

Town of Auburn
AUBURN POLICE COMMISSION MEETING
MINUTES
April 5, 2016

Present: David Dion, Police Commissioner, Glenn Shaw, Police Commissioner, Dennis McCarthy, Police Commissioner, Captain Gary Bartis and Lillian Deeb, Office Manager.

Also Present: Bill Herman, John Rolfe, Mary Ann Rolfe, Pauline Vieira, Dennis Vieira, Steve Grange, Mike Rolfe, Kristen Dross, Linda Dross, Mike Dross, Rusty Sullivan, Tom Gonyea, Chris Rofle, Bart Stone, Don Lessard, Marion Miller, Christine Mcquillen, Susan Jenkins, Scott Norris and Mike DiPietro.

Absent: Chief Edward Picard.

D. Dion – the meeting was called to order at 7:00.

REVIEW THE March 1, 2016 MINUTES

G. Shaw - motion to accept the minutes as presented. **D. Dion** - second. All in favor. **Motion passes.** **D. McCarthy** – abstained.

REVIEW BILLS AND CORRESPONDENCE

D. Dion – comments there are three letters of correspondence. He mentions the first letter was from a couple commenting on the compassion and excellent response of two officers related to a suicide attempt involving a weapon on Tower Hill, the other was a thank you to Officer Bike and Officer Beaule for their assistance dealing with political signage and the final letter was a thank you to Officer Beaule from some students at AVS that he helped with a social studies project.

D. Dion – explains the calls for service logs that the department prints for commission meeting and asks if Mr. McCarthy has questions. **D. McCarthy** – asks if the totals calls is the number to date. **G. Bartis** - comments the number is for the month and explains each month Melissa compiles the calls and highlights some calls and elaborates on others. This is what the NW member receive and what gets posted on the website. **D. Dion** – comments on the past tense burglary. **G. Bartis** – explains what determines a past tense and burglary in progress. **D. McCarthy** – comments on the increase number of heroin overdose calls related to the epidemic. **G. Bartis** – comments on the recent call at Myles were the officers saved the subjects life. **D. McCarthy** – asks if they administered Narcan. **G. Bartis** – clarifies that rescue administers but that the officers used an airbag and was able to revive him. **D. Dion** – reviews the budget numbers, commenting the department is approximately at 23% of budget.

NEIGHBORHOOD WATCH UPDATE

D. Dion – looks to Mr. Grange to see if he has anything to add or comments on the update that went out today. **S. Grange** - comments he just received the update when he arrived home from work and will be forwarding it out to his members, commenting Mr. Geddes forwarded it to his members and comments it's been a quiet winter and hopes it stays that way. **D. Dion** – comments he appreciates Mr. Grange taking the time to attend.

CHIEF'S REPORT

D. Dion – comments the Chief is presently working with another agency tonight doing a composite here at the station but is available if needed and Captain will present report.

CAPTAIN'S REPORT

G. Bartis – mentions the two new cruisers have been ordered and delivery is expected in June. **D. Dion** – asks which vehicles will be traded in. **G. Bartis** – comments he hasn't confirmed with cruiser maintenance but believes the marked Taurus and possibly the Chief's explaining the SUV style was ordered. **D. Dion** – comments the department will be incurring an additional outfitting cost because the Taurus style outfitting isn't compatible to the SUV. **G. Bartis** – comments the new copy machine has arrived and the office staff is ironing out the technical glitches. He explains the new copier also includes a fax and will eventually take the place of the report printer. He further explains the success of the 2nd annual Chili Cook-Off, commenting on all the work Melissa and Lil put in getting raffle prizes and tickets, comedians, liquor license and alcohol to serve for the event. He further comments on the help the fire department provided with set up and break down, commenting the fire department for the second year won the chili cook-off by near margin but that the police association and fire association each walked away with over \$1000.00 each in profit donations which is used to help out other organizations. **L. Deeb** – comments serving alcohol at the event provided a learning curve getting the liquor license and insurance, but that each year hopes the event gets bigger and better. **G. Bartis** – comments that due to the fact the event had alcohol a detail officer had to be assigned to the event and he mentions Lt. Pelton provided detail coverage for event at no cost, donating his time.

OLD BUSINESS

G. Bartis – comments he notes K-9 update on the agenda and comments Officer Cashman gave him an update. **D. McCarthy** – takes a moment to comment on his attendance at the Chili cook-off, commenting the girls were the front end and the fire department guys were the back end, comment both chiefs attended, along with multiple members of the department and comments it was a good time for all, however comments on a few seniors that may have been a little horrified with the comedians. **G. Bartis** – comments Officer Cashman is in his sixth week of his fifteen weeks of training and Athos is proving to be a great student. He further mentions the new training method called operant conditioning which allows the dog and handler to have a communication system that helps with a smoother training program than past methods and will make for a smooth transition in fall for drug training. Athos and Officer Cashman should be ready for patrol by June. **D. Dion** – comments that one of the donors is looking for the town's tax ID for claiming the donation. **L. Deeb** – comments it can be provided.

