

**PORTSMOUTH POLICE COMMISSION**  
**MINUTES OF THE SEPTEMBER 27<sup>TH</sup>, 2016 MONTHLY POLICE**  
**COMMISSION MEETING**

5:30 p.m. Public Session – Eileen Dondero Foley Council Chambers

Brenna Cavanaugh, Chair  
Joseph J. Onosko  
Joe Plaia

- I. **CALL TO ORDER:** The September 27<sup>th</sup>, 2016 monthly police commission meeting was called to order at 4:36 p.m. in Council Chambers.

**The following people were present:** Commissioners Cavanaugh, Onosko and Plaia.

The Chair called for a motion to go into non-public session under the provisions of RSA 91:A, 3-II (a), “Dismissal, promotion, or compensation of any public employee...”, and (b), “Consideration of the hiring of any person as a public employee.”

**Action: Commissioner Plaia moved** to enter non-public session for the purposes delineated above.

**Seconded by Commissioner Onosko.**

**On a Roll Call Vote:** The motion passed as follows:

Commissioner Cavanaugh:	“Aye.”
Commissioner Onosko:	“Aye.”
Commissioner Plaia:	“Aye.”

The commission entered non-public session at 4:36 p.m.

**The public session resumed at 5:39 p.m. in the Eileen Dondero Foley Council Chambers in city hall.**

- II. **The following people were present:** Commissioners Cavanaugh, Onosko, and Plaia, Chief Mara, Capt. Warchol, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, members of the public and the press. (Archived video of the meeting is available on the city’s website.)

**III. ACCEPTANCE OF THE MINUTES:**

The Chair asked for a motion to accept the minutes of several meetings as follows:

**Action: Commissioner Plaia moved** to accept the minutes of the following meetings: June 9<sup>th</sup>, June 30<sup>th</sup>, July 26<sup>th</sup>, August 15<sup>th</sup>, August 23<sup>rd</sup>, September 1<sup>st</sup>, 6<sup>th</sup>, and 15<sup>th</sup>

**Seconded by Commissioner Onosko.**

**On Voice Vote:** The motion passed to accept the minutes of the following meetings: June 9<sup>th</sup>, June 30<sup>th</sup>, July 26<sup>th</sup>, August 15<sup>th</sup>, August 23<sup>rd</sup>, September 1<sup>st</sup>, 6<sup>th</sup>, and 15<sup>th</sup>

**IV. PUBLIC COMMENT: : (The following is a brief summary of each person's comments and represents the speaker's personal opinion. The entire meeting can be viewed online by going to the city's website and clicking "Channel 22", and then clicking on "Archived 2012, 2013, 2014, 2015, and 2016 meetings.")**

Brendan DuBois – Exeter, NH – Mr. DuBois read a prepared statement which reviewed the actions of the Assistant Mayor's in divulging the content of a non-meeting with counsel and revealing a confidential settlement offer to the public. Mr. DuBois had several questions about these events and about statements made by the commission regarding the authority of the police commission to make the final decision on any settlement.

Mr. George Dempsey – 42 Dennett Street – Mr. Dempsey said he believed the Commission had the authority to hire its own independent counsel and feels it should have done so. He cited the fact that the city attorney was in the court room every day counseling former Portsmouth officers in the Geraldine Webber probate court trial, and shouldn't be representing the city in the current matter of the settlement. Mr. Dempsey felt the current settlement under discussion was unethical. He said the union representing the former sergeant should be ashamed of itself. He went on to compliment Chief Mara on his work. Mr. Dempsey said he was going to put a demand on the city shortly because of what is happening on Dearborn Street, as he felt the city was not addressing the matter.

Bess Mosley – 302 Springbrook Circle – Ms. Mosley said she was here to oppose any settlement with Aaron Goodwin that would allow him to collect money or to resign. She cited an article from the September 11<sup>th</sup>, edition of

the New York Times that dealt with troubled officers being able to work in other jurisdictions.

