

## ***MINUTES***

***November 28, 2006***

The 354th Meeting of the NH Police Standards and Training Council was called to order at 9:03 a.m. by Vice-Chairman William L Wrenn, Jr., Commissioner of the Department of Corrections 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 Gregory C. Dodge, Epping Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Chief Timothy Russell, Henniker Police Department; Chief Peter P. Morency, Berlin Police Department; Associate Justice Stephen H. Roberts, Dover District Court; Associate Justice Norman E. Champagne, Manchester District Court; Executive Major Barry Hunter, designee of Colonel Frederick H. Booth, NH State Police; Deputy Commissioner Charles Annal, designee of Commissioner William G. Simonton of the NH Community Technical College System; and Attorney General Kelly A. Ayotte.

***Staff Present:*** Interim Director Donald L. Vittum, Assistant Director Robert B. Stafford, Jr., Paralegal Cassandra Erickson, and Secretary Denise Crocker.

Colonel Frederick H. Booth, NH State Police and Sheriff Michael L. Prozzo, Jr., Sullivan County Sheriff's Department were excused from today's meeting due to prior commitments.

***Guests:*** Chief Jerome Madden, Concord Police Department; Officer Katherine Moreira, Concord Police Department; Mark Dumas, President Concord Patrolmen's Association and Union Representative for Officer Moreira; Chief Phil O'Brien, Gilmanton Police Department; Ella Jo Regan, Chairperson Gilmanton Select Board; Officer Gary Davis, Warren Police Department, Chief Warren Davis, Warren Police Department; Officer Christopher Clark, Allenstown Police Department, Attorney John Vanacore, Counsel for Christopher Clark.

### ***Approval of Minutes***

Following a motion by Chief Dodge, seconded by Sheriff Carr, the Council voted unanimously to accept the Minutes of the October 24, 2006 meeting as presented.

### ***Director's Report***

**Full-Time Academy.** Eighty-one recruits graduated from the 141<sup>st</sup> Academy. Guest Speakers were the Governor and Sheriff Chester Jordan, Merrimack County Sheriff's Department. Chief Russell commended the Interim Director for a job well done and the Interim Director thanked Chief Magnant for his assistance in locating a clergyman to speak at the graduation. The next Academy has 78 recruits to be tested. Interim Director Vittum did note that at the last Academy there were some areas that did not produce successful results due to the large numbers. Council wants staff to establish a specific number of recruits that the Academy can successfully train and stop enrollment at the figure. Chief Russell noted that 81 recruits were too many to train in an Academy session.

**Firearms/Driving Proposals.** The Interim Director indicated to the Council that he will be submitting proposals to update the Firearms/Driving programs.

**New Physical Fitness Program.** Included in the Agenda Package there is a proposal for a new physical fitness program that was enclosed in advance for Council review and discussion at the December Meeting.

**Update on Director Lohmann's Condition.** Director Lohmann is recovering from his surgery and is doing well. He is at home and is undergoing a rehabilitation program.

**Director Lohmann's Report.** Director Lohmann's Report was included in the agenda package. First and foremost in his report was a request for an increase in the PSTC budget amount. The meeting with the Governor on this issue went very well. There were no questions asked of us at that meeting. The Interim Director noted that he had received some information about the budget just prior to the Council Meeting but had not had time to review it and will get back to the Council regarding the current status at the December Meeting. He did note that the contents of the correspondence indicated that PSTC would be level funded and that we may lose a vacant position.

Chief Vittum did note that in the past because of the nature of PSTC funding we have received an exemption. That may not occur in this situation and PSTC may lose the position. The Council is aware that PSTC did incur a significant increase in retirement benefits and that has been added to the Budget. What that means is that PSTC is going to be faced with some cuts in other areas.

***Old Business***

**Update on the Proposed Polygraph Course.** The Assistant Director updated the Council on the Proposed Polygraph Course to be held from April 26 to June 29, 2007. An RFP was sent out on September 8<sup>th</sup> with a deadline for return by November 1<sup>st</sup>. There were three responses to the RFP's mailed. One response was immediately rejected as the organization was not conducive to doing a mobile class; the second request was from the Maryland Institute of Criminal Justice and their proposal was rejected on the basis that they did not carry liability insurance for satellite locations which was a requirement of the RFP. They did, however, offer a 325-hour school with 80 hours of nonresidential study at a cost of \$4600/per student with a minimum of 10 and maximum of 16 students. The third and final response was from Crawford Polygraph Services and their proposal met all the requirements of the RFP. The coordinators of the school would be David Crawford of New Hampshire and John Kaster from Canada. They would conduct the school for a minimum of 10 and a maximum of 12 students at \$5500/per student for 425 in-class hours and would utilize local law enforcement officials as instructors. Their school will be APA certified but they will have to go through the Accreditation process as they conduct the school, which is according to the APA.

