

TOWN OF DERRY

Town Council
Derry Municipal Center

November 1 2016
Tuesday - 7:30 PM

7:00 PM **Non-Public Session 91A:3 II (b) – The hiring of any person as a public employee**

7:30 PM **Call to order**

Councilor Katsakiores moves to leave non-public, seconded by Councilor Foote – all agreed

Pledge of Allegiance, warning of fire exits, handicap access, & turn off all cell phones

Roll Call: Councilors Bourdon, Foote, Tripp (by telephone), Fischer, Katsakiores, Morgan and Chairman Chirichiello

Present: ATA Mike Fowler, Town Clerk Daniel Healey

Consent Agenda

16-148 Approve Workshop Minutes – October 11, 2016

16-149 Approve Minutes – October 18, 2016

16-150 Schedule Public Hearing – November 15, 2016 – Caras Property Easement

Consent agenda approved

Chairman's Report – Brian Chirichiello

Councilor Fischer MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-035, which reads as follows [*Read the Resolution*], seconded by Councilor Foote

Roll Call Vote 7-0-0

Resolution attached

Karen Blandford-Anderson and Paul Lindemann from the Heritage Commission gave a presentation on the Nutfield's 300th Anniversary Planning. The celebration will be over several months starting with Founder's Day in April at First Parish and run multiple coordinated events and activities through Londonderry Old Homes Day in August. The Town of Derry should form Nutfield 300th Anniversary planning committee, chaired by Heritage Commission but actively involving all interested groups and citizens in the area. Need to start defining scope, participants, and major elements. The Council had questions on how much Derry should allocate and what the initial startup money would be. Londonderry has spent \$10,000.

Town Moderator Mary Till discussed the procedures for the General Election that will take place on November 8th from 7AM – 8PM and addressed several violations that were reported from the State Primary.

Town Administrator's Report – Mike Fowler

Downtown crosswalk safety was discussed. The foot of crosswalks were stenciled in blue over the summer. A lighting study was done and flashing beacons could be installed. They are easy

to install, solar powered and would cost about \$7,000 apiece. More education might be beneficial.

Cara Barlow Director of the Derry Public Library discussed the Derry Poet Laureate Program. Would like to have the Derry town council appoint a poet laureate at a future meeting.

At a previous meeting a public hearing for tax deeded properties was scheduled for November 15th, there would not be enough notice so the hearing date has been moved to December 6th.

Household Hazardous waste day is November 19th from 8am to 12pm in Londonderry.

Fire Chief Gagnon made Acting Town Administrator Mike Fowler aware of a viral video regarding Fire prevention. The video has over 3.2 million views.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Ernest St. Pierre: Sunset Ave – Disagreed with the transport of ballots violation from the state. Would like to know 91A requests cost to the town, who asks, and how many have been filed.

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Did not agree with the town moderator's explanation of the State Primary violations. Believes there are images of the moderator handling marked ballots.

David Love: Maple Street – Did not agree with the town moderator's explanation of the State Primary violations and asked for her to resign.

Marc Flattes: Linlew Drive – Brought up the violations from the State Primary, asked about his 91A requests and informed the council that although asked, he would not be available to work the General Election. Asked about the town administrator selection process.

Maureen Ahern: Bedard Ave – Stated that she has known Mary Till for a long time and she has done a good job as the town moderator. Thinks that the town moderator position is a hard job and that anyone that thinks they could do it better should.

Karen Anderson: Village Brook Lane – Property on North Shore road has come up for sale, it was the Clark Davis House and built in 1725. Does not want the property to go to developers and wants to see if the town can do something. The Heritage commission will consider it.

Jan Seavin: West Swanzey – Known Mary Till for years, says she is an honest person. Thinks the ballot counting devices cause a lot of problems. Defended Mary Till's audit and said the town is lucky to have her.

Steve Trefethen: Windham, NH –Worried that any lights installed on Broadway would flash into apartment bedrooms.

