steps have to be adhered to.

Chief Agrafiotis stated he would meet with him and go over the contract as the Chair had stated.

John Lyscards 142 Hackett Hill Road, Hooksett, NH

A. He stated he will be registering a formal complaint and copies for the record if they wish. He gave a brief description of his personal background and volunteer work. He has been following the Police Commission issues for the past few years. As a taxpayer he is tired of seeing his hard earned money used to train new police officers only to see them take jobs in surrounding communities. He wants to see the Police Commission begin a through investigation of the management practices of Chief Agrafiotis over the past 10 years and determine if those practices are the cause of the police officers leaving. He would like to see non-public confidential interviews by the Commission of those employees who have left Hooksett over the past 10 years and see if there is any truth that the Chief of Police is at the root of the unrest of the Police Department. He supports all police officers in the Town of Hooksett, and as taxpayers they deserve better management than what is currently in place. He did not want Chief Agrafiotis to take his statements personally they are his right as a taxpayer to get to the root of the problem. He believes he is an honorable man and had great intentions when he took over the police force. Through time and poor management practice the police force exist in its current deplorable condition and the taxpayers need to hold his management practices accountable for its current state. He would hope that he would resign his position as Police Chief, make amends where appropriate and after a year or so come back to the Town of Hooksett and offer his services as a community liaison officer. If he chose to remain and listen to the people around him who are giving him bad advice he will leave his office in a dishonorable way. He doesn't wish this upon him.

He wanted to thank Chairperson McHugh and Commissioner Karolian for taking their personal time to volunteer and work on the Commission. He appreciates their reasonable actions and attention to detail and fairness that they approach every issue that comes before them. He asked Commissioner Roy if he would consider resigning from his position on the Commission. Based upon the countless hours of video tape he has watched of him interacting with the citizens of the community and his behavior as a Commissioner has been disappointing.

Todd Lizotte, 21 Post Road, Hooksett, NH

A. He stated his neighbor Tammy Argo posted on Hooksett Issues, she had an issue with her daughter and had some concerns and he did not have first hand knowledge of what transpired with her interaction with the Police Department. The issue was she had called HPD about a concern she had about her daughter that was at home, she was in Concord and there was a threatening phone call from a kid. This concerned parent called HPD, and he did not witness the conversation and doesn't know the full details of it. When you reach out as a parent in that type of situation your mind is not set on conversing in a constructive manner. You have a sense of urgency and when you reach out to the Police Department and do not find empathy nor offered options. She was told to come in file a report and they would take care of it from that point.

He stated back in 2009 the sheriffs report mentioned similar scenarios, were they quoted communications between the Police Department and the complainants were clearly deteriorating at a rapid pace. He stated she came here today and spoke with Captain Daigle and she stated she talked about what transpired, and stated her feeling was indifference, she felt she was being given excuses and not given a comfort level as if they were protecting or defending rather than what she felt was trying to resolve her problem. His position was that HPD should review their approach to the human interaction part of the relationship with the citizens. He understands why she got upset

and to try to rectify it she felt she was hitting another wall this morning. He wanted them to look into this and the procedure on how to handle a call.

Marc Miville 42 Main Street, Hooksett, NH

A. He stated there is a saying, it is what it is, he doesn't like that phrase he feels its accepting the way things are and preferring the way it has always been, to remain in ones comfort level without exploring the opportunities to make things better. It is what you make it out to be, which gives you options to create your own opportunities, rather than accept the status quo you commit yourself to correct the wrongs that are occurring. Actions should have its consequences attached to them; everyone understands that discipline and cohesive teamwork come with working in a Police Department. Consequences should be consistent across all ranks, the command staff should be held to the same standards as other subordinates, accountability goes both ways. The Police Commission determined the command staff specifically the Police Chief failed to provide an officer with due process and his decision to terminate him. The facts indicated that the command staff was aware that due process was not being followed for over a year while the officer was pleading for a fair hearing, and they did nothing to stop the mistreatment and permit due process to be followed. The Chief admitted that his understanding of a pre-termination hearing did not occur and due process was not given to the officer. He thanked the Commission for making the right decision through fair and due diligence, but he feels there is one step remaining to be resolved and to be considered by the Commission. There must be the consideration of what the consequences should be for failure to provide due process when they were aware of not doing so for the last year. He wanted to know what the penalty phase or the disciplinary action of the Commission's hearing decision to be taken with the command staff for failing to follow due process. Will there be any remedies written reprimands, rebukes, condemnations, write ups, or suspensions given to those staff members who perpetrated this offense to an officers civil rights and what cost to the tax payers for expending the citizens money to hire and pay attorneys for protecting the command staff and not the citizens. He makes these comments and seeks just retribution for those consequences resulting from the ill advised actions as a result of the existence of what appears to be just cause. Accountability goes both ways. He thanks them for their time and efforts to help improve the Police Department.

