

**PORTSMOUTH POLICE COMMISSION**  
**MINUTES OF THE FEBRUARY 16<sup>TH</sup>, 2016 MONTHLY POLICE**  
**COMMISSION MEETING**

3:30 p.m. Public Session – Wm. Mortimer Conference Room, PPD, & School Board Conference Room,  
Seybolt Building, City Hall Extension\*\*

**\*\* NOTE: The meeting started in the Wm. Mortimer Conference Room in the Police Department and the commission went into a non-public session immediately, as provided for under RSA 91-A. The public session resumed in the SCHOOL BOARD CONFERENCE ROOM IN THE SEABOLT BUILDING when the non-public session was finished.**

Brenna Cavanaugh, Chair  
Joseph J. Onosko  
Joe Plaia

**I. CALL TO ORDER:** The February 16<sup>th</sup>, 2016 monthly police commission meeting was called to order at 4:17 p.m. in the Wm. Mortimer Conference Room.

(A video archive of 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.")

**ACTION: Commissioner Plaia moved** to go into non-public session as provided for by RSA 91-A:3, II(a).

**Seconded by Commissioner Onosko.**

**On a Roll Call Vote:** The motion passed unanimously to go into non-public session as provided for by RSA 91-A:3, II(a):

Commissioner Cavanaugh: "Aye".

Commissioner Onosko: "Aye".

Commissioner Plaia: "Aye".

The commission went into non-public at 4:17 p.m.

The chair called the public session back to order at: 5:02p.m. in the School Board Conference Room of the Seybolt Building, city hall extension.

**Present during the public session:** Commissioners Cavanaugh, Onosko, and Plaia, Chief Mara, Acting Deputy Chief Frank Warchol, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, members of the public and the press.

**II. PLEDGE OF ALLEGIANCE:** Karen Senecal led the Pledge of Allegiance.

**III. ACCEPTANCE OF THE MINUTES:**

**Action: Commissioner Plaia moved** to accept the minutes of the January 20<sup>th</sup>, 2016 police commission meeting.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept the minutes of the January 20<sup>th</sup>, 2016 police commission meeting.

**Action Commissioner Plaia moved** to discuss changes to the minutes of the January 12<sup>th</sup>, 2016 police commission meeting.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to discuss changes to the minutes of the January 12<sup>th</sup>, 2016 police commission meeting.

Commissioner Plaia felt the wording summarizing the comments of Mr. Brendan DuBois made during the public comment session of the January 12<sup>th</sup>, 2016 meeting should be changed to read: "...expressed dissatisfaction with each commissioner individually, and criticized each commissioner individually.", and that the language from the word, "took", all the way down through the word, "the", be removed.

Commissioner Onosko concurred, saying he felt the current words in the minutes were editorializing Mr. DuBois' comments.

**Action: Commissioner Plaia moved** to remove all the wording from the word, "took", all the way down through the word, "the" from the January 12<sup>th</sup>, 2016 minutes, page 3, item III, second paragraph beginning with the words, "Brendan DuBois", and replace them with, "expressed dissatisfaction with each commissioner individually, and criticized each commissioner individually."

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to remove all the wording from the word, "took", all the way down through the word, "the" from the January 12<sup>th</sup>, 2016 minutes, page 3, item III, second paragraph beginning with the words, "Brendan DuBois", and replace them with, "expressed dissatisfaction with each commissioner individually, and criticized each commissioner individually."

**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.”)

Mr. Brendan DuBois: Exeter – requested a point of privilege to speak as his name was brought up by the commission in the preceding discussion. Mr. DuBois said he wanted to make a short statement that the commission can amend, delete, or replace whatever they wished in the minutes, but what was said was said, and it was the truth. There was a brief exchange between Commissioner Onosko and Mr. DuBois regarding his public comment.

The Chair moved on to ‘Old Business’, the next item on the agenda.

**V. OLD BUSINESS:**

**A.** Commissioner Onosko repeated the two questions the commission had requested a legal opinion on at its December meeting, and summarized the city attorney’s response contained in his memo. (A copy of that memo is part of the February 16<sup>th</sup> 2016 meeting packet posted to the city’s website.)

