

Approved

POLICE COMMISSION MEETING

Minutes of the Meeting of Tuesday January 25, 2011

The Hooksett Police Commission held a public meeting on Tuesday January 25, 2011, 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 5:40 p.m.

2. Proof of Posting:

Chairperson McHugh provided a copy of the meeting notice.

3. Pledge of Allegiance:

The pledge of allegiance was held.

Public Session

4. Minutes of Last Meetings:

A. A motion was made by Commissioner Roy to accept the June 15, 2010 non-public minutes. Seconded by Chairperson McHugh, Commissioner Karolian abstained. Motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye.

B. A motion was made by Commissioner Karolian to accept the October 4, 2010 non-public minutes. Seconded by Commissioner Roy. Motion carried unanimously by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

C. The August 27, 2010 non-public minutes, September 28, 2010 Public Hearing Minutes, September 28, 2010 non-public minutes, October 4, public minutes, October 26, 2010 public and non-public minutes, November 1, 2010 non-public minutes, November 16, 2010 public and non-public minutes, November 23, 2010 public and non-public minutes, December 7, 2010 public and non-public minutes, December 10, 2010 non-public minutes, December 15, 2010 public and non-public minutes and the January 3, 2011 public and non-public minutes were tabled.

Commissioner Karolian stated they needed to have a special meeting to approve the minutes, and

the Commission needs to review what was discussed in non-public to see what can be made public.

Commissioner Roy stated to submit minute changes prior to the meeting to the Executive Assistant to help move things along. Commissioner Karolian stated they should do it at a meeting to make sure corrections are done properly.

5. Public Input:

Officer Donald Broughton, 502 West River Rd, Hooksett, NH

He is a police officer with Hooksett and serves as union steward that represented the officers and dispatchers. He wanted thank the commission for all their efforts to date. There has been a determined focus effort by the commission with dealing with the operation of the department the scrutiny by the commission has been helpful with the management of the department. They appreciate the increased oversight but they have a question. Where is it all going? The Hooksett Police Department has suffered a brutal attrition of valuable and well training certified personnel. It's been explained they are leaving for more money, better careers or leaving law enforcement all together, it has also been said the mass exodus of officers have been bad apple or disgruntled officers. He has seen a decrease in training of officers and staff. He was told the decrease in training was due to the decrease in the department budget. Things have been brought to light from citizens groups and the commission that has made him question things. His goal is to create the foundation of professionalism and competitive salaries that can compete with other agencies for qualified recruits with equitable salaries. He hopes to establish a system of checks and balances that is fair and equitable to labor and management and fair and impartial in regards to discipline and internal investigations. By doing this they can prevent some of the unpleasantness that has come to light in the past year. He asked that a thorough review be done from top to bottom on how the department operates. They are looking for a fair and impartial review to allow the department to move forward in a positive manner. Failure to do the review will cause further erosion in morale and departure of qualified department personnel.

Ashley Forcier, 1465 Hooksett Road, Hooksett, NH

A. She stated she has grown up in Hooksett and has become an educator. She has developed good relationships with the teachers and with these relationships it is what the children remember. One relationship that stands out is the one that was developed with her brother SRO Jason Defina. He has built a relationship with the students of Hooksett and made a positive impact. She stated there have been 55 shifts that Officer Defina has worked since his reinstatement with no changes. It is the same command staff that stripped him of his career and no measures have been taken to investigate the events leading up to and including his termination. She has seen the effect that the department has had on him physically and mentally. Watching those who are responsible have no consequences. The intentional targeting and lies that Chief Agrafiotis has not had to answer for is embarrassing. The fact he remains in the position as the Hooksett Police Chief and not have to answer for his destruction is a disgrace to the citizens. As long as Chief Agrafiotis has a desk and a badge at the Hooksett Police Department his reign of corruption is not over. Her brother will continue to fight to bring this man to justice. She asked how long will Chief Agrafiotis remain in this position before anyone steps up to their moral obligations to investigation the corruption and find the truth hidden behind these lies.