Corinne Dodge: Warner Hill Rd - Counter at the audit, stated Mary Till never touched the marked ballots.

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Said that audits are allowed with reason and hand counts are allowed with reason. The Accu-Vote machines are checked prior to the election.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Bourdon – all agreed

Public Hearings

16-142 Approve Inter-Municipal Agreement with Allenstown Sewer Commission

Deputy Director Tom Carrier would like the town council to renew the agreement between the Town of Derry and the Allenstown Sewer Commission for the acceptance of septage generated by Derry property owners and hauled by private licensed septage haulers at the Suncook Wastewater Treatment Facility. Public sewer is approximately 1/3 of Derry properties. The average cost is about \$250.

Motion by Councilor Morgan to open public hearing, seconded by Councilor Katsakiores – all agreed

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Bourdon – all agreed

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-032, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote 7-0-0

Resolution attached

New Business

16-151 Approve Professional, Administrative & Technical Employees (PATE), SEIU Local 1984, Collective Bargaining Agreement

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-036, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote 5-1-0 (Councilor Fischer, Councilor Katsakiores abstained)

Resolution attached

16-152 Approve Local 1801 American Federation of State, County and Municipal Employees Administrative Support Staff (AFSCME) Collective Bargaining Agreement

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-037, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote 7-0-0

Resolution attached

16-153 Approve Derry Firefighters Unit of IAFF Local 4392 Collective Bargaining Agreement

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-038, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote 6-1-0 (Councilor Fischer)

Resolution attached

Councilor Fischer said that he does not like 5 year agreements and prefers 3 years.

16-154 Approve Derry Fire Officers Unit of IAFF Local 4392 Collective Bargaining Agreement

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-039, which reads as follows [Read the Resolution], seconded by Councilor Morgan
Roll Call Vote 6-1-0 (Councilor Fischer)
Resolution attached**

16-155 Costs of Collective Bargaining Agreements – Overview Presentation

CFO Susan Hickey, Anna Cole Mark Broth gave the overview presentation on the Collective Bargaining Agreement. There are 7 separate bargaining unit groups. The town council will be establishing a payroll reserve trust fund that will be used as a savings account. It will be funded over the 5 years with the avoided costs of health insurance. It will then be used to fund the increases in payroll over that time. There are three major achievements in the collective bargaining agreements. The council gained control of runaway health insurance costs, it settled all 7 outstanding labor contracts and it was able to establish a means of funding both the cost of living pay increases and employee health insurance without impacting the tax rate. The council thanked the presenters for the information and for using graphs.

16-156 Central Polling Location – General Election

Town Clerk Daniel Healey is requesting that the council name a new Central Polling Location. The three options are Calvary Bible Church, Hood Middle School, and West Running Brook Middle School. It is recommended that Calvary Bible Church be selected.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL name Calvary Bible Church as the Central Polling Location for the November 8th General Election, seconded by Councilor Fischer
Roll Call Vote 7-0-0**

16-157 Net Zero Task Force

When the Net Zero Task Force first got approval from the council it was on a 6-month trial period. They now feel there is much work to still be done and they are off to a good start. In order to keep meeting, the town council needs to approve the Net Zero Task Force to be an ongoing committee. To be legitimate they would like a vote.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL formally designate the Net Zero Derry Task Force Committee as a permanent advisory committee in the Town of Derry superseding the previous action taken on February 2nd 2016, seconded by Councilor Katsakiores – all agreed

Council Requests / Open Discussion

Councilor Bourdon – Received a letter from Febbee Collins of Auburn about Pancreatic Cancer and would like a proclamation made supporting the observance of World Pancreatic Cancer day on November 17th.

Councilor Morgan – WMUR recently reported that opiate issues have been increasing drastically. Reminded residents to secure their pill bottles.

Chairman Chirichiello – Would like to form a small group to consider more possibilities for the Alan Shepard Project. Suggests 1 councilor and 2 citizens.