NEW BUSINESS

D. Dion – comments now that Dennis is back a chairperson needs to be elected. **G. Shaw** – comments that if Mr. Dion wants to continue as chairperson he will motion to nominate him. **D. McCarthy** – comments if Mr. Dion wants to continue he will second. All in favor. **Motion passes.**

D. Dion – comments he has had an opportunity to review the evaluations. **G. Shaw** – comments he also has reviewed and signed. *Mr. McCarthy takes a few moments to review the*

personnel evaluations. **D. Dion** – updates everyone about the non-public meeting scheduled tomorrow for the commissioners to meet and discuss the study and since it may deal with sensitive issues involving person's reputations, hence the non-public scheduling and comments he anticipates the study to start soon because the company is meeting with the Chief tomorrow. He further comments he understands all the reports and information the company requested has been sent.

D. McCarthy - motion to approve the increase for Sgt. David Garofano based on satisfactory review and award him a step increase from a Labor Grade 11, Step 8 to a Labor Grade 11, Step 9, **G. Shaw** – second. All in favor. **Motion passes.**

D. McCarthy - motion to approve the increase for Officer Keith Bike based on satisfactory review and award him a step increase from a Labor Grade 6, Step 9 to a Labor Grade 6, Step 10, **G. Shaw** – second. All in favor. **Motion passes.**

D. McCarthy – comments he has a couple of motions he would like to make. **M. Dross** – comments he has something he would like to address with the commission. **D. McCarthy** – suggests they address Mr. Dross at the end. **D. McCarthy** – makes a motion for the police commission to vote to fully endorse, support and cooperate with the police department management study and risk assessment to be performed by Municipal Resources, Inc and further order the police chief to provide his full unfettered assistance and cooperation, along with that of his entire staff. **D. Dion** – asks Mr. McCarthy if he really thinks the commission needs a motion on that? **D. McCarthy** – comment he does. **G. Shaw** – comments he believes the commission already has this but seconds the motion. All in favor. **Motion passes.** **D. Dion** – comments that was already the position of the commission. **D. McCarthy** – comments he wants the chief to be good and clear on that.

D. McCarthy – motions the Police Commission to contract with Attorney Staples to conduct a full concise and independent study of the investigation and prosecution of Auburn Road Agent, Mike Dross, by the Auburn Police Department beginning at his first appearance of Mr. Dross to discuss his concerns of the cost of police details to the Town of Auburn and ending with his acquittal and the New Hampshire Courts finding him not guilty. **D. Dion** – comments he never cared for the staples report. **D. McCarthy** – asks for a second for discussion. **G. Shaw** – seconds. **D. Dion** – clarifies to Mr. Shaw when and why the Staples report was conducted and comments Attorney Staples' report was based on his opinion and that Mr. Staples is not an investigator. **D. McCarthy** – comments Mr. Staples was right on the money and would have saved the Town and Mr. Dross a lot of money. He further comments, believes there are other issues involved in the investigation into the Road Agent. **G. Shaw** – looks to clarify that Mr. McCarthy is suggesting the commission hire Mr. Staples again. **D. McCarthy** – confirms. **G. Shaw** – comments he doesn't think the commission needs to hire him again, that Mr. Staples already produced a report. **D. McCarthy** – explains Mr. Staples only looked at the incident, explaining he wants Mr. Staples to look at how the investigation and prosecution came about. He further explains it has never been clear how the Dross case got to prosecution. **D. Dion** – suggests contacting the Rockingham County Attorney's Office. **D. McCarthy** – comments the Rockingham County Attorney's Office is involved in this also and it was their Prosecutor that commented what a lousy job the Auburn Police Department did. **G. Shaw** – comments that if Mr. McCarthy feels the need he will second it. **G. Bartis** – comments before they vote that the County Attorney opened her doors to the police commission and find out their side of the situation. **D. McCarthy** – does not want to see their side of it. **G. Bartis** – comments the County Attorney brought the indictment and prosecuted the case. He further comments one of the county's investigator that investigated the case alongside of Auburn's officers and

