

Official

TOWN COUNCIL MINUTES Regular Meeting Wednesday, September 26, 2012

CALL TO ORDER: Chair J. Sullivan called the meeting to order at 6:30 pm.

PRESENT: Leslie Boswak, Nancy Comai, John Danforth, Michael Downer, Vincent Lembo, James Levesque (excused), Todd Lizotte, Susan Lovas Orr, Chairman James Sullivan and Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

September 12, 2012 – ***T. Lizotte moved to approve the minutes as amended. Motion seconded by M. Downer. Motion carried.*** M. Downer abstained, not present at the meeting.

September 19, 2012 Special Meeting – ***T. Lizotte moved to approve the minutes as presented. Motion seconded by J. Danforth. Motion carried unanimously.***

AGENDA OVERVIEW

CONSENT AGENDA

1. Acceptance of Donation from Express Fitness per RSA 31:95-e - \$4,950.00
2. Acceptance of Donation for the Veterans' Memorial Project - \$50.00

V. Lembo moved to approve the consent agenda. Motion seconded by T. Lizotte. Motion carried unanimously.

TOWN ADMINISTRATOR'S REPORT

Dr. Shankle informed the Council of the following:

1. Right to Know Law – A representative from LGC will be coming to the October 10th meeting to talk about this item.
2. Hale Avenue Drain issue – DPW Director, Leo Lessard met with the engineer. The engineer will meet with the homeowners to talk about the plan.
3. Ehlers' Property – Most of the work is done. Hemlock trees were planted on both ends where the trail is to be cut off, signs are up pointing to the summit, emergency gate was installed, and steps were added on the steep area. The area is all set for the winter. The Conservation Commission may expand the trail next year.

Robert Ehlers, 14 Ardon Drive: We just want to thank the Council and Dr. Shankle for their hard work. Once the Council became aware of it, they moved pretty fast. Right now we have something we're satisfied with.

Eileen Ehlers: I too want to say thank you very much for hearing our issues and taking good care of us. I think it is going to benefit the whole Town to have the park open the way it is.

PUBLIC INPUT

Harold Murray, Fire Warden: I went over the rules and regulations for the Pinnacle Park. I noticed an omission of kindling fires. Even though it is illegal to kindle a fire there, if you put that on the sign, it's a second level of notification. I would appreciate that being added if at all possible.

Chair Sullivan stated this can be done under "Old Business".

David Pearl, 79 Main Street: Just a couple of comments regarding the Police Commission. Having been a person who's attended the Police Commission meetings for 3+ years virtually every meeting, I was just a little confused when the Council said they weren't hearing anything from the commission. Even in the most trying times of the commission, I would sit in the meeting; they've allowed public input and responded to questions. I think when we have a board that is conducting public meetings; it is the citizens or the elected officials' responsibility to go to that meeting if they are seeking information that's being made public. I'm glad we have people who are taking the time to go through all the changes that have been made and really look at them before signing off on them. We need to make sure everything is done correctly and not just sign off to find out later that something was forgotten. As far as the hiring process, frankly, I don't care if it takes another year to hire a Chief. Once a Police Chief is hired in the State of NH, it's virtually impossible to unhire that person. I think the commission needs to take all the time that they need to make the best possible choice because it's very likely that we will be living with that choice for some time to come.

Kimberly Chabot, Town of Hooksett Prosecutor: I have been serving in this capacity for 11 years but I am not a resident.

Note: Only Hooksett residents are allowed to speak during public input.

