

~~Unapproved~~Approved
Candia Selectmen's Public Meeting Minutes
Monday September 27, 2010

Attendance: Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Joe Duarte, Selectman Amanda Soares, Selectman Richard Snow, and Administrative Assistant Andria Hansen.

7:00 p.m. Chairman Kelley called the Public Meeting to order and immediately followed with the Pledge of Allegiance.

Chief McGillen to discuss Deerfield Fair traffic concerns. Chief McGillen mentioned the Board all received copies of the letter from the Deerfield Fair Attorney. He noted they recently paid the amount they owed in full from last year. Chief McGillen read from the letter which said it was their intention to let traffic flow in accordance with the existing traffic control devices as modified by the state. He had a couple of issues with this and the first is not requiring any officers for traffic detail. He thought the intersection of Raymond Road and Old Deerfield Road is unsafe. It was his recommendation to the Board that we put officers at the intersection no matter who is paying. This is his suggestion in the interest of safety. The Deerfield Fair Association has made arrangements with the DOT to have a person man the lights. He heard they'll have the person run the lights for 6 hours per day on Friday, Saturday, and Sunday. He thought this was unacceptable. This won't work because how will the officers communicate with the state worker. He questioned if the DOT worker isn't at the light who will be working it. Selectman Snow asked if the DOT is going to have someone physically working there. Chief McGillen replied yes and they never consulted with the town. Selectman Snow specifically asked how the Association managed to get the State to allocate a person at the lights. Chief McGillen replied he has spoke with several people and no one seems to have any answers. He was wondering that as well. Chief McGillen noted there has been poor communications with the Deerfield Fair Association. Selectman Duarte felt they were bypassing the town. He talked with Mr. Lambert from the DOT and he told the same thing. They will have a DOT worker at the lights for 6 hours per day and their paying him \$19.00 to \$21.00 per hour. It was his understanding they were going to regulate the light and not have someone camp out at it. Chief McGillen had concerns with the communications with the DOT worker. Selectman Duarte stated we are going to be footing the bill and this is the Deerfield Fair Association's way of getting out of it. Chief McGillen talked with State Representative Maureen Mann and he was told that someone from the Fair Association was going to come down and talk to him. He hasn't heard from anyone yet. Selectman Robie asked if Chief McGillen was supposed to attend a meeting with Association last Friday. Chief McGillen replied he didn't meet with anybody and he wasn't invited or called. Selectman Robie asked if he spoke with the Deerfield Police Chief. Chief McGillen replied that he spoke with the Deerfield Police Chief earlier in the week, but

there were no meetings set up. Chief McGillen clarified that he knew there was a meeting on Thursday night and he did not attend, because he wanted to express his concerns with the Board first. He has no authority to make decisions on behalf of the Board if he attended the meeting. Selectman Duarte asked if he got in touch with Senator Boutin. Chief McGillen replied that he didn't. Selectman Duarte stated he would contact him tomorrow. Selectman Duarte thought this seemed to be a back door approach. He noted they are paying a pretty low rate for the State worker. He felt they need to research this further. Selectman Snow asked what Mr. Lambert does at the DOT. Selectman Duarte replied Mr. Lambert is in charge of traffic control at the DOT. Selectman Snow asked if the State was going to pick up the cost. Selectman Duarte questioned why isn't Deerfield Fair paying the cost. Chief McGillen talked with the Director of Operations at the DOT. He told Chief McGillen that he heard about this situation, but did not know the details. He said Bill Lambert would have more information. Chairman Kelley asked how many officers we have working on Saturday and Sunday. Chief McGillen replied typically we have 3 shifts with 3 officers 25 hours per day. He explained last year the Chief in Deerfield contacted Sgt. Gallagher and asked to knock off some of the detail hours due to the rain. We knocked off over 20% and saved them \$1,500. Chairman Kelley asked when the most traffic comes through and when is it little quieter. Chief McGillen explained it goes back and forth, it depends on the weather. Chairman Kelley thought they needed to put an officer there, especially out by the church. He agreed there is no way to communicate with the State worker which makes it more difficult. Road Agent Lewis questioned what the Association was complaining about the rate or hours. Chairman Kelley replied the detail rate. Selectman Robie stated we were here a year ago and we had an outstanding bill for a year, so we knew about this was coming. He spoke with Association about getting the bill cleaned up and he did. He thought the law says that Deerfield worries about their town and Candia worries about theirs. The Deerfield Fair Association has in past years tried to work with communities around them. The rate change is what triggered all of this. He thought the law says the town is responsible for their traffic. The Association knows they have a problem with the traffic coming through Candia. They did what they could through the State to monitor the light. Selectman Robie agreed an officer needed to be at the Raymond Road intersection, whether it's an on-duty officer or an extra officer for Friday, Saturday, and Sunday. He didn't think they needed two officers at the intersection. Chief McGillen replied the only problem he has is that if it gets busy one guy can't handle it. There is already a visibility problem. Selectman Duarte remembered talking about this last year when we discussed the rate, we voted on the fee at the Selectmen's meeting prior to meeting with the Fair Association. He felt they didn't need to change the detail rate for the fair, because they would have to do it for all the other vendors. He thought this was extremely inappropriate for them to make this decision without contacting our Chief. He agreed with Selectman Robie in that we need to take care of our town, but he thought Candia should send the Association a bill. Chairman Kelley noted these are both State roads and we don't have a say. Chief McGillen replied the town does have a say. Selectman Robie reiterated we need to take care of ourselves and see how it works. He thought maybe they could put up some barricades to