Marc Miville, 42 Main Street, Hooksett, NH

A. He stated there is a perception that has wrongly been adopted by some Town officials that is a news media that perpetuates the negativity of town government, events and decision that occur. The reporting of a news worthy story generates more bad news. The news media should not be broadcasting or promulgating any adverse controversy to the citizens. There was an article in the Hooksett Banner on January 13, 2011 that informed the people of domestic violence and burglaries in Town that was discussed at these meetings. Chief Agrafiotis offered his own perspective to this news article. He chose to add to the hype with his own comments. He fails to take responsibility of the crime that is happening on his watch. The Chief commented he didn't know why but his best bet would be the economy and that Hooksett is a growing community, and an officer staffing shortage. The Chief partially blamed the media for covering the issue. The Chief stated the discussion on the staffing levels were counterproductive on the ability to police the Town. The citizens requested the neighborhood watch and the Chairperson of the commission. Why is everything bad that happens in Town a bad thing, and not the Chief's responsibility when do we get come accountability from the Chief.

Mr. Miville submitted a Right to Know request in October dated 10/04/10 and resubmitted it on 10/19/10. He stated during Officer Defina's case there was a non-public meeting on August 18, 2009 which the minutes were unsealed and released to both parties in that hearing, he can not find the exact date the commission voted to release the non-public minutes to the PELRB. He wanted to know what public meeting the minutes were unsealed at.

JR Ouellette, 3 Summerfare Street, Hooksett, NH

A. He inquired if there had been an investigation conducted on the accusations made by Councilor Boutin at the Town Council meeting on 9/9/2009 about the Chief's stating he was going to hang Hooksett's laundry out to dry if they went forward to increase the police commission. Commissioner McHugh stated she had no knowledge about this.

He submitted a formal complaint in reference to this accusation. He stated the Chief is the highest ranking officer the prior commission should have investigated it. He is asking this commission to investigate this complaint along with all the other complaints that have been submitted to the commission. If the commission doesn't have the time to investigate he asked they be forwarded to the Attorney Generals office for review, or order a detailed investigation be done on the entire department.

David Pearl 79 Main Street, Hooksett, NH

A. He stated he has asked Chief Agrafiotis a number of times and wanted to ask again if he had a plan to share with the public on how to improve the situation in the police department.

Chief Agrafiotis stated he did not wish to respond.

Mr. Pearl stated he had a couple of suggestions and one is to apologize to Officer Defina.

Commissioner McHugh stated they can not discuss any issues that are under litigation and given the fact the Chief is not going to respond she asked that he not ask that question.

Mr. Pearl stated reading the policies the Chief is supposed to interact with the public and answer the public's questions. He is commenting on his lack of response and he is not doing his job interacting with the public. He is asking for a plan for improvement it is something that is general and he refuses to answer any of his questions.

Commissioner Karolian asked the Chief if the public has concerns about certain things why doesn't he answer the questions. Chief Agrafiotis stated he doesn't agree with Mr. Pearl's assumptions of the problems that he believes exist, and plans to deal with issues within the department are handled by the command staff he is not going to discuss it in public. Commissioner Karolian stated if the Chief disagrees with the public why not tell them, or if it is an inquiry why doesn't he answer it. It leaves a bad impression on the department.

6. Monthly Reports:

The commission discussed the monthly reports for the month of November and December.

Chairperson McHugh questioned the increase in wages for December. She was informed that there was a holiday pay and pay wages.

She asked about the fuel increase. She was told there are 2 fuel bills paid for the month of December.

Commissioner Karolian asked when the 2 vehicles were removed from the fleet. Chief Agrafiotis stated within the last week or so.

Chairperson McHugh asked about the mileage reimbursements. She was told it was mileage for the prosecutor traveling to court.

She inquired about Ossipee Mountain bills under communications. She was told they would have to pull the bill for details.

Commissioner Karolian inquired about the vehicles that were taken off the road and the mileage. A discussion was held on the mileage for the vehicles, and why work was being done to the vehicles that were being taken off the road. Chief stated he would look into it.

Chairperson McHugh asked what the cost per gallon was for fuel. Chief informed her as of December it was \$2.74 per gallon.

A discussion was held on how many marked cruiser there were. Chief stated there were 10 marked cruisers. Commissioner Karolian asked if there were any motorcycles. Chief stated there is a dirt bike which they had received with federal money.

Chief stated there will be 2 more vehicles taken from the fleet at the end of this fiscal year.

Chairperson McHugh inquired about the manifest and the late fees. She stated the Finance Director suggested that if and when an expenditure is made the slip be sent to the Town for payment, before the actual bill is received. A discussion was held on how to process the credit card bills. It was decided Executive Assistant Swafford would speak with the Finance Department.