6. Old Business

Scheduling and Manpower

A. Chairperson McHugh stated this was a continuation from the meeting that was held on September 28, 2010.

Commissioner Karolian stated he had received a schedule from Captain Cecilio and Lt Cline. He stated that it has been filled up to October 17, 2010. Chief Agrafiotis stated the schedule is to January 2011.

Commissioner Karolian stated he doesn't want to give information out on manpower and what scheduling issues are, but he can not find anything under RSA 91 to go into non-public to discuss this. The taxpayers have the right to know what they are getting for police protection. He is concerned if they give out certain information to the public it might get taken advantage of by the criminal element out there.

Commissioner Karolian stated he is looking at the schedule up to the 17th, C shift, it goes into December but he is not seeing any of the scheduled overtime to increase this. They had an

understanding at a previous meeting they were going to look at the stats and put people where they should be to 3 and 1 as opposed to 2 and 1.

Commissioner Karolian asked Captain Cecilio if this was broken down into something that was relevant when it comes to scheduling and what the crime stats are. Has he come up with a status that would help the Department in their manpower allocations?

Captain Cecilio stated the first page was what they had asked him to do. He discussed the reports and breakdown of the information.

Commissioner Karolian stated based on this information he is meeting with Lt Cline and working on the schedule and coming up with the days and time of the weeks and increase this.

Chairperson McHugh stated they rescinded the mandate and let them go back, and the Chief stated at that time to pay attention to the memo of August 23, 2010, where they had looked at various ways of adjusting the schedule, and the memo stated they would be putting 2 detectives into the mix. Captain Cecilio stated they moved 1 detective. The highlighted schedule they are still signing up for shifts, they are trying to fill them first by volunteering and then enforce later. They met with the Union last week to find out what the issues were and to talk to them about rotating the shifts.

Chairperson McHugh stated she has a memo from the Union dated September 18 and it refers to future forced overtime. The union was referring to the contract that notice has to be given of new changes to be implemented in the new schedule.

Captain Cecilio stated the Union took at vote and asked if they could rotate their shifts and the majority asked to move their shifts which were done. The shifts are open and can be signed up for; they will be filled in November and December.

Commissioner Karolian stated that was why he was referring to October 17, 2010, it doesn't look like it has been revised. Captain Ceilio asked if he came up with the busiest days and increase the shifts.

Chairperson McHugh asked what does that give them on those days, 2 and 1, or 3 and 1. Captain Cecilio stated it is given them the 3 officers and 1 supervisor.

Commissioner Karolian asked if that puts detectives back into detectives. Captain Cecilio stated all but one, there are two detectives up there now. The supervisor and one detective have been moved down.

Chairperson McHugh asked what do they anticipate with regards to the overtime are they going to be able to sustain the overtime.

Chief Agrafiotis stated they should be able to maintain this they still have open positions and until they fill those while they are paying overtime and watching it every week. Every week the positions are open they are banking money, and out of that they are pulling money out that is being used for overtime. The wage line and overtime line is broken out into 2 lines the wage and overtime line is under spent, but even if the overtime line becomes over spent the regular wage line is down as a combination they are all set.

Chairperson McHugh asked with the anticipation of trying to bring new officers on what is the capability of being able to do that.

Chief Agrafiotis stated it would cost some overtime for training. It would cost less for some of the experienced officer in the field training program it would take less time than a new officer.

Commissioner Karolian stated there are 2 certified and 2 non-certified from out of state. How many out of the last testing moved forward, are they only down to 4 or is the pool bigger. If they had 10 that passed why don't they have all of them available to them. He stated they only requested they move forward with 4.

Chief Agrafiotis stated he doesn't have the number of how many are ready to have the backgrounds done on them. At the time they have 4 openings they are authorized 25 sworn positions, 21 was filled at that time and it is at 22 today. They picked the top 4 and packets have been given out. If any of those 4 fall out of the process they have other people ready to give a packet to, to keep proceeding.

Commissioner Karolian asked why they wouldn't give packets to all the qualified people to see how many they could get. They could have 9 they have looked at that are ready to hire to bring them on board.

Chief Agrafiotis stated they move quicker the way they do it now, and not waste the background time on the 5th, 6th candidates they can get the first one processed and to the Commission as quick as possible rather than having the background investigator looking at more than what is needed.

Chairperson McHugh stated they asked Captain Daigle if there was someone who was certified in state or out of state to go that route as opposed to waiting for someone to go through the academy.

Lt. Cline stated they have none that are NH certified they are both from out of state.

