

**Wolfeboro Police Commission
Meeting Minutes
February 16, 2017**

Members present: Chairman Steve Wood, Vice-Chair Joe Balboni Jr (via phone) and Ron Goodgame.

Staff present: Chief Rondeau, Captain Livie and Recording Secretary Amelia Capone-Muccio.

Chairman Wood called the meeting to order at 4:00PM and introduced the Commissioners, staff in attendance and noted a quorum was present.

➤ ***Pledge of Allegiance***

Chairman Wood entertained the Pledge of Allegiance.

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Consideration of Minutes

- ***Public minutes of January 19, 2017 meeting***

Commissioner Ron Goodgame moved the Wolfeboro Police Commission to accept the public minutes of January 19, 2017 as submitted. Commissioner Joe Balboni Jr. seconded. Members voted and being none opposed, the motion passed.

Activity Reports

Chief Rondeau reported on the following activity reports for last month:

Offenses (State Law) by month: He reported 33 offenses for the month which is a 3.5% decrease from the previous month.

Arrest status report: He reported 30 arrests for last month, which is a 22% increase from the previous month.

Personnel Analysis report: The report is a synopsis of each officer's reporting for the month.

Accidents by street name: He reported 8 accidents last month, which is a 27% decrease from the previous month.

Prosecutor's report: He stated the Prosecutor's report has been provided for review with 11 offenses answering 14 charges. 2 arraignments, 2 hearings, and 6 pleas.

School Resource Officer (SRO): The SRO provided his monthly report noting numerous investigations for the month and he referred to his narrative on the report. He stated he averages 20 cases between the High School and the Middle School.

Commissioner Goodgame explained that it was important to provide an explanation on this article for the public's knowledge.

Chief Rondeau agreed and feels that the intent of the article is unclear and noted at the Deliberative session hiring outside parties was discussed for investigations and he noted that this process is already in place as many outside agencies such as the Attorney General or Sheriff's Department provides outside investigation services. He also pointed out that town has no authority to mandate any outside agency to conduct investigations, they can ask, but not mandate it.

Commissioner's Items

Commissioner Goodgame noted during the budget process a couple part time employees were overlooked for the COLA increase and the Commission should address that tonight. He also noted they have been provided with some updated job descriptions as discussed at previously meetings and should move to adopt some of those.

Captain Livie some of the job descriptions are drafts as some of those position titles do not take effect until 2019 as negotiate in the new contract.

Commissioner Goodgame questioned the Chief and the Captain's job descriptions.

Chairman Wood replied those were updated during the transition process.

Questions from the Press

None.

Board of Selectmen's Representative

None.

Public Comment

Joe Melanson addressed the Commission to follow up on some inquiries he made at the December Police Commission meeting.

Commissioner Goodgame noted at that meeting they did respectfully request he follow their guideline to notify the Commission 48 hours before a meeting to what he wishes to speak to and although you contact them 48 hours ahead, the topic was not disclosed. The reason they have this guideline is to allow the Commissioners to adequately prepare for the topic at the meeting vs. waiting until the next meeting to provide any answers.

Mr. Melanson disagreed he believes the Commission should be able to field these questions and if they can't then they can get back to them. He also noted that many people feel the meeting time at 4:00 PM is too early and those with concerns can't get here at that time.

Commissioner Goodgame replied there are many ways to get in touch with the commission to voice concerns, they can call them. He noted no one has ever raised such issue with them.

Mr. Melanson questioned if his name was added to the agenda.

The Secretary noted that the Agenda was posted early but the Chairman did e-mail everyone to let them know he wished to address the Commission.

Mr. Melanson questioned the status of the body cameras. He also stated the 48 hour rule was implemented and if it is in the Commission's rules of procedure.

Chief Rondeau replied that the law will lay out how the town and cities will proceed with body cameras and the state is working on such procedures. He continued to explain that this is new technology, a lot is going to need to be worked out before these are implemented, noting the privacy issue with the cameras is the main issue and before the town invests hundreds of thousands of dollars into cameras, he believes all these issues need to be reviewed by the state.