7. Old Business:

Neighborhood Watch:

A. Chief Agrafiotis stated a meeting was held on 01/19/11 and 01/26/11 and the final class would be 02/02/11.

Commission Stipend Chapter 412:

A. Commissioner Karolian stated he was wrong in his interpretation of the stipend and who authorizes it. He stated after legal opinion the commission falls under Chapter 412 and not RSA 105.

A motion was made by Commissioner Karolian to withdraw his motion that was made on January 3, 2011 to no longer accept the stipend from the Town. Seconded by Commissioner Roy. Motion carried by roll call vote. Chairperson McHugh Aye, Commissioner Karolian Aye, Commissioner Roy, Aye.

Budget Proposal Update:

A. Chairperson McHugh stated they are scheduled to go before the Budget Committee on February 5, 2011. She asked Mr. Miville for a schedule when completed.

Recording Clerk Update:

A. Chairperson McHugh informed the commission they had 3 candidates for the position and only 2 were interviewed a conditional offer would be given if the commission was in agreement with this and if she passed the background checks.

Commissioner Karolian asked for clarification he stated the recording clerk would only be taking minutes of the meetings. Chairperson McHugh stated she will only be used for the police commission.

A motion was made by Commissioner Karolian to make an employment offer. Seconded by Commissioner Roy. Motion carried unanimously by roll call vote. Chairperson McHugh Aye, Commissioner Karolian Aye, Commissioner Roy, Aye.

8. New Business:

Manifest:

A motion was made by Chairperson McHugh to approve the manifest of January 18, 2011 in the amount of \$13,389.26. She stated the bill for \$300.00 is approved also and it is included in that amount. Seconded by Commissioner Karolian. Motion carried unanimously by roll call vote. Chairperson McHugh Aye, Commissioner Karolian Aye, Commissioner Roy, Aye.

A motion was made to approve the payroll manifest of January 18, 2011 in the amount of \$161,968.26. Seconded by Commissioner Roy. Motion carried unanimously by roll call vote. Chairperson McHugh Aye, Commissioner Karolian Aye, Commissioner Roy, Aye.

A discussion was held on the Walmart bill. Executive Assistant Swafford would get the copy of the prior bill for Commissioner Karolian to review. He wanted to make sure the credit cards are being used the way they are intended as opposed to an account being set up somewhere. Commissioner Karolian asked about the interest rate Walmart was 18% and the credit card was 11.24%. He asked why they wouldn't use the credit card instead of the Walmart bill. Chairperson McHugh stated they needed to revisit this.

A motion was made by Commissioner Karolian to approve the manifest of January 25, 2011 in the amount of \$4,660.23. Seconded by Commissioner Roy. Motion carried unanimously by roll call

vote. Chairperson McHugh Aye, Commissioner Karolian Aye, Commissioner Roy, Aye.

Other Business:

A. Commissioner Karolian asked when was the last time the Chief attended a graduation ceremony. Chief Agrafiotis stated it has been a while. Commissioner Karolian stated it is important the Chief attends the ceremonies.

Commissioner Karolian made a motion which shall be an adopted an written policy and rules governing the Hooksett Police Department and shall take effect immediately the Chief of Police shall attend all graduation ceremonies for Hooksett Police officers who are sent to New Hampshire Police Standards & Training Council as full time officer unless the Chief is unable to attend due to illness or is excused by the police commission. Seconded by Chairperson McHugh. Motion carried unanimously by roll call vote. Chairperson McHugh Aye, Commissioner Karolian Aye, Commissioner Roy, Aye.

Chairperson McHugh stated to bring this motion back as a formal policy. Chief Agrafiotis stated he will have it typed out and have the commission sign and put it into the AOM.

B. Commissioner Karolian stated in November they had the admin lieutenant put on the road and then he was taken off the road and put back to do his administrative duties. He inquired about it and the Chief stated it was because state law allowed him to do this.

Commissioner Karolian made a motion which shall be an adopted and written formal policy and rule governing the Hooksett Police Department and shall take effect immediately the position of admin lieutenant shall be eliminated and the prior duties of the admin lieutenant such as but not limited to fleet management and aom policy updates shall be the responsibility of the Chief of Police.

Chairperson McHugh asked if it was within their authority to do this. Commissioner Karolian stated under Chapter 412, the Commission decides what rules and policies the Chief will follow.

