

MINUTES

August 29, 2006

The 351st Meeting of the NH Police Standards and Training Council was called to order at 9:01 a.m. by Chairman Michael L. Prozzo, Jr., of the Sullivan County Sheriff's Department in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members Present: Chief Michael J. Magnant, Portsmouth Police Department; Chief Timothy Russell, Henniker Police Department; Chief Gregory C. Dodge, Epping Police Department; Chief Peter P. Morency, Berlin Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Associate Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Executive Major Barry Hunter designee of Colonel Frederick H. Booth, NH State Police; Commissioner William L. Wrenn, Jr., Department of Corrections; Deputy Commissioner Charles Annal, designee of Commissioner William G. Simonton of the NH Community Technical College System; and Deputy Attorney General Bud Fitch, designee of Attorney General Kelly A. Ayotte.

Staff Present: Director Keith H. Lohmann, Paralegal Cassandra Erickson and Secretary Denise Crocker; Assistant Director Robert B. Stafford, Jr., was excused from the meeting due to a prior commitment.

Colonel Frederick H. Booth, NH State Police, and Attorney General Kelly A. Ayotte. were excused from today's meeting due to prior commitments.

Guests: Chief Kevin Cyr, Newmarket Police Department; Lieutenant Kyle True, Newmarket Police Department; Robert Jordan, Newmarket Police Department. President Lynn Kilchenstein, NHTI; Steve Caccia, VP Student Affairs, NHTI. Butch Burbank, Local Government Center; Deputy Chief Paul V. Stavenger, Merrimack Police Department; Chief William F. Mulligan, Merrimack Police Department; and Chief David C. Bailey, Bedford Police Department.

Approval of Minutes

Following a motion by Sheriff Carr, seconded by Judge Roberts, the Council voted unanimously to accept the Minutes of the July 25, 2006 meeting as presented.

Director's Report

Police Academy. This Police Academy tested 95 recruits and 85 passed. Because of the ratio of males to females every recruit was accepted. The Academy actually began with 84 recruits on Monday, August 28th. The staff has some concerns with running an Academy of this size. Historically, however, there have been six occasions in which there have been Academies with numbers in the mid- to high seventies. This is, however, the largest Academy that has ever been done. Five staff members have been assigned and two Cadres. The schedule has been manipulated to allot an extra day for firearms and driving to accommodate the numbers. The Director has asked the staff to take notes of what works and what doesn't during this session to determine whether this size Academy is functional. The Academy is now at physical capacity. After this Academy completes itself the staff will provide data to determine whether a maximum capacity at less than the physical capacity should be set to provide a quality program. Chief Morency, as well as other Council Members, voiced their concerns about quality versus capacity.

There were also 10 law package students which could not be accommodated in the lecture hall. Retrofitting Classroom 3 with interactive video conferencing was in progress to accommodate these students. If that doesn't work the entire group will be moved to the TAC center for that class.

Budget/Revenue. The 08/09 Budget process is underway at this time. Assistant Director Bob Stafford is heading this preparation process. The target is a 4% increase per year and the current proposal that is being worked on looks like we will be close to meeting that 4% goal. Last year HB-2 raised the fines and lowered the percentages to PSTC. As a result, we ended up with about \$120,000 in additional revenue from HB-2, and about \$80,000 in revenue from DOC. The expectation is that in FY 07 (before the repeal of HB-2 takes effect), we will garner between \$250,000 and \$350,000 in additional revenue. That means that we should have between \$3.4 and \$3.45 Million in revenue in FY 07. Our budget for the year is a bit over \$3.7 M, so depending on how much we lapse, we may or may not be in the red for FY 07.