Commissioner Goodgame noted and once that is done, the Commission can recommend the purchase of cameras, but such program and police will need to be adopted by the Board of Selectmen and then the project will be presented to the Budget Committee and this is not going to be a small project, it will be over \$100,000 project.

Mr. Melanson replied he does not think it would be that much, he believes it's about \$400-\$500 per camera, plus storage.

Chairman Wood replied he doesn't disagree the cameras would be a good idea especially when you think about officer's safety, but the cost of these cameras is very expensive and to move forward with such a large financial request the Commission needs to provide the town body the documentation to support the project, noting that very few towns are doing it and that the State of NH is not implementing the program yet.

Chief Rondeau agreed the cost Mr. Melanson quoted is for lower quality camera as a decent camera is a few thousand dollars, plus a server, someone to review all that data and prepare it for release, which will add hours to staff time and would most like need an additional employee to compensate for the added time. There would also need to be storage costs for the data and technical support for the equipment and storage, this is not an inexpensive project. He noted Moultonborough did purchase some cameras as other departments are preparing to ways to defray the cost. The department has discussed creating some capital reserve funds for some future projects, but noted the town has had a 0% increase in the budget except discretionary items, this is set by the Board of Selectmen and the Police Department does its fiscal responsibility to provide a fiscally responsible budget to get by on that. He stated because of that he has other items need on his priority list that he has not been able to purchase over the years.

Mr. Melanson questioned if the Commission is doing a citizen survey.

Commissioner Goodgame replied no, they haven't.

Mr. Melanson provided the Chairman with revisions to the non-public session minutes according to RSA.

Suzanne Ryan questioned if the Commission has a set of Rules of Procedure, she noted many other Boards do and that should prevent the confusion on how the Commission conducts their meeting.

Chairman Wood replied they don't, they conduct their meetings according to the Right to Know law and that although the public is welcome to the meeting they do not have a right to speak as these meetings are characterized as a business meeting.

Being no further business before the Commission, Chairman Wood entertained a motion to enter non-public session to discuss personnel and ongoing litigation.

Commissioner Ron Goodgame moved the Wolfeboro Police Commission enter non-public session RSA 91 A: 3 a, b & c to discuss personnel and ongoing litigation at 5:21 PM. Joe Balboni Jr. seconded. Roll call vote: Ron Goodgame- yes, Joe Balboni Jr.-yes and Steve Wood-yes, the motion passed.

The Commission re-entered public session at 6:05 PM.

Being no further business before the Commission, Chairman Wood entertained a motion to adjourn.

Commissioner Ron Goodgame moved the Wolfeboro Police Commission to adjourn at 6:06 PM. Commissioner Joe Balboni Jr. seconded. Being none opposed, the motion passed.

Respectfully submitted,
Amelia Capone-Muccio

Police Commission Recommendation on Warrant Article 28

Warrant Article 28 is an article submitted by petition, which means that it must appear on the warrant even if its purpose is improper or illegal. Town Counsel has advised that Article 28 would be improper and illegal for a number of reasons.

First, the Article purports to establish a policy, ordinance or charter for the purpose of investigating alleged wrongdoing by public officials. Municipalities have only such powers as are granted them by the Legislature; and towns have not been granted the authority to adopt an ordinance or procedure for the investigation of alleged wrongdoing by public officials. Neither RSA 31:39, which gives towns the authority to adopt ordinances covering a broad range of subjects, nor any other statute gives towns such authority.

Second, State statutes grant authority to investigate alleged wrongdoing by public officials to specific public bodies. For example, the Police Commission pursuant to RSA 105-C:4 has the authority to remove police personnel for just cause; and inherent in that authority is the obligation to establish a hearing procedure for such removal. Town Meeting cannot override or usurp the Police Commission's authority in this regard.

Third, the petitioned Warrant Article raises grave Constitutional questions. Anyone accused of a crime has a number of Constitutional rights, including the Fifth Amendment right to remain silent and the Sixth Amendment right to confront witnesses, which would be in jeopardy under the petitioned Warrant Article. Moreover, alleged criminal wrongdoing by public officials in New Hampshire is investigated by the County Attorney and the Attorney General, not by an investigatory body or agency established by individual towns.

For the above reasons, the Police Commission's recommendation is to VOTE NO ON ARTICLE 28.

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