

TOWN OF DERRY

Town Council
Derry Municipal Center

June 7, 2016
Tuesday - 7:30 PM

6:30 PM RSA 91A:3 II (d)

7:30 PM Call to order

Councilor Tripp moves to close non-public, seconded by Councilor Bourdon - all agreed

Councilor Tripp moves to seal RSA 91A:3 II (d), seconded by Councilor Bourdon

Vote: 7-0-0

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

Roll Call: Councilors Bourdon, Foote, Katsakiores, Tripp, Fischer, Morgan and Chairman Chirichiello

Present: ATA Stephen Daly, Town Clerk Daniel Healey

Consent Agenda

16-63 Approve **Amended** Non-Public Minutes – April 19, 2016 – **minutes sealed**

16-70 Approve **Amended** Non-Public Minutes, Session I, II, & III – May 3, 2016 – **minutes sealed**

16-78 Approve Non-Public Minutes, Session I & II – May 19, 2016 – **minutes sealed**

16-79 Approve Minutes – May 19, 2016

Consent agenda approved

Chairman's Report – Brian Chirichiello

The town council summer schedule will call for one meeting in July and one meeting in August. Those dates are July 12th and August 16.

Chairman Chirichiello asked the other councilors for a brief report on their respective boards and committees.

Councilor Tripp – The Finance Committee will be part of the Town Administrator's report. The Audit committee is now reviewing data they collected and will be back in September with a report.

Councilor Fischer – The Derry Public Library, and Cara Barlow, do an outstanding job and they have a number of summer programs available that begin on June 20th.

Councilor Morgan – The Property Maintenance Committee has been focused on 19 Elm Street and trying to revitalize downtown. There is a suggestion to replace old business signs with art. The Economic Development Committee has divided into teams to focus on certain areas like

commercial/retail. The committee is focused on the wants/needs of the town. The school board and the town will try to work together to help both budgets.

Councilor Katsakiores – The Heritage Commission has a clock on display in the Municipal Center lobby. They are working with Derry and Windham for a 300th anniversary celebration. On the Legislative side, there is a bill that should be passed that will enable towns/cities to get a tax credit for all veterans.

Councilor Foote – Registrations for the Taylor Library summer program begin after July 4th. There is currently an Alan Shepard display and the library will become a historical registry beginning in July. There is a new sign out front and the picnic tables have been painted or replaced. The Conservation Commission has had nature walks lately. The Planning Board reports that Cowbell Corner is progressing and there will be a Complete Streets pilot workshop. The Housing Development had an audit with no issues.

Councilor Bourdon – The town Health and Human Services Department has been running in a very efficient manner and they serve more people for less money. The Energy & Advisory Committee recently had a junior solar event. 20 teams participated. The Net Zero Task Force has elected officers and created their by-laws. They have been analyzing the least efficient buildings in town.

Chairman Chirichiello - Southern New Hampshire Hazmat has not yet met.

Councilor Morgan MOVES THAT THE TOWN COUNCIL schedule a hearing for Tuesday June 21st, 2016 at 7:30pm in the Main Meeting Room at the Derry Municipal Center to hear a presentation by staff and take testimony from the public in regarding acquisition of a certain parcel of land by the town and as required by section 9.6 of the town charter the appropriation of funds after the adoption of the fiscal year 2016 budget, seconded by Councilor Tripp
Roll Call Vote 7-0-0

Adam Birch from the South Central Regional Public Health Network discussed an Opiate Overdose Training event. The event will be Wednesday June 8th at 7pm at the Ernest B. Barka School. It will be presented by Derry Fire & EMS and filming will start at 6pm.

Town Administrator's Report – Stephen Daly

The removal of hazardous materials from 19 Elm Street was completed a week ago and now demolition can begin. The crosswalks on East and West Broadway are being looked at. Derry's EMS accreditation will be extended/renewed. At the June 21st meeting there will be a presentation on property assessing methods.

CFO Susan Hickey and Janice Mosby presented the 3rd quarter financial report. It was stated that the bond rating has increased to a Double A1 or from 2% to 1.37%. Cash total \$43.3 million and investments are \$10.5 million. Current year tax receivables are \$1.2 million. Tax lien receivables are \$706,000. Properties held for resale are \$278,000. Due to other funds is \$7.8

million. The fund balance of \$42.3 million includes \$12 million that is either committed or restricted for special purposes and \$11.3 million due to the school district. General Fund Revenues are tracking at 93%. General Fund Expenses are tracking at 73%. The Transfer station is below budget, the budget is not being achieved in ambulance. Motor vehicle registrations have a 250k surplus, planning and code enforcement are exceeding 100k. Capital reserve transfers occur during the 4th quarter. Some lower expenses in the budget are due to delays in getting positions filled. Savings in the police budget are due to gasoline price contracts. Savings with the highway are due to the mild winter. There is an anticipated surplus at the end of the fiscal year.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Marc Flattes: Linlew Drive – Questioned the overtime line in the Fire department FY2017 budget.