V. Lembo moved to allow Ms. Chabot to speak. Motion seconded by L. Boswak. Motion carried unanimously.

K. Chabot: I've prepared a statement and it reflects the feelings of the large majority of the employees of the Police Department. I have been asked to speak on their behalf tonight. That's why I am here. I come to you as a representative of the large majority to express a collective and resounding concern for the future of the department. While we are 29 employees both sworn and civilian personnel, I am here to express concerns to you, the Town Council as there is no time like the present. Many more would have been here tonight to reinforce that collective concern but they are either working the road, on details or providing a community service in the in the form of a RAD class to 20 or more community members. You may recall that several of us did attend the last Council meeting as we too are anxious to hear the progress report from PSSG as to what we've achieved and to hear what we have yet to accomplish. To bring the department to the level at which we should be expected to operate. I am here to emphasize that we collectively as employees of the department share your disappointment in being kept in the dark. We endeavor day in and day out to perform our duties professionally and in the current state of things, we feel hindered in so many ways. Over the past two years, much of the department's energy and resources has been directed by the Police Commission to pursue personal agendas of a few to the detriment of the department and to the detriment of the Town. Time and attention have been focused elsewhere. PSSG was brought in by our Police Commission to perform an audit of the Police Department in the wake of Chief Agrafiotis' departure. PSSG worked with all department personnel to facilitate recommendations of their November 2011 audit. It was not easy to hear from these professionals that we were failing in many areas and in a number of ways. In the past year, we as a department had made many strides both seen and unseen by the Council and the townspeople. Captain Daigle has been instrumental in working as a liaison between PSSG and the department employees to undertake the many changes and suggestions proposed by PSSG. The department has grown both in strength and in numbers as a result. This cannot be ignored nor can it be overlooked. This was achieved through collective efforts of department personnel both sworn and unsworn. Our work is far from over but I am here to tell you that we are not able to accomplish our mission if we continue down our current course. Our future is most uncertain in the hands of this commission. While we have been working to embrace these necessary changes we have met with many obstacles put into place by the commission. Promotional boards were held for open Sergeant positions nearly 6 months ago and still no promotions were made for specific patrol vacancies. Civilians have been working above and beyond their current duties. Undertaking huge responsibilities without appropriate compensation or commitment to their future employ in a specific capacity. Equipment and vehicles in need of repair cannot be done without explicit approval of such an expenditure. Vendors with whom we do business are not timely paid for their services because the commission must approve any expenditure, thus affecting the day to day operation of this agency. More than half of the department's employees, all non-union employees have been left hanging on questions of

pay, benefits and secure positions for a period of time without movement. For a body that still have outstanding unapproved minutes from both public and non-public sessions from more than nine months ago, do you feel secure knowing that they have the Town's public interest in mind? HPD suggests not. When HPD personnel have come before the commission to suggest a change, alternative equipment or to question a budgetary decision, we are met with resistance and near disdain. This is why I am addressing you tonight In lieu of my co-leagues, given a real fear of retaliation by the commission. Should you wish to ask more pointed questions along these lines, a non-public would clearly be the more appropriate forum. You are uniquely situated tonight to hear from PSSG as to the true state of the HPD. Please ask them to be candid and to be able to speak freely of their concerns and their critiques of the department, its personnel and its commission. We at the lower ranks have embraced their suggestions and this Town has benefited in many ways, be it from our energy, our professionalism, our dedication to the cause of public safety in which we believe. We question the cause of the Police Commission at this juncture why they dictate and censure PSSG who had been contracted to perform work ultimately to benefit this Town. While they say it's not their job to make policies, there are numerous revamped standard operating procedures, which have not been adopted yet. Why do they second guess such things? Why do they second guess investigations conducted by sworn officers? Why are they conducting the search for a new Chief in complete secrecy to the exclusion of input from any HPD personnel, PSSG consultants, the Town Council and the townspeople? Is this another personal agenda? We rapidly coming to the end of the commitment that PSSG has made to work with us, to undertake these many changes, which have been proposed and yet we are still struggling. We are disheartened and dismayed that despite all the efforts to make the grade, extended by Captain Daigle, that he has not been given a fair shot and consideration. You won't find a more dedicated person interested in this Town. We challenge you to try. Even if you do not believe that he is the person to take charge at this time, please question them, the current process or the lack thereof being deployed by the commission at this time.

NOMINATIONS AND APPOINTMENTS

Nomination

Heritage Commission, Full Member, exp. 6/2015 - ***Chair Sullivan nominated Scott Riley.***

Appointment

Town Hall Preservation Committee – ***J. Danforth moved to appoint Kathie Northrup as member. Motion seconded by L. Boswak. Motion carried unanimously.***

SCHEDULED APPOINTMENTS

Acceptance of Conservation Easement

John Turbyne, Conservation Commission and Scott Bussiere, Developer requested for the Council to approve a conservation easement, which adds 8+ acres to an existing 18 acres conservation easement in the area between Jacob Avenue and 28 By-Pass on the Manchester line. This is a part of a subdivision approval.

M. Downer moved to accept the conservation easement. Motion seconded by T. Lizotte.

J. Turbyne explained there is a checklist to be completed. The conservation easement would be signed upon completion of the checklist. The developer is giving the Town \$5,000 to administer the easement. There is no cost to the Town.

The motion and second were removed.

M. Downer moved to authorize the Town Administrator to execute the conservation easement upon completion of the conditions set forth by the developer. Motion seconded by T. Lizotte. Roll call vote carried unanimously.

Police Audit Update – Public Safety Strategies Group (PSSG)

Kym Craven, Director and Rick Bailey were introduced to the Council.

K. Craven gave a quick overview of the company. The company was started in 1994 and has worked with Police Departments of different sizes across the country, conducted training for International Association of Chiefs of Police and partnered with Bureau of Justice Assistance. They have worked with a total of 300 different projects.