Commissioner Onosko said the commission respects the city attorney, and at this point in time is satisfied with his ruling. Commissioner Onosko asked what the other commissioners thought about it. Commissioner Plaia said he has not had time to study the memo further and render he own legal opinion, but he respects the opinion of the city attorney, and is content to leave it at that. Commissioner Cavanaugh also said she had not had time to review the memo, but she accepts it at this time.

**VI. NEW BUSINESS:**

**A. POLICE COMMISSION:**

1. Personnel items that require action:

a. Accept the resignation of Auxiliary Officer Dan Fuglestad.

**Action: Commissioner Plaia moved** to accept the resignation of Auxiliary Officer Dan Fuglestad effective January 25<sup>th</sup>, 2016.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept the resignation of Auxiliary Officer Dan Fuglestad effective January 25<sup>th</sup>, 2016.

- b. Accept the notice of retirement from Auxiliary Officer Pat Boyle, effective February 4<sup>th</sup>, 2016. Officer Boyle served the police department for 23 years as both a full-time and auxiliary officer.  
**Action: Commissioner Plaia moved** to accept the notice of retirement from Auxiliary Officer Pat Boyle effective February 4, 2016.  
**Seconded by Commissioner Onosko.**  
**On a Voice Vote:** The motion passed to accept the notice of retirement from Auxiliary Officer Pat Boyle, effective February 4<sup>th</sup>, 2016.
  - c. Accept the resignation of Officer Brian Lewis, effective February 22<sup>nd</sup>, 2016.  
**Action: Commissioner Plaia moved** to accept the resignation of Officer Brian Lewis, effective February 22<sup>nd</sup>, 2016.  
**Seconded by Commissioner Onosko.**  
**On a Voice Vote:** The motioned passed to accept the resignation of Officer Brian Lewis, effective February 22<sup>nd</sup>, 2016.
2. Commissioner Cavanaugh – Discussion of implementation of a nationwide executive search process for a permanent Chief of Police. The Chair recapped briefly, saying she was able to meet with Kim Craven of Public Safety Strategies Group (PSSG) last week, and felt she got answers to her questions. She said she was comfortable with working with PSSG, and asked if the other commissioners wanted Ms. Craven to come and address the commission.

Commissioner Onosko said he would prefer not to use PSSG, for reasons that emerged a few meetings' ago. Chiefly because it was not shared the head of PSSG was putting forward her spouse as an interim police chief candidate. Commissioner Onosko felt this was an ethics issue. The commissioner would like to solicit public input and give the public the chance to have input on the kind of chief they want. He cited the process followed by the school department in their searches. Commissioner Onosko felt the department would save money.

Commissioner Plaia said he would like the information about the other two head hunter organizations the commission had received information on prior to his taking his seat on the commission. He also felt that failure by the PSSG chief executive officer to disclose a pecuniary interest was a "big no-no". The commissioner clarified that he was not saying the fact the

information was not disclosed was a deal breaker, but he would like to explore it a little bit more, as well as take a look at the other companies. He said he wouldn't mind hearing from the public on how they would like us to go about selecting a new chief.

Commissioner Onosko said he would like to hear from Chief Mara on this. The Chief said he agreed with the idea of having a public component. He described several ways of going through a search process. He felt there should be a group of community stakeholders who generate that short list of candidates who would then be interviewed by the commission. Chief Mara said if an experienced search firm can be identified it would streamline the process. Going the other route would be more intensive for the Chief and Commission.

The Chair asked Commissioner Plaia to coordinate with Karen to get the information on the two additional search firms. She said the commission needed to get this underway in the March meeting. In the meantime, Commissioner Cavanaugh encouraged the public to reach out to the commissioners with their thoughts on how they wanted to proceed.