slow the traffic down (i.e. near Fred's Garage, on Main Street). If an officer feels he needs an extra officer at the intersection than put another one there. Selectman Duarte thought they needed to let the Chief handle the traffic situation. Selectman Robie replied he came to us for direction. Selectman Duarte thought a letter needs to go out to the Deerfield Fair Associations from Board and explain to them what we're doing. It's unusual for the State to put someone at a light for 6 hours. He noted the Deerfield Fair is paying for this. He felt this wasn't right and he didn't feel comfortable with it. Selectman Duarte thought there must be a procedure the State follows. Chief McGillen had never heard of this happening before. Selectman Soares asked what was the Association comfortable paying. Chairman Kelley explained they wanted to pay the old detail rate of \$35.00 per hour. Selectman Robie clarified they pay their people \$35.00 per hour. Chief McGillen explained the Candia detail rate was \$50.00 per hour. Selectman Snow noted the valid reason we charged the Association \$50.00 was because per statute the police chief has the authority to assign police officers and the people holding the event are paying for it. He thought what happened was the Deerfield Fair attorney found a way around it. Selectman Snow stated if we do what Selectman Robie suggests and eat the cost than that will eliminate the problems for the Deerfield Fair, but could create a problem for the communities outside Deerfield. We need to make a decision if we going to eat the cost. We could say we aren't going to do anything, if we do that the statute says we are not liable for anything because it's a State road. He questioned if we want to set precedence. We could also contact Atty. Mayer and get his interpretation of the statute. Selectman Snow questioned when Chief McGillen is handling this are we going to bring the officers in as overtime or are we going to pay them special detail rates. Road Agent Lewis thought the Deerfield Fair Association probably has budgeted amount for Candia's police protection. They could give Chief McGillen the flexibility to schedule however he needs to and see if it works out with the budgeted number (i.e. take it as a lump sum for police coverage). They must have a total number they are willing to pay Candia. Selectman Duarte mentioned the Association never approached us this year. Selectman Snow noted what their attorney sent us states it very clearly. We are out of luck and they don't want to negotiate. Chief McGillen explained they had a meeting on May 10th and he talked about different ideas with members of the Association. He told them to come back with a proposal and he'll try to work with it. He was questioned about the rate and he said it was \$50.00 per hour. Chief McGillen further explained that he hadn't heard from them since then. Selectman Duarte felt they were between a rock and hard place. Selectman Snow thought they should ask Atty. Mayer what he thinks. Selectman Robie replied they should take care of this on their own without contacting the town attorney. Selectman Snow questioned why we don't have officers at the fair, is it because of the traffic in Candia. Selectman Robie replied because we charge \$50.00 per hour. Selectman Snow asked if we ever had officers at the fair at any price. Selectman Robie replied not that he was aware of. Chief McGillen thought it was because most of the guys are working in Candia. Chairman Kelley thought the Board needed to make a decision on this, because they only have a couple of days. Chief McGillen mentioned when he spoke with the Deerfield Chief he thought the fair would maybe pay the retirement on \$30.00 per