V. UNFINISHED BUSINESS: None.

VI. NEW BUSINESS:

A.) **POLICE COMMISSION**:

1. Personnel Items that Require Action:
  - a. Accept the resignation of dispatcher Zachary Annis.  
**Action: Commissioner Plaia moved** to accept the resignation of dispatcher Zachary Annis, effective August 23<sup>rd</sup>, 2016 with regret.  
**Seconded by Commissioner Onosko.**  
**On a Voice Vote:** The motion passed to accept the resignation of dispatcher Zachary Annis, effective August 23<sup>rd</sup>, 2016 with regret.
  - b. Accept the resignation of Officer Phillip Masi.  
**Action: Commissioner Plaia moved** to accept the resignation of Officer Phillip Masi, effective September 7<sup>th</sup>, 2016 with regret.  
**Seconded by Commissioner Onosko.**  
**On a Voice Vote:** The motion passed to accept the resignation of Officer Phillip Masi, effective September 7<sup>th</sup>, 2016 with regret.
2. Commissioner Cavanaugh:
  - a. Pending Legal Matters – Update from city attorney Robert Sullivan. Attorney Sullivan was not able to attend the meeting.
  - b. October 11<sup>th</sup> extra scheduled work session – Scheduled for 5:30 p.m. in Council Chambers. The commission decided not to hold the October 11<sup>th</sup> extra scheduled work session.
3. Commissioner Onosko:
  - a. IACP – Update on nationwide executive search process. The visit from the IACP reps. two weeks' ago was quite successful. It involved a lot of small group meetings to get a survey of the city and what people wish to see in their police chief. Department employees also had the opportunity for input.

In their de-brief with the commission, the IACP reps said they were impressed with the level of community involvement and with the level of professionalism of the department staff.

Commissioner Onosko reviewed the next steps in the process. The Commission anticipated an active interview process to be underway in April or May.

4. Commissioner Plaia:
  - a. Clarification regarding the Goodwin arbitration. Agreed as a commission to discuss some of the things previously discussed in their non-meeting with Attorney Closson. He explained when the commission received the settlement offer from the attorney, they decided as a commission to instruct Attorney Closson to make the city council aware they had received a settlement offer from the former sergeant's attorney regarding the grievance arbitration currently underway. This matter is now in the hands of the arbiter.

The decision regarding the settlement offer rests solely with the commission. Commissioner Plaia gave an example to illustrate the difference between a settlement offer vs. a demand letter filed in superior court. He clarified the city council never requested a non-meeting in an attempt to give a secret payout to Sgt. Goodwin. This misinformation got out to the media and became a 'truth' in the mind of the public.

Commissioner Plaia also addressed the allegations made by Councilor Splaine regarding the illegality of administrative personnel being in a non-meeting with counsel.

Commissioner Plaia said the commissioners all signed a confidentiality agreement and so will not be commenting further on the arbitration.

Commissioner Onosko added his comments on the Attorney General's perceived intent in saying no admin. personnel should be in a non-meeting with counsel.

**B. CHIEF OF POLICE:**

1. Grants:

- a. 2016 Internet Crimes Against Children Task Force (ICAC) – A grant in the amount of \$256,037 to fund the New Hampshire Internet Crimes Against Children Task Force for the 2016-2017 year. Portsmouth is the Headquarters of the NH ICAC Task Force. This Grant is administered through the Portsmouth Police Department and apportioned to all satellite locations in New Hampshire.

**Action: Commissioner Plaia moved** to accept the 2016 Internet Crimes Against Children Task Force grant in the amount of \$256,037 and forward to the city council for their action.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept the 2016 Internet Crimes Against Children Task Force grant in the amount of \$256,037 and forward to the city council for their action.