Chairperson McHugh stated they will be able to have more people out on the street with the 3 to 1 for the busiest days. Chief Agrafiotis stated that is the goal.

Chairperson McHugh stated they went through the budget at the last meeting, he had highlighted lines with an asterisk, are items they can postpone. Chief Agrafiotis stated yes. He tried to give the Commission what the Commission requested, what was appropriated, and the sub accounts that have the stars next to them are the lines he would go to first if they need to start adjusting due to overages.

Chairperson McHugh asked if there are items at this point they could postpone to another year. Chief Agrafiotis stated what the Commission requested on the right side are the amounts they have to work with and the star of the areas they would go to.

Chairperson McHugh stated at some point he must be able to look into the budget and predict some of these items might not be spent to the degree they anticipated, and he could give the Commission at the next meeting or when ever what that amount is coupled together with some of these other things they are discussing, they could consider bringing on some people.

Chief Agrafiotis stated he would have to look at it he is not sure if he could tell them how much they wouldn't spend if you look at some of the items that he has stars next to they are areas they can cut back on, but they may not be able to totally replace them. She stated they have spent a lot of time discussing this; the first step has been done by Captain Cecilio by going through that exercise.

Chief Agrafiotis stated the Commission is anticipating allowing them to go above the 25 sworn positions that are budgeted and take the money from the wages to pay for any extra positions for benefits out of other existing lines currently in this budget.

Chairperson McHugh stated that is not what they are saying. The discussion that was held the 25 positions they thought they had funding for you don't really have funding for and they have the funding for the overtime. Chief Agrafiotis stated they do now, the 1st month they were careful with the overtime, and because of the personnel changes they could not anticipate they are banking money every week. He stated a few meetings ago they can go to 25 and his plan is to go to 25 with this current budget.

Commissioner Karolian stated there is 1 chief, 2 captains, 2 lieutenants, 3 patrol sergeants, 1 detective sergeant, 10 officers, and 3 detectives. They have 1 at the academy and 9 working with 1 being reinstated, they are still at 8. Chief Agrafiotis stated that is what Captain Cecilio stated that is what they are back filling with detectives.

Commissioner Karolian stated if they take the Administrative Lieutenant and put him on the street that would bring them up to 9. Chief stated yes. The Commission had a copy of the Admin Lt's job task analysis, before they move anyone out of that position they would need to look at this, and weight whether the benefit of an extra body on the street, or they could do it with overtime with the current staff and detectives. Is it worth losing what that person does, as someone would have to pick up that work.

Commissioner Karolian stated they are looking at fleet work, AOM's; the AOM's don't change that often. Chief Agrafiotis stated they are in constant review. He is looking to move the Admn. Lt. into patrol they are trying to fill in the holes even if it is temporality moved out some of these duties that he does can be managed.

Chief Agrafiotis reminded the Commission that Lt Cline and Captain Cecilio are working in the schedule and Lt. McDaniel had been told if they needed him they would do that with him also. They have not done this yet as they have had enough people sign up for the overtime. They have been able to meet what they are trying to all do without having to physically reassign him. His preference would be not do it on an assignment basis but on an as need basis. Commissioner Karolian stated everyone has been called upon to do this except this position and they are taking money out of the overtime budget to back fill positions. This would give him the opportunity down the road to possibly restructure this position. Chief Agrafiotis stated they had discussion about restructuring if that person gets to the point of retirement. Commissioner Karolian asked if he was going to wait for attrition to kick in when he retires he would think about putting a civilian in there. Commissioner McHugh asked what hours the employee works. Chief Agrafiotis stated he works 8 to 4 basically or whatever works best. He stated they could split the difference and some days he is here have him on the road during those days, that would supplement the patrol schedule, it would still allow him to do some of his job tasks. It is a salary position.

Commissioner Karolian stated they needed him on the street now until they get this situation corrected. If in the future when this person was to retire they could fill with a civilian, a lot of these duties are done by civilians in Manchester. Commissioner McHugh stated they had talked about this when they went through the budget process. Commissioner Karolian stated they needed to get out of this crisis mode he needed to be put on rotation where needed.

Commissioner Karolian stated they could distribute some of the emergency type duties to other areas, fleet management is important it needs to be dealt with right away. They could suspend his duties temporarily and move them out of the crisis mode, they need coverage.

Chairperson McHugh asked the Chief to have the information for the next meeting of where he feels the monies are that they could use. Chief Agrafiotis stated if you look at the budget report they are not in the position to have to take from any lines at this point.