CALEA. The Director summarized his trip to Kentucky and his presentation to CALEA at their conference. CALEA voted to stand by their original decision regarding the Alliance agreement in that all 100 standards would have to be met, including 16.3.3. New Hampshire is, therefore, no longer a member of CALEA's Alliance program. The Director advised the Council that staff is already in process of developing an in-state recognition program. Mr. Burbank from the Local Government Center was present and made the statement that their organization does support CALEA's recognition and accreditation programs, as well as a state recognition program. Chairman Prozzo noted that simply because New Hampshire no longer has an Alliance Agreement with CALEA that does not preclude departments from applying for CALEA recognition and/or accreditation. It will just cost the department more to do so. Chief Russell has independently researched independent recognition programs and restated his support for the Council's decision to end the membership with the CALEA Alliance program.

Training Calendar. The Council Members were handed a copy of the current training calendar. The calendar is currently up on the web and is in process of being mailed to all the departments.

PRESENTATION – NHTI Cafeteria Expansion

NHTI President Lynn Kilchenstein and Steve Caccia, Vice President of Student Affairs spoke to the Council about the need to expand the NHTI Cafeteria and the role of PSTC in that process. The college is requesting that PSTC contribute \$400,000 to the project which they feel is commensurate with the special servery and space needs of the cadets. The monies could be paid in one payment or over the life of the twenty-year bond.

NHTI has agreed to have a representative from PSTC sit on the design committee to provide input on PSTC's needs. Council members asked questions about how NHTI arrived at that amount and whether the amount being asked for was equitable to the time, space and meals being served to the cadets. Director Lohmann explained that PSTC does not pay NHTI for the use of the cafeteria. PSTC contracts with the food service company, Chartwell's, and there is some incidental overhead built into that contract for equipment repair and other unforeseen issues with the cafeteria. Director Lohmann and President Kilchenstein expressed the desire to continue the cooperative nature of the relationship between the agencies. Judge Champagne asked whether changing the times the cadets arrived would ease some of the congestion in the cafeteria. Vice President Caccia explained the student and faculty schedule allowed an hour for lunch and the Academy staggered the Corrections and recruit lunches to allow for a cushion of time that NHTI could get into the cafeteria. However, due to the volume of recruits going through the line, whenever they arrived it would inevitably interfere with the lunch hour allowed for NHTI students and faculty. The Council members agreed to send all questions to Director Lohmann to be forwarded to President Kilchenstein and Vice President Caccia for discussion at the September meeting. President Kilchenstein expressed the need for a timely decision as that would affect the design plans.

Old Business

Michael E. Crowell, Loudon Police Department

The Director answered the Council's questions regarding why Mr. Crowell had resigned from the Webster Police Department and indicated that after speaking with Chief Milano that the Chief was not averse to Mr. Crowell being employed by the Loudon Police Department. Council Members were satisfied with the information the Director had provided. The Council then acted on Mr. Crowell's original request for PT&E. On a motion by Judge Champagne, seconded by Chief Russell, to accept staff's recommen-

dation on the matrix form and grant part-time certification with successful completion of his attendance at the entire the Part-Time School, the Council voted unanimously to accept staff recommendation.

New Business

Decertification/Suspensions/Revocations/Surrenders.

Jeffrey S. Buskey, formerly from the Sanbornton Police Department for violation of Pol 402.02 (a)(5). Mr. Buskey was discharged from police employment for reasons of a lack of moral character, moral turpitude and acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state or nation. Staff Exhibits:

Exhibit A - Employee Status Notification Form A, dated January 28, 2002

Exhibit B - Employee Status Notification Form B, dated August 3, 2004

Exhibit C - Full-Time Officer Certification, dated June 28, 2002

Exhibit D - Copy of internal investigation from Sanbornton Police Department

Synopsis: Mr. Buskey had been borrowing money from a local merchant. On February 1, 2004 he wrote a personal check for repayment of a loan for \$1,000.00 to the merchant: \$800.00 in prior loans and \$200.00 for money borrowed on February 1, 2004. The check was deposited twice and returned not paid due to insufficient funds.