Rick Bailey was a former Captain of the Nashua Police Department and was a Chief in Grafton, MA. He worked as a detective and an undercover narcotics and worked on multiple projects.

Allan Stewart (not present) was also a Captain of the Nashua Police Department. He was a Captain in professional standards and was a detective.

The company has been in Police education manuals and textbooks, i.e., Police Management and Practice, Introduction to Law Enforcement and Criminal Justice, Community Policing and Contemporary Perspectives among others.

The audit started in May 2011. In November, the following findings were presented:

- There was a culture of distrust at the department.
- The Communication within the department was almost nonexistent.
- The department lacked appropriate planning tools and strategies.
- The department had inadequate system of record keeping.
- The department did not communicate with the public and operations are not transparent.
- The organizational structure did not maximize the use of personnel.
- The Chain of Command was often ignored or circumvented at all levels of the department.
- There was lack of supervision at the patrol level.
- The department policies were outdated.
- The disciplinary system was ineffective.
- Training did not focus on career development or specialized areas of expertise and record keeping was not adequate.
- The department did not support internal promotions.
- The department was experiencing high turnover.
- The department had overspent and created stockpiles of equipment in some areas.
- The department did not have the appropriate vehicles and did not have proper tracking in place.
- The department lacked a data-driven strategy for deployment and programming geared toward community engagement.
- The department was not providing information to the public.
- The SRO function included only one officer and did not meet the needs of the community.
- The space is adequate for a police department the size of Hooksett, however, storage space is limited.

PSSG's contract was extended to work with the department to implement their recommendations. Someone from PSSG is at HPD virtually every day to train staff. The department headed by Captain Daigle set the tone that PSSG was welcome. HPD employees have stepped up after a difficult presentation in November and changed the culture of the organization. Communication has become a priority in the department and there are plans in place to expand internal and external communications. The department has improved significantly in all areas.

L. Boswak moved to waive the rules and go around the table to give each Councilor a chance to ask questions. Motion seconded by T. Lizotte. Motion carried unanimously.

L. Boswak: How do you think communication flows with the department and are they gaining the advantage of having you there?

K. Craven: We do have a lot of interaction with the department from the Chief to the dispatch and all the different areas. Communications goes really well. We give the commission a report monthly. They might ask some questions based on the report that we present.

L. Boswak: When you give them your monthly report, is there a discussion? It doesn't seem like there's a lot of communication between you and the commission, at least in a public meeting.

K. Craven: In previous months of January, February and March, we met on a few components.

J. Danforth: When are all the SOP's going to be adopted?

K. Craven: 2 (credit card and tattoo and smoking policies) had gone in March. The commission received the first large set of SOP's in cd's to be reviewed on July 19th.

S. Lovas Orr: To what extent are the staff involved in reviewing and have the ability for input for any of these SOP's?

K. Craven: Captain Daigle requested or offered staff members the opportunity to participate in committees. There are 2 standing committees. One led by Rick and the other is led by Allan consisted of department members and those SOP's apply to. The patrol lieutenants, sergeants and detectives are heavily involved and the highest command for each side. The prosecutor would review, as needed. Dispatch and supervisor will participate in those pertaining to dispatch. The person filling the role of an Administrative Coordinator is highly knowledgeable with record management and the CAD system. She attends all meeting as well as keeping records of the changes for both committees. Captain Daigle is involved in every step of the way and sees it last before it goes to the commission.

R. Bailey. We go through the SOP's line by line and each member of the committee has input and gives comments. The group comes to a consensus if something needs to be changed, added or deleted.

S. Lovas Orr: So that cd given to the commission is the final version after it's been reviewed by the committees?

K. Craven: That is correct.

N. Comai: Given all that has happened with the previous chief's style managing the department, even to a point of being called unorthodox by one of his supporters, going back a few years, I have no confidence in any of his basic decisions; regarding budget, scheduling personnel, exposed methods of hiring/firing to name a few, one could argue this chief submitted a warrant article to the voters for approval which may not have been needed. A couple of years ago, the voters approved a police budget to man 29. Given we have a consulting team and commission working to correct the management left in shambles by our previous chief (reason for hiring PSSG in the first place), what is the correct full complement our police department needs based on their assessment of crime rates and police calls, and the size of Hooksett?

K. Craven: We're comfortable with the number for now but not the ratio of the command to patrol officers. The community appears to desire a high level of involvement from their Police Department. You might find needing more patrol officers.

Chair Sullivan: What process have you been involved in hiring a Police Chief?