Commissioner Karolian asked about the Verizon bill and how many people in the department are issued cell phones. Chief Agrafiotis stated 15 cell phones plus one air card. Command staff, detectives, and 1 for the sergeants. That is one of the areas he has marked with a star to look at, given the size of the staffing they don't have as many people in detectives right now suspend some of those and have some savings. Commissioner Karolian stated without crippling the ability for detectives to do their jobs and the supervisors to do their jobs. Is there anyone who is a civilian that has a cell phone? Chief Agrafiotis stated the prosecuting attorney, executive assistant, the dispatch supervisor. He doesn't want to take away cell phones if they pinch their pennies the dollars would add up. Chief Agrafiotis stated he would propose to do go back to the items identified in the September 8th memo and identify what he would modify for operations temporarily out of those lines with monies they could see set aside. Commissioner Karolian stated the main reason for the cell phones are oral communications and for back up in case the system would go down. Look at repackaging it without eliminating the necessary things.

Chairperson McHugh stated the other area is the overtime that is not for officers. They need to look at that in the office area as to who is getting overtime and to limit that. Chief Agrafiotis stated they have been doing that, they have 2 floaters to offset that. They are assisting with answering the phones the basic level of work that the full-time person would be doing, so the staff can assist the Executive Assistant with some of the issues that were discussed before. The next budget request he was going to request putting back some of the support staff that was in there last year that was cut. Chairperson McHugh asked if they were short sighted in cutting the positions as it has cost them in overtime. He stated in this year's budget the Commission needs to discuss the changes that were made last year and correct.

Commissioner Karolian asked in regards to the Executive Assistant if you would cut the overtime how would he do it. Chief Agrafiotis stated it is total hours of work she has many tasks to do and without the staff it takes more than 40 hours to do the tasks. If you cut back the hours and not allow the overtime or cut the overtime, some of the work wouldn't get done in a timely fashion. She could give more to the people below her and then they have to give it to the floaters. You might get to the point of saving some overtime but having to bring another floater in to do that. Is it worth bringing another floater in and train and supervise them to save on this end.

Chairperson McHugh stated they pay for overtime if there are some duties someone else can do, that should be doing that at straight time whether it's a full-time or part-time position.

Chief Agrafiotis stated they have brought on 2 floaters. Commissioner Karolian stated the floaters are getting paid less than the Executive Assistants straight time. There would be savings there.

Chief Agrafiotis stated if you look at the time slips and by having 2 floaters now that is helping. What takes up a lot of the time are the meeting minutes and now they are getting into the budget season.

Commissioner Karolian asked for a 5 minute recess at 7:31 PM.

Lt Cline addressed the Commission and he had a concern and wanted to make sure everyone understands and that there are 8 officers working the street now. They are getting tired; he is working the road and sees this. He is not sure how sustainable it is to have them go at the rate they are going right now.

Commissioner Karolian asked how many hours a week are the 8 officers working. Lt. Cline stated not all are accepting the overtime they are being forced 15 to 20 hours a week, some as many as 22 to 24 hours voluntarily or a combination. When he can say no; go home so they can relax. It is going to get trying for them if he has them working a double and it's the 4th double on their shift and there is no activity out on the street. Commissioner Karolian asked some of the officers are working 4, 12 hour shifts and some are forced and some voluntary. Lt. Cline stated they volunteer for the 2 days and then are forced for the next 2 days just because the way the rotation works. When he is doing the forcing he is doing it the best he can with the staff he has to spread it out equally. Commissioner Karolian stated if they are working 4, 12 hour days they are only working 48 hours, in that 4 day block understanding they are on a 4 and 2. They work 48 hours and then get 2 days off. Lt. Cline stated some are being forced on their days off. Commissioner Karolian asked that the officers who are working 4 days 12 hour days and working a 48 hour week are getting burnt. Lt. Cline stated they are getting tired; this is coming from the officers telling him they are tired. Commissioner Karolian stated he understands but when officers come to him saying they are tired what type of shifts are they working? If they are working a 48 hour week in 4 days, then they have 2 days off. Lt. Cline stated some are being forced to work their days off. Commissioner Karolian asked what they are averaging the highs and lows getting forced overtime are they averaging about 50 hours a week. Lt. Cline stated yes. Commissioner Karolian are they that tired? He would say in response to that there are a lot of other people that are working out in the work force and working a lot more than that. It is not exorbitant working that type of schedule. Commissioner Karolian is getting 2 versions, some of the people are not complaining at all, and some are, asking someone to work a day off here and there because they are in an emergency mode, if they are working doubles that can be stressful he doesn't think it's so far out there. These officers are dedicated they want to work and doing the best they can. Lt. Cline stated his concern is it has been brought to his attention and wanted the Commission to be aware. He wanted to have someone there still working rather than have a warm body in place incase something happens. If they get to the point they are tired, they also have court time they maybe in court all day and then come in and work a 12 hour shift, it could happen a couple days in a row. Lt. Cline state that he is old schooled, and worked doubles, this is different this day the officers in this time they enjoy there time off. His concern is forcing them rather than being voluntary have the overtime available verses saying you will be there, and for the health and welfare of the officers.