**On a motion by Sheriff Carr, seconded by Chief Morency, to move forward with setting up the polygraph school for April, 2007, the Council voted unanimously to move forward to run this program.**

**Madbury Compliance Case Update.** Chief Russell questioned why the individuals from Madbury were not on the Agenda after the Council had requested that they be present for this Council Meeting. The Interim Director noted that the Madbury case has been scheduled for the December Meeting. The Interim Director further requested that he not prosecute this case because of his friendship with some of the parties involved. He requested that the Council appoint someone else to bring forth that information to the Council as he would be uncomfortable doing so. Chief Vittum advised the Council that the parties involved has retained Council. The Council questioned staff why this had happened. Cassie Erickson noted that in order to bring the parties before the Council, she was required to send notices that it could be disciplinary in nature. Cassie advised the Council she doesn't believe this case will actually be heard in December as she expects it to be postponed to January.

Chief Magnant again requested that Council be given a copy of Don Gross's report before the hearing in order for the Council to familiarize themselves with the case. Chief Vittum indicated that the report could be part of a decertification hearing and he would be uncomfortable pre-releasing it because it could be testimony given by the prosecution. Chief Magnant indicated that these issues are the result of a compliance audit and the Council never had the opportunity to review the audit report. Judge Champagne stated that he didn't feel it was the Council's intent to hold a decertification hearing at this time but an inquiry to gather the facts surrounding the issues to make a determination what action needed be taken in this situation.

**Based on the lengthy discussion regarding the Madbury matter, on a motion by Chief Magnant to stay the disciplinary hearing until Council speaks with Don Gross and reviews his Audit Report, seconded by Judge Roberts, the Council voted unanimously stay the disciplinary hearing until the Council meets with Don Gross and reviews his report.**

The Attorney General felt that Compliance Audits are done on behalf of the Council and that the Council should always receive copies of the reports when issues arise in conjunction with doing the audit.. Commissioner Wrenn also agreed with the Attorney General in regard to this matter.

**The Council advised Cassie to postpone the meeting with the Madbury parties involved until they heard from the Council.**

### *New Business*

#### **Decertification/Suspensions/Revocations/Surrenders/Certification Eligibility Hearings**

**Timothy P. Loveless, formerly of the Raymond Police Department** for violation of Pol 402.02, Pol 101.28 and Pol 101.29.

Vice-Chairman Wrenn requested that this matter be heard in a non-public session.

Following a motion made by Chief Dodge, seconded by Sheriff Carr, the Council voted unanimously on a roll-call vote to enter into a nonpublic session at 9:25 a.m.

Following the presentation of the matter, on a motion made by Judge Roberts, seconded by Chief Magnant, the Council voted unanimously to seal the minutes of the non-public session.

Then on a motion by Chief Dodge, seconded by Sheriff Carr, to exit the non-public session, the Council voted unanimously on a roll-call vote to exit the non-public session at 9:53 a.m.

**Upon return to public session, on a motion by Judge Roberts to defer consideration of the proposed settlement until Officer Loveless and his Counsel appear before the Council and until the Interim Director provides the Council with all the pre-appointment application documents and any other relevant documents in regard to Officer Loveless' application to the Londonderry PD, seconded by Attorney General Ayotte, the Council unanimously approved the motion to have Officer Loveless and his Counsel appear before the Police Standards and Training Council and to have the Interim Director provide the requested documents.**

Chief Russell requested that the documents be sent out with the agenda packages. Cassie Erickson advised Chief Russell that Officer Loveless was invoking his privilege under RSA 91-A. The Vice-Chairman indicated that the documents could be sent in a separate package marked CONFIDENTIAL.

Cassie Erickson noted for the record that Attorney Rosenberg had filed a motion to compel the production of information to which we responded and he then withdrew his motion to compel production of information.

**Christopher Clark, Allenstown Police Department** for violations of Pol. 301.05(g)(8), Pol 301.05(g)(9), Pol 301.05(g) and Pol 402.02(a)(9) the officer's certification was issued through administrative error.

Attorney General Ayotte and Executive Major Hunter recused themselves from this hearing.