Chairperson McHugh stated she would like to hear from the Chief on this matter. Chief Agrafiotis stated he did not think this was a good idea. The admn. lieutenant has recently attended a training class where the insurer LGC had put together a book on model policies he is in the process of reviewing these along with the IACP policies, which is an ongoing process. He stated most departments have someone in admin that this is their main focus. It would be a disservice to the department if this was not their primary job. Commissioner Karolian stated it should be the Chief's job. They discussed the admin lieutenant's job description and tasks that he is doing.

Chairperson McHugh stated she has concerns and understood the admin lieutenant was writing the policies and they were coming to the commission for approval and over the course of time those policies had been reviewed by legal. She stated a lot of the policies come from LGC and the admin lieutenant is not the person writing the policies. She wanted the Chief to clarify this for her. Chief Agrafiotis stated she is incorrect LGC doesn't write the policies they give out samples they also receive samples from the academy, and IACP and that person merges these into policies. He stated the commission as long as he has been here has not been approving day to day policies.

Commissioner Karolian stated the Chief comes to the commission to approve policies, they discussed this when he first started on the Commission. The Chief is insistent the commission is only involved in Chapter One of the AOM. He stated they recently learned the Commission signs off on every aom that the Chief wants approved. Chief Agrafiotis stated that is not what the

Commission signed on the authority page which is signed every year by the commission it discusses Chapter 1 the authority of the commission under Chapter 412, and the Chief has the full authority to implement a written directive system which is Chapter 2 of the AOM. Commissioner Karolian asked if there was anything in that to prevent the police commission from coming up with any new rules to govern the police department. Chief stated no. Commissioner Karolian stated the Chief has not brought any AOM policies for the commission to sign. Chief stated no other than the rules and regulations.

Commissioner Karolian stated fleet managers don't have to be a lieutenant there are still issues with manpower. He doesn't believe this department needs someone to just review policies and do fleet management. The Commission is authorized by Chapter 412 to come up with rules to govern the police department.

Chairperson McHugh stated they had a discussion during the budget cycle about using a civilian to do this job of over seeing the fleet as other communities do. She asked if it required someone to be a lieutenant in order to do that job? The Chief stated they should have some type of law enforcement experience to understand the issues. Chief suggested the commission meet with the lieutenant that works on the policies and discuss this with him.

Commissioner Karolian asked why did the department spend \$10,000 on policy reviews to an outside law firm. If that position is in charge of this why has that kind of money been spent? Chief stated the review that was done on that retainer was for the lawyer to look at the labor part of the personnel plan not general department type policies. Commissioner Karolian stated he has a bill dated June 16, 2008 for services rendered, on May 19, 2008, July 18, 2008, and June 18, 2008 it states review AOM and personnel policies for changes. Chief stated if you review the AOM the personnel plan is one AOM plan in that book. Commissioner Karolian stated if they are not looking at AOM policies they should not be billing the department for it. He asked what P-205 was. Chief stated the personnel plan, any reviews that were done by an attorney were authorized by the commission like ADA, specific legal issues maintained in the personnel plan. Commissioner Karolian reviewed the bill with the Chief. He stated the commission put a stop to this that is why he wants this motion.

Chairperson McHugh questioned the signed document they have on file by the commissioners whether or not that negates their ability to do that, and she has concerns over the facts it seems the department is top heavy and that they should reorganize, whether that position becomes part-time. She asked is there really a need for this position?

Chairperson McHugh wanted more information before a vote was taken, and to put it on the agenda for next month. She wants an opinion on Chapter 412, and why the policies are not coming before the commission.

Commissioner Karolian asked why are AOM manuals given to the commission? Chief stated so the Commission knows what is going on. Some commissioners want the AOM manuals, and other do not. Commissioner Karolian stated he was offered the books and signed a sheet, and returned them to store them at the department.

Chairperson McHugh wanted to do some research on this. Commissioner Karolian stated he is not going to spend any money on this for a legal opinion, and read Chapter 412 it states: The police commission shall: Promulgate and enforce all rules for the government of the police force. Appoint a police chief, and other officers as they deem necessary with the limits of funds appropriated. Fix the compensation of all members of the police department, within the limits of funds appropriates. Remove any police chief, constable, superior officer or other police officers for just cause after due

hearing which cause shall be specified in the order of removal.