Commissioner Karolian stated when he looks at the schedule its not like they are doing 3 and 1 24/7 anymore. He doesn't think it's exorbitant to be working a 50 hour week sometimes. They have to do what is right for the safety of everyone involved including the citizens.

Chairperson McHugh stated they received a memo dated September 18, 2010 from Donald Broughton it didn't state anything about that. Lt. Cline stated this has happened recently and wanted to say it is a majority and would get back to them. He will speak to Donald Broughton and request from him a consensus of what they are feeling and get a memo so the Commission is aware.

7. New Business

Attorney:

Commissioner Karolian asked how many attorneys do they currently have retained by the Police Department. Chief Agrafiotis stated 1. Commissioner Karolian stated he was under the impression that there were 5 involved in this past issue. Chief Agrafiotis stated no, LGC has appointed 2 attorneys on the lawsuits that are being paid by LGC. The Town has one and the Department has one. Chief Agrafiotis stated the attorney representing the Department was Attorney Bailey.

Commissioner Karolian asked budget wise how many attorneys are coming out of the Hooksett Police budget. Chief Agrafiotis stated one, Attorney Bailey. If you look back at the budget the Commission asked Attorney Lefevre for an opinion, that bill is in there. Chairperson McHugh stated they also have Attorney Higgins who rendered a previous decision. Commissioner Karolian asked why they don't use LGC. Chief Agrafiotis stated they provide a basic service as an official you can call ask legal questions, they do not handle any other issues that arise that is not something they do. Commissioner Karolian stated that HPD can't go to LGC and have LGC appoint someone. Chief Agrafiotis stated that is not how LGC legal works.

Manifest:

A. Chairperson McHugh told Commissioner Roy they had discussed this at the meeting on the 28th and decided to hold it over because he was not at the meeting with regards to how the Commission would approach the monthly bills. It was suggested she sit down with the Executive Assistant to see how the process is handled. There is no manifest so you can review the bills the Commission can decide with a motion to go forward to pay the bills. Commissioner Roy stated he did sit down with the Executive Assistant and he stated he went over the notes with Chairperson McHugh and it was over a month ago. He didn't see a problem with the way it was being handled there are plenty of checks and balances. Chairperson McHugh stated she feels the Commission would have a better handle on what kind of bills are being paid, and understand better when the Chief is making recommendations. It lessens the possibility of something being charged to the wrong account or a bill being paid twice. Commissioner Roy stated they are seeing the monthly expenses in detail every month they are attached to the monthly expenditures. Chairperson McHugh stated you don't see what it is for you only see the amount. A discussion was held on how the bills are listed out and the expenditure report. Commissioner Roy stated if you want more details, you are talking about cutting down her time and now you're increasing it. Chairperson McHugh stated it is not increasing it if you had a manifest of all the bills and review them and when you get to the meeting someone makes a motion to go forward and approve the manifest, you are all done. Commissioner Karolian asked what happens if the manifest doesn't get approved. Chairperson McHugh stated that is were the Chief and Captain Daigle had concerns that it may slow the process on how the bills are paid.

Chief Agrafiotis stated one issue is seeing more details so they know what the bill is for. The other issue is they process the bills weekly, Finance would have to give them ideas if there would be any penalties/ late fees that would occur if they were processed once a month. Finance processes bills weekly.

Chairperson McHugh stated as far as requiring the Executive Assistant to do more writing of what the bill entails is expecting a lot of her. What is the big deal with the Commissioners reviewing the bills and then approving them if they go to 2 meetings a month? Chief Agrafiotis stated when a bill come in it goes through the steps the Commission had discussed, then it gets signed. They would stop it at that point and the bills would come to the Commission for approval instead of the Chief before it went to the Town. That would be up to the Commission as to how they want this to be done. Chairperson McHugh stated the Town Administrator is reviewing all the bills from all the

other departments but doesn't handle the Police Department's because they are considered separate.

Commissioner Roy stated you can see the bill details upstairs. Chairperson McHugh stated it has already been paid by then. Commissioner Roy stated it has 3 approvals. Commissioner Karolian said in order to do what Chairperson McHugh is saying the Police Commission would have to approve each and every bill. Chairperson McHugh stated no they would have to approve a specific amount, once you do the whole manifest you would have the total amount, you would have the ability to review each one. Commissioner Karolian stated that would put a dollar limit on how much the Chief is authorized to spend. Commissioner Karolian asked if they wanted to look at the spending authority cap and how it would be broken down. He stated he disagrees, he understands her wanting to know, he thinks the issue to concentrate on it the spending authority of the department head and what that dollar amount should be. He doesn't want to be responsible for each and every item.