Vice-Chairman Wrenn read and reviewed Council protocol with Officer Christopher Clark. He advised Officer Clark that he could be represented by an attorney and asked if he wished the hearing to be heard in public or non-public session. Officer Clark was represented by Attorney John Vanacore. Officer Clark requested the hearing be heard in non-public session.

Following a motion made by Sheriff Carr, seconded by Judge Champagne, the Council voted unanimously on a roll-call vote to enter into a non-public session at 10:10 a.m.

Following the hearing, on a motion made by Chief Dodge, seconded by Chief Russell, the Council voted unanimously to seal the minutes of the non-public session.

Then on a motion by Chief Dodge, seconded by Chief Morency to exit the non-public session, the Council voted unanimously on a roll-call vote to exit the non-public session at 11:15 a.m.

**Upon return to public session on a motion by Chief Morency, seconded by Judge Roberts, to take the Clark matter under advisement, the Council opened the matter for discussion.** Judge Roberts noted that Officer Clark's Counsel had raised a couple of legal issues that need to be reviewed by PSTC's counsel. Council will ask Assistant Attorney General Nancy Smith to review the rule and the statute and provide the Council with an opinion. Chief Russell asked if it would be possible to have that opinion by the next meeting. Interim Director Vittum indicated he would request Assistant Attorney General Smith to expedite the matter. **Following the discussion of the matter, the Council voted unanimously on the original motion by Chief Morency, seconded by Judge Roberts, to take the matter under advisement.**

**Commissioner Wrenn requested Cassie Erickson to research the Weare matter to compare the facts of that case against the Clark case.**

Chief Russell asked whether former Chief McGonigle should be brought forth for a decertification hearing in regard to the facts surrounding the Clark case. Council decided to let the Interim Director/Director initiate what action was deemed necessary.

### **Certification Eligibility Hearing**

**Gary Davis, Warren Police Department** for possible violations of Pol 302.05 (g)(3); Pol 301.05 (m)(1); Pol 301.05 (m)(4)k; Pol 402.02(a)(3); and Pol. 402.02 (a)(4)a.(Theft)

Vice-Chairman Wrenn read and reviewed Council protocol with Officer Gary Davis. He advised Officer Gary Davis that he could be represented by an attorney and asked if he wished the hearing to be heard in public or non-public session. Officer Davis was not represented by an attorney. Officer Davis requested the hearing be heard in non-public session. Chief Warren Davis of Warren Police Department was also present with Officer Gary Davis.

Following a motion made by Chief Dodge, seconded by Attorney General Ayotte, the Council voted unanimously on a roll-call vote to enter into a non-public session at 11:28 a.m.

Following the hearing, on a motion made by Chief Dodge, seconded by Sheriff Carr, the Council voted unanimously to seal the minutes of the non-public session.

Then on a motion by Chief Dodge, seconded by Chief Russell to exit the non-public session, the Council voted unanimously on a roll-call vote to exit the non-public session at 11:55 a.m.

**Upon return to public session on a motion by Chief Russell, seconded by Judge Champagne, that Gary Davis was not eligible to become certified as a police officer in the State of New Hampshire due to his criminal record, the Council voted unanimously that Gary Davis was not certifiable under 301.05(g) (3) “the hiring authority shall evaluate the results of its background investigation and shall not appoint or invest with authority an applicant who has been convicted of a misdemeanor by a civilian or military court for which he or she has not received a pardon, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant’s character, honesty or ability.”**

Chief Russell noted again that the Council needs to investigate Chiefs who do not follow protocol. The Interim Director assured the Council he would look into these matters. Judge Roberts noted that maybe the wording needs to be adjusted on the Form A to insure a clear understanding of what is required. The Interim Director suggested that

having Chiefs attend background investigation classes might resolve some of the issues that are currently coming before the Council.