The merchant sent Mr. Buskey, via certified mail, a letter requesting payment within 14 days which Mr. Buskey signed for on April 1, 2004. The check was not paid. Chief Barton began an internal investigation in May, 2004. The merchant requested that Chief Barton wait 30 more days to allow Mr. Buskey to make good on the check.

In June, 2004, Mr. Buskey went to the merchant's home and told him he was under investigation and would lose his job unless he obtained a signed receipt saying the debt was paid in full and offered the merchant three (3) post dated checks. The merchant stated he would sign the receipt if Mr. Buskey put the correct date, June 23, 2004, on the checks and further agreed to deposit the checks on the dates Mr. Buskey had originally written on them. Mr. Buskey put the correct dates on the checks knowing he did not have enough money to cover the checks in his account.

Those checks cleared and the loan was paid in full. During all the discussions and negotiations with the merchant, Mr. Buskey was in full uniform.

The case was delayed in coming to the Council because the termination was appealed to the Supreme Court and upheld in May, 2006.

Jeff Buskey called Cassie after the decision (June 1, 2006) and told her he would have his Attorney contact her with the details of witnesses, time needed etc. When she was not contacted, Cassie tried calling Mr. Buskey back at the phone number she had; but it was disconnected. There was no listing in the phone book. When Cassie sent the certified mail to

the last known address on file, it was returned.

On a motion by Judge Champagne, seconded by Chief Magnant to decertify Jeff Buskey for violation of Pol 402.02 (a)(5), the Council voted unanimously to decertify Mr. Buskey for his actions.

David Lange, formerly from the Nashua Police Department for violation of Pol 402.02 (a)(5). He was discharged from police employment for reasons of a lack of moral character, moral turpitude and acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness and respect for the rights of others and for the laws of the state or nation. Staff exhibits were

Exhibit A - Employee Status Notification Form A, dated August 7, 1987

Exhibit B - Employee Status Notification Form B, dated October 1, 2005

Exhibit C - Full-Time Officer Certification, dated August 19, 1988

Exhibit D - Copy of Arbitration decision

Synopsis: Mr. Lange is a resident of Billerica, MA. On July 5, 2005, his neighbor filed a complaint against him with the Nashua Police Department regarding off-duty conduct. She claimed he had been harassing her for over a year by yelling profanities at her and her husband. This harassment started when she objected to the way his children were riding go-carts in the street.

It was sustained during the termination proceedings that in January, 2005, Mr. Lange drove by the neighbor's residence and yelled 'you fucking cunt' out his window. This was witnessed by another neighbor.

Also, on June 24, 2005, he again drove by the neighbor's house, slowed down and yelled 'fuck off'. This was witnessed by a friend of theirs. They then made a complaint to the Billerica Police Department who investigated but no charges were filed.

On June 30, 2005, Mr. Lange again yelled 'fuck you' to the male neighbor. It was then they made the complaint to Nashua Police Department. As a result of the complaint, Mr. Lange was instructed not to have contact with his neighbor.

On August 29, 2005, the neighbor reported Mr. Lange drove by her home several times on a motorcycle and revved his engine loudly. The Billerica Police were called and instructed him to put the motorcycles away. Later that same evening, Mr. Lange walked his dog near their house and yelled 'fuck you' and 'fuck off'.

There were allegations of an anonymous complaint to Daycare Licensing about a sex offender living in the neighborhood to shut down the neighbor's in home daycare. Those allegations were sustained during the administrative investigation but were not addressed in the arbitration decision.

On a motion by Judge Champagne, seconded by Judge Roberts to decertify David Lange for violation of Pol 402.02 (a)(5), the Council voted unanimously to decertify Mr. Lange for his actions.

Prior Training and Experience Requests

Christopher P. Cunningham, Manchester Police Department. In the matter of the PT&E request of Christopher Cunningham, on a motion by Commissioner Wrenn, seconded by Judge Roberts, that PT&E be denied to Christopher Cunningham as a result of an incomplete application, the Council voted unanimously to deny the PT&E request for full-time certification to Christopher Cunningham for incomplete paperwork. Then on a motion by Commissioner Wrenn, seconded by Judge Champagne that a letter be sent to Chief Jaskolka requesting him to review the background investigation and respond to the Council, the Council voted unanimously to have the Director send a letter to the Chief asking him to respond to the request to insure to the Council that no violations of Council rules exist.