Ernest St. Pierre: Sunset Ave – Thanked everyone for the job so far. Believes the town should not have \$1.2 million in reserve. Does not believe the town deserves on-call fire fighters as another resident has suggested. Sees the direction that the town is going in but does not want them taking money from the taxpayers if they do not need it.

Steve Trefethen: Windham, NH – States that the painting of the sidewalks in town is usually closer to Labor Day. There is a street light knocked over on Broadway.

Susan Bruno: Windham Road – Does not agree with the FY2017 cable budget.

Marc Flattes: Linlew Drive – Wondered if the surplus could be added to the excess.

Joan Landers: Barkland Drive – Wanted clarification on the money being devoted to exit 4A.

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

Public Hearings

16-67 Exit 4A Environmental Impact Statement Engineering Contract – Amendment #7

On July 15, 2014 former NHDOT Commissioner Christopher Clement expressed to the Derry Town Council that NHDOT would serve as project sponsor and seek federal funds for construction of the new interchange and collector roads. NHDOT has included the construction of Exit 4A in its draft 10-year plan, to be completed by 2022. The total project cost is \$53.5 million and the towns are obligated to \$5 million each. On December 1, 2015, the Derry Town Council voted unanimously to enter into an agreement with Londonderry and NHDOT committing to move forward on the Exit 4A project. Both towns also approved amendment #6 which provided engineering services to assess the level of effort required to update the Environmental Impact Statement. The tasks required to prepare the final EIS for submission to the Federal Highway Administration (FHWA) are included in Amendment #7.

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

Ernest St. Pierre: Sunset Ave – Questioned the benefit to Derry by redirecting the traffic from the downtown businesses. Wondered if any businesses said they will come to Derry after 4A is constructed.

Mark Connors: Cabot Drive – Does not believe 4A will just benefit Londonderry and says that traffic through downtown is not good for business. He would like to see something in writing to protect part of the rail trail that could be impacted as part of the construction.

Marc Flattes: Linlew Drive – Questioned the risk factor for the 4A project and would like a more current estimate done.

Tom Landers: Barkland Drive – Says the town is obligated for \$5 million and nothing more. He wants to know if Tsienneto Road will need to be renovated and is told that some improvements are already in the plans. He is concerned about hidden costs.

Tom Cardon: Cunningham Drive – Says there have been numerous delays over the years and does not think that Amendment #7 will be the last. Would like to see the town use another firm and is concerned about who is in charge.

Steve Trefethen: Windham, NH – Would like to know what happens if the cost exceeds the estimate and is told that it is hard to answer a speculative question but the cost is a reasonable projection. Would like to know the number on acquisitions and right-of-ways and is told that number is available but not at this time. Questions if an Environmental study has been done and is told that it has.

Tom Cardon: Cunningham Drive – Believes that CLD should be finished and an updated cost should be done.

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

Councilor Morgan will not support more than the town has already signed up for. Would have preferred a fixed price contract and does not agree with the process.

Councilor Fischer shares the concerns as the bottom line for the town could change.

Councilor Foote will support 4A tonight with reluctance sharing the other councilor's concerns and the uncertainty with a portion of the rail trail.

Councilor Bourdon says that each council continues to support 4A but does not know if he can because of the language of the agreement.

Councilor Tripp says the State and CLD put a lot of work into 4A and he would support it entirely.

Councilor Katsakiores says she will support it but not after this \$5 million.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2106-008 as follows ... [Read the Resolution], Seconded by Councilor Tripp
Attachment: Resolution #2016-008
Roll Call Vote 7-0-0

- 16-69** Amendment to Zoning Ordinance Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map to change (3) parcels from the MHDR District to the General Commercial (GC) District

Planning director George Sioras presented the proposed amendment to Zoning Ordinance Article V. Three property owners on Lenox Ave across from Walgreens and adjacent to Sal's pizza would like their zoning designation changed from Medium High Density Residential (MHDR) to General Commercial (GC). New development and redevelopment of commercially zoned parcels will expand the town's tax base and present opportunities for new business and employment. With the reclassification these properties can be added to the ERZ zone.

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

Lori Van Curen: Lenox Road – Asked what an ERZ zone means. Believes this resolution would benefit the community and the traffic flow and says she is all for it.

