

Approved

POLICE COMMISSION MEETING

Minutes of the Meeting of Monday March 14, 2011

Public

The Hooksett Police Commission held a public meeting on Monday March 14, 2011, at the Public Safety Center. Present were Chairperson Joanne McHugh, Commissioner Henry Roy (excused), Commissioner Clark Karolian, Chief Stephen Agrafiotis

6:00P.M. – Call to Order

Chairperson McHugh called the meeting to order at 6:00 P.M.

Proof of Posting

Chairperson McHugh provided a copy of the meeting notice.

3/14/2011 9:57A.M. Email from Commissioner Roy: not available for the meeting of Police Commission Monday March 14, 2011 @ 6P.M. He states he has no additions or corrections to the minutes.

Pledge of Allegiance

The Pledge of Allegiance was held

Minutes of Last Meetings

September 28, 2010 Public hearing minutes

A motion to accept the minutes was made by Commissioner Karolian; the motion was seconded by Chairperson McHugh.

Page 1 - Chairperson McHugh wanted this amended: Commissioner Henry Roy recused himself.

Amended: *Commissioner Henry Roy excused himself.*

Page 1 - Chairperson McHugh wanted this amended: Chairperson McHugh: I neglected to make a statement about one of the commissioners who had already given notice that he was recusing himself, Mr. Henry Roy, and I neglected to say that. The other thing is that we were able to get a hold of those redacted minutes last night, and I'm going to need a motion to unseal those minutes.

Amended: *Chairperson McHugh: I neglected to make a statement about one of the commissioners at last night's public meeting who already given notice that he was recusing himself, Mr. Henry Roy, and I neglected to say that. The other thing is that we were able to get a hold of those redacted minutes last night, and I'm going to need a motion to unseal the redacted portion of the minutes.*

Page 3 - Commissioner Karolian directed to make an amended: **Attorney Bailey:** Commissioner Karolian, you haven't looked beyond the first page of this memorandum, but it does not address just cause issues. Commissioner McHugh has not come to this process with the same appreciation of the Loudermill case as you have, Commissioner Karolian, based on your background. We ask that both of you review this memorandum, because if you're going to be applying the law, we believe it's important that you understand what the law is.

Chairperson McHugh: I did take the time to go and research what it was, online today.

Amended: Attorney Bailey: *Commissioner Karolian, you haven't looked beyond the first page of this memorandum, but it does not address just cause issues. Commissioner McHugh has not come to this process with the same appreciation of the Loudermill case as you have, Commissioner Karolian, based on your background. We ask that both of you review this memorandum, because if you're going to be applying the law, we believe it's important that you understand what the law is.*

Commissioner Karolian: *How about I give it back to you?*

Chairperson McHugh: *I did take the time to go and research what it was, online today.*

Page 4 - Chairperson McHugh wanted this amended: Chairperson McHugh: August 31, Is when the Chief advised him that he could be at the meeting, and that's all he said to him.

Amended: *Chairperson McHugh: August 31, Is when the Chief advised him that he could be at the meeting September 8th, and that's all he said to him.*

Page 4 - Commissioner Karolian wanted this amended: Commissioner Karolian: The Chief, on the 31st, informed the employee that there was going to be a hearing on the 8th, and that his pre-termination hearing, if he was instructed and told that, I think that the employee would then have an understanding that that is going to be his pre-termination hearing. And should have come; "These are the charges that we have against you. This is the evidence that we are going to stand by to prove and request your termination," and I didn't see that happen.

Amended: *Commissioner Karolian: the Chief, on the 31st of August, informed the employee that there was going to be a hearing on the 8th of September, and that his pre-termination hearing, if he was instructed and told that, I think that the employee would then have an understanding that that is going to be his pre-termination hearing. And should have come; "These are the changes that we have against you". This is the evidence that we are going to stand by to prove and request your termination, "and I didn't see that happen.*

Page 4 - Chairperson McHugh wanted this amended: Chairperson McHugh: I asked the attorney for the grievant whether or not there was any form was given to him, and he said, "No." I asked him whether or not what was customary and how you go about that normally. Heard that the way this happened was totally unusual.