Commissioner Karolian asked about a bill for attorney fees he had that was redacted. Chief Agrafiotis stated that is what was sent to the Finance Department if they want to look at the full bill they can here. Commissioner Karolian asked about the redacted lawyer bill if it involved an employee the name would be redacted. The description of what the attorney did should not be redacted. Chief Agrafiotis stated that is not the legal advise they currently have about that issue. Commissioner Karolian stated when it comes to attorney fees they give a dollar amount and it has to be approved by the Commission prior to retaining an attorney over that dollar amount.

Chief Agrafiotis stated when they use an attorney he notifies the Chair and gets permission from the Chair; it has been going on for a number of years. Commissioner Karolian asked the legal opinion that is being given to redact that entire portion is that being given by the attorney submitting that bill. Chief Agrafiotis stated by that firm. Commissioner Karolian stated that would be a conflict. Chief Agrafiotis stated there is a case going to the Supreme Court on what can or can't be redacted on attorney fees it's a case out of Hampton that is pending. Chief Agrafiotis stated they need to know how they want them to do it. The chairperson stated she does not want to add extra work for the person that has to handle this. Chief Agrafiotis stated they could do it the same way but instead of going to Finance for payment they would come to the Commission for review. They could leave in place the spending authority if it was below the number already set they would see his initials that are under the spending authority if it was above that they would be having a discussion about the bill before hand.

Commissioner Karolian stated he is concerned about the Right to Know aspect of the redaction. They should get advice from LGC about the redaction of attorney fees and what they are for. Chief Agrafiotis stated there is a case out of Hampton going in Supreme Court that is pending that will decide that for all of them. What they are doing right now is correct. Commissioner Karolian stated attorney client privilege is a little different than RSA 91, but when it comes to attorney client privilege relies on the client. They may need to discuss this with another law firm not the one who submitted the invoice but LGC if this falls under attorney client privilege, then they can decide if they want a redacted version or not.

Chief Agrafiotis stated they currently have a Right to Know pending from the Union Leader that is being worked on. If they are going to get another legal opinion let him know because that may impact the Right to Know request. Chairperson McHugh asked what the Town does in regards to this and asked Chief Agrafiotis to look into this. Commissioner Karolian stated to ask LGC if the description of services for an attorney have to be redacted. Chief Agrafiotis stated he would check what the Town does, and call LGC and ask that question.

Chairperson McHugh asked the Commission if they wanted to hold off on the manifest as she wanted closure for this evening. Commissioner Karolian stated yes, he doesn't want to review each and every bill, he doesn't want to go in that direction.

Commissioner Roy left the meeting at 8:15 pm.

Personnel Files

A. Commissioner Karolian asked if any personnel file is being requested for litigation purposes, the original personnel files should remain here and copies be sent out. That personnel file could be lost and there is no reason why they can't have copies of it and it holds them back if they have to review it.

Chief Agrafiotis stated they could have the attorneys review it here, and if they see something they need, copies could be made. Chairperson McHugh stated they are supposed to be the custodians for the files, and they should not leave the Department.

Commissioner Karolian made a motion that all personnel files of the Hooksett Police Department employees that the originals remain here in the custody of the Hooksett Police Department and in the future if any files are to be legally viewed they be viewed here, and if any portion of the file can be legally copied and given out it would be done at that point. Seconded by Chairperson McHugh, Commissioner Karolian I, Chairperson McHugh I, motion carried.

Budget Workshop Schedule

A. Chief Agrafiotis gave the Commission a copy of the budget schedule and reviewed the dates. The Commission has till the middle of November to get the final schedule to Finance Department. The staff will begin working on the budget tomorrow at a staff meeting and he suggested they select dates to hold budget workshops. The Commission decided to hold the meetings on the following dates:

Packets would go out on 10/15/10,
10/19/10 there will be a commission meeting and budget workshop,
10/26/10 - budget workshop,
11/02/10 - budget workshop (if needed),
11/09/10 - budget workshop (if needed),
11/16/10 - Commission meeting and finalize budget.

B. Commissioner Karolian stated he did not get a definitive answer as to taking the Lieutenant out of administration and put him out on the street. Chief Agrafiotis stated they could look at the schedule tomorrow. He asked if they wanted to go into a non-public at the end of the meeting as he had information that relates to that issue.

C. Chairperson McHugh directed Executive Assistant to inform Commissioner Roy of the budget workshop schedule, to see if he had any conflicts.