Seth L. Gahr NH State Police. In the matter of the PT&E request of Seth Gahr, on a motion by Judge Roberts, seconded by Judge Champagne, that Seth Gahr of the NH State Police be granted PT&E for full-time certification based upon staff recommendation, the Council voted unanimously, with Executive Major Hunter abstaining from the vote, to grant Seth Gahr full-time certification upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

Edwin D. Pitman Marine Patrol. In the matter of the PT&E request of Edwin Pitman, on a motion by Commissioner Wrenn, seconded by Chief Morency, that Edwin Pitman of the Marine Patrol be granted PT&E for part-time certification and a waiver of the 1300 hours rule, based upon staff recommendation, the Council voted unanimously to grant Edwin Pitman part-time certification upon successful completion of the NH Law Package at the Full-Time Academy and further to grant him a waiver of the 1300-hours rule and permission to work unlimited hours based on his full-time certification in Florida.

Norman Brown, Superintendent of the Coos County House of Corrections. No action was needed on this item as the request was withdrawn.

Requests for Extensions

Full-Time

Annie E. Cole, Lee Police Department

After the Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council

voted unanimously to grant the extension through the 142nd Full-Time Academy to Officer Cole, Lee Police Department.

Randy H. Young, Strafford Police Department

After the Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council voted unanimously to grant the extension through the 142nd Full-Time Academy to Officer Young, Strafford Police Department.

Tracy Trammell, Sanbornton Police Department

After the Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Commissioner Wrenn, seconded by Chief Russell, the Council voted unanimously to **deny** the extension through the 142nd Full-Time Academy to Officer Trammell, Sanbornton Police Department due to the fact that Officer Trammell will reach the statutory limit to become certified in March 07.

Matthew T. Crow, New Boston Police Department

After the Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council voted unanimously to grant the extension through the 142nd Full-Time Academy to Officer Crow, New Boston Police Department with the stipulation that Officer Crow be closely supervised by a full-time certified officer until he has completed the Academy.

David B. Perry, Grafton County Sheriff's Department

This request was withdrawn since David Perry has resigned from the department.

Cecilia Peterson, DOC

After the Director outlined the reason for the request for extension through September 30, 2006, on a motion by Judge Roberts, seconded by Chief Russell, with Commissioner Wrenn abstaining from the vote, the Council voted unanimously to grant the extension through the above date to Cecilia Peterson from DOC to complete the Firearms qualification.

Specialized Training Grants

Command Training

Plaistow Police Department. The Director outlined the request of the Plaistow Police Department to send **Sergeant Glenn Miller** to Roger Williams University's Command

Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from September 11-22, 2006 at a cost of \$1,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant request of \$1,000 for the Plaistow Police Department for Sergeant Miller.

Hampton Police Department. The Director outlined the request of the Hampton Police Department to send **Sergeant Barry W. Newcomb** to Massachusetts Police Leadership Institute in Lowell, Massachusetts from September 25 – October 6, 2006 (or alternate dates of October 23 - November 3, 2006) at a cost of \$1,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant request of \$1,000 for the Hampton Police Department for Sergeant Newcomb.

Salem Police Department. The Director outlined the requests of the Salem Police Department to send **Sergeants Ronald Peddle and John Lozowski** to the Massachusetts Police Leadership Institute in Lowell, Massachusetts from October 23 – November 3, 2006 at a cost of \$2,000 and **Lieutenants Fred Rheault and Michael McGuire** to the Massachusetts Police Leadership Institute in Lowell, Massachusetts from September 25 – October 6, 2006 at a cost of \$2,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant requests of the Salem Police Department for Sergeants Peddle and Lozowski and Lieutenants Rheault and McGuire for a total of \$4,000.00.

