



Chief Anthony F. Colarusso, Jr.
Chairman

**State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL**
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964



Donald L. Vittum
Director

Approved Minutes

January 26, 2016

The 462nd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 by Chairman Anthony Colarusso, in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman, Chief Anthony Colarusso, Jr.; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; (9:10 a.m.) Deputy Attorney General Ann Rice; Executive Major David Parenteau, New Hampshire State Police; Dr. Ekaterina Hurst, Department of Health and Human Services; President Susan Dunton, Community College System of New Hampshire, Sheriff David Dubois, Strafford County; Chief William Hart, Londonderry Police Department (9:16 a.m.); Sheriff Douglas Dutile, Grafton County; Judge James Carroll, 4th Circuit District Division, Laconia (arrived at 9:12 a.m. and exited at 10:42 a.m.) and Chief David Cahill, Sunapee Police Department.

Members Absent: Chief Enoch Willard, Manchester Police Department Ms. Paula Wall, Crisis Center of Central New Hampshire; and Vice Chairman Commissioner William Wrenn, New Hampshire Department of Corrections.

Staff Present: Director Donald Vittum, Captain Benjamin Jean, Captain Mark Bodanza and Chief Timothy Merrill.

Guests Present: Major Paul Kuhn, United States Border Patrol; Sheriff Gerald Marcoux, Coos County, Senator Forester; Trooper Edward Michno, New Hampshire State Police and Attorney John Krupski; Officer Aaron Chapple, Chief John Raffaely and Sergeant James McIntyre, Northfield Police Department; David Carpenter and Attorney Timothy Goulden, CO Gary Burke, New Hampshire Department of Corrections, and Attorney Richard Lehman; Officer Chris Remillard, Dunbarton Police Department.

Previously Unfinished Business

Border Patrol Arrest Authority

Gerald Marcoux, Coos County Sheriff and Major Paul Kuhn, US Border Patrol, Beecher Falls Station, Canaan, Vermont introduced themselves to the Council.

There is a law enforcement need in the north country that the border patrol usually fills. There is no federal authority for them to act in a police type jurisdiction at a state or county level. New York has a statute similar to the one being proposed in New Hampshire that protects border patrol officers, as does the state of Vermont, allowing border patrol officers to cover local and state laws. The border patrol fills a void for police departments in the north country. The town of Pittsburg has only one officer full

time, the chief. If something happens they will call the border patrol first, and they respond, they will continue to respond. Stewartstown has no police department, it's filled by New Hampshire State Police and Colebrook has four police officers for their town. If there is a situation the border patrol is called and responds, they quell the situation, whether it is domestic violence, driving under the influence or assaults. When the border patrol acts in these situations, there is no federal law to protect them, if it's Title 21 if it's an immigration law, a DEA law there is drug enforcement authority border patrol is covered. There is no coverage when it comes to state and local authority. *When border patrol responds they are working as private citizens.* The request is for some kind of coverage by a statute to cover border patrol officers in a liability sense, to continue on in this manner without the pressure of liability.

A question by a council member confirmed that border patrol officers were certified officers for the states of New York and Vermont, those states deliver an eight hour course to border patrol officers on motor vehicle regulations and basic criminal laws.

Major Kuhn explained that his training had been twenty one weeks at that time, and covered federal laws, physical training, weapons, and use of force. He understood that when Police Standards and Training grants law enforcement certification it is on a case by case basis, looking at the individual's education history and comparing it to the curriculum at Police Standards and Training, and then researching what the individual needed to fill in the gaps to be approved as a certified officer for New Hampshire. This certification process would only be applicable to the border patrol at this time, it's not for all federal law enforcement authority throughout the state; the border patrol has a special situation in Coos County.

Sheriff Dutile explained that this came about because of a proposal for a legislative change by Senator Woodburn, which was sent to staff at Police Standards and Training for their review and input for changes. The proposal is based upon the Vermont law, giving border patrol authority in the state of Vermont.

Sheriff Marcoux explained that the north country officers have a grant to assist border patrol officers, and that as it stands, the local officer must be with a border patrol officer in case a state law is violated. He supports the proposed law as a resource for Coos County.

Discussion ensued amongst council members regarding educational requirements and expectations, the language of the bill.

When asked, Major Kuhn stated that border patrol responded at least once in a two day period in these type situations. Deputy Attorney General Ann Rice was asked if she had any concerns on a state level, to which she replied that the way that the proposed legislation was limited to only border patrol in one particular area in the state, she agreed that there is currently a liability issue that should be addressed.