Chairperson McHugh stated she doesn't want to be in a situation of trying to enforce something she doesn't have the authority to do.

Chairperson McHugh asked the Chief to repeat his statement he made. Chief stated he didn't remember the exact words. He stated the commission has the authority to make the rules and if you read 105:2-a formal policies he would suggest based on the training he had over the years that deciding on specific positions and ranks the commission does not have the authority as he understand to do that. He stated he maybe wrong it is the information he had over the years. He suggested the Commission look into this.

Chairperson McHugh stated she would present the motion to LGC and see what they say. Commissioner Roy stated that he agrees with Chairperson McHugh to call LGC.

Commissioner Karolian made another motion to make this an adopted and written formal policy and rule governing the Hooksett Police Department that would take effect immediately. The Hooksett Police Department will have a dedicated police car with coverage 24 hours a day 7 days a week that would cover the west side of Hooksett. The patrol officer assigned will report to that route or sector at the beginning of each shift and remain on that route or sector for the duration of each shift with the exception of emergency or priority calls for service, or to assist another officer or for the purpose the route officer deems appropriate. The boundaries for the west car are as follows, the town lines to the north south and west and the Merrimack River to the east.

Chairperson McHugh stated she was asked at the budget presentation if there was a west side car and she stated no, and explained the north car was used as part of the west side. She stated the Chief disagreed with her and said something to the council she didn't understand. What did she misunderstand or not have right. The Chief stated the north west car is assigned to spend most if its time on the west side. She stated they do not have a designated west side car that was the question. Chief stated not independent of the north, they have always had that.

Commissioner Karolian asked for information for the calls for service which he received. The geographical boundaries have 8 response sectors. He stated they don't have 8 routes. They currently have less than that. Why aren't the calls for service grouped east and west if they only have 2 officers and a supervisor on the road? There are 2 routes. Chief stated the Town was broken down into GEO codes back in the eighties at that time the administration felt it was a good way to keep track of the Town. Commissioner Karolian stated when calls for service are compiled wouldn't it be easier to have 2 sectors? Chief stated no it was broken down this way so they would have a breakdown of the Town if they had a specific area they would key in a specific sector and get the numbers. Commissioner Karolian stated these can be combined easily he can't believe it can't be grouped together and eliminate all the geographic codes and just have 2 routes.

Chairperson McHugh asked the Chief if they had a west side car. The Chief stated they have a car that covers the west and north there are 3 cars. She asked if there was a designated west side car. Chief stated no one car is specifically designated anywhere that is their general area, they are going to go where the calls are. Chief explained coverage for the areas. She stated the Chief corrected her at the meeting, and said something different. Chairperson McHugh asked the Chief if he would have a problem establishing a west side car? Chief stated he has a problem he doesn't believe the commission has that authority to get into that level of operations.

Commissioner Karolian stated they needed to straighten out what authority they have and don't have. Chairperson McHugh stated they needed to look into this.

Commissioner Roy stated 2 meetings ago Commissioner Karolian gave a directive about no overtime and last month he stated he made an error and gave them back their directive. He keeps going back and forth. Commissioner Karolian stated he did not make an error he rescinded it and let the Chief decide about the overtime. Commissioner Roy asked then shouldn't the Chief decide where the cars go? Commissioner Karolian stated that would be nice, but they need to decide certain things when things are not getting done.

Commissioner Karolian stated the commission should go forward with this and if they are wrong they can rescind it.

Chairperson McHugh stated she was stopping the discussion and would seek out an opinion with LGC and what the authority of the commission is.

Commissioner Karolian asked Chairperson McHugh then why did they adopt the policy about the Chief attending the graduation. She stated he should be attending these.

She is having reservation about the document they signed and what the commission has for authority and the motions he is making.

Commissioner Karolian stated he had another motion. She stated if it has to do with the same issues they should research it and come back to them.

Commissioner Roy stated they needed to proceed to get on with union negotiations which they may end up at impasse because of a breach of Commissioner Karolian's fiduciary duties.

C. Chairperson McHugh asked what the other motions were. Commissioner Karolian stated one motion would state the Hooksett Police Department will only assign the rank of patrol officer to the school resource officer position. The officer assigned as school resource officer has to have successfully completed a training class or course acceptable by the New Hampshire Police Standards & Training Council for that assignment. Another was for an east side car.