Keene Police Department. The Director outlined the requests of the Keene Police Department to send **Lieutenant Jay Duguay** to Roger Williams University's Command Training Series Mid-Management Course in Portsmouth, Rhode Island from October 23 – November 3, 2006 at a cost of \$1,000 and to send **Sergeant Steven Stewart** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from November 27 – December 8, 2006 at a cost of \$1,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant requests of the Keene Police Department for Lieutenant Duguay and Sergeant Stewart totaling \$2,000.

Bedford Police Department. The Director outlined the request of the Bedford Police Department to send **Lieutenant Daniel Doudi** to the Massachusetts Police Leadership Institute in Lowell, Massachusetts from October 23 – November 3, 2006 at a cost of \$1,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant request of \$1,000 for the Bedford Police Department for Lieutenant Doudi.

Conway Police Department. The Director outlined the request of the Conway Police Department to send **Corporal Brian J. McGrath, Jr. and Corporal Sean B. McGrath** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from November 27 – December 8, 2006 at a cost of \$2,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant request of \$2,000 for the Conway Police Department for Corporal Brian McGrath and Corporal Sean McGrath.

Epping Police Department. The Director outlined the request of the Epping Police Department to send **Lieutenant Michael J. Wallace and Sergeant Jason S. Newman** to Roger Williams University's Command Training Mid-Management Course in Portsmouth, Rhode Island from October 23-November 3, 2006 at a cost of \$2,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, with Chief Dodge abstaining from the vote, the Council unanimously approved the grant request of \$2,000 for the Epping Police Department for Lieutenant Wallace and Sergeant Newman.

Durham Police Department. The Director outlined the request of the Durham Police Department to send **Sergeant Michael Bilodeau** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from January 22 – February 2, 2007 at a cost of \$1,000. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant request of \$1,000 for the Durham Police Department for Sergeant Bilodeau.

Chief Morency asked the Director about the possibility of contracting with Roger Williams and the Mass Police Leadership Institute since PSTC and the Police Departments do so much business with them. The Director indicated he would look into possibly having these organizations come to PSTC to teach a session.

Other Training

Portsmouth Police Department. Chief Magnant withdrew Portsmouth's request to send Lieutenant Dante Puopolo to Range Master Training.

Portsmouth Police Department. The Director outlined the request of the Portsmouth Police Department to send **Captain John M. Yerardi** to the Administration and Management Training Course sponsored by the Institute for Law Enforcement Administration in Plano, Texas from October 8-14, 2006 for \$1,239.50. On a motion by Commissioner Wrenn, seconded by Chief Russell, with Chief Magnant abstaining from the vote, the Council unanimously voted to grant Portsmouth's request for \$1,239.50 to send Captain Yerardi to the Administration and Management Training Course.

Laconia Police Department. The Director outlined the request of the Laconia Police Department to send **Lieutenant Steven A. Clarke** to the International Outland Motorcycle Gang Conference in Santiago, California from September 17-22, 2006 for \$950.00. On a motion by Commissioner Wrenn, seconded by Chief Russell, the Council unanimously voted to grant Laconia's request for \$950.00 to send Lieutenant Clarke to the International Outland Motorcycle Gang Conference. **The Council made an exception in its policy of not funding conferences in this case because of the significant amount of training sessions offered at this event.**

Keene Police Department. The Director outlined the request of the Keene Police Department to send **Lieutenant Peter Thomas** to the Internal Affairs Investigation

Course at Roger Williams University in Portsmouth, Rhode Island, from October 1-6, 2006 for \$702.00. On a motion by Commissioner Wrenn, seconded by Chief Russell, the Council unanimously voted to grant Keene's request for \$702.00 to send Lieutenant Thomas to the Internal Affairs Investigation Course.