K. Craven: I would ask that you defer that to the commission. I do not know what the plan and timetable is.

M. Downer: If you could fix one thing and it was done tomorrow, what would it be?

K. Craven: They really would like to know who their leader is going to be. The next pressing issue is for the staff to get continued support that they need to stay together. The other piece is for them to learn the SOP's and we are teaching them.

R. Bailey: I think what they need is supervision and stability. The two go hand in hand.

V. Lembo: Is Captain Daigle in the forefront of the department's improvement? Can you comment on the prosecutor's statements (during public input)?

K. Craven: We're facilitators of the process. The folks internally are responsible for getting it done. I would say the department got behind Captain Daigle as the Acting Chief.

R. Bailey: We have no authority in the Police Department. We can simply teach them, educate them and show them how to do things and make suggestions. Anything that happens has to go through someone in the department directing them to do something and it's not us.

V. Lembo: Is Captain Daigle relying on you too much or is he on the forefront in making things happen?

K. Craven: He didn't have a command staff after the Chief retired. I think he used the knowledge of all of us, used our expertise and turned it into his own plan for the agency.

R. Bailey: We we're there to help them, mentor them and to assist. They need to take advantage of that and they are.

T. Lizotte: What do you think we can do to make the Police Commission evolve and abandon (legislation) 412 or do away with it and have it where it comes to this body itself? What do you think we can do to make communication better?

K. Craven: One of the things we did device for the commission was a spread sheet. It had all the different activities that were listed on the audit and some timeframes. We have added different targets. One of the strategies was to make sure the key items were completed by the end of the year. Some priorities were moved around. One of the things that I do is that I do a root-cause analysis. We've created the culture that they are included in all types of discussions. We've taught them that if things happen, that Captain Daigle will put out an announcement. Having this happen with the commission will be a big positive step. There appears to be long standing turmoil between Council, commission, Police Department and the community. I don't think this is the right forum to have discussion on it. The thing to do is move forward. It's their lives and livelihood that is affected.

T. Lizotte: How do we facilitate it? I don't want to lose focus on the goal, which is supporting the department.

R. Bailey: A civilian body oversees and they have responsibilities. The department themselves need to be allowed to run the day to day operations. They are professionals. They have the expertise. We had worked with a lot of organizations. Some have commissions and some don't. The ones that do, the department seems to run much better.

L. Boswak: It seems there is a high level of frustration with the employees. They are working together and have a lot of energy that we haven't seen in a long time, however, they are frustrated with the commission. What is the obstacle? How can we fix it and what are the real issues?

K. Craven: It would be helpful to take the department's offer to be able to talk to you candidly so you'd hear it firsthand. What we hear is that there is lack of support on some of the things they are trying to do. They feel like they are trying to implement all these pieces of the audit but might not have that open communication they might like. When they come before the commission, they need to have the latitude not to be perfect. People are trying really hard to take part of rebuilding. They are looking for answers that perhaps they're not getting.

R. Bailey: There is good and bad in everything. The commission saw a problem and they addressed it.

J. Danforth: Is the department in a position to transition until a chief is brought on?

K. Craven: I think the department has worked really hard to rebuild the agency. I can't predict what will happen not knowing where the commission is going with the Chief. I think it would be hard for someone

to come in and fully grasp everything that's happened since May of 2011 when the audit occurred and whenever it is when we leave.

R. Bailey: I said earlier they need supervision and stability. They have to have that to continue. The department is down 2 or 3 sergeants and down a Chief. Without those, you lose a lot of stability and the teamwork that goes along with it to do the thing to go forward.

S. Lovas Orr: I am very supportive of the commission bringing you in. I see progress and I hear progress, then I hear that (comments from Kim Chabot). To what extent are you working with the commission and that group of officers with concerns? Do you feel progress has been made and can be made?

K. Craven: Progress has been made by the department in every area of the findings of the audit and implementation planned. To the best of my knowledge, there were no discussions between the commission and members of the Police Department on the future of the department. I can't say where that is or where that might be going.

N. Comai: Given the recent accusations of poor management by the commission; regarding minutes, and length of meetings, would the commission be better served if we try and add a Town Council Rep and Town Administrator to the commission as voting members?

K. Craven: In NH, you typically have 3 people in the commission. On the west coast, they tend to have more. It's not about this commission but the commission process here in Hooksett. It appears there is history of dissention. Is there a full understanding of the commission with the expectation of the Council? Is there understanding of the Council to what the commission is trying to achieve? Are there guidelines for what the commission should be doing? That could be a starting point. The ones we've worked with are drastically different from this commission. You have to figure out as a Town a way to understand the day to day operation of the commission. You have to agree that what's most important is the Police Department. In order for the department to be successful, there are a lot of decisions that need to be made.

