

TOWN OF DERRY

Town Council
Derry Municipal Center

March 1, 2016
Tuesday - 7:30 PM

6:30 PM RSA 91A:3 II (a) - RSA 91A:3 II (b) – RSA 91A:3 II (c) – RSA 91A:3 II (d)
RSA 91A:3 II (e)

Councilor Osborne moved to seal the minutes under the grounds that it effects the adverse reputation of a person other than a member of this board and it would render any proposed action ineffective, seconded by Councilor Tripp
Vote: 7-0-0

Adjourned from Non-public 7:40 p.m.

(Technical difficulties with the beginning of the video recording)

Call to order

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

Roll Call: Councilors Tripp, Fischer, Osborne, Bourdon, Dimmock, and Chairman Cardon (Councilor Katsakiores arrived at 7:50 p.m.)

Present: Stephen Daly ITA, Denise Neale, Town Clerk

Consent Agenda –

16-31 Approve Non-Public Minutes – February 16, 2016 – **minutes sealed**

16-32 Approve Minutes – February 16, 2016

Consent agenda approved.

Chairman's Report – Tom Cardon

Eagle Scout – David Russell achieved Eagle Scout and was given recognition and a certificate by Town Council.

Councilor Mark Osborne was given a Certificate of Appreciation as this will be his last meeting as a Town Councilor.

Town Clerk Denise Neale was given a Certificate of Appreciation as this will also be her last meeting as Town Clerk.

Alan Shepard Monument – Chairman Cardon has been working on having NASA assist the Town with some kind of monument for Alan Shepard. He has sent a follow-up letter.

There was another accident on East Broadway. *Mr. Daly stated Public Works is working with lighting consult for the crosswalks on East Broadway to make them safer. They have identified the problem.*

Chairman Cardon has been contacted by a constituent in regards to the Town Clerk leaving. Council had discussion on how to allow Denise Neale stay on to train the new Town Clerk. *Mr. Daly stated if the Council had no objection Denise Neale could be hired as a consultant through Administration. All agreed.*

Town Elections are March 8, 2016; Districts 1&4 Hood School, District 2 Calvary Bible School, and District 3 West Running Brook School

Chairman Cardon thanked Sheila Bodenrader, Administrative Assistant for all her assistance while he was Chairman of the Town Council, Sue Hickey, CFO, and Denise Neale, Town Clerk. He also thanked Councilor Mark Osborne for his assistance while he was chairman and for his friendship.

Town Administrator's Report – Stephen Daly

The Derry Fire Department's Color Guard will be at the Manchester Monarchs game to present the Nations Colors on this Saturday.

NHDOT –The delivery of the Exit 4A final cost estimate of the EIS has been rescheduled. Therefore the meeting with CLD has been rescheduled for May 3rd.

I-93 Widening start order has been issued to contractor. Survey crews and foresters will be clearing the way for blasting. The Fire Department will monitor the blasting. This information is posted on the Town's website with a link that provides a description of this project and phone numbers.

There was an \$18,450 intra-departmental budget transfer within the Police Department to convert all lighting fixtures to LED in their building. This transfer was made from the personnel line due to an unfilled position within the department. The Police Department will be posting for a prosecutor position due to a resignation. They are currently screening candidates for the policeman positions.

Fire Department - currently have 5 offers for personnel who are going through background screening process.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Mike Fairbanks, Rose Ave – Read a letter from Janet Fairbanks thanking Tom Cardon, Al Dimmock and supports their campaign for re-election. He also thanked Mark Osborne for his commitment as a Councilor. She appreciates their service to the Town. Mr. Fairbanks thanked the councilors also as they had campaigned for lower taxes and tried to accomplish this.

Marc Flattes, Linlew Dr. - Thanked Denise Neale for her service. He thanked Mark Osborne, Al Dimmock and Tom Cardon for everything they did and they stuck by their word. They had a tough fight and stood up for the community. He wished Mark Osborne good luck in his future endeavors.

Susan Savagio, Donmac Dr. – received a telephone call from a representative from the firefighter's union backing three candidates for Town Office. It gave the impression that none of the other candidates cared about Derry.

Steve Trefethen, Business Owner- Takes resentment to Town employees who attack Town Councilors on social media. He disagrees whether they work for the Town or not. There needs to a Code of Ethics established for employees.

Ellie Sarcione, Chester Rd – thanked Tom Cardon for doing an outstanding job, as well as Councilors Fischer, Osborne and Dimmock for the tax break. Thanked Denise Neale for hours she worked on elections.

Close Public Forum – all agreed

Public Hearing –

16-27 FY16 Authorize the Issuance of Refunding Bonds including use of
Restricted Tax Increment Fund Balance

Open Public Hearing – Councilor Cardon & Katsakiores 7-0-0

No Public Input

Close Public Hearing – Councilors Katsakiores & Tripp 7-0-0

WHEREAS: The Town of Derry, New Hampshire (the “Town”) has issued certain \$2,000,000 General Obligation Bonds dated April 15, 2004 (the “2004 Bonds”), which 2004 Bonds that mature on April 15 of the years 2017 through 2033, inclusive, in the aggregate principal amount of \$1,360,000 are eligible to be refunded at par on any interest payment date on or after April 15, 2016 (the “2004 Refunded Bonds”); and