D. Chairperson McHugh asked if the revised CIP was ready to go. Chief Agrafiotis stated a copy has been sent to the CIP Committee. The revised CIP was in their next Commission packet.

8. Other Business:

A. Chairperson McHugh asked what was being done reference installing a phone jack in the media room. Chief Agrafiotis stated a work order was put in to the Town, it is being worked on.

B. Chairperson McHugh stated Commissioner Roy was supposed to give her his goals and she still has not received them. She directed the Executive Assistant to contact him and remind him.

Exit Interviews:

A. Chairperson McHugh stated she thought they were going to start doing exit interviews. Commissioner Karolian asked why Human Resources could not conduct them. Chairperson McHugh stated she and the Chief met with the Town Administrator and they suggested that. The Town Administrator told them that was not something the Human Resource person could do. Chief Agrafiotis stated she (Chairperson McHugh) stated this because if any personnel issues came up due to an exit interview the employee leaving brings up an allegation or personnel issues, they don't have the authority to deal with it. He thought months ago it was decided the Commission was going to do them. Commissioner Karolian stated he understood the concerns of the Town Administrator but it was Human Resources job to do this. If it was discovered during an exit interview why they are leaving and point their finger at another employee he doesn't know what the ramifications would be for the Town Administration if they say this person left because they have an issue with an employee. Chief Agrafiotis stated they would have to do a report that would come back to the Department. They are saying they don't have control over those employees and they don't have any involvement into looking into issues. Commissioner Karolian asked when an employee is hired do they go through Human Resources. Chief Agrafiotis stated they go through Human Resource for benefits only, and the Commission is the hiring authority.

Chairperson McHugh stated there is a possibility they could use past police personnel who are retired as part of a panel. Chief Agrafiotis asked what happens if the person leaving makes allegations of an employee and information gets released under 91A to a third party, he is not sure how that would be handled. Commissioner Karolian stated the people that would be on the panel they would come under the umbrella of the Police Department and fall under confidentiality. Chief Agrafiotis stated maybe the Commission should go back to doing this, or have another discussion with the Town Administrator about Human Resource doing it, and they understand the Commission is not asking Human Resources to do anything but a report, that they would deal with it.

Chairperson McHugh stated the Commission should do the exit interviews. Commissioner Karolian stated he is opposed to hearing the exit interviews, anything said would be brought to the Commission how would they deal with it if they are in the middle of it. Chief Agrafiotis stated Chairperson McHugh had a discussion with Attorney Wieland about how you structure it, verses who is going to hear what and how you deal with it. Chairperson McHugh stated she would take it back to the Town Administrator and discuss.

9. Public Input (5 minutes):

David Pearl 79 Main Street, Hooksett, NH

He is having a problem with Right to Know requests. He would be glad to receive redacted copies he would like his issues to be dealt with. He is being refused documents that he feels should be given to him.

He stated they are authorized for 25 officers, authorized by who it's a budget you can have as many as you want. That term is misleading he keeps hearing it unless the Commission has made a statement there is no authorized number.

The Chief failed miserably at the hearing and asked the Chief if he would like a chance to explain to the public what happened. He stated that most of the Chief's time is consumed with defending himself and he is concerned he doesn't have the time to manage the department.

They receive no in state certified officers applying to the Department, he thinks it's because of the reputation of Hooksett it cost them more money to bring people from out of state and more likely they will not stay.

If they are getting a phone jack they should also put in an internet jack.

The Chief admitted at the hearing that Officer Defina didn't get a hearing and due process he is here tonight, would he apologize to him. He asked now that due process has been determined will he be pursuing just cause against Officer Defina.

How much did they spend on the Defina issue while the Chief knew that there was no hearing? Who redacted the minutes? What happened to Attorney Higgins? Why did they get that advice? These are questions that are left. Why did the Department spend \$5000 to send information out to past employees regarding the current lawsuit? It is more money going out and the taxpayers have had it.

He stated he asked the Chief twice if he had a plan to improve the Department both times he stated no. He wanted to ask again does he have any plans to improve the Department. Chief Agrafiotis stated that is something the staff and he work on. Mr. Pearl stated they don't hear it from the public point of view. The most constructive planning is coming from the Commission.

Chairperson McHugh stated she wanted to stop Mr. Pearl. She stated not to engage in any type of debate if you ask a question and he is not willing to answer it. Move on don't engage in a debate.

He doesn't understand why they need a Lieutenant to take care of the fleet.

Confirming information from personnel files is divulging about what happened in the Banner last year when the Chief confirmed that information and nothing happened about that. Why isn't the Chief on administrative leave, that is what the Town wants and needs. It cost more and more money and nothing seems to be getting resolved.