Chair Sullivan: Is the answer having more members in the commission?

K. Craven: It's not just changing the number of members of the commission but it's defining their function, so everyone is clear.

M. Downer: Regarding history, I think tonight is an example of looking at the past history and moving forward. I think we're all unified in what we hope to accomplish, which is a better Police Department that the Town can be proud of that protects our citizens in best fashion possible. New history starts tonight. I'm looking at this as looking forward. Rick mentioned one of the hallmarks of a good department is the ability to run themselves. Are they there now and what can we do to help them in that area?

R. Bailey: In part, it's there. You have a department that's excited about the future. They want to be involved. They want to take part. It's good that turnovers are happening while we're there. More than half of the department would be new by end of this year. They need to come into a department that has structure that is moving in the right direction. They have that now. The goal is to keep that going.

V. Lembo: We have a policy in place, where the Police Chief runs the department not the commission on the day to day operation. In your opinion, is the commission micro-managing this department right now?

R. Bailey: In some respects, they are. There are some aspects where they get too involved.

K. Craven: Most of the officers were there (Old Home Day) on their own time as volunteers. They want to do good things for this community. They show their dedication and pride. Their level of involvement in day to day operation could sometimes be a distraction. I think it's from trying to do a good job.

R. Bailey: I don't think anyone is intentionally doing anything wrong.

T. Lizotte: Can you give an example of them getting too involved?

R. Bailey: Two of the things I saw first-hand is the purchase of vehicles. The discussion was an hour or more over the vehicle not necessarily the price of the vehicle. It is the Chief's purview to say that "this is the vehicle we need". The commission should look at it and say, "is this fiscally responsible and does it fit the need". The second was, one of our recommendations was to look more professional. As a result, they presented a proposal for a new leather gear that's more professional looking than what they were wearing. The lengthy discussion went beyond the cost of it to the parts of the gear. I don't think there is ill intent on anybody's part. Those are two examples that come to mind.

L. Boswak to continue the discussion. Motion seconded by V. Lembo. Motion carried. S. Lovas Orr opposed.

L. Boswak: They have taken away from the Chief the ability to issue policies. It completely weakened the position of Police Chief. How like are we to attract a quality Chief when they have no real authority.

K. Craven: The change in the procedure is that, now the SOP's will be presented to the commission to be approved while before, they will be enacted before they were make known to the commission. If you look at the Emergency Management plan, the Town Administrator and the Council are usually in charge of that but it is deferred to the Fire Chief, as the Emergency Management Director. The change of authority is not illegal and it can be done in this fashion. The most typical structure is the opposite of that. It starts with the Chief and then, goes to the civilian oversight. If I were considering coming to Hooksett as Chief, my biggest concern would be the operating environment. Do I get the discretion of purchasing equipment and/or vehicle?

L. Boswak: Are you saying that because they are involving themselves with the purchasing and other aspect that would deter highly qualified candidates coming forward?

R. Bailey: It definitely could. Part of what the Chief wants to do is run his or her organization – set the rules and hold people to them and make the decisions on a day-to-day basis. Oversight is fine, function is the day to day operation. Oversight is fine, but there is a line. I would say that it's up to the individual to answer your question. But I think it would detract some folks who wants to be a Chief and want take control of the Police Department and run it the way they feel it's the best to run. Within a professional atmosphere with the knowledge, skills and abilities that they bring to the department.

S. Lovas Orr: We have to make all these decisions, we don't have the people to make them. We have a Police Commission that has assumed the authority to make those decisions but without the input or the ability to work in conjunction with the Chief to make those decisions. We had the previous situation where the feeling was that we had a Chief with too much authority without the oversight and was making decisions without oversight. Now we have a Police Commission that has given themselves that same authority to make decisions without oversight of a Chief, because we don't have a Chief. Decisions need to be made. We're not in a position to do that. If you were to make a recommendation, what would it be to make it through this period?

R. Bailey: I've said before that oversight bodies are useful and helpful. They recognized there are problems and they took action. There is a fine line between the Police chief and the commission and what they do. Some of the decisions are delayed because of the process.

N. Comai: I disagree with Councilor Boswak. I'm sure we will get a quality individual for the Chief's position.

R. Bailey: The Town will get quality candidates. NH has a very strict regulation in terminating a Police Chief. You have to make sure you don't get into that "head butting" situation again.

Chair Sullivan: Can you elaborate on internal and external communications that you suggested?