Seabrook Police Department. The Director outlined the request of the Seabrook Police Department to send **Deputy Chief Patrick Manthorn and Sergeant Jason Allen** to the Colt AR15/M16 Law Enforcement Armorer Course hosted by the Keene Police Department in Keene, NH, from December 13-15, 2006 for \$580.00. On a motion by Commissioner Wrenn, seconded by Chief Russell, the Council unanimously voted to grant Seabrook's request for \$580.00 to send Deputy Chief Manthorn and Sergeant Allen to the Law Enforcement Armorer's Course in Keene.

Moultonborough Police Department. The Director outlined the request of the Moultonborough Police Department to send **Officer Scott J. Fulton** to IPTM's Homicide Investigation program in Jacksonville, Florida from November 12-17, 2006 for \$916.66. On a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council voted unanimously to **deny** Moultonborough's request for \$916.66 to send Officer Fulton to IPTM's Homicide Investigation program.

Milford Police Department. The Director outlined the request of the Milford Police Department to send **Sergeant Kevin Furlong** to the Institute of Police Technology and Management's Traffic Crash Reconstruction program in Albany, New York from December 4-15, 2006 for \$814.00. On a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council voted unanimously to **deny** Milford's request for \$814.00 to send Officer Furlong to IPTM's Homicide Investigation program. PSTC will be offering a reconstruction course by IPTM from February 5-16, 2007 and the Council's recommendation was that this officer enroll in PSTC's program.

Other Business

Fitness Testing Extensions

Department of Corrections. The Director outlined the request of **Officer Ciprian Susca** for an additional medical extension through December, 2006 due to an ongoing medical condition. On a motion by Judge Roberts, seconded by Chief Magnant, the Council unanimously voted, with Commissioner Wrenn abstaining from the vote, to grant Officer Susca the medical extension through December, 2006.

Merrimack Police Department made a Petition to the Council for Amendment of Rule (Pol 301.05 (g) (8) in Accordance with Pol 203.01. The petitioners in this matter were Deputy Chief Paul V. Stavenger, Chief William F. Mulligan and Chief David C. Bailey. The Director noted that the rule surrounds the requirements that background investigations take place on all perspective candidates and states that if a candidate has ever illegally manufactured, transported for sale, or sold a controlled substance as defined

in RSA 318-B:1, that the rule as currently written bars employment to anyone whomever sold drugs unless he/she were a juvenile at the time, that the sale was not for profit and the Council determines that it was not a violation of moral turpitude.

The Director outlined Merrimack's request to revise the current rule to remove the requirement that the person be a juvenile. The Director noted that he has received some phones calls over the years questioning the rule. Chief Mulligan spoke in support of amending the rule by stating that it is important to look at the whole candidate and not eliminate them based on a single indiscretion. Deputy Chief Stavenger stated that if you're 17 years old and you make a mistake you are precluded from being a police officer in New Hampshire. However, if you removed section "a" of this rule, leaving "b and c" which looks at the totality of the candidate, it wouldn't preclude candidates who made an isolated mistake in their youth. He stated that they were not here to lower the standards but the opportunity to look at the whole person and to make a judgment based on that. He further noted that an individual who may have been an active user of drugs up to two years prior to applying for a position would not be precluded from being a police officer in New Hampshire.

Commissioner Wrenn asked if the Deputy Chief would have any issues with the Council inserting language in section "a" that included a two-year time period. The Deputy Chief indicated he would not have an issue with that, stating it would be consistent with other sections of the rule.

Chief Bailey noted that some departments don't give polygraphs; therefore, some of these issues might never be disclosed in those departments. Amending this rule would help to make a more level playing field by allowing the hiring authority to look at the totality of the candidate without lowering the standards.

Commissioner Wrenn felt it is something that the Council should consider. He felt that some restrictions are necessary but putting a lifetime bar on the profession was too strict.

The Director outlined the process for Merrimack. If the Council decided to amend the rule it would then go through the administrative rule-making process which would be a minimum of 6-8 months to accomplish.