hour. Selectman Robie stated their Chief doesn't have the authority to negotiate a number. Chairman Kelley thought they should go to the Association and offer to do the detail for \$35.00. Selectman Robie disagreed and thought the vendors should get the rate as well. Selectman Duarte thought they needed to talk with Atty. Mayer about this and in the meantime let the Chief handle the traffic to keep the community safe. Selectman Snow noted we could do nothing and we don't have any liability. If we do help out we could decide we want to send a bill to be reimbursed. We should handle the traffic problems and then go back to Atty. Mayer to see if we can do anything about it. Chairman Kelley stated we were told they didn't need our service, so we can't bill them. Selectman Robie stated they don't want to get the attorney involved. Chief McGillen said our attorney thought we had a good case, but does the town want to spend the money on it. Citizen Joanne Beckwith didn't want to see the fair go without coverage. She would like to see the coverage they've had in the past. Selectman Snow asked if we have any problems with the State if we decide we're going to take care of the traffic problem. Chief McGillen replied the State Police don't have the jurisdiction, because we're a community over 3,000. Selectman Duarte asked Chief McGillen what he would like to do. Chief McGillen replied next time around he would like to come to a compromise with the Association. Selectman Snow asked if he anticipated a problem with your personnel doing this on the town's rate which is different than the detail rate. He asked if he would have enough officers. Selectman Robie stated whatever we do it will be on our police department. It will be an extra shift for our officer not a detail. Selectman Duarte thought they should send a letter to the Association saying that it would be the Chief's recommendation to protect the Candia citizens for safety reasons. Selectman Duarte asked if Atty. Mayer made any other suggestions. Chief McGillen was told to get your community leaders involved and talk with other police departments. He noted we are the only town in this situation. Selectman Duarte noted this is new for the DOT to come in to town to monitor the lights. Selectman Robie mentioned the Deerfield Fair Association has quite a bit of authority and connections in the State. It's one of the largest and oldest agricultural fairs. So if they call the state to come in to help out, the State is willing to do so. Selectman Snow stated there must be a policy for the State to respond to requests for letting traffic through, but it doesn't supersede the police law. Selectman Duarte stated if Chief McGillen felt he needs officers at the intersections, he would suggest doing so. If we have to pay for it then we have to pay for it. *Selectman Snow motioned to authorize Chief McGillen to allocate the resources necessary to ensure there are no traffic problems in the town of Candia during the time period when traffic is coming through for the fair. Seconded by Selectman Duarte. Selectman Snow, Selectman Duarte were in favor and Chairman Kelley, Selectman Robie, Selectman Soares were opposed. Motion failed.* Selectman Soares thought this was a catch 22, but we're going to have to suck it up and pay for the additional officers. Selectman Robie asked if we have two full time officers on this weekend. Chief McGillen replied they overlap shifts on Saturday we have an 8:00 am to 6:00 pm and a 4:00 pm to 2:00 am. Selectman Robie suggested using whatever you need at the intersection and have your duty officer cover calls. Selectman Snow tried to clarify and asked if the officers would be paid their