Further discussion ensued about consistency of training for a full time New Hampshire Law Enforcement Certification. Major Kuhn stated that he would was not making any recommendation as to the level of training required for border patrol officers to receive a

New Hampshire certification, he deferred to PSTC's determination, and said that the border patrol would fall in line with the recommendations, and fund the certification.

Chairman Colarusso summarized, stating that when the statute was approved, Director Vittum would go to the Council with recommendations for the training of the officers. Staff may be able to tailor the training program for the border patrol officers to satisfy the Council.

Sheriff Dubois asked about the fitness training exception. Major Kuhn agreed that fitness was important, but there may be issues with the union if it was made a requirement when they are not required federally to do the same. New Hampshire Unions may see that and it may be an unintended consequence; it would separate the border patrol from any other group PSTC certifies. Further discussion included the specificity of the law; it is for border patrol officers, only to gain New Hampshire police certification.

Motion by Deputy Attorney General Ann Rice, seconded by Chief Cahill, to support the bill with the recommendations from PSTC staff. The council vote was unanimous in favor of the motion.

Approval of Minutes

Motion by Sheriff Dutile, seconded by Chief Hart for the Council to approve the minutes of December 15, 2015. The council vote was unanimous in favor of the motion, with Deputy Attorney General Ann Rice abstaining from the vote.

Gary Burke reinstatement of certification

CO Gary Burke from New Hampshire Department of Corrections was present with his attorney, Richard Lehman.

When asked, they agreed to a public session.

Captain Mark Bodanza summarized Gary Burke's history, the temporary suspension of his Correction's Officer certification, Pol 402.02 (b) July 28, 2015 by the Council, pending the result from criminal charges. On December 10, 2015 Gary Burke was found not guilty of all the charges, the case has been disposed of completely. The Council requires the individual to come back in case of certification issues to be resolved.

Richard Lehman introduced himself as CO Burke's attorney in this matter. He stated that after a three day trial the jury acquitted Gary Burke. He asked the Council to reinstate his client's certification. There were no employment issues with Department of Corrections.

Motion by Sheriff Dubois, seconded by Chief Hart, to reinstate the certification of CO Gary Burke. The vote was unanimous in favor of the motion.

Several items on the agenda had been issued continuances until February, two temporary suspension hearings and a hearing on three year fitness testing.

Trooper Edward Michno, New Hampshire State Police Pol 404.06, 404.07, RSA 188-F:27

Major Parenteau recused himself from this matter.

Attorney John Krupski was present with his client, Edward Michno. They requested a nonpublic session.

Motion to begin a nonpublic session by Judge Gardner, seconded by Chief Cahill, the roll call vote was unanimous in favor of the motion.

At 9:42 the council began a nonpublic session.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Chief Hart, the roll call vote was unanimous in favor of the motion.

At 10:02 am. the meeting was back in public session.

Motion to seal by Deputy Attorney General Ann Rice, seconded by Judge Carroll, the vote was unanimous in favor of the motion.

Motion by Deputy Attorney General Ann Rice, seconded by Sheriff Dubois to not take any further action on the certification of Trooper Edward Michno. Council vote was unanimous in favor of the motion.

Aaron Chapple, Northfield Police Department, Pol 404.06, 404.07, RSA 188-F:27

Officer Aaron Chapple was present with Chief John Raffaelly and Sgt James McIntyre.

When asked, Officer Chapple preferred a non public session for his hearing.

Motion for a nonpublic session by Dr. Hurst, seconded by DAG Ann Rice, the roll call vote was unanimous in favor of the motion.

At 10:04 am the Council began a nonpublic session.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Judge Gardner the roll call vote was unanimous in favor of the motion.

At 10:19 a.m. the Council was back in public session.

Motion to seal the minutes of the nonpublic session by Judge Carroll, seconded by DAG Rice, the vote was unanimous in favor of the motion.

Motion by Sheriff Dubois, seconded by DAG Rice there is a clear violation of the rule Pol 404.06 and Pol 404.07 by Officer Chapple, with no further action by the Council. The vote was unanimous in favor of the motion.

David Carpenter, request for reinstatement of certification.

Attorney Timothy Goulden was present with his client, David Carpenter.

Attorney Goulden stated they chose to proceed with a nonpublic session.

Motion to begin a nonpublic session by Major Parenteau, seconded by Judge Carroll, the roll call vote was unanimous in favor of the motion.