***Prior Training and Experience Requests***

**Frank A. Hinkle, Alexandria Police Department.** In the matter of the PT&E request of Frank A. Hinkle, on a motion by Chief Dodge, seconded by Chief Magnant, that Frank A. Hinkle of the Alexandria Police Department be granted PT&E for full-time certification based upon staff recommendation, the Council voted unanimously to grant Frank Hinkle full-time certification upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

**John R. Trammell, Carroll Police Department.** In the matter of the PT&E request of John R. Trammell, on a motion by Chief Dodge, seconded by Chief Magnant, that John R. Trammell of the Carroll Police Department be granted PT&E for full-time certification based upon staff recommendation, the Council voted unanimously to grant John R. Trammell full-time certification upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

**Louise R. Strouse, Goffstown Police Department.** In the matter of the PT&E request of Louise R. Strouse, on a motion by Chief Dodge, seconded by Chief Magnant, that Louise R. Strouse of the Goffstown Police Department be granted PT&E for full-time certification based upon staff recommendation, the Council voted unanimously to grant Louise R. Strouse full-time certification upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

**Donald Wood, Bow Police Department.** In the matter of the PT&E request of Donald Wood, on a motion by Chief Dodge, seconded by Chief Magnant, that Donald Wood of the Bow Police Department be granted PT&E for full-time certification based upon staff recommendation, the Council voted unanimously to grant Donald Wood full-time certification upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

**It was decided by the Council that the PT&E information that will be included in the agenda packages will be reduced to the following: Evaluation Sheet, Form A, Form E, and Long Form E. The individual's file will be available at the meeting should Council members have questions not answered on those forms.**

*Requests for Extensions***Full-Time****Ryan M. Sambataro, Pelham Police Department**

After the Vice-Chairman outlined the reason for the request for extension through the 142<sup>nd</sup> Academy, on a motion by Chief Morency, seconded by Executive Major Hunter, the Council voted unanimously to grant the extension through the 142<sup>nd</sup> Full-Time Academy to Officer Sambataro, Pelham Police Department.

**Brendon June, Farmington Police Department**

After the Vice-Chairman outlined the reason for the request for extension through the 142<sup>nd</sup> Academy, on a motion by Chief Morency, seconded by Executive Major Hunter, the Council voted unanimously to grant the extension through the 142<sup>nd</sup> Full-Time Academy to Officer June, Farmington Police Department, with the stipulation that the officer be supervised by a full-time certified officer until he completes the Full-Time Academy.

**Michael Manfredi, Belmont Police Department**

After the Vice-Chairman outlined the reason for the request for extension through the 142<sup>nd</sup> Academy, on a motion by Chief Morency, seconded by Executive Major Hunter, the Council voted unanimously to grant the extension through the 142<sup>nd</sup> Full-Time Academy to Officer Manfredi, Belmont Police Department, with the stipulation that the officer be supervised by a full-time certified officer until he completes the Full-Time Academy.

**Todd A. Pinkham, Rochester Police Department**

After the Vice-Chairman outlined the reason for the request for extension through the 142<sup>nd</sup> Academy, on a motion by Chief Morency, seconded by Executive Major Hunter, the Council voted unanimously to grant the extension through the 142<sup>nd</sup> Full-Time Academy to Officer Pinkham, Rochester Police Department, with the understanding from his department that Officer Pinkham will have station duties until he completes the Full-Time Academy.



## **Part-Time**

### **Matthew G. Randall, NH Marine Patrol**

After the Vice-Chairman outlined the reason for the request for extension through the 249<sup>th</sup> Part-Time School, on a motion by Chief Morency, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 249<sup>th</sup> Part-Time School to Officer Randall, NH Marine Patrol.

### **Shannon K. Sargent, NH Marine Patrol**

After the Vice-Chairman outlined the reason for the request for extension through the 249<sup>th</sup> Part-Time School, on a motion by Chief Morency, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 249<sup>th</sup> Part-Time School to Officer Sargent, NH Marine Patrol, to allow for him to complete the classes he missed during the 248<sup>th</sup> session.

## ***Specialized Training Grants***

### **Command Training**

**Newfields Police Department.** The Vice Chairman outlined the request of the Newfields Police Department to send **Chief Art Reed** to Roger Williams University's Command Training Series, Executive Development Course, in Portsmouth, Rhode Island from October 30 - November 2, 2006 and December 4 – December 7, 2006, at a cost of \$1,000. A motion was made by Chief Dodge, seconded by Executive Major Hunter, to approve this request which prompted the Council to open the matter for discussion. The Council was concerned that in the past retroactive requests have been denied. After a lengthy discussion regarding this matter, Chief Dodge and Executive Major Hunter withdrew their motion and second as there was no precedent to proceed. **Then on a motion by Chief Russell, seconded by Executive Major Barry Hunter, the Council voted to unanimously deny the grant request of the Newfields Police Department to send Chief Reed to Roger Williams Executive Development Course as a result of receipt of the paperwork not meeting the time requirement as established by Council rules.**