comments for a full picture need to speak to their office. **D. McCarthy** – comments the investigator will go his own route when investigating but that the investigation has to begin at the Auburn Police Department that started the investigation of a town's employee. **M. Dross** – comments on August 6th a couple of years ago, Thomas Fenerty from county commented as far as he was concerned the landfill case was closed and the most it could be was a misdemeanor and in January Dross was indicted so Dross feels something is wrong. **D. McCarthy** – comments he agrees and comments he questioned when he sat on the board prior how the police department, with minimal input from the town in any way was doing an investigation of the town's land on a town employee making it a civil case and has never understood. **G. Shaw** – comments he heard the town could have dropped the charges at any time because they were the victims. **D. McCarthy** – comments the Town of Auburn was never involved. **D. Dion** – asks who is going to pay for this investigation. **D. McCarthy** – comments the police department. **D. Dion** – comments there isn't that kind of money in the budget. **D. McCarthy** – comments the police department has more than a million dollar budget, making up 20% of the town's overall budget, commenting the department found the money to investigate and prosecuted Mr. Dross and can find the money to determine how and why this case happened to make sure it never happens again. **D. Dion** – comments MRI is already conducting a study. **M. Dross** – comments he has something he wants to give the police commission and he approaches with a letter related to a complaint about one of the officers and asks if the landfill issue is closed. **G. Bartis** – comments are far as the police department is concerned the matter is closed due to no other suspects. **D. McCarthy** – comments there is still the issue related to the buried items at the landfill and what Mr. Dross was prosecuted for however now the department is saying it didn't happen or it isn't a crime. **M. Dross** – also comments on the incident of an oil spill at 663 Raymond Road and he wants to know if someone is being prosecuted for that. **G. Bartis** – comments that's the town's issue they are handling. **D. McCarthy** – comments that is the exact reference he made about the Dross case. **M. Dross** – comments he has the transcripts and he thinks what the officer did wasn't very nice. **D. McCarthy** – comments it's the commission's job to oversee and manage the department and that something has been going on in the last five years that isn't right. **D. Dion** – comments there is a motion on the table. **G. Bartis** – comments the Staples and department both did an investigation and have their positions and suggests neutrality. **D. McCarthy** – amends his motion to say Municipal Resources, Inc. (MRI) will conduct the investigation. **D. Dion** – comments there is going to be an additional costs. **G. Shaw** – comments since MRI is already going to be conducting a study. **D. McCarthy** – comments the department should absorb the cost and to put this behind the department have an independent study done. **D. Dion** – suggests tabling this to next month and look into the costs and see if MRI can even do this type of study or who can be contracted. **G. Bartis** – again urges Mr. McCarthy to talk to the County, commenting further it may or may not give him a different light. He further comments if after Mr. McCarthy feels there should be an independent investigation it would appear the other commissioners would willingly proceed to such an investigation. He further reminds Mr. McCarthy the department saw the conflict with the road agent and that is why the County was asked to review the case and why with the Flight case the County was called in. *Someone asks what the result of that investigation was.* **D. McCarthy** – asks Captain not to comment Flight matter. **M. Dross** – suggests getting the transcripts and comments the commission will be amazed at what is in the transcript. **D. McCarthy** – amends his motion to police commission contract MRI to conduct a full concise and independent study of the investigation and prosecution of Auburn Road Agent, Mike Dross, by the Auburn Police Department beginning at his first appearance of Mr. Dross to discuss his concerns of the cost of police details to the Town of Auburn and ending with the New Hampshire Courts finding him not guilty. **G. Shaw** – seconds. **D. Dion** – opposed. **Motion passes.**

D. McCarthy – comments he has one more motion to address. **D. Dion** – comments Mr. McCarthy had a copy of the agenda and asks why these motions were not listed. **D. McCarthy** – comments commission has new business. **D. McCarthy** – asks Mr. Shaw if he has copies of the department's Administrative Rules and SOPs. **G. Shaw** – comments he does not have them on him but was provided copies of them. **D. McCarthy** – motion the police commission instruct the police chief to provide each police commission with a copy of the department's most current administrative rules and operating guidelines no later than one week from this date. **L. Deeb** – comments she can provide copies to the commissioners directly following the meeting. **D. Dion** – asks if the commissioners need to vote. **L. Deeb** – comments vote away. **D. Dion** – second. All in favor. **Motion passes.**

D. McCarthy – asks the minutes to reflect the commissioners received a copy of a personnel complaint from Mr. Dross (dated 4-5-16). **D. Dion** – comments the commission will forward it to the appropriate. **D. McCarthy** – comments the commission “we” will be looking into it also and take a more active role in what is going on. **D. Dion** – comments union members are..... **D. McCarthy** – comments the chief is going to have to deal with it but the commission is going to have to stay on top. **G. Shaw** – comments there was someone with a question. **D. Lessard** – asks if the commission argued about money when they went after Mike Dross and indicted him. **D. Dion** – comments on when a department investigates a crime money shouldn't come into the picture and mentions the murder case in Auburn a few years ago that cost the town money. **D. McCarthy** – comments that is what he is trying to accomplish here. **D. Lessard** – comments on Mike's wrongly conviction or rather accuse, there shouldn't be an issue of money. **D. Vieira** – agrees and comments from his calculations the police department spent about \$133,000.00 of the town's money testing on Rattlesnake Hill Rd, flagger ordinance, the Dave Flight settlement. Further commenting that anyone that read the Dave Flight thing from the Attorney General's Office knows, do anything like what was done to a 20 year veteran of the police force is shameful and that he was railroaded and comments he would love to see the transcripts of the Grand Jury. **G. Shaw** – explains to Mr. Vieira his comments are the reasons the commission voted to go forward with the investigation. **D. Vieira** – explains his close relationship with other police department. **D. McCarthy** – comments he doesn't want to get into the Flight case and explains to everyone it may sound like he is against the department, he comments he is not and this issue of the investigation was an isolated incident.

D. McCarthy - Motion to adjourn. **G. Shaw** – second. All in favor. **Motion passes**

Meeting closed at 7:46 pm.

Minutes approved by _____ on _____.