

Town of Auburn
AUBURN POLICE COMMISSION MEETING
MINUTES
May 3, 2016

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

Also Present: Bill Herman, Mike DiPietro, Scott Stewart, Danielle Steward, Rick Brabazon, Greg Santuccio, Steve Grange, John Rolfe, Mary Ann Rolfe, Pauline Vieira, Dennis Vieira, Lonnie McCaffrey, Paula Marzloff, Susan Marzloff, Mike Rolfe, Linda Dross, Mike Dross, Rusty Sullivan, Tom Gonyea, Marion Miller, Christine Mcquillen, Susan Jenkins, James Cloutier, Carol Cloutier, Rick Jacobs, Michele Jacobs, John Davis and Officer Chris Beaulé.

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

REVIEW THE MINUTES OF April 5, 2016 and April 6, 2016 Non-Public Meeting.

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

REVIEW BILLS AND CORRESPONDENCE

D. Dion – comments on letters of correspondence. He mentions the Thank-You to the Chief and Officer Barry related to the bus stop incident from Kathy and Brian and comments on the other letter of thanks for the professional manner the officers treated the family related to a recent suicide on By-Pass.

NEIGHBORHOOD WATCH UPDATE

D. Dion – looks to Mr. Grange and welcomes the Cloutiers. **J. Cloutier** – asks if Steve has anything. **S. Grange** - comments how things remain quiet. **J. Cloutier** – comments on the 540 members on Facebook and about 420-430 on email list. Further comments on the recent update Melissa sent out.

CHIEF'S REPORT

Chief – comments on the incident related to the roll-over on Saturday night on Rt. 121, further mentioning the number of accidents that have happened in that area of roadway over the past and the recent increase for requests received by department to monitor the speed in that area of Chester Rd. He further comments on the recent reduction of patrol force and the difficulties this poses. He mentions the department has a few officers out on medical leave, one on light duty, another at K-9 school and another due to retire in another month. Comments the department is doing the best they can address the citizens speed concerns but he will let the Stewarts express their concerns. **S. Stewart** – comments on the Town approaching the State to see about getting the speed limit changed and can't understand why something hasn't been done with the amount off accidents and fatalities. Further comments speed is not posted correctly and mentions when coming up the hill drivers are accelerating and at his house, at top, is a sharp corner and he

doesn't believe he should have to approach State but believes Town's responsibility. **D. McCarthy** – comments there are members of the Auburn Highway Safety Committee present tonight and asks if this issue has been discussed. **S. Stewart** – comments it is a State Rd. **D. McCarthy** – confirms this committee discusses such matters and can ask the State to look at his concern and asks Mike DiPietro if he is still the chairman. **M. DiPietro** – comments the committee meets on 3rd Wednesday of the month. **S. Stewart** – comments he won't be here and this is his only visit. **M. Dross** – comments the committee will look at it. **S. Stewart** – explains how he has grown accustomed to the accident occurring and now simply makes 911 call but when the speeding car takes out another car load of residents, maybe it will be addressed. **D. McCarthy** – comments the Highway Safety Committee can look into this as this is their purpose. **M. Jacobs** – asks to confirm where exactly these accidents are happening. **S. Stewart** – confirms top of the hill at 371 Chester Rd. **M. Jacobs** – asks how many school buses travel that area. **S. Stewart** – comments that the school bus refused to stop in that area and his child had to walk a distance to bus stop so bus wouldn't stop in that dangerous area. **D. Stewart** – explains that many of the accidents are occurring at night. **S. Stewart** – explains the vehicles either roll into the banking or crash into his wall, both result in a roll-over.

CAPTAIN'S REPORT

G. Bartis – mentions the increase activity at Front Park and mentions the suicide and domestic violence call and explains MMW has offered their shed patrol officers overtime on Saturday and Sunday because of the increase in activity in and around the lake. He also mentions he thought DOT was going to be looking into that area of concern on Chester Rd. He further mentions the commission spoke about his letter. **D. Dion** – asks if they commission can speak about subject of Captain's letter. **G. Bartis** – answers affirmatively. **D. Dion** – announces the Captain will be retiring after 25 years in Auburn July 1st. **D. McCarthy** – comments his appreciation of the Captain providing notice and offer to work part-time and thanks the Captain for his years of service. **D. Dion** – comments on some memorable stories about the Captain and the Dare program and thanks him for his many years of service.