Amended: *Chairperson McHugh: I asked the attorney for the grievant whether or not there was any form was given to him, and he said "No." I asked him whether or not that was customary and how you go about that normally. I heard that's the way this happened was totally unusual.*

Page 5 - Chairperson McHugh wanted this amended: Commissioner Karolian: We argued back and forth about the just cause aspect, we made it clear that we're going to address the due process, they were addressed by both sides, and through that offer of proof and questioning by the Commission to both sides, due process was not followed.

Amended: *Commissioner Karolian: We argued back and forth about the just cause aspect, we made it clear that we're going to address the due process only, they were addressed by both sides, and through that offer of proof and questioning by the Commission of both sides, due process was not followed.*

Page 5 - Commissioner Karolian wanted this amended: **Commissioner Karolian:** I think the Chief believed that there was pre-termination hearing, he would have said, "Yes, there was a pre-termination hearing." And then we would have gone into asking him, "When was that pre-termination hearing? When did that occur?" If it would have been maintained that it occurred on the 8th, the day that the officer was terminated, I think there's a problem there, so. But he did. He was very clear. I was very matter of fact with the Chief, and he was honest with his answer, and I use that heavily in weighing/ deliberating, along with the other items.

Amended: Commissioner Karolian: *I think if the Chief believed that there was pre-termination hearing, he would have said, "Yes, there was a pre-termination hearing." And then we would have gone into asking him, "When was that pre-termination hearing? When did that occur?" If it would have been maintained that it occurred on the 8th, the day that the officer was terminated, I think there's a problem there, so. But he did. He was very clear. I was very matter of fact with the Chief, and he was honest with his answer, and I use that heavily in weighing/ deliberating, along with the other items.*

Page 5 – Chairperson McHugh wanted this amended: **Chairperson McHugh:** I think the other thing is when you go back and read those minutes, and if you follow them chronologically, you can see where they are at a particular point, where the Chief's mindset is at a particular point. At one point when he's asked what his feeling is, he makes the statement to the effect that he's not inclined to go in that direction the thought of having the pre-termination hearing is not in his mind.

And then you move forward to that meeting on the 8th. There's nothing that was said at that meeting or any question, from his standpoint, to either the attorney that was present there of "Did he dot all the I's and cross all the Ts?" So, that leads me to believe that he wasn't afforded his due process.

Amended: Chairperson McHugh: *I think the other thing is when you go back and read those minutes, and if you follow them chronologically, you can see where they are at a particular point, where the Chief's mindset is at a particular point. At one point when he's asked what his feeling is, he makes the statement to the effect that he's not inclined to go in that direction the thought of having the pre-termination hearing is not in his mind. And then you move forward to that meeting on the 8th of September. There's nothing that was said at that meeting or any question, from his standpoint, to either the attorney that was present there of "Did he dot all the I's and cross all the Ts?" So, that leads me to believe that he wasn't afforded his due process.*

A motion to approve the minutes as amended was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

October 4, 2010 Public hearing minutes

A motion to accept the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Chairperson McHugh wanted this amended:

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 except 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 citizen's 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.

Amended: 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.

Page 5 – Chairperson McHugh wanted this amended: Chairperson McHugh stated she has a memo from the Union dated September 18th and it refers to future forced overtime. He was referring to the contract that notice has to be given of new changes to be implemented in the new schedule.

Amended: *Chairperson McHugh stated she has a memo from the Union dated September 18th 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.*

Page 5 - Commissioner Karolian wanted this amended: Commissioner Karolian stated that was why he was referring to October 17, 2010; it doesn't look like it has been revised. He asked if he came up with the busiest days and increases the shifts.

Amended: *Commissioner Karolian stated that was why he was referring to October 17, 2010; He asked if Captain Cecilo came up with the busiest days and increase the shifts.*

Page 6 – Chairperson McHugh wanted this amended: 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.

Amended: *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.*

Page 7- Chairperson McHugh wanted this amended: 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 bases 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.

Amended: *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.*

Page 9 – Chairperson McHugh and Commissioner Karolian wanted this amended:

Commissioner Karolian asked how many hours a week is the 8 officers working? Lt. Cline stated not all are excepting 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 stated and they are 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. He 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 in case 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. He is old schooled, and worked doubles, this is different this day the officers in this time they enjoy their 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.

Amended: *Commissioner Karolian asked how many hours a week is 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 asked 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. He 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 in case 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 stated that he is old schooled, and worked doubles, this is different this day the officers in this time they enjoy their 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.*

Page 11 – Chairperson McHugh wanted this amended: 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 advised 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.