**Meredith Police Department.** The Vice-Chairman outlined the request of the Meredith Police Department to send **Officer Gregory Mangers** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from January 21 – February 2, 2007 at a cost of \$1,000. **On a motion by Chief Magnant, seconded by Chief Dodge, the Council unanimously approved the grant request of the Meredith Police Department to send Officer Mangers to Roger Williams First Line Supervisor's Course in January, 2007.**

## **Other Training**

**Meredith Police Department.** The Interim Director outlined the request of the Meredith Police Department to send **Corporal John P. Eichhorn** to Sirchie Laboratories to attend the Evidence Collection Crime Scene Technology Course in Youngsville, North Carolina from February 4 – February 10, 2007 at a cost of \$960. Chief Russell questioned whether this course was offered here. Staff indicated that PSTC's course was not as extensive as this course. Chief Russell felt the officer should do the in-house class first. **On a motion by Judge Champagne, seconded by Judge Roberts, to table this request until the December 19<sup>th</sup> Council Meeting, the Council unanimously decided to table this grant request until further review could be made to compare PSTC's course with the Sirchie Labs program and to check to see if this officer has taken the course that PSTC offers.**

## ***Other Business***

### **Requests to Exceed the 1300-hours Rule**

Vice-Chairman Wrenn outlined the request of the **NH Marine Bureau**, Division of Safety Services request that part-time **Marine Patrol Officer Peter J. Hilchey** be granted a waiver of the 1300-hours rule and be permitted to work unlimited hours based upon his full-time certification. He was full-time certified on November 19, 1982 and was employed by the State Police from September 3, 1982 until he retired on September 29, 2006. **On a motion by Sheriff Carr, seconded by Chief Russell, to grant the waiver of the 1300-hours rule, the Council unanimously granted the 1300-hours rule waiver to Marine Patrol Officer Hilchey and permitted him to work unlimited hours based on his full-time certification.**

### **Gift Acceptance**

**AED.** Vice Chairman Wrenn outlined the gift from the Division of Fire Standards and Training & Emergency Medical Services (through grant funds from the United States Department of Health and Human Services, Federal Office of Rural Health Policy, Rural Access to Emergency Devices Grant program), that they would like to award PSTC. The Automated External Defibrillator (AED) and 3-hours of adult CPR and AED training is to be provided at our location at no cost to PSTC is valued at \$709.00 and needed to be accepted by the Council. **On a motion by Chief Magnant, seconded by Judge Roberts, to accept the AED and training from the Division of Fire Standards and Training & Emergency Medical Services was unanimously accepted by the Council.**

**Car 54 Program.** Vice Chairman Wrenn outlined the gift from Ross D. Lenharth, Manager of the Project Car 54 Program, who has donated \$33,000 in equipment and

installation fees to equip three Police Standards and Training vehicles with the Project 54 Equipment Package. The equipment breakdown per vehicle is listed below:

Laptop Computer w/Dock	\$4,000
Radar	\$2,000
Light Package	\$2,500
Console, Brackets, Cables...	\$1,500
Total:	\$10,000
Installation	\$1,000

**On a motion by Chief Morency, seconded by Chief Magnant, to accept the \$33,000 donation of equipment and installation fees for three PSTC vehicles from Ross D. Lenharth for the Project Car 54 Program, the Council voted unanimously to accept Mr. Lenharth's gift.**

Attorney General Ayotte requested that the Interim Director send thank you letters to both agencies providing PSTC with this much needed equipment.

#### **Fitness Test Waivers.**

**Officer Katherine Moreira, Concord Police Department** is requesting a waiver of the 3-year fitness testing requirement.

Officer Moreira requested her case be heard in a non-public session. She was represented by Chief Jerome Madden, Concord Police Department, and President of Concord Police Patrolmen's Association, Mark Dumas.

Following a motion made by Sheriff Carr, seconded by Chief Dodge, the Council voted unanimously on a roll-call vote to enter into a non-public session.

Following the hearing, on a motion made by Chief Dodge, seconded by Attorney General Ayotte, the Council voted unanimously to seal the minutes of the non-public session.

Then on a motion by Sheriff Carr, seconded by Chief Russell to exit the non-public session, the Council voted unanimously on a roll-call vote to exit the non-public session.

Upon return to public session, Chief Russell made a motion to take the matter under advisement and request the Interim Director to contact the Cooper Institute regarding the alternative cardio-vascular equivalent to the mile and a half run requirement.