At 10:22 council members began a nonpublic session.

Motion to exit the nonpublic session by Deputy Attorney General Ann Rice, seconded by Sheriff Dubois, the roll call vote was unanimous in favor of the motion.

The Council was out of the nonpublic session at 11:03 a.m.

Motion to seal the minutes by Sheriff Dubois, seconded by Judge Gardner, the vote was unanimous in favor of the motion.

Motion by Major Parenteau, to discuss in private amongst the Council members because of the unique situation that it will have a profound effect on his continued law enforcement career, the fact of the matter is that we have a Laurie candidate we're dealing with a situation that is in the core of all police officers and their integrity and their career so the motion would be to discuss this and make a decision at a later time.

Chairman Colarusso deferred to the staff, stating that discussion can be in nonpublic session, but not without the parties being present.

The hearing today is for a ruling on David Carpenter's petition for rescission, rescinding the revocation, and making David Carpenter eligible for employment and certification.

Motion by Sheriff Dubois, time limits have passed that allow for rescission, there has not been anything presented to prevent the rescission from taking place given the fact that a recognized law enforcement agency has vetted this individual and decided he's appropriate for hire and would move to rescind. The motion was seconded by Deputy Attorney General Ann Rice.

The Council members discussed the motion, confirming that the rescission was necessary before recertification could occur, to allow him to be eligible for certification. *It was again stated that no specifics on the case can be discussed in public session, however, the individual's credibility would always be questioned, from a simple issue to a serious issue, every time the officer testifies.*

Further discussion ensued, the communities and the victims are owed the best possible candidates to fill positions, the mistake that was made was job related, and in the business of certifying law enforcement it is difficult to get past it. The rescission lists that the circumstances have changed, however, credibility is credibility. In the Attorney General's memo regarding Laurie, there is no longer a ten year time limit for Laurie.

Further discussion ensued about the rule and the form B submitted, discharge or resignation in lieu of dismissal; David Carpenter's form B was negotiated resignation, the facts being different than the form. There was a negotiation.

Motion to return to a nonpublic session by Sheriff Dubois, seconded by Chief Hart, the roll call vote was unanimous in favor of the motion.

At 11:15 a.m. the council went back into a nonpublic session on the David Carpenter matter.

Motion to exit the nonpublic by Sheriff Dutile, seconded by Judge Gardner, the roll call vote was unanimous in favor of the motion.

At 11:22 a.m. the meeting was back in public session.

Motion by Sheriff Dubois, seconded by Chief Hart to seal the minutes of the nonpublic session. The council vote was unanimous in favor of the motion.

The motion on the table by Sheriff Dubois, seconded by DAG Rice, the Chairman called for a show of hands on the vote, four in favor and six opposed, the motion failed.

Inaction by the Council in the matter would result in David Carpenter not being allowed to re-apply.

Motion by Sheriff Dutile, seconded by Judge Gardner to deny the request for rescission by David Carpenter, in favor six opposed, four. The motion passed.

At 11:25 Council recessed for a break.

At 11: 34 a.m. the Council meeting was back in session.

Request by the Dunbarton Police Department

Sargeant Chris Remillard of the Dunbarton Police Department was present with a request from his agency.

Motion to begin a nonpublic session for personnel matters, by Major Parenteau, seconded by Judge Gardner, the roll call vote was unanimous in favor of the motion.

At 11:35 the Council began a nonpublic session.

Motion to exit the nonpublic session by Chief Hart, seconded by Dr. Hurst, the roll call vote was unanimous in favor of the motion.

At 11:56 the council was back in public session.

Motion to seal by Sheriff Dubois, seconded by Chief Hart, the vote was unanimous in favor of the motion.

Motion by Sheriff Dubois, seconded by Chief Hart, that based upon what is known it's clear that Brian Tyler did sell in violation of the RSA but the conduct occurred when he was a juvenile, did not demonstrate a lack of good moral character, and there was not an excessive profit made, therefore I would move that we give no restriction on moving forward with the applicant. The Council vote was unanimous in favor of the motion.

Kevin Martel, Winchester Police Department, Pol 402.02 (b) temporary suspension

Kevin Martel was not present for the hearing. Captain Bodanza summarized the case for Council members.

Council rule Pol 402.02(b) A certification shall be temporarily suspended pending resolution of criminal charges if the officer has been arrested, indicted or bound over either prior to or after certification for a felony or any crime involving moral turpitude or of a crime which tends to bring discredit on the police, corrections, or probation/parole unless the safety of the public or the confidence in the criminal justice system would not be adversely affected.