D. Commissioner Karolian motioned the police commission hire Municipal Resources Inc to do an audit of the Hooksett Police Department from top to bottom regarding the operations of the police department and it would be from outside the State of New Hampshire. Chairperson McHugh seconded the motion for discussion. Commissioner Karolian stated with the understanding the expenses will be within reason.

Commissioner Roy stated they should have a dollar figure before voting on it. A discussion was held on the cost for the audit. Chairperson McHugh asked Commissioner Karolian is he wanted her to call MRI to get a figure and move forward?

Commissioner Karolian withdrew his first motion and made a new motion to hire MRI to do an audit of the Hooksett Police Department. Seconded by Chairperson McHugh. Commissioner Roy stated he was not in a position to hire anyone until he hears what the perimeters are. He wants someone from MRI to speak to the commission before moving forward. He stated it should be a motion to discuss an audit and what the perimeters are. Chairperson McHugh stated that someone would come in and explain who is going to do it and what the cost would be and then they would authorize it. The motion is only stating the Hooksett police commission is saying they want to get an audit. Commissioner Roy stated the verbiage should state research. A vote was taken Chairperson McHugh Aye, Commissioner Roy no, Commissioner Karolian Aye. Motion carried.

Chairperson McHugh clarified that she would be bringing forward names of companies that do audit only for the next meeting.

Officer Defina's Request:

A discussion was held reference Officer Defina's request to speak with the police commission, it was decided to hold this discussion in non-public session due to ongoing litigations. Chairperson McHugh stated if it had something to do with the ongoing litigation they would not hear it.

Items for Next Agenda:

Minutes of meetings
Issues on late fees
Motion on audit and directed the Chief to see what the remaining funds would be

Other Business:

Commissioner Karolian discussed the mileage for the vehicles. He asked if they still have the practice of vehicles sitting when officers aren't working, and that is why there is such low mileage, or did they adopt the practice of having the units running 24/7? He asked if the Chief was going to adopt the practice of getting some of the lower mileage vehicles out there 24/7 when the officer comes in, another officer goes out in the same vehicle? Chief Agrafiotis stated yes, and the 2 oldest vehicles with the lower mileage one was the K-9 vehicle and the other is the SRO vehicle. Chief Agrafiotis stated the highest mileage vehicles are being run 24/7. They are getting rid of 2 more vehicles at the end of this budget year and they would want to get rid of the older vehicles and run up the mileage on them. A discussion was held on how the town handles the vehicle process when they are taken off the fleet.

Chairperson McHugh asked about possibly trading in the vehicles when purchasing new ones, and asked Councilor Gorton to discuss it with Town Council on what the best approach would be with dealing with this.

Public Input:

Jason Defina, Hooksett, NH

He stated he was speaking as a citizen and not a police officer. For years he has watched the Chief speak to different town boards and it is frustrating not being able to get the correct information. He commented on Lt. McDaniel's job description and how he spends the majority of his time on the policies. He stated before being terminated he went through the policies, they were outdated. He stated when he came back he was put through another training program and still nothing had been changed, he submitted 3 pages of corrections for the policies. He stated Officer Dyrkacz is working on these changes now. He wants the truth to come out the policies are not updated there is a problem with them. Commissioner Karolian asked if he had received the new policy updates since he has been back. He stated he has received them.

He commented that he has never heard that they have a north west sector car that is primarily on the west side. He went and confirmed this with Officer Dyrkacz and he has not heard of it also. The information is not being relayed like it should be.

David Pearl, 79 Main Street, Hooksett, NH

He stated it is embarrassing to the citizens of Hooksett, the Chief does not have the respect to look up at them when the citizens are speaking to him. He states the Chief said he did it because he can, he is speaking about RSA 105 because he can that is not right that is not what the taxpayers want to see. He stated whether there is litigation or not due process was not followed when Officer Defina was terminated. They have seen nothing brought against the Chief. Officer Defina wrote a post it note and a hearing was held. This is frustrating the citizens they want to see justice. They don't have confidence in the police department.

Commissioner Karolian stated when it comes to personnel matters it would not be discussed in public unless the person wanted to go public.

JR Ouellette, 3 Summer Fare Street, Hooksett, NH

He heard the current school resource officer doesn't have a department issued cell phone and asked was it taken from him due to cut backs? The Chief stated it was taken from him and they have the radio system. Mr. Ouellette asked how do the schools contact the SRO if there is an emergency? He stated there is no way of contacting him unless it is by radio. He also heard the school resource officer is using an unmarked vehicle and asked if that was true as well? Mr. Ouellette stated a marked vehicle being at the school shows a police presence which is important. Chief Agrafiotis stated he reviewed this with the staff and they decided to do this.