K. Craven: Communication is done in department wide not just command staff. More use of the electronic bulletin board. They want to continue to increase what they are sharing with the public. The department did not used to have public swearing in, promotional ceremonies, etc. They want to continue doing that, as well as press releases. They want to communicate more with the public through website, Facebook, etc.

R. Bailey: Prior to the audit, there weren't any meetings going on in the department with command staff. Now they have daily meetings in all levels, from top to bottom.

M. Downer: Have members of the commission reached out and tapped into your resources to improve their practices.

R. Bailey: They have. There have been discussions on strategies and different ideas.

V. Lembo: Would you be qualified to search for a new Chief?

K. Craven: We have not been asked to help with their search process. All of us have done searches in the past.

V. Lembo: In your opinion, would you recommend Captain Daigle for the Chief's position?

T. Lizotte: **Point of order.** We have to be careful. I don't want to put them on the spot for personnel issues or assessments that could potentially violate 91-A.

V. Lembo: I think they know what RSA 91A is. We do not need Mr. Lizotte to tell us what we can and cannot say.

K. Craven: You all have asked hard question. We've tried to be as candid as we can be and as open. The decision making is not up to us. We can only say things have gone well but the commission is at the driver's seat on that.

Chair Sullivan thanked PSSG.

Police Commission

Joanne McHugh, Chair: Commissioner Karolian is out of town. He wanted to be here. On behalf of the commission, I'd like to thank you for inviting us. What I understood it to be was to give our annual report the commission usually does with regards to what happened over the last year. I had prepared some comments with regards to the discussion that took place at your last meeting. I've chosen not to go in that direction and speak about that. I choose to be of a positive attitude and go from there. It was an excellent presentation from PSSG. I expected nothing less from them. I just want to give you a little bit of history. It was the commission who asked for the audit. We had an officer who came before the commission and begged us to do something about what was happening at the department. It was our decision to go for an audit. PSSG interviewed individuals from the department, the Police Commission, some elected officials and some people from the community. The commission felt validated in so far as what they felt as concerns were picked up by PSSG.

Kenneth Scherer: Through our oversight and review of past practices, it was clear that the previous Police Commission abdicated their responsibilities in this area. They failed to provide oversight to protect the taxpayers of this Town. We do take our position very seriously. In drafting the authority page we thought that was prudent, we wanted to make sure that the Chief still had the authority to issue written directives and orders. It is clear stated in the paragraph under authority page. We're not micro-managing this portion of the process. We did receive 12 SOP's on July 19th, a day or two after our July meeting. They ended up on our August agenda for review. We did approve all 12 in our September meeting. We had no issues with policies that came forward. At the end of the day, we take this job very seriously and give it our due diligence we think it deserves.

J. McHugh and K. Scherer gave an update of the commission's activities including steps taken towards hiring a new Police Chief.

Chair Sullivan: When will a new Police Chief be hired?

J. McHugh: We've invited someone from LGC, only to find out LGC doesn't do this anymore. They closed that department. The other options were MRI and PSSG. We're actively discussing it. Our options were reduced somewhat. It's always on the forefront of our minds.

Chair Sullivan: If you've had discussions, I don't recall seeing anything in your minutes. That's not being transparent.

K. Scherer: We do not have a line item for professional services. We are utilizing the line item for the Chief's position to pay PSSG. We couldn't have PSSG and a Chief at the same time for very long. Under 91:A, we couldn't have a public discussion about hiring a permanent chief while we have an acting chief. We're very actively looking for a new chief.

L. Boswak: My first Police Commission meeting was your August meeting. Walking into this new, I listened to your meeting. Both of you were ready to act on those SOP's but the commissioner who couldn't be here tonight said he couldn't look at them on his computer and he needed them printed. There was no discussion, nor a vote to move forward. It was instantly stopped and moved on. At the September meeting, you did deal with these but when you got to the new ones, again the same commissioner did not want to be there until midnight. With no discussion by either one of you, it was a lost subject. I think if two of you are ready to move forward, you just move forward. Regarding non-public, the only time you can go on non-public is when you are talking about a person but the process is a public conversation. If you're talking about the Captain, he has the right to have that meeting in public.

J. McHugh: I'm not saying that the commission looks for the 3rd commissioner all the time but sometimes when it relates to policies, since he used to be an officer, we were a little more lenient with him. Maybe we have to consider meeting more than once a month.

J. Danforth: With the current default budget, do you have enough to bring on a new chief this fiscal year.

J. McHugh: We need to understand where we are with the budget presently. I did meet with the Town Administrator and the Finance Director to see where we are with the default budget.

S. Lovas Orr: How many of the PSSG recommendations have been completed and to what extent has the commission been involved with the implementation.