OLD BUSINESS

None

NEW BUSINESS

D. Dion – asks Attorney Lonnie McCaffrey the Auburn Prosecutor to come forward to address the commission and introduces him to anyone that doesn't know him. **L. McCaffrey** – explains his reason for coming before the commission related to additional payment on an invoice and provides the commissioner with some of his submitted invoices to allow then to have a visual of what he will discuss. He further explains when he began in 2013 the department had 40 arrests, in 2014 there were 71 arrests and in 2015 there were 107. He goes on to outline his previous contract hours (22-26) and payment. He further comments there were some months that were busier than others because his duties are driven by arrest numbers and since April of 2015 many of the months his hours were at 26 hours per month. He goes on to explain while he could simply stop working the reality is there are deadlines and trials and to maintain the same quality of service he had to work the extra so as not to put him in the position to be terminated for cause pursuant to his contract. He reviews the January, February and March invoices which shows the outstanding balance as it increases each month. He comments on the legal training performed each year and mentions the training related to eye witness identification training, related to the change from the Attorney General's Office and the County

Attorney. He further explains why the change in the process came about from the Innocence Project and he maintains he has been true to his contract because he is not asking for an increase only that he be paid straight time for hours worked. **D. McCarthy** – clarifies that once the invoice before the commission is paid Lonnie's hours will be on track. **G. Shaw** – asks for clarification how Attorney McCaffrey anticipates will play out for the rest of the year. **L. McCaffrey** – comments on the arrests to-date and possibility of evening out. **D. Dion** – comments that with 22 arrests it appears numbers are somewhat down and asks if the Chief is opposed. **Chief** - comments on the outstanding job the prosecutor does for the department, working above and beyond. **D. McCarthy** – motions to pay the overage invoice in the sum of \$1,166.67. **G. Shaw** - second. All in favor. **Motion passes.**

D. Dion – mentions the next items on the agenda is to review staffing needs. He comments that Captain Bartis is leaving July 1st, another full-time officer is on light duty who has been very helpful in the office, including assisting with management study putting together paperwork requested, explains the department needs a patrol officer. He comments on the union contract's requirement to internally post open position and comments the department is not looking at this time to replace the Captain but replace the patrol hours he performs with a full-time officer. **D. McCarthy** – comments the commission hasn't made a decision on what the agency is going to do with the Captain's position and mentions ideally go in-house, if going to do anything and positions would move up internally which would mean the department would need a patrol officer. **D. Dion** – also comments on the part-time patrol force mentioning 20 veteran, Sgt. Dan Goonan, has recently been made the Chief of the Manchester Fire Department which will limit his time for part-time patrol hours. He further comments Officer Rogers is presently out. **Chief** – reminds commissioner Dion medical issue but relates presently has 2 part-time officers out on medical leave. **D. Dion** – comments on reduction of part-timers may increase the need for an additional full-time officer and also mentions one of the part-time officer works full-time with MMW and summer is their busy time which will result in a decrease in his hours and it looking to start the advertising process for full-time officer. **D. McCarthy** – comments not having an issue with that suggestion. **G. Shaw** – comments on full-time candidates from the last time the department interviews. **D. Dion** – comments he is aware of 2 candidates already interested.

D. McCarthy – comments if anything is time sensitive the commission can hold an interim meeting.

D. McCarthy - motion to approve the increase for Officer James Huard based on satisfactory review and award him a step increase from a Labor Grade 7, Step 9 to a Labor Grade 7, Step 10, **G. Shaw** – second. All in favor. **Motion passes.**

D. McCarthy - motion to approve the increase for Master Patrol Officer David Fletcher based on satisfactory review and award him a step increase from a Labor Grade 10, Step 7 to a Labor Grade 10, Step 8, **G. Shaw** – second. All in favor. **Motion passes.**

D. Dion – comments there is one item of business left. **G. Shaw** – motions to reconsider the motion made on the investigation into Mike Dross' complaint based upon meeting with town counsel. **D. McCarthy** – second. **D. Dion** – asks if looking for vote to reconsider. **D. McCarthy** – comments “or discuss” and comments commission moved ahead at the last meeting but after some discussion with counsel and issues that arose from that motion, asking to re-visit the issue and would like to amend previous motion. All in favor to reconsider. **Motion passes.** **D. Dion** – asks Mr. McCarthy to make his amended motion. **D. McCarthy** – motions to amend original motion Commission will contract with Tideview Group of Kennebunk, Maine to conduct an independent investigation of the complaint received by Mike Dross, dated April 5, 2016,