WHEREAS Under the plan of refunding, the Town will also pay the \$80,000 principal and interest, when due, on the April 15, 2016 maturity of the 2004 Bonds (for these purposes the term “2004 Refunded Bonds” shall also be deemed to include this maturity and the total aggregate principal amount of 2004 Refunded Bonds shall be \$1,440,000); and

WHEREAS Also under the plan of refunding, the Town shall appropriate and use available tax increments from the Ash Street TIF District toward payment of the 2004 Refunded Bonds;

WHEREAS The Town has issued certain \$2,000,000 General Obligation Bonds dated June 15, 2006 (the “2006 Bonds”), which 2006 Bonds that mature on June 15 of the years 2017 through 2026, inclusive, in the aggregate principal amount of \$1,000,000 are eligible to be refunded at par on any interest payment date on or after June 15, 2016 (the “2006 Refunded Bonds” and together with the 2004 Refunded Bonds, the “Refunded Bonds”); and

WHEREAS: It appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS: The Town may be able to realize debt service savings by issuing certain refunding bonds (the “Refunding Bonds”), the proceeds of which would be utilized to refund or advance refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW, THEREFORE, BE IT RESOLVED that the Town, acting by and through its Town Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to current refund or advance refund the Refunded Bonds to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of each of the 2004 Refunded Bonds and the 2006 Refunded Bonds, measured separately; and

IT IS FURTHER RESOLVED that the \$496,937.33 tax increment amount available in the Ash Street TIF District is hereby appropriated and shall be used toward the refunding of the 2004 Refunded Bonds under the plan of refunding for the 2004 Bonds; and

IT IS FURTHER RESOLVED that the Town Administrator is hereby authorized to finally approve the aforesaid refunding by entering into a Bond Purchase Contract with such bond purchaser(s) or underwriter(s) as she/he may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the Town’s approval of the terms and conditions of the Refunding Bonds; and

IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the Town by the aforementioned individual, or such other individuals as may be required by state law or as may be specified by bond counsel; and

IT IS FURTHER RESOLVED that the Town is authorized to enter into such other documents, to engage such other professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent) and to do such other things as are necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the Town consistent with the foregoing are hereby confirmed, ratified and approved.

Moved by Councilor Cardon, seconded by Councilor Katsakiores

Vote: 7-0-0

Old Business –

16-14 Net Zero Task Force –

Councilor Bourdon moved to appoint Jeff Moulton as a member of the public to the Net Zero Task Force, seconded by Councilor Cardon

Vote: 6-1-0 (Councilor Dimmock)

Councilor Bourdon made a motion to accept all members appointed by their boards or committees to the Net Zero Task Force as follows:

EEAC – Anthony Marciano

Chamber of Commerce – Will Stewart

Go Green/Conservation – Mary Till

Parkland Medical Center – John Burke

Pinkerton Academy – Brewster Bartlett

Derry Public Works – Mike Fowler

Derry Economics Development – Tom Cardon

Planning Board – David Granese

Seconded by Councilor Cardon

Vote: 6-0-1 (Councilor Dimmock abstained)

New Business –

16-33 Resolution – Assign Authority of Town Administrator

Mr. Daly explained the necessity for correction as the Town Clerk had researched with legal counsel the Town Charter where the authority should have been assigned under Section 8.5(A) not 8.4(B) as originally assigned.

Whereas, the Town Council has the authority and duty under section 8.1 of the Town Charter to appoint a Town Administrator,

Whereas, On January 26, 2016 the Council appointed Municipal Resources, Inc. ("MRI") as Interim Town Administrator pursuant to section 8.4(B) and,

Whereas, MRI has appointed Stephen Daly to serve as its designee in that role;

Now, Therefore Be it Resolved in Council that MRI is hereby appointed as Acting Town Administrator pursuant to section 8.5(A) of the Town Charter; and further that Stephen Daly, as MRI's corporate designee, is hereby authorized to exercise all the authority, powers and duties of the Acting Town Administrator as set out in the Charter; and further that all such official acts undertaken by Stephen Daly from January 26, 2016 through to adoption of this resolution are hereby ratified.

Motion by Councilor Cardon, seconded by Councilor Katsakiores

Vote: 7-0-0

Council Requests / Open Discussion

Councilor Tripp – hopes at least 6000 people come out to vote for the Town Election.

Councilor Fischer – Stated to Councilor Mark Osborne that it he has brought honor and privilege and integrity of the team. He challenges the status quo and he appreciates him. He will miss him.

Councilor Osborne –thanked everyone for what was said. Gave his story of how he became interested in becoming a Town Councilor. This was a meaningful experience lowering Derry's taxes. He'll be around. He quoted President Lincoln - "malice towards none and sincere thanks to all."

Councilor Katsakiores – appreciated Councilor Osborne's friendship and hugs.

Councilor Dimmock – enjoyed working with Councilor Osborne. He hopes when Mark is no longer a councilor they can get together.

Councilor Bourdon – wished Councilor Osborne best of luck in future and thanked the Town Clerk Denise Neale for her service.

Councilor Cardon – During the Economic Development Committee, there was a suggestion to combine the Economic Development Committee and the Property Maintenance Committee as the members are the same on both committees.

He asked the Town Clerk for the Councilor Election assignment duties. He again thanked Mark Osborne for his time on the Town Council.

Stephen Daly reminded the Council he has delivered a copy of CIP to them as is required by the Charter.

Adjournment 8:40 p.m.





Town Clerk

3-16-16

Date

Recording & Transcription by: Denise E Neale, Town Clerk