Chief Russell stated for the record that Chief Bailey made a very good point that all agencies do not do polygraphs and it comes down to fundamental fairness.

On a motion by Commissioner Wrenn, seconded by Judge Roberts, that Cassie prepare for Council review at the next meeting a change in wording to Pol. 301.05 section "a" to reflect consistency with the wording in section 9 of the same policy and additionally to delete the words "at the request of the hiring authority" and retain "upon review of the Council" in the preamble section for this particular offense, the Council unanimously supported this motion.

Nonpublic Session - Robert E. Jordan – Petition for Rescission

Chairman Prozzo read and reviewed Council protocol with Robert E. Jordan, Jr. He advised Mr. Jordan that he could be represented by an attorney and asked if he wished the hearing to be heard in public or nonpublic session. Mr. Jordan indicated he did not have an attorney and requested that the hearing be heard in nonpublic session.

The parties present for this hearing were Robert E. Jordan, Newmarket Police Department; Chief Kevin Cyr, Newmarket Police Department; and Lt. Carl True, Newmarket Police Department

Judge Roberts recused himself in the matter of Robert E. Jordan.

Following a motion made by Commissioner Wrenn, seconded by Chief Russell, with Judge Roberts abstaining from the vote, the Council voted unanimously on a roll-call vote to enter into a nonpublic session.

Following the discussion of matter, on a motion made by Sheriff Carr, seconded by Commissioner Wrenn, with Judge Roberts abstaining from the vote, the Council voted unanimously to seal the minutes of the nonpublic session.

Sheriff Carr then made a motion, seconded by Commissioner Wrenn, which carried unanimously by the Council (again with Judge Roberts abstaining) on a roll-call vote to exit the nonpublic session.

Upon return to public session, on a motion by Commissioner Wrenn, seconded by Chief Dodge to take the matter of Robert E. Jordan, Jr.'s Petition for Rescission under advisement, the Council voted unanimously, with Judge Roberts recusing himself, to take this matter under advisement.

The Council requested that the recorded minutes of the original nonpublic hearing be transcribed for their review in the deliberation process.

Weare Police Department - Former Chief Myles Rigney

The Director noted that he received an anonymous note regarding Mr. Rigney in relation to a sexual harassment complaint. No lawsuit was filed, and the suit was settled. No criminal charges were filed, and there was no termination or dismissal because Weare went from an appointed Police Chief to an elected official and Mr. Rigney did not run for the office.

Part-Time School Curriculum Proposal.

This agenda item was moved to the September Council Meeting.

HR-218 Memo and Proposed Rulemaking

This agenda item was moved to the September Council Meeting.

Other Business

Commissioner Wrenn requested the following items be added to the September Agenda:

1. Procedure Established for Reconsidering of Council Decisions
2. NHTI - Cafeteria Expansion

Chairman Prozzo asked that the Jordan tapes be transcribed and included with the September Agenda Packages.

Chairman Prozzo also spoke briefly on the NHTI Cafeteria Funding Request. He felt that the option of paying over the 20 year period would be in the best interests of PSTC. He also stated that the questions brought up during the discussions need to be answered and the Council should try to make a decision at the next meeting. Judge Champagne felt that during NHTI's presentation they lacked commitment in areas that concerned PSTC—separate servery and separate entrance for cadets. The Director indicated that if the Council decides to go forward he would ask for a Memorandum of Agreement from the Tech.

Chief Dodge asked when Director Barrett would be in to speak with the Council on the matter of Marine Patrol Officers being employed and enforcing the rules without PSTC certification. The Director advised that Director Barrett is planning to attend the October Meeting.

Next Meeting Date/Adjournment

After scheduling the next Council Meeting date for 9:00 a.m., Tuesday, September 26, 2006, in the John D. Morton Conference Room, the Council unanimously voted to adjourn the meeting at 12:35 a.m., on a motion by Judge Champagne and seconded by Chief Dodge.

Chairman Michael L. Prozzo, Jr.