Amended: *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 advice 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.

Page 11 – Chairperson McHugh wanted this amended: 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. She 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.

Amended: *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.*

Page 11- Chairperson McHugh wanted this amended: 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 don't want to review each and every bill, he doesn't want to go in that direction.

Amended: *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.*

Page 12- Commissioner Karolian wanted this amended: A.) Commissioner Karolian asked if any personnel file is being requested for litigation purposes, the original personnel files 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.

Amended: *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.*

Page 12 – Commissioner Karolian wanted this amended: Commissioner Karolian made a motion that all personnel files of the Hooksett Police Department employees 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.

Amended: *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.*

Page 13 – Commissioner Karolian wanted this amended: 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 were not something the Human Resource person could do. Chief Agrafiotis stated she 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.

Amended: *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 were 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.*

A motion was made to approve the minutes based on the amendments by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

October 26, 2010 Public minute meetings

A motion was made to accept the minutes by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Page 2 – Chairperson McHugh wanted this amended: The commission also wanted to know what the percentage increase will be from last year to this year.

Amended: *The commission also wanted to know what the percentage increase will be from last year to this year.*

Commissioner Roy said that the purpose budget represented a 30% increase over last year's budget.

Page 2 – Chairperson McHugh wanted this amended: Leave as is. Chairperson McHugh wanted information on the fleet, last year they received a report reference the age of the vehicles and the mileage on them. She asked to have this information for the next meeting.

Amended: *Leave as is for now. Chairperson McHugh wanted information on the fleet, last year they received a report reference the age of the vehicles and the mileage on them. She asked to have this information for the next meeting.*

Page 2 – Chairperson McHugh wanted this amended: Discussed the hiring process and it was decided to leave as is.

Amended: *Discussed the hiring process and it was decided to leave as is for now.*

Page 3- Commissioner Karolian wanted this amended: The commission discussed changing the spending authority amount. Discussed past bills and the amounts of the bills that were approved, being over the spending authority amount. A discussion was held on several legal bills and the amounts, and how the Chief understood and handled the process.

Amended: *The commission discussed changing the spending authority amount. Discussed past bills and the amounts of the bills that were approved by the Chief; being over his spending authority amount. A discussion was held on several legal bills and the amounts, and how the Chief understood and handled the process.*

A motion to approve the minutes as amended was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

November 16, 2010 Public minute meetings

A motion to accept the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

A motion to approve the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

November 23, 2010 Public Minute Meetings

A motion to accept the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Page 1- Chairperson McHugh wanted this amended: Chairperson McHugh called the meeting to order at 5:30P.M.

Amended: *Chairperson McHugh called the meeting to order at 2:30P.M.*

Page 1- Chairperson McHugh wanted this amended: At 5:35PM, the Commission entered a non public session by a motion made by Commissioner Karolian, seconded by Commissioner Roy, the motion carried unanimously by roll call vote to enter non-public session in accordance with the provisions of NH RSA 91-A;3,II(b).

Amended: *Chairperson McHugh wanted this amended: At 2:35PM, the Commission entered a non public session by a motion made by Commissioner Karolian, seconded by Commissioner Roy, the motion carried unanimously by roll call vote to enter non-public session in accordance with the provisions of NH RSA 91-A;3,II(b).*

Page 2- Chairperson McHugh wanted this amended: Chairperson McHugh stated based on what the Chief was saying they were going to have enough funds to make it to the end of the year.

Amended: *Chairperson McHugh asked based on what the Chief was saying are they going to have enough funds to make it to the end of the year.*

Page 3 – Commissioner Karolian wanted this amended: Commissioner Karolian stated the past Commission had authorized to put the cars aside until they were needed. Chief Agrafiotis stated yes.

Amended: *Commissioner Karolian asked if the past Commission had authorized to put the cars aside until they were needed. Chief Agrafiotis stated yes.*

Page 4- Commissioner Karolian wanted this amended: Commissioner Karolian inquired why the Chief was still doing a full hiring process for part time officers if it is not required by the PSTC, as he had indicated in the past.

Amended: *Commissioner Karolian inquired from the Chief why was he still doing a full time hiring process for part-time officers if it is not required by the PSTC, as he had indicated in the past.*

Page 4- Commissioner Karolian wanted this amended: Chief Agrafiotis stated his opinion is a part-time person should go through the same process as a full-time person.