J. McHugh: I don't think I can give you a number but the commission is given a progress report based on month to month showing where we are.

K. Scherer: The operation of the department is handled by the command staff. It needs to be done at the department level. We don't participate in the day to day operation. There are things that are 100% completed. There are things that are in the process.

N. Comai: Based on Chapter 412-2 Duties of the Police Commission #2 states, "*Appoint a Chief ...police officers they deem necessary within the funds appropriated.*" My suggestion is this, it's just a suggestion and something to consider. In light of decreased revenue projections and the awesome job the Police Department has done to this day, would we better serve our residents with a more efficient use of salary etc. if we appoint a town safety center director and alleviate the need for a police chief? I would suggest saving this chief salary, figure out a way to have the commission serve the center as a whole (or not), and appoint a captain on both sides. Reorganization is possible. No idea should be ignored.

J. McHugh: I asked PSSG and did my own research. A couple of communities that have done that have reverted to having a Police Chief. Having a Safety Director caused in-house fighting.

K. Scherer: We have a fairly young police force. I think we do need a certified law enforcement officer as head of the department.

M. Downer: What would you identify as a priority excluding hiring a Chief.

J. McHugh: There has to be communication between the commission and the staff. The department needs to communicate with the commission about things we need to know so we're not accosted in public.

K. Scherer: In order to have an effective agency, we need to have a very well-trained agency.

V. Lembo: You indicated you had a discussion with PSSG about hiring a Police Chief. When I asked PSSG, they said they had no input at all.

J. McHugh: We had asked PSSG to come up with a list of qualifications and qualities a Police Chief should have.

K. Scherer: We had a lot of discussions with PSSG over the last nine months or so. We had some pretty detailed discussion regarding the process. They had indicated they can help us with the search. To make sure we were doing our due diligence, we had invited LGC. There is also a specific scope of work on PSSG's contract.

V. Lembo: We're paying PSSG \$169,000 to help rebuild the department from the ground up. I guess I would ask PSSG if they would be able to help us in this process.

K. Scherer: PSSG bill us hourly and it's a number not to exceed. We also have to make sure it does not detract from the implementation of the audit, either.

V. Lembo: You are saying you had a discussion but they indicated they never had this conversation with you.

K. Craven: I would like to clarify. Back in March through April, we had discussions about qualities of a chief but I did not know where you guys were going with that. I do want to be clear that I did not know that they were speaking to LGC.

K. Scherer: That's correct. No decisions were made. We had discussions back in April or May and we knew PSSG was capable of providing those services. Were there recent discussions? No. We're about to undertake the search and then things have changed.

J. McHugh: What we were doing was basically what the Administrative Guide was saying. We had to get three bids. It would have been LGC, but we found out they no longer do it, MRI and PSSG.

Discussion regarding the PSSG contract.

K. Craven produced a copy of the contract with PSSG. The contract does not restrict scope of work.

K. Craven: We're here to do your job. We work out of the scope all the time. If something comes up with department or the commission, we want to help you. We'll help in any way.

T. Lizotte: What could we do in order to give you some direction?

J. McHugh: It would be beneficial to have at least 5 commissioners. It would also help to ask the community what they would like.

T. Lizotte moved that the Town Council forms a sub-committee to evaluate the options for providing effective and efficient citizen oversight of the Hooksett Police Department to include but not limited to the existing Police Commission under 412, the expansion of members of the existing 412 Police Commission, modification of legislation to offer greater accountability to the

Town Administrator or Town Council oversight based approach or other best practice options; this board shall be charged with evaluating such structures, developing a matrix of merit for each option and estimated cost of implementing, transition time implement and present a report for consideration of the Town Council on a date to be determined by the Town Council. Motion seconded by N. Comai.

T. Lizotte: We need to get over this but at a point when we get through the re-organization, we need to evaluate does the commission work for us. I think if we put some effort into it and look at what options are available, I think we'll have a better understanding of where we want to go. Maybe the sub-committee could get some input from the public.

M. Downer: When I was the Council Rep to the Police commission, one of my goals was to improve communication. To some degree we were successful on that and to some degree I failed. It was mentioned that the audit was a result of being begged by an officer. Prosecutor Chabot's statement tonight is resonating with me. If that's not begging, it's real darn close. That voice needs to be heard. I would welcome an opportunity to be a part of that sub-committee. I think this Town deserves the very best we can give it. We have an extremely capable and competent department that's struggling. They are doing everything in their power to be the best they can be. We owe it to them as a Council, Police Commission, as an independent consultant. What matters is going forward. I'm willing to help in that regard. It's time to move forward.