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

The councilors question if the abutters are okay with this reclassification and are told they are. They are informed there is no immediate impact to Saint Thomas church and there are no restrictions on use.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Ordinance #2106-001 as follows ... [Read the Ordinance], Seconded by Councilor Katsakiores
Attachment: Ordinance #2016-001
Roll Call Vote 7-0-0

New Business

- 16-80** Accept two training grants from the NH Police Standards & Training Council totaling \$1,190

Captain Feole stated that in February of 2016, the Police Department sent two employees to training at the NHPSTC (Police Academy) in Concord. Due to budget issues at the state level, tuition was required for each class in the amount of \$595. The Police Department paid for each class utilizing funds appropriated for such purposes in the FY2016 budget. In early April, the department was notified by the NHPSTC that funds were now available to reimburse the town for some of the costs associated with the training. On May 11th, the department was notified that tuition from each class could be fully reimbursed.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2106-012 as follows ... [Read the Resolution], Seconded by Councilor Katsakiores
Attachment(s): Resolution #2016-012
Roll Call Vote 7-0-0

- 16-81** 2016 Justice Assistance Grant – Interlocal Agreement between Town of Derry and Rockingham County

Authorization is needed for the Town Administrator to execute an agreement (Interlocal Agreement) between the Town and Rockingham County that allows the County to apply for funds on behalf of the Town pursuant to the 2016 Justice Assistance Grant (JAG) program.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2106-014 as follows ... [Read the Resolution], Seconded by Councilor Morgan
Attachment: Resolution #2016-014
Roll Call Vote 7-0-0

- 16-82** Accept 2016 Justice Assistance Grant - \$13,337
- Schedule Public Hearing June 21, 2016

Captain Feole stated that the US Department of Justice has announced the 2016 Justice Assistance Grant (JAG) Awards: The Town of Derry is eligible for an award of \$13,357. Rockingham County has been chosen by the DOJ to be the fiscal agent and applicant for the grant. Rockingham County will receive a 5% administration fee for this service. The Town of Derry will receive a net total of \$12,690.

Councilor Morgan MOVES THAT THE TOWN COUNCIL schedule a Public Hearing for June 21st, 2016, seconded by Councilor Tripp
Vote 7-0-0

- 16-83** Offer Agreement – NHDOT Land Acquisition Proposal: Parcels 7-70 & 7-71 Londonderry

Public Works Director Mike Fowler stated that the State of NH needs to acquire 2.89 acres of land from parcels 7-70 and 7-71 owned by the Town of Derry and located in Londonderry on the Derry town line. The parcels are currently vacant and abut the Derry wastewater treatment lagoons to the south, the Auto Auction of New England to the north and I93 to the west. NHDOT requires this land to construct a new stormwater detention basin as part of the I93 widening project. The State has offered the Town of Derry \$1,250 for the 2.89 acres. The appraisal was forwarded to the Derry Assessor's office for review. Based on their opinion that the appraisal appeared low and it was suggested that the Town have an independent appraisal performed. The cost of the appraisal would be closer to \$3,000 and it was suggested that any possible increase in the appraisal value would be outweighed by the cost of the appraisal itself.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL extend the meeting until 10:10, seconded by Councilor Katsakiores – all agreed

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2106-013 as follows ... [Read the Resolution], Seconded by Councilor
Attachment: Resolution #2016-013
Roll Call Vote 6-1-0 (Chairman Chirichiello)

Chairman Chirichiello believes that the town could get more money for this piece of land

Council Requests / Open Discussion

Councilor Bourdon MOVES THAT THE TOWN COUNCIL extend the meeting until 10:20, seconded by Councilor Tripp – all agreed

Councilor Bourdon – On June 11th there is a Run for Recovery event. The proceeds will go to the Derry Friendship Center for those in substance recovery. Registration starts at 9am with the race at 10am. June 18th from 5:30pm-8:30pm at the Chester Town Hall in the multipurpose room there will be a spaghetti dinner and raffle hosted by Derry American Legion Post 9. Adults are \$10, children 2-11 are \$5, and anyone under 2 is free.

Councilor Morgan – Public address and conduct at the town council meetings should be looked at. The elderly exemption has not changed since 2008 and that is something that should be considered. Does not believe the council should engage in negativity.

Councilor Foote – This past Thursday the Boys and Girls Club had a veteran's dinner with over 300 people attending. Saturday Conservation is having a nature walk.

Councilor Tripp – Thanked the Public Works Department for expediting putting up the new flag pole. Says 300k was taken from the unassigned fund balance for the budget and would like to see the town publish revenues of the budget along with the expenditures.

Chairman Chirichiello – The next council meeting is important as there will be a presentation on property assessing methods and Buxton will be presenting on Economic Development.

Councilor Fischer – Was not in favor of the line by line budget review but believes it showed transparency. He would like the residents to be able to voice their opinions but in a respectful manner.

Adjournment: 10:20 p.m.



Town Clerk

6-23-16
Date

Recording & Transcription by: Daniel Healey, Town Clerk