regular pay instead of detail pay. Selectman Robie mentioned when its fair time the guys on duty are near the guys on detail. Selectman Robie stated were not going to pay detail salary when we can be paying overtime salary. The overtime salary is cheaper than detail salary. Selectman Snow noted in the past if it's a town function there was a discount. Chief McGillen explained that prior Selectmen made the rule that they don't give non profits a discount. *Selectman Robie motioned to take care of our traffic with duty officers for Deerfield Fair weekend.* Selectman Snow thought that is normally what would happen from the officers prospective. If they are on duty they wouldn't be getting paid for their detail rate they would be getting paid for their regular time. Selectman Snow was not in favor of us taking care of this ourselves. This is something that was dumped on us by another town outside of our jurisdiction. Selectman Robie stated they don't want nothing for nothing they are sending us a message. Selectman Duarte replied he didn't like the message. Selectman Robie stated he didn't like the message we sent last year (by increasing the detail rate). Citizen Joanne Beckwith asked how many officers would be working, because two wouldn't be enough. Selectman Robie replied as many as Chief McGillen needs. Selectman Duarte thought they need to reintroduce Selectmen Snow's motion. Chairman Kelley replied Selectman Snow's motion said he wanted to bill the Deerfield Fair. Selectman Snow clarified that he didn't make that as part of the motion. He wanted Chief McGillen to handle the traffic and handle any problems. Selectman Snow asked if they were going to authorize Chief McGillen to handle the traffic. After the fair they can deal with the other stuff. There was discussion about overtime and detail rates. There was further discussion about the officers handling the traffic and duty officers. Chief McGillen stated if he was going to keep it safe he would assign two officers at the intersection. Selectman Snow stated bottom line is the town has to be safe. *Selectman Snow moved to keep the town safe. Seconded by Selectman Robie. All were in favor. Motion carried.*

Solid Waste Committee Chair Couch to discuss progress of swap shop: SWC Chair Al Couch was present. He noted the electrical is done. They have tentative plans to stain the building this Saturday. They have volunteers from the SWC to paint. Chairman Kelley asked what color and would like to see it the same color as the other building. SWC Chair Couch stated they thought it would look too commercial. Chairman Kelley thought it was the original plan to have the buildings match. SWC Chair Couch replied the SWC didn't agree with that. Selectman Robie asked what color would SWC Chair Couch like. Selectman Soares explained it's a historic blue color. Selectman Duarte motioned that the swap shop be painted blue. Seconded by Selectman Robie. Selectman Robie, Selectman Duarte, Selectman Soares, Selectman Snow were in favor and Chairman Kelley was opposed. Motion carried on a vote of 4 to 1. SWC Chair Couch noted the building should be done in a couple of weeks. There is minor site work to be done and Facility Operator Whitcher can do it with a loader. Selectman Robie noted this project is the SWC's responsibilities, not Facility Operator Whitcher's. SWC Chair Couch stated that was fine they could have him do it on his time and charge it to that fund. Chairman Kelley asked about the rough floor. SWC Chair Couch explained the concrete that's in there is a textured concrete and that is the standard garage finish. SWC Chair Couch noted

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*To Massachusetts Bar
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September 16, 2010

Michael D. McGillen, Chief of Police
Candia Police Department
74 High Street
Candia, NH 03034

Dear Chief McGillen:

As you may know, I represent the Deerfield Fair Association. I am writing to you relative to an outstanding invoice with the Town of Candia.

I am enclosing a check in the amount of \$2,060.00 which, by our calculations, should pay the invoice in full. The Fair is doing this in a sign of good faith and fair dealing. The Fair, in my opinion, does not have a legal obligation to make this payment but they have decided to in order to keep the peace. However, this letter is to put you on notice that the Deerfield Fair Association will not be retaining Candia Police Officers for any traffic details in Candia relative to the Fair. It is the Fair's intention to allow traffic to flow in accordance with the existing traffic control devices as modified by the State.

If you have any questions or concerns please do not hesitate to give me a call.

Very truly yours,


B J Branch

BJB/mrw
enclosure

cc: Dan Briggs
Candia Selectman ✓



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Michael D. McGillen
Chief of Police

CANDIA POLICE DEPARTMENT MEMORANDUM

DATE: September 25, 2015

TO: Candia Board of Selectmen

FROM: Chief Michael McGillen

SUBJ: Trick or Treat

I am recommending that trick or treat hours be held from 5 to 8 p.m. on October 31.



Sean McDaniel

Brown Rd, Candia

smcdaniel51@comcast.net

If you have any questions regarding Candia's potential transition to Pinkerton, please email me. I would be happy to find the answer.