Kevin Martel was hired by the Winchester Police Department as a full time officer on April 20, 2014, Staff Exhibit A.

He received his full time police certification on August 22, 2015, Staff Exhibit B.

On October 15, 2015 Kevin Martel was arrested by New Hampshire State Police for Reckless Conduct with a Firearm, RSA 631:3, the Form G notice of arrest was provided by his own agency, by Chief Gary Phillips, Staff Exhibit C.

On November 13, 2015 two complaints were filed with the 8th Circuit District Division, Keene District Court, reflecting that on August 21, 2015 at 9:40 p.m.

Kevin Martel committed the offense of Criminal Threatening with a Deadly Weapon, RSA 631:4, I(a), a class B Felony

Inchoate:

(Sentence Enhancer): Use of a Deadly Weapon as Defined by NH RSA 625:11V

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did purposely by placing or attempting to place another, to wit, Joshua Parda in fear of imminent bodily injury by physical conduct, to wit, by pointing a loaded firearm at the victim, Joshua Parda.

Kevin Martel committed the offense of Reckless Conduct, RSA 631:3, a class B Felony

Inchoate:

(Sentence Enhancer): Use of a Deadly Weapon as Defined by NH RSA 625:11V

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did while driving a motor vehicle upon a public way did unholster a loaded firearm, a deadly weapon, and point said firearm out of the driver's window of the

vehicle in the direction of at least one person and potentially occupied dwelling(s) thereby recklessly engaging in conduct which placed or may have placed another in danger of serious bodily injury.

On January 19, 2016 staff at PSTC learned from a phone call from Kevin Martel that he would not attend the hearing, he resigned from the Winchester Police Department and was employed in a civilian position, he understands that his certification may be suspended on a temporary basis, and then potentially permanently. Further inquiry to Chief Phillips confirmed the resignation of Kevin Martel from the Winchester Police Department; the chief faxed a copy of a letter and of the resignation Form B, dated December 21, 2015, Staff Exhibit E1-E4.

There were no questions from Council members

Motion by DAG Rice to temporarily suspend the certification of Kevin Martel, seconded by President Dunton, as failure to do so would adversely affect the criminal justice system, pending resolution of the charges, and further order of the Council. The council vote was unanimous in favor of the motion, with Major Parenteau abstaining from the vote.

Mark Richardson final hearing

Captain Bodanza explained that Mark Richardson's certification had already been temporarily suspended pending resolution of the criminal matter. On October 5, 2015 Mark Richardson plead guilty to misdemeanor simple assault by an on duty law enforcement officer, RSA 631:2-a; RSA 651:6, I (h) and RSA 651:6, III. On November 12, 2015 he was sentenced to twelve months in the house of corrections stand committed all but twenty one days were suspended for good behavior and compliance with terms and conditions of the order. Suspended sentence to begin forthwith (November 12, 2015) and ending in two years. Mark Richardson must participate in counseling, treatment and educational programs as directed by corrections authority or probation/parole. He shall not seek employment in any law enforcement capacity.

Council rule Pol 402.02 provides:

(a) The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(3) The officer has been convicted either prior to or after certification of a misdemeanor for which there was a sentence of incarceration, regardless of whether all or part of the sentence was suspended;

(4) The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to:

b. Assault;

On August 24, 1999 Mark Richardson was hired as a part time officer the Seabrook Police Department, Staff Exhibit A.

On November 13, 1999 Mark Richardson received his part time police certification, Staff Exhibit B.

On April 9, he was hired as a full time officer for Seabrook and relinquished his part time position there, Staff Exhibits C and D.

On November 16, 2001 he received his full time police certification, Staff Exhibit E.

January 7, 2014 Police Standards and Training staff received a Form B notification that Mark Richardson had been placed on administrative leave by the Seabrook Police Department, Staff Exhibit F.

Mark Richardson was indicted by the Rockingham County Superior Court on April 4, 2014 for simple assault by an on-duty law enforcement officer, RSA 631:2-a; RSA 651:6, I (h) and RSA 651:6, III, the event occurred on November 11, 2009, in Seabrook New Hampshire. Mark Richardson knowingly caused unprivileged physical contact to Michael Bergeron, Jr. by slamming his head into a concrete wall, at the time he committed the assault he was an on-duty officer with the town of Seabrook, Staff Exhibit G.