At this point, Commissioner Wrenn conferred upon the Council that this is a pressing matter as come December 31, 2006, Officer Moreira would be out of compliance if the Council does not reach a decision on this matter. Chief Russell offered to withdraw his

motion. Sheriff Carr then requested to second Chief Russell's motion for purposes of discussion. No further action was taken on this motion.

Sheriff Carr then stated he would like to accept what the doctor recommended. He stated that his understanding of the 3-year PT testing requirement was to keep officers reasonably physically fit and if this officer already owns the Schwinn Aerodyne bike and the Chief is making a reasonable accommodation for her then he felt that this accommodation was agreeable.

Judge Champagne asked whether the Council has the authority to authorize waivers. Is this authority covered under the statute. Cassie cited 188.F:27 3(e) "Any officer who is unable to meet the medical requirement of paragraph 3d (which is the 3-year fitness test) may request an additional medical examination by a physician chosen by the Council. If the officer is still unable to meet the standard, such officer's certification shall be placed in probationary status for a period of up to two years (that's the extensions that the Council grants) during which time the officer may request re-examination at any time. If following the two-year period, the officer is still unable to meet the standard, the officer's certification shall be suspended until such time as such officer obtains the medical certification required in paragraph 3d."

The Attorney General asked if the standard was set forth in the statute? Cassie Erickson indicated that it was not. That it is Council policy. Cassie also noted it was Council's policy to not offer an alternative. Commissioner Wrenn wasn't sure that the Council ever addressed an injury as consideration for doing an alternative exercise. Cassie noted that Assistant Attorney General Nancy Smith had submitted an opinion to the Council which she will recopy for them for the next meeting. The Attorney General noted that the standards aren't set in the statutes and the Council has the authority to set or change the standards. Therefore, the Council would have the authority to select an alternative exercise in limited circumstances to accommodate certain people who meet exceptional criteria that the Council defines. Judge Champagne asked if the Council wants to go this route or does the Council want to grant a waiver.

Commissioner Wrenn suggested that the matter be taken under advisement until the next meeting. **On a motion by Chief Russell, seconded by Sheriff Carr, to take this matter under advisement until the next meeting, the Council unanimously voted to take the Moreira matter under advisement until their December 19<sup>th</sup> meeting.**

Interim Director Vittum noted that 188 F:27 – Education and Training Requirements – under paragraph 3(j) "To the extent requirements comply with federal and state law, the Council may grant a waiver with respect to employment at a specific agency if an officer cannot meet the standards in paragraph (d) and (g)." This talks about the 3-year testing. The Interim Director will enclose 188 F:27 in the agenda package along with Nancy Smith's opinion.

**Chief Philip D. O'Brien, Sr., Gilmanton Police Department** is requesting a waiver of the 3-year fitness testing requirement.

Chief O'Brien requested his case be heard in a non-public session. He was accompanied by Ella Jo Regan, Chair Gilmanton Select Board.

Following a motion made by Chief Dodge, seconded by Chief Russell, the Council voted unanimously on a roll-call vote to enter into a non-public session.

Following the hearing, on a motion made by Chief Dodge, seconded by Chief Morency, the Council voted unanimously to seal the minutes of the non-public session.

Then on a motion by Chief Russell, seconded by Judge Champagne to exit the non-public session, the Council voted unanimously on a roll-call vote to exit the non-public session.

**Upon return to public session, on a motion by Judge Champagne, seconded by Judge Roberts, that the O'Brien matter be taken under advisement until the December 19<sup>th</sup> Council Meeting, the Council unanimously voted to take this matter under advisement until the next Council Meeting.**

### *Other*

Vice-Chairman Wrenn recognized Executive Major Barry Hunter who is retiring from the State Police. Vice-Chairman Wrenn recognized Executive Major Hunter for his years of great service to the State Police and the State of New Hampshire and to the PSTC Council. He has sat on the Council many times as Colonel Booth's representative and has added a great deal to Council discussions with his expertise, experience and high moral character, especially in the standards that the Council sets for police officers. Attorney General Ayotte also noted that upon his retirement from the State Police, Executive Major Hunter will be working for Sheriff Prozzo as a part of the Attorney General's Drug Task Force Western Team.

### **Next Meeting Date/Adjournment**

After scheduling the next Council Meeting date for 9:00 a.m., Tuesday, December 19, 2006, in the John D. Morton Conference Room, the Council unanimously voted to adjourn the meeting at 1:40 p.m., on a motion by Chief Dodge and seconded by Chief Morency.

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Vice-Chairman William L. Wrenn, Jr.