Amended: *Chief Agrafiotis stated it was opinion is a part-time person should go through the same process as a full-time person.*

Page 6- Chairperson McHugh wanted this amended: Chairperson McHugh stated the vehicle maintenance needs to be cut and reduced. If they put 2 new vehicles in service, they won't need new vehicles.

Amended: *Chairperson McHugh stated the vehicle maintenance needs to be cut and reduced. If they put the 2 new vehicles in service, they won't need as much in the vehicle maintenance line.*

Page 8 – Commissioner McHugh wanted this amended: Commissioner Roy stated under RSA 91-A there are other individuals involved that sent the Chief memos. Chief Agrafiotis stated he requested memos based on information he received.

Amended: Commissioner Roy stated under RSA 91-A there are other individuals that the Chief requested memos. Chief Agrafiotis stated he requested memos based on information he received.

Page 9- Chairperson McHugh wanted this amended: Chairperson McHugh stated Mr. Ouellette is questioning the 15 officers opposed to 13. Mr. Ouellette stated 13 police officers are only needed they don't need extra bodies they are being compensated for overtime to cover for vacation for the other officers. A discussion was held on the wages and shift coverage, and the makeup of the department.

Amended: Chairperson McHugh stated Mr. Ouellette is questioning the 15 officers as opposed to 13. Mr. Ouellette stated 13 police officers are only needed, they don't need extra bodies they are being compensated for overtime to cover vacation and the other officers. A discussion was held on the wages and shift coverage, and the makeup of the department.

A motion to approve the minutes was given by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Tuesday December 7, 2010 Public hearing minutes

A motion to accept the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

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

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

Page 3- Commissioner Karolian wanted this amended: Commissioner Karolian stated they would save on tires if they had 4 less cruisers, and asked what kind of oil is used. A discussion was held on how many vehicles the department has.

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

Page 5- Chairperson McHugh wanted this amended: Chairperson McHugh asked the Chief with regards to the number of positions in the command staff when did he change the command staff to the level it is at now?

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

Page 6 – Chairperson McHugh wanted this amended: Commissioner Karolian stated the last COLA the Department received was in July of 2009. Chief stated yes. Chief stated if they wanted to do a wage pool it would be approximately \$16,000. Chairperson McHugh stated that is not going to work. She doesn't think it is going to get approved. Commissioner Karolian stated it needed to get past the Commission first and it is not going too.

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

Page 6 – Chairperson McHugh wanted this amended: Chairperson McHugh stated that the Commission in the past has been operating under one meeting a month and it has become difficult they have not been able to get their work done with one meeting, and the other reason is the Executive Assistant is unable to continue doing the secretarial services. She stated she talked to the Town Administrator and she told her she might have someone however that person cannot do it on the evening the Commission has their meeting scheduled. If they can't change the night of the meeting they would have to run an ad looking for a secretary to do it on those nights.

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

Page 6- Chairperson McHugh wanted this amended: A discussion was held on moving the meeting date. It was decided an ad would be put out for the position.

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

Page 7- Commissioner Karolian wanted this amended: Commissioner Karolian stated after reviewing the Town Council packets it is general information that is given. Chief stated it is general public information.

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

Page 7- Chairperson McHugh wanted this amended: Chairperson McHugh stated they need to discuss this with the Town Administrator. The Town Council is the liaison to the Commission; this has been the past practice sending packets of info about the meetings.

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

Page 7 - Chairperson McHugh wanted this amended: She stated that for the Councilors at the meeting tonight the information they receive they need to make sure that the information is accurate, because the information they received was totally inaccurate. Commissioner Roy stated he was not going to second it also.

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

Page 7- Chairperson McHugh wanted this amended: Chairperson McHugh stated they needed to approve the payroll manifest.

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

A motion to approve the minutes based on the amendments was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Wednesday December 15, 2010 Public meeting minutes

A motion to accept the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Page 2 – Chairperson McHugh wanted this amended: Commissioner Roy asked who came up with the compensation for the position? Chairperson McHugh stated the Town Council decided on the compensation.