reference a complaint against William Barry with investigation scope to be determined by Town's Attorneys. **G. Shaw** – withdraws his original second and seconds the amended motion. **D. Dion** – comments on the meeting earlier with union and their opposition regarding a verification that no conflict exists with this company and would like to wait to receive verification none exists. **D. McCarthy** – comments his issues are the same, time to resolve this, MRI totally independent and therefore no conflict with management study and Tideview is separate group, not Staples or MRI and Tideview contracted same way Selectmen has done in past and address complaint from Mr. Dross and allowing attorneys to control the scope and are fully on board. **G. Shaw** – comments approve of the selection because the person is former police officer and has no ties to this case. **R. Brabazon** – explains he is from the union and comments as he addressed in the meeting earlier town's attorney was not certain that Tideview had any ties to MRI and suggests this company selected to not totally independent. He further mentions Town counsel was going to verify there was no connections and asks commission to wait the few weeks until determine Tideview is independent. **D. McCarthy** – comments against putting investigation off and that Town counsel will let commission know if there is any conflict with Tideview. **G. Shaw** – clarifies with Mr. McCarthy that if conflict is found commission will seek another independent investigator. **D. McCarthy** – confirms, explaining it will be Town counsel that determines when and if another investigator will be necessary. **R. Brabazon** – comments on reason MRI was not selected to investigate was commission wanted no affiliation with MRI. He further seeks Mr. McCarthy's clarification that Mr. McCarthy represented at the union meeting that he didn't want any connection to MRI and investigation would be independent. **D. McCarthy** – comments reason didn't want MRI was because they were doing the management study and it was the union that made the allegation there was a connection between MRI and Tideview and doesn't want to delay investigation and defers to town attorney whether this is a conflict. **D. Dion** – suggests having a meeting in two weeks. **D. McCarthy** – comments doesn't understand waiting and sees it as delay tactic, kicking the can down the road. **M. Jacobs** – asks to comment, explaining the department has all these groups studying and questions the money this is costing the town and tax payer. Further comments if there may be connection with Town and Tideview than that wouldn't be totally independent and comments her confusion and belief that the issue was already resolved. **D. McCarthy** – comments the commission is acting on a complaint that they received. **M. Jacobs** – asks why Attorney General's office wouldn't be involved if something was wrong and comments Auburn residents not rich. **D. Dion** – comments the commission did consider the Attorney General's Office. **M. Jacobs** – comments while she has heard some of this issue, wouldn't the Attorney General's Office acted on any improprieties and asks how much more money does the town spend. **D. McCarthy** – comments discussed last month and police department has money and as addressed tonight paid prosecutor additional money tonight and can devote monies to independent investigations if commission feels warranted. **M. Jacobs** – why not use Attorney General. **D. McCarthy** – comments AG doesn't want to get involved. **R. Jacobs** – asks why not. **D. McCarthy** – comments AG feels local issue. **M. Jacobs** – asks if they have been contacted. **D. McCarthy** – comments belief AG was contacted. **M. Jacobs** – asks if AG could come to the next meeting. **D. McCarthy** – comments has no use to see AG since commission has its resolution with independent investigation on allegation and nothing to gain by delaying. **M. Jacobs** – asks the cost for the investigation. **D. McCarthy** – comments the payment is open ended at this time but contracted at the least expensive investigator and had certain certifications. **D. Dion** – looks to move on. **C. Cloutier** – asks if there is a concern why rushing asking the issue with waiting two weeks. **D. McCarthy** – comments doesn't see what will be gained by waiting and that nothing has changed in two or three years with this issue. **D. Dion** – comments his position two weeks is not an unnecessary delay to give union time to respond or reach out to AG at no cost but it was raised at the non-meeting, meeting with Town counsel that possible conflict may exist with AG office and husband attorney representing employee. He further comments he is for study

but does not think waiting few weeks with union involved. **D. McCarthy** – comments union isn't involved or should dictate what commission does and comments Town's attorney said she would look into potential conflict. **T. Gonyea** – comments on approving investigation but qualify it with pending report back from town's counsel but doesn't go to Tideview until its clear there is no conflict. **D. McCarthy** – explains that was what was decided, since town counsel is deciding the scope of the investigation and working on if there is a conflict. **R. Brabazon** – again requests to postpone for two weeks allowing Attorney Peahl or himself to come forward with information that my provide a conflict of interest. **D. Dion** – relates the commission may have to meet in two weeks about employment issues. **J. Davis** – comments on finding out the cost of this investigation explaining his taxes went up 22% last year and stop throwing money around. **D. McCarthy** – comments Tideview could only give an hourly rate. **J. Davis** – reminds the commission to be careful about spending town money and bothered by elected officials not bothered spending town's money. **D. Dion** – explains the police department has never been over budget while he has served on commission. **R. Jacobs** – asked when the complaint about Officer Barry came about. **D. Dion** – comments the complaint came a month ago. **R. Jacobs** – asks why Commissioner McCarthy mentions issue going on for two years. **D. McCarthy** – comments complaint filed last month but situation been going on for a while. **R. Jacobs** – suggests since complaint came last month why not wait two weeks. **D. McCarthy** – comments people have been under cloud for few years. **M. Jacobs** – comments as tax payer are under cloud. **D. McCarthy** – agrees that tax payers are going to be under a big cloud if this issue isn't looked at correctly with tax ramifications if town is sued. **G. Shaw** – comments taking a vote will move this forward and if something comes to light with the lawyers, revisit the selection. **D. Dion** – asks commission to take the vote. **D. McCarthy** – Yes, **G. Shaw** – Yes, **D. Dion** – Opposed. **Motion passes.**

T. Gonyea – comments are the recent changes happening at the Auburn Post Office, explaining for the past five years carriers are dispatched out of Candia and street mail will be coming back to Auburn starting May 14th which will result in more traffic activity in an around the Auburn Post Office. He raises the issue because residents have been using the parking lot for school and town events and this is no longer going to be allowed because post office vehicle and trucks carrying mail will be utilizing that parking.

G. Santuccio – asks Commission to have counsel inform the union if they come up with any connections or conflicts so union is advised up front. He further confirms the commission waives confidentiality. **D. Dion** – confirms.

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

Meeting closed at 8:05 pm.

Minutes approved by _____ on _____.