Adjournment: 9:55 p.m.



D. Healey
Town Clerk

12/1/16
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2016-032

To Approve a Contract for the Disposal of Septage Originating in Derry

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing body of the Town responsible for entering into inter-municipal agreement; and

WHEREAS, the Town is responsible under New Hampshire law to make provisions for the safe and sanitary treatment or disposal of the more than 2.4 million gallons of septage, the wastewater effluent removed from septic tanks, annually extracted from properties in Derry; and

WHEREAS, the Town's wastewater treatment facilities are unable to manage such a large volume of septage; and

WHEREAS, the Allenstown Sewer Commission, which owns and operates a facility suited to such disposal and has been accepting Derry's septage since the year 2007 at the expense of the private septage disposal companies operating in Derry; and

WHEREAS, The Allenstown Sewer Commission is agreeable to entering into a third five-year agreement with the Town for such service;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the contract with the Allenstown Sewer Commission for septage disposal from January 2017 through December 2021 is hereby approved; and

BE IT FURTHER RESOLVED that the Council Chair and the Town Administrator are hereby authorized to execute the contract and any additional requisite documents on behalf of the Council and the Town.

Adopted: November 1, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 11/1/16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 11/1/16



RESOLUTION

Number 2016-035

To Appoint an Acting Town Administrator for a Specific Period of Time

WHEREAS, the Section 8.5 of the Town Charter requires that the Town Council appoint a person to act in the absence of the Town Administrator; and

WHEREAS, the contract with Municipal Resources, Inc. to provide professional staff to serve as Acting Town Administrator ended October 31, 2016 leaving the position vacant until Monday, December 5, 2016; and

WHEREAS, competent existing professional staff is experienced in the role of Acting Town Administrator and is available to serve in that capacity;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Director of Public Works, Michael Fowler, is hereby appointed as Acting Town Administrator to serve in that capacity from Tuesday, November 1, 2016 through Sunday, December 4, 2016 and to exercise all of the authority and duties incumbent to the position by Charter, New Hampshire law and Ordinance.

This Resolution shall take effect immediately upon its passage.

Adopted: November 1st, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 11/1/16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 11/1/16



RESOLUTION

Number 2016-036

To Approve and Fund a Collective Bargaining Agreement with the Derry
Professional, Technical and Administrative Employees

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the union representing the professional, administrative and technical employees of Derry for fiscal years 2017 through 2021: and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the Professional, Administrative and Technical Employees of Derry, SEA of NH, Inc., SEIU Local 1984", for the period July 1, 2016 through June 30, 2021 are hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: November 1st, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 11/1/16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 11/1/16



RESOLUTION

Number 2016-037

To Approve and Fund a Collective Bargaining Agreement with
the Derry Administrative Support Staff

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the union representing the Administrative Support Staff of Derry for fiscal years 2017 through 2021: and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and Local #1801 American Federation of State, County And Municipal Employees, AFL-CIO, Administrative Support Staff", for the period July 1, 2016 through June 30, 2021 are hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: November 1st, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 11/1/16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 11/1/16



RESOLUTION

Number 2016-038

To Approve and Fund a Collective Bargaining Agreement with
the Derry Firefighters

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the union representing the firefighters of the Town of Derry for fiscal years 2017 through 2021: and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the Derry Firefighters Unit of the International Association of Firefighters, LOCAL 4392", for the period July 1, 2016 Through June 30, 2021 are hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: November 1st, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 11/1/16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 11/1/16



RESOLUTION

Number 2016-039

To Approve and Fund a Collective Bargaining Agreement with
the Derry Fire Officers

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the union representing the fire officers of the Town of Derry for fiscal years 2017 through 2021: and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the Derry Fire Officers Unit of the International Association of Firefighters, LOCAL 4392", for the period July 1, 2016 Through June 30, 2021 Are Hereby Approved.

This Resolution shall take effect immediately upon its passage.

Adopted: November 1st, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 11/1/16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 11/1/16