- b. Acceptance of the New Hampshire Highway Safety Grants as follows:

1. Distracted Driving Patrols	\$10,000.00
2. Sobriety Checkpoints	\$ 6,758.00
3. DWI Patrols	\$ 9,843.00
4. STEP Patrols	
Strategic Traffic Enf. Patrols	\$ 9,926.40
5. Bicycle/Pedestrian Patrols	\$ 6,195.20

**Action: Commissioner Plaia moved** to accept the New Hampshire Highway Safety Grants as listed and forward to the city council for their action.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept the New Hampshire Highway Safety Grants as listed and forward to the city council for their action.

- c. Acceptance of the Bullet Proof Vest Grant – Fiscal Year 2017, 50% of the cost of five (5) SERT & (15) Reg Vests: \$ 11,065.68

**Action: Commissioner Plaia moved** to accept our portion of the grant and forward to the city council for their action.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept our portion of the Bullet Proof Vest Grant in the amount of \$11,065.68 and forward to the city council for their action.

d. Opioid Abuse Reduction Initiative Grant – New Hampshire Department of Safety grant in the amount of \$59,324.03.

**Action: Commissioner Plaia moved** to accept the grant and forward to the city council for their action.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept the Opioid Abuse Reduction Initiative Grant in the amount of \$59,324.03 and forward to the city council for their action.

2. Outside Work Vendor Billing Rate for Officers – The FY '17 rate, effective upon execution of the contracts, will increase from \$54.70 to \$61.75.

Chief Mara asked Admin. Mgr. Karen Senecal to explain the breakdown of this hourly rate.

**Action: Commissioner Onosko moved** to approve an increase in the Outside Work Vendor Billing Rate for Officers for 2017.

**Seconded by Commissioner Plaia.**

The Chair asked for an amendment to the motion to include the amounts of the old and new hourly rates.

**Commissioner Plaia moved** to amend the motion as requested by the Chair to include the amounts of the old and new hourly rates.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to amend the primary motion to include the amounts of the old and new hourly rates.

**Action: Commissioner Onosko moved** to approve an increase in the Outside Work Vendor Billing Rate for Officers for 2017 from \$54.70 to \$61.75 per hour.

**Seconded by Commissioner Plaia.**

**On a Voice Vote:** The motion passed to approve an increase in the Outside Work Vendor Billing Rate for Officers for 2017 from \$54.70 to \$61.75 per hour.

3. Financial Report

4. Letters of Thanks and Appreciation from Outside the Department:

a. A letter from UNH Chief of Police Paul Dean, for Portsmouth's assistance during the UNH 2016 School Opening Day, specifically for the help of Sgt. David Keaveny, and Sgt. Eric Kinsman.

## **VII. MISCELLANEOUS BUSINESS:**

Commissioner Plaia asked for agreement from the other commissioners to go ahead and brief the public to the extent permitted, on pending legal matters in the absence of Attorney Sullivan. The commissioners were in agreement; following is a summary of Commissioner Plaia's briefing:

- A demand letter was received from five parties seeking damages in excess of \$20M. The status of this case is still the same. The city is waiting for some proof.
- The Bernier and Cattabriga suits have been filed; there is nothing new to report beyond that. It may take several years for the respective suits to progress through the court process.
- The Chair asked about the Connors matter. Commissioner Plaia said that lawsuit is moving forward through the federal system. A trial is anticipated sometime early next year.

The Chair announced the date of the October regular monthly meeting as Tuesday, October 25<sup>th</sup>, with the regular 4:30/5:30 p.m. start time. An explanation of the start time appears at the beginning of this agenda.

#### **VIII. MOTION TO ADJOURN:**

There being no further business before the commission, the Chair asked for a motion to adjourn.

**Action: Commissioner Plaia moved** the September 27<sup>th</sup>, 2016 police commission meeting be adjourned.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to adjourn the September 27, 2016 police commission meeting at 6:21 p.m.

END OF MEETING

*Kathe*

*Respectfully Submitted By Kathleen Levesque, Executive Assistant  
Commissioner Plaia, Clerk of the Commission  
Joe Plaia*