Commissioner Karolian asked why they didn't want a cruiser parked at the schools, to show a police presence. Chief stated if that is what the commission wanted him to do he would do that.

Mr. Ouellette stated many department changes that occur outside the commission meetings don't seem to have the community's interest at heart. He asked the commission to request reports of changes that are being made with the day to day operations.

He asked if the cruiser lap tops were connected. Chief stated no. Mr. Ouellette stated as a budget committee member they took the funds out to get this project completed. He wants to know why it is not being done. Chief stated he could have Captain Daigle give a status update. Commissioner Karolian asked the Chief to find out and get back to the Commission.

Todd Lizotte, 21 Post Road, Hooksett, NH

He commented the Chief doesn't seem to make any real decisions. He stated in reviewing the AOM's there is a section on a 5 year plan that is supposed to be updated every year. He asked if he could get access to this information where it sets goals and objectives.

He stated real solutions are not offered. He said the management by proxy is very strange to him. He stated 90% is on administrative issues and 10% on law enforcement issues. They don't hear anything about strategy. He stated the Chief is right he has the authority to put forward a policy suggestion, but he does believe the commission has the right to say yes or no for civilian oversight.

He stated as a civilian he could do a petition warrant and get the people to sign it having it say the command staff should only have 1 captain, 1 lieutenant, and 1 chief, and then have it go for a vote.

He stated it seems that the department has problems and that it has never evolved from 1980.

Break at 8:53 PM

Michael Sorel, 54 Cross Road, Hooksett, NH

He stated the letter that appeared in the Banner written by Officer Defina is what made him come to the meeting. He attended the hearings and his opinion that he formed was that Officer Defina was a bad employee. He formed an opinion that the officer did not take direction well from his superiors. He read a statement by Elbert Hubbard if you work for a man, and a copy was submitted to Chairperson McHugh.

He also stated that verbal communications is not what is said is what you hear or not what you say it's what I understand you to say. He stated he heard and understood a description of a designated or non-designated west side car. There is a car that is assigned to cover the north and the west side of the Town. That is what he heard and understood that is different than what Officer Defina stated he heard. He just wanted to make that observation.

Marc Miville 42 Main Street, Hooksett, NH

He stated that it was dangerous to speak without knowledge. Jay Defina has a right to speak his mind. He stated no one should violate or rescind those rights to do so.

He stated the school resource officer car has been abandoned in the parking lot.

He stated the federal expense law states that all attendees must have their names on the receipts to identify what the purpose of the expense was.

He wanted to know if the laptops are in the budget for the coming year and reminded the commission the budget committee added \$72,000 for the internet to be added and 7 months have been wasted the laptops are still not installed.

He wanted to know if the new secretary will be able to attend the non-public meetings and take minutes of the meetings. Has the secretary candidate been cleared for sensitive information and confidentiality?

He asked the commission to post the graduations on the Hooksett Police Department website.

He commented the commission is trying to follow Chapter 412 the Chief is resisting these attempts by the commission, they are his boss. He asked the commission to continue with the scrutiny of the department.

He stated he remembered in the past years that this command staff and the past commissioners stated there was no dedicated west side car that is why they were trying to put money into the budget.

He stated the PERF Agency also does these types of audits. Find the money for the audit and remove the \$26,000 raises that were given to the command staff.

Non-Public Session

Present were Chairperson Joanne McHugh, Commissioner Henry Roy, Commissioner Clark Karolian, Chief Stephen Agrafiotis.

At 9:08 PM, the Commission entered a non-public session by a motion made by Chairperson McHugh, seconded by Commissioner Karolian, the motion carried 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).

At 11:20 pm the Commission came out of non-public session.

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

Commissioner Roy made a motion to adjourn. Seconded by Commissioner Karolian, motion carried by roll call vote. Chairperson McHugh, Aye, Commissioner Roy, Aye, Commissioner Karolian, Aye.

Meeting adjourned at 11:26 PM.

Drafted by: Executive Assistant Francine Swafford

Drafted: January 31, 2011

Amended by Recording Clerk, Dawn McDonald