V. Lembo: The sub-committee is a good idea but I think the Council needs to hear what those folks need to tell us in non-public.

L. Boswak amended the motion to include citizen engagement. Motion seconded by T. Lizotte. Motion carried unanimously.

L. Boswak: I have one final question for the commission. Interviews for sergeants were conducted in March. I am assuming the commission will make that a priority action.

K. Scherer: At our last meeting, we got last piece of the puzzle in terms of the information we need in order to finalize the salary structure. We'll be prepared to make a decision.

J. McHugh: It's not that we'd like to delay the process. We need to have the information.

S. Lovas Orr moved to invite the Police Department staff to speak to the Town Council in a non-meeting, if allowable. Motion seconded by V. Lembo.

Dr. Shankle: I would suggest to make sure things are done appropriately and nothing is done inappropriately that schedule a non-meeting with the Town Counsel and invite employees to that meeting.

V. Lembo: Will the commission have problems with the staff meeting with us.

K. Scherer: We've always been open. We welcome members of the department to come and speak to us. I have not heard from a single employee regarding any sentiments expressed by Ms. Chabot. It's certainly highly irregular for the Council to meet with members of the department. I would expect that the commission would have an opportunity to respond.

J. McHugh: You need to consult the Town Counsel. I'm surprised that they do not ask to speak to the commission. They should start with the department and follow the chain of command but I have no problem with them speaking to the Council.

L. Boswak: Regardless of what has or has not happened, perception is that these employees have not been able to come forward to you. I think it's unfortunate that they feel the only avenue is to speak to the Council. It's also unfortunate that they won't be given an opportunity if Legal Counsel says no.

Motion carried unanimously.

PUBLIC INPUT

D. Pearl: It seems as though this Council wants to lean towards the side of distrust of the Police Commission. I just want to remind you where we've been. Three or four years ago, I tried to reach out to every representative of government I could find about the problems we had at the Police Department. No one would help. The only way this situation got resolved was by people of integrity in this community coming forward to serve their community and do the dirty work that had to be done to get us to where we are. To look at them and automatically distrust them and say they are not doing their jobs reflects poorly on this Council and this community. We don't know what's going on in non-public. We're quick to judge them, we don't have that knowledge. The employees coming forward tonight is a good thing. Two years ago, that wouldn't have happened because there would have been retribution. We need some patience and trust. We need to trust the members of this community to do the work that none of us want to do. I would ask the Council to be patient and trust the people who are doing good work.

OLD BUSINESS

Acceptance of \$6,300 Grant from NH State Council on the Arts per RSA 31:95-b.
The public hearing was held on September 12, 2012.

L. Boswak moved to accept the donation per RSA 31:95-b. Motion seconded by T. Lizotte. Roll call vote carried unanimously.

Acceptance of Donation from Kiwanis in the form of an Air Conditioning System Valued at \$7,299 per RSA 31:95-e.

The public hearing was held on September 12, 2012.

V. Lembo moved to accept the donation per RSA 31:95-e. Motion seconded by M. Downer. Roll call vote carried unanimously.

Ehlers' Property/Pinnacle Park

L. Boswak moved to add "No Kindling Fire" to the Pinnacle Park Rules and Regulations. Motion seconded by T. Lizotte. Motion carried unanimously.

N. Comai moved to table the remaining items under "Old Business" (Town Clerk, Media Relations Policy, Right to Know Law, Budget Goals, Cash Receipt Policy and Town Council Goals) until the next meeting on October 10, 2012. Motion seconded by T. Lizotte. Motion carried unanimously.

NEW BUSINESS

Parks & Recreation Impact Fees for Petersbrook Field Expansion - \$60,000.00

M. Downer moved to obligate \$60,000 in Parks & recreation Impact Fees for the Petersbrook Field expansion project. Motion seconded by T. Lizotte. Roll call vote carried unanimously.

Approval of Street Name – Princeton Drive

M. Downer moved to approve. Motion seconded by T. Lizotte. Motion carried unanimously.

SUB-COMMITTEE REPORTS

N. Comai attended the NHMA Annual Conference and voted on the proposed policies.

V. Lembo informed the Council Hooksett Firefighters and two Hooksett Police officers were honored by their peers in the State for their efforts related to Kelly Dwyer's rescue.

N. Comai attended a Seniors' Cribbage game to benefit the Food Pantry.

Chair Sullivan announced Heritage Commission raised \$749 from the Town Family Feud Game to benefit the Veteran's Memorial restoration project.

ADJOURNMENT

The meeting adjourned at 11:25 pm.

Respectfully submitted by,

Evelyn F. Horn
Administrative Assistant

John Danforth
Town Council Secretary