On April 11, 2014 Director Vittum sent a notice of hearing for temporary suspension, Pol 402.02 (b) to Mark Richardson, to appear at the April 22, 2014 Council meeting, Staff Exhibit H1 to H5.

During the April 22, 2014 hearing for Mark Richardson, Council members voted to temporarily suspend his certification, Staff Exhibit I1 to I2.

On July 23, 2014 Mark Richardson was discharged from employment with the Seabrook Police Department, Form B, Staff Exhibit J.

On July 30, 2014 staff of PSTC sent a letter to Seabrook PD to inquire if the reason for discharge was due to violations of Pol 402.02 (a), Staff Exhibit K.

August 8, 2014 staff at PSTC received a letter from the Seabrook Police Department, enclosing a copy of that agency's investigative report for the incident involving Mark Richardson.

If the Council were to review the reports they would learn that the Town of Seabrook hired Municipal Resources Inc, "MRI" to investigate the November 2009 incident, which came to light on January 6, 2014 through a YouTube video. The video shows Mark Richardson escorting Michael Bergeron down the cell area hallway. Per the MRI report, "Officer Richardson in a forceful and continuous motion straightened out Bergeron's left arm and grabbing Bergeron's left shoulder with his right hand propelled Bergeron's head and chest forcefully into the hallway wall".

The agency found that Officer Mark Richardson violated conduct unbecoming an officer and excessive use of force. Staff Exhibit L1 through L67.

Staff Exhibit M1 through M8 are the indictments, and sentencing documents in the case.

The question before the Council is whether or not Council shall suspend under Council rule Pol 402.02 section three and four subsection b for conviction of assault while a police officer and finding no other circumstances to do otherwise.

Motion by Sheriff Dubois, seconded by Chief Cahill, to revoke the certification of Mark Richardson, as the court ordered that he may never be certified as a New Hampshire officer, and, there is no exception under section e to do otherwise.

In answer to a question, Captain Bodanza stated that revocation of a certification is permanent, however, and individual whose certification has been revoked cannot ask for reinstatement for two years.

The Council vote was unanimous in favor of the motion, with Deputy Attorney General Ann Rice recusing herself from the vote.

Human Rights Commission Complaint

Staff summarizes that an individual alleges that he called and spoke to someone at the academy regarding accommodations for the entrance fitness test, and that he did not receive a response. There is no indication from anyone on staff that they received this request. The Attorney General's officer will follow up on this issue for PSTC.

Anonymous complaint

Motion by Chief Cahill, seconded by Sheriff Dutile, to give direction to the staff to have a meeting or conversation with the chief informing him or her of the letter in hopes that the allegation is researched. The vote by Council was unanimous in favor of the motion.

CONSENT CALENDAR

PT&E Requests

Officer Holly Harris, Plymouth State University Police Department,
(DOH: 11/30/15) Will be granted certification upon successful completion of the medical exam, and entrance fitness test.

Chief David Mara, Portsmouth Police Department

(DOH: 01/04/16) Will be granted certification upon successful completion of the medical exam, and the entrance fitness test.

Officer Matthew Flynn, Seabrook Police Department

(DOH: 09/23/15) Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy.

Officer James Mayers, Newport Police Department

(DOH: 01/01/16) Will be granted certification upon successful completion of the medical exam, and the entrance fitness test.

Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

Full-Time Police Officer Academy

169th Academy January 4, 2016 to April 22, 2016, entrance fitness test December 21, 2015

170th Academy May 2, 2016 to August 18, 2016, entrance fitness test April 18, 2016

171st Academy August 29, 2016 to December 16, 2016, entrance fitness test August 15, 2016

Part Time Officer Academy

271st Academy, February 2, 2016 to May 6, 2016, entrance fitness test January 23, 2016

272nd Academy, August 13, 2016 to November 18, 2016, entrance fitness test July 30, 2016

Corrections Officer Academy

102nd Academy, February 16, 2016 to April 15, 2016, entrance fitness test February 2, 2016

Elizabeth Murray, Tilton Police Department (DOH: 08/06/15) Not Part-time certified Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 170th academy and may continue working only in the direct presence of a certified officer

Garrett Beck, Bristol Police Department (DOH: 10/25/15) Part-Time certified Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 170th academy.

Donna Magdycz, Chesterfield Police Department (DOH: 09/08/15) Not Part-time certified. Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 169th academy and may continue working only in the direct presence of a certified officer.