3. National Association of Civilian Oversight of Law Enforcement (NACOLE) conference – The Chair explained the commission has the opportunity to bring the national NACOLE conference to Portsmouth this year. She explained the Portsmouth Police Commission had joined NACOLE last year. A request for proposals (RFP) had been sent out by NACOLE to the membership to identify a host location for their annual conference. Commissioner Cavanaugh met last week with Nancy Carmer, who is the economic development liaison for the city. Ms. Carmer is working with the Portsmouth Chamber of Commerce to get the RFP completed and submitted.

4. The Chair returned to two personnel items on the agenda that had been overlooked.

**Action: Commissioner Plaia moved** to appoint Officer Max Webber to permanent status effective December 15<sup>th</sup>, 2015, his one-year anniversary date.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to appoint Officer Max Webber to permanent status effective December 15<sup>th</sup>, 2015, his one-year anniversary date.

**Action: Commissioner Plaia moved** to appoint Officer Jordan Wells to permanent status effective December 15<sup>th</sup>, 2015, his one-year anniversary date.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to appoint Officer Jordan Wells to permanent status effective December 15<sup>th</sup>, 2015, his one-year anniversary date.

## **B. CHIEF OF POLICE:**

1. Acceptance of a \$30,000 grant from the NH Department of Justice for the 2016 Violence Against Women Grant Program. Commissioner Onosko asked how the grant will be used. Chief Mara explained this is a recurring grant to fund the victim/witness advocate position in the court office. We have to apply for it every year. Commissioner Plaia indicated because of his experience as an attorney, he views this as an essential position. He said there are police departments that don't have one, and it impacts the cases - it is an essential position.

**Action: Commissioner Plaia moved** to accept the grant in the amount of \$30,000 from the NH Department of Justice for the 2016 Violence Against Women Grant Program and forward to the city for their action.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to accept the grant in the amount of \$30,000 from the NH Department of Justice for the 2016 Violence Against Women Grant Program and forward to the city for their action.

2. Chief Mara informed the commission the \$500 donation from Newburyport Five Cent Savings Bank accepted at the January meeting had been allocated to the Explorer Program.
3. Accreditation Update– Two department employees have gone to their first NNEPAC meeting. NNEPAC stands for “Northern New England Police Accreditation Coalition”. Chief Mara said the department has requested a full time civilian position in this budget for an accreditation manager. He answered various questions from the commission on different aspects of this position and the process.
4. Evaluations – the command staff has been looking at the subject of evaluation methods; Chief Mara has been speaking with everyone involved on what this tool might look like. The Chief said he couldn't go into too much detail at this time.

## 5. Financial Report

- VII. PATROL DIVISION** - Contained in the commission packet, not covered in the meeting.
- VIII. COURT OFFICE REPORT** - Contained in the commission packet, confidential document, not covered in the meeting.
- IX. MISCELLANEOUS/OTHER BUSINESS:**  
**Commissioner Plaia** – The commissioner briefly summarized certain events and statements he made while running for office disparaging Acting Deputy Chief Frank Warchol and his testimony in the Goodwin/Webber trial, and calling for his name to be added to the state’s Laurie List. As a result of a very productive lunch meeting with the acting deputy after being sworn in, Commissioner Plaia went on to do his own investigation regarding Deputy Warchol, and is now of a different mind. He said the acting deputy does not deserve to be mentioned in connection with the Laurie List at all. Commissioner Plaia went on to make a public apology to the acting deputy, and the two men shook hands.
- X. NEXT MEETING:** The next police commission meeting is the Public Hearing tomorrow evening, February 17<sup>th</sup>, at 6:00 p.m. The next regular meeting of the police commission will be March 8<sup>th</sup> at 10:00 a.m. in council chambers. The public is welcome.
- XI. MOTION TO ADJOURN**  
There being no further business before the commission, the chair asked for a motion to adjourn.

**Action: Commissioner Plaia moved** to adjourn the February 16<sup>th</sup>, 2016 monthly police commission meeting.

**Seconded by Commissioner Onosko.**

**On a Voice Vote:** The motion passed to adjourn the February 16<sup>th</sup>, 2016 monthly police commission meeting at 5:39 p.m.

*Kathe*

*Respectfully Submitted By Kathleen Levesque, Executive Assistant*

*Joe Plaia*

*Clerk of the Commission*