Amended: *Commissioner Roy asked who came up with the compensation for the position. Chairperson McHugh stated the Town Council recommended the amount of the compensation.*

Page 3- Chairperson McHugh wanted this amended: Chairperson McHugh stated she was going by what the Town Council stated to them. Whoever was the representative to the negotiations before anything was taken off the table they would have the language reviewed by an attorney.

Amended: *Chairperson McHugh stated she was going by what the Town Council requested of them. Whoever was the representative to the negotiations before anything was taken off the table they would have the language reviewed by an attorney.*

A motion to approve the minutes based on the amendments was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Monday January 3, 2011 Public meeting minutes

A motion to accept the minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Page 2- Chairperson McHugh wanted this amended: The budget changes were reviewed and discussed by the Commission. The budget line was reformatted to match with the other town departments.

Amended: *The budget changes were reviewed and discussed by the Commission. The budget lines were reformatted to match with the other town departments based on the recommendations of the town council.*

Page 3- Chairperson McHugh wanted this amended: Chief Agrafiotis stated he looks at the level of activity and assign people as needed. He stated the added coverage and the activity level has not been showing that productive, beside the negative impact it has on morale, as they keep ordering people to work. Chairperson McHugh stated she did read the letter from Officer Broughton about the overtime issues. She doesn't want to be in a position of being reactive. They need to make sure there is a consistent effort on the Westside of the river. Chief Agrafiotis stated they are spending more time over there and the supervisors are adjusting coverage as needed, to give them the flexibility would be a great help to them.

Amended: *Chief Agrafiotis stated he looks at the level of activity and assign people as needed. He stated the added coverage and the activity level has not been that productive, beside the negative impact it has on morale, as they keep ordering people to work. Chairperson McHugh stated she did read the letter from Officer Broughton about the overtime issues. She doesn't want to be in a position of being reactive. They need to make sure there is a consistent effort on the Westside of the river. Chief Agrafiotis stated they are spending more time over there and the supervisors are adjusting coverage as needed, to give them the flexibility would be a great help to them.*

Page 4- Chairperson McHugh wanted this amended: Commissioner Roy stated he thought Captain Daigle should have been in the negotiations from the beginning. Commissioner Karolian stated he did not exclude him. Chief stated it was a while ago since they had discussions on this and couldn't remember why he was not included.

Amended: *Commissioner McHugh stated she thought Captain Daigle should have been in the negotiations from the beginning. Commissioner Karolian stated he did not exclude him. Chief stated it was a while ago since they had discussions on this and couldn't remember why he was not included.*

Page 4- Chairperson McHugh wanted this amended: Commissioner Karolian asked what the status was for the vehicle situation. Chief Agrafiotis stated that 2 vehicles are in the process of being decommissioned. Commissioner Karolian asked if the other 2 vehicles are in service. Chief stated they are in the process of being put into service. It was started after the meeting on the 15th.

Amended: *Commissioner Karolian asked what the status was for the vehicle situation. Chief Agrafiotis stated that 2 vehicles are in the process of being decommissioned. Commissioner Karolian asked if the other 2 vehicles are in service. Chief stated they are in the process of being put into service. It was started after the meeting on the 15th of December.*

A motion was made to approve the minutes based on the amendments by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

A motion was made to come out of public and go into non- public at 7:42P.M. by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Non - Public

At 7:45P.M., 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 on NH RSA 91-A:3-II (c), & (e)

Roll Call

Commissioner Karolian - Yes

Chairperson McHugh - Yes

A motion to seal the non- public minutes was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh

A motion to come out of non-public session at 9:56P.M., was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Public

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.

A motion was made by Commissioner Karolian, to approve the non-public (list out what has been approved) minutes. The motion was seconded by Chairperson McHugh and the motion was carried unanimously by roll call vote.

Friday August 27, 2010 Approved

Tuesday September 28, 2010 Approved

Tuesday October 26, 2010 Approved

Monday November 1, 2010 Approved

Tuesday November 16, 2010 Approved

Tuesday November 23, 2010 Tabled

Tuesday December 7, 2010 Approved

Friday December 10, 2010 Tabled

Wednesday December 15, 2010 Approved

Monday January 3, 2011 Approved

A motion to adjourn was made by Commissioner Karolian. The motion was seconded by Chairperson McHugh.

Meeting adjourned at 10:00 P.M.

Drafted by: Recording Clerk Dawn McDonald

Amended by Dawn McDonald, Recording Clerk