Maura Ouellette 3 Summer Fare Street, Hooksett, NH

She asked if someone comes in an reviews a personnel file is that person who the file belong to notified, is there some type of documentation where it would be noted in the file. Chief Agrafiotis stated the only time a person can look in personnel files is if they have a signed release from the person who the file belongs too, and a form is signed that is in the file. She asked if an attorney would come in to look at a personnel file the employee would know. Chief Agrafiotis stated no that has to do with litigation. He was talking about if someone was to apply somewhere else that employee knows that potential employer will look at the file.

She stated reference the manifest and Commissioner Roy stating there was enough checks and balances in place she disagrees. They had a \$5000 bill from Attorney Bailey that ended up in the police equipment line. She would do what they have done with the school board and they were in every 2 weeks reviewing the bills. It is the oversight that is needed and the taxpayers expect that a 4 million dollar budget should not be that hard to review every 2 weeks.

She stated at the public hearing they had an attorney from Hage and Hodes was that something that was paid for through the Department. Chairperson McHugh stated yes. She stated other departments use the Towns attorney and would they would look at that also. Chairperson McHugh stated that attorney was a Town attorney. She asked why they couldn't do it on a full time basis. Chairperson McHugh stated last year when they were talking about attorneys and fees, she had said and the Commission agreed if the Commission was in need of questions being answer they would go to LGC and then try to use the Town's attorney. In the event the Town's attorney was at odds with the Police Department the Town's attorney would not service the Town or the Police Department, and would have to seek other legal opinions. The negotiations were done by Attorney Higgins, this year one of the Commissioners will be doing the negotiating and at some point if the language needs to be reviewed or there are questions they would seek an opinion. Ms Ouellette stated the reasoning she heard from Attorney Bailey is they needed specialized attorneys so they did not end up in the mess of the Hooksett four, and they are in the middle of something much worst. She stated they should relook at this and consider the Town's attorney.

John Lyscards 142 Hackett Hill Road, Hooksett, NH

He stated the subject of cell phones was brought up earlier and asked the Chief if the plan was voice data and text. Chief Agrafiotis stated it was and they are going to review it. He doesn't think as a citizen it is necessary it is expensive all they need it voice. Commissioner Karolian stated he asked the Chief to look at this.

He commented on the officers issues with the 12 hour shifts and Commissioner Karolian made his point of it being 48 hours and its tough times. Having worked 12 hours shifts in the military he thinks the point some of the officers are trying to make is 12 hour shifts are one thing when you know they are going to work 12 hour shifts for a month, and you know when the shifts are going to end. He is guessing the officers point is they don't know when that is going to end, and until they clear up this matter in the Town and get the department transparent and on the right track you are going to have problems with employees being unhappy because they can't tell when their 12 hour shifts are going to end, that is why it is important they straight the mess out now.

The job description the Commission has he finds it odd they couldn't get a computerized printout of the job description it came from the person doing the job. If my boss asked me what my job is I would write a 5 to 10 page document of everything I do. If my boss was responsible for writing what I do by my making my observations which is his responsibility he would write it down it would be much smaller than the document they had.

Marc Miville 42 Main Street, Hooksett, NH

He wanted to address Mr. Roy's comment regarding the budget lines. They don't need a long narrative of what the bills are being paid for and he is in favor of her examining them. It's called full transparency and it is their job. The detail of the legal bills would explain what would be happening for incurring bills, and prevent the ongoing issues of the \$5000 bill that mistakenly got into the equipment line.

He asked which Commissioner would be negotiation. Commissioner Karolian stated he would be.

The recent billing from Hage and Hodes was that redacted? Commissioner Karolian stated they haven't seen the billing on this. He stated so they are aware of the function of why they had the attorney there was for advice. Chairperson McHugh stated there were 2 things the opinion they rendered about the substitute Commission and the hearing billing.

He stated he finds discussion going back and forth and it is taking a lot of time, there are 4 words as a manger that he doesn't like to hear from his employee it can't be done, I can't do it. He hears it a lot here. If you want to reform what is going on in the Department don't accept the words it can't be done. Take the time to explore ways it can be done.

Trisha Korkosz 15 Springer Road, Hooksett, NH

She wanted to thank Commissioner McHugh and Karolian for their due diligence in this matter of the Defina hearing and how the Police Commission meetings have changed, and wanted to thank them both for their time.

Commissioner Henry Roy was not present for the second non-public session.

Non-Public Session

At 9:16 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 (c),& (e).

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

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 I, Commissioner Karolian I.

The motion was made to come out of the non-public session at 10:22 PM.

Meeting adjourned at 10:22 PM.

Drafted by: Executive Assistant Francine Swafford
Amended by Recording Clerk Dawn McDonald