Austin Fuller, Fitzwilliam Police Department (DOH: 09/01/15) Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 271st Part Time Academy and may continue working only in the direct presence of a certified officer.

Daniel Moore, Fitzwilliam Police Department (DOH: 09/01/15) Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 271st Part Time Academy and may continue working only in the direct presence of a certified officer.

Ongoing Physical Fitness Testing Request for Medical Extensions

The following officers were granted medical extensions for fitness testing until June 30, 2016

Due to test in 2014

James Cailler, Merrimack County Pretrial Services

Gary Robinson, Tilton Police Department

Due to test in 2015

Joseph Lamagna, Hampton Police Department

Thomas Dubois, Manchester Police Department

Stephen Akerstrom, Belmont Police Department

Dennis Orbino, Alton Police Department

Scott Naismith, Salem Police Department

Sean Leach, Farmington Police Department

Adam King, Londonderry Police Department

Andrew Cammilleri, Atkinson Police Department

Michael Bouton, Whitefield Police Department

Brian Pelchat, New Hampshire Department of Corrections.

(END OF APPROVED CONSENT CALENDAR)

Motion to approve the consent calendar including **addendum item** three by Chief Cahill, seconded by Judge Gardner. Chief Hart asked to be recused

from the vote of the Londonderry Officer. The Council vote was unanimous in favor of the motion.

John O'Brien, New Hampshire Department of Corrections Medical Extension Request, nonconsent

Captain Bodanza explained that a medical extension is very specific regarding a medical condition other than an illness, and that is required. Does the Council accept a medical extension for someone with a cough or hay fever or other symptomatic issues, versus someone with a broken leg, or surgery? Does the illness meet the consideration for granting an extension?

Motion by Chief Cahill, seconded by Sheriff Dutile, to grant a 90 day extension to John O'Brien, he may present an approved medical clearance report form and complete testing in the ninety day extension period, but if he is unable to participate in testing before the end of 90 days, he must come before the Council to discuss the extension. The council vote was unanimous in favor of the motion.

Officer Gene Cuomo, Fitzwilliam Police Department request for extension

Captain Bodanza explained that Mr. Cuomo's date of hire was October 1, 2014, he has come for the fitness test for at least one part time academy but then due to difficult family situations he was not able to participate in entrance testing due to injuries. They are asking for him to continue but his two years will be up before another part time academy graduation. The law allows extension for up to two years but then if the person is not certified by then, they cannot continue to work. The question for the council is whether he can come to the academy but not work as a law enforcement officer.

According to Director Vittum, the chief of Fitzwilliam will be coming in next to speak with council members.

Motion by Sheriff Dutile, seconded by Chief Cahill, to grant the extension to Officer Gene Cuomo, the Council vote was unanimous in favor of the motion.

Stephen Ramsey, New Hampshire Department of Corrections

This is a non consent item as it is a request for an extension for him to continue employment but also to allow him to attend the next Corrections Academy. This will be his third Corrections Academy, the first one he attended and was not successful, they terminated him and re hired him, they sent him to the next academy available he was not successful in that, and they are now asking the council if he can come to a third academy.

Motion by Sheriff Dutile, seconded by Chief Cahill; to deny the request of Department of Corrections for Stephen Ramsey, due to the Council not having statutory authority to grant the request for the two year certification requirement period. The council vote was unanimous in favor of the motion.

Request by The Cub Scouts

The Cub Scouts have used the PSTC facility in the past. The cost for the day regarding custodial staff is for four hours, 150-200 dollars, with no objections.

Jen Bailey Request

Was not present, and no action was taken.

Gifts from Somersworth Police Department to Director Vittum

Motion by Chief Cahill to allow Director Vittum to accept the gifts, The motion was seconded by DAG Ann Rice, and voted in favor unanimously by Council members.

Calendar for 2016

The December meeting date will be the 20th.

February Session

Judge Gardner and Chairman Colarusso are unable to attend due to school vacations.

Nonpublic Session

Director's Report
Financial Report

At 12:35 the Council began a nonpublic session, with meeting minutes to be drafted by Chief Hart

Motion for nonpublic session by DAG Rice, seconded by Sheriff Dutile, to discuss a personnel matter. Roll call vote was unanimous in favor of the motion.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council, #463 will be held on February 23, 2016 at nine o'clock in the morning.

Motion to adjourn was made and seconded, and the Council vote was unanimous in favor of the motion to adjourn the meeting at 1:00.

Respectfully submitted,



Chairman Anthony F. Colarusso, Jr.