

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**December 2, 2014
Tuesday - 6:30 PM**

6:00 PM Non-Public Session under RSA 91A: II (b)

6:30 PM Call to order

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

Roll Call: Councilors Katsakiores, Dimmock, Bourdon, Cardon, Fischer, Fairbanks and Chairman Osborne

Consent Agenda

14-152 Approve Minutes – November 18, 2014

Approved as written

Town Administrator's Report – Galen Stearns

Mr. Stearns thanked the DPW for their excellent work on cleaning up after the storm. The fire and police departments assisted with wellness checks and the warming shelter at Londonderry High School was opened with limited use.

On Tuesday, November 25th the grand opening of "Monkey Sports" was held. The Derry store is largest hockey equipment store in the US.

Mr. Stearns stated that the water/sewer bonds for the Rte. 28 expansion are not being paid for by taxes; they are being paid for by the Enterprise Funds.

An issue was raised at the last Planning Board meeting that a member must be a Derry resident. There was also some concern if the RSA overrides the Town Charter. A legal opinion was obtained and a member does not have to be a resident to be a Planning Board member.

Public Forum

Open Public Forum 7-0-0

Philip Ernst, Rain Pond Rd – Stated his issues with the taxes as the assessments went up even though the tax rate decreased. He questions the assessment accuracy. He questioned how enrollments in the schools projections are developed. (He was referred to the school board)

Anthony Lange, Robin Rd – he is in favor of a 'Leash Law'. The State law is too weak and the laws are outdated.

Mary Till, Old Chester Rd – spoke in regards of the Pole Licenses right of way that utility companies use. she agrees in taxing the users of the poles and the revenue stream.

James Zanbibonni, Stark Rd – Commented on the Downtown Trick or Treat event and Holiday Parade and how these special events bring a lot of people to the Town. He was pleased.

Derek Moody, DRAE Restaurant owner – The parade brought many people to Town. However, it also brought attention to the properties in disrepair. (He gave pictures of these building to Town Council) He feels the proposed ordinance is still too weak and suggested a 180 day plan be added, 90 days to provide a plan and 90 days to implement the plan.

Steve Trefethen, N. Shore Rd – Suggested to use good things from the “Main St”, program to expand downtown. School Board needs to get control of their budget. He gave statistics about people being serviced for drug, alcoholic and mental abuses and most people are not from Derry; however, they are treated in Derry.

Marion Schnitzelein, Bayberry Lane – Questioned how the “Property Maintenance” ordinance is going. How can the out of town landlords be made to maintain their properties and these are not limited to downtown? Taxes keep going up and the schools need to cut their budget. How can the Town and the school district sit down to discuss this issue. What about Pinkerton should Derry think about having its own high school?

Jeff Moulton, Taylor Brook – stated that the pole tax may make it cost prohibitive to utility companies.

Close Public Forum 7-0-0

New Business (part 1)

Agenda items 14-156, 152,153,154 moved ahead per agreement of all Council members.

14-156 Chief Financial Officer Update

Mr. Stearns gave the overview of the past CFO and where the applicants were at this point. The candidate recommended is Susan Hickey as the new CFO.

Move that DTC confirm the Town Administrator’s appointment of Susan A. Hickey as the Town’s Chief Financial Officer effective December 8, 2014.

Motion by Councilor Katsakiores, seconded by Councilor Dimmock

Vote: 7-0-0

14-152 Appointment to Heritage Commission

Move to appoint Rosemary Fesh as a member of the Heritage Commission for a term to expire March 2016, seconded by Councilor Katsakiores.

Vote: 6-1-0 (Councilor Dimmock)

14-153 Appointment to Southern NH Planning Commission

Move to appoint Jeff Moulton to the SNPC term to expire June 30, 2016 seconded by Councilor Bourdon

Vote: 7-0-0

14-154 Appointment to Planning Board

Move to appoint Robert Jean as an alternate member of the Planning Board term to expire March 2015, second by Councilor Fairbanks.

Due to an incomplete application the Council has concerns.

Motion to postpone by Councilor Katsakiores, seconded by Councilor Fairbanks

Vote: 7-0-0

Public Hearing

14-151 Accept Deer Run Road as a Class V roadway

Mike Fowler housekeeping on acceptance of Deer Run Rd, the Planning Board has accepted this road at their October 15th meeting.

Open Public Hearing Councilors Osborne & Fischer 7-0-0

No Public input

Close Public Hearing Councilors Bourdon & Fairbanks 7-0-0

The Town Council moves to accept Deer Run Road as a Class V roadway as recommended by the Planning Board. Motion by Councilor Osborne, seconded by Councilor Dimmock.

Vote: 7-0-0

Old Business –

14-138 Amend Pole License

Mr. Gomez – reviewed the request for the petition. The matter before the Council is to fix all of the Town's existing pole licenses and to add a new requirement that pole owners provide the Town with the names and nature of use of all co-users. A public hearing was held on November 18, 2014.

Councilor Osborne asked what the ramifications would be if not passed. Mr. Gomez replied the Supreme Court has ruled that all licenses contain tax language. Not all of our current licenses contain this language. If it is not passed, this would prevent future taxation on new poles.

Move that the Town Council moves to approve the petition of David N. Gomez, Assessor for the Town of Derry and a person whose rights and interests in such capacity are affected by all pole licenses issued pursuant to RSA 231:161, hereby petition this Council to exercise its authority under RSA 231:161 to:

- (1) Amend all previously-issued pole licenses to include certain language as listed below and**
- (2) Authorize Town Representatives to condition all new pole licensing applications on these amendments.**

Motion by Councilor Osborne, seconded by Councilor Cardon

Vote: 7-0-0

14-144 First Reading – Amend Chapter 30 – Building Code

This is the first reading and discussion of the amendments to this code.

Chief Klauber and Bob Mackey presented background on this matter.

The Town has already adopted the International Codes for plumbing, heating, etc. Based on review with the Town's legal counsel, of current RSA's and the Derry Town Code we recommend that the current edition of the International Property Maintenance Code be amended in order for the Town to educate our property owners, more effectively enforce the ordinance and maintain a safer community. The statute specifically grants local municipalities the authority to amend the code.

The Property Maintenance Code has not been adopted by the state. Only amendments to this code are being discussed. The Town can charge up to \$275.00 per violation per day, the option to go to court is included. Creation of a Property Maintenance

Committee is a major amendment designed to be customized for Derry. The Committee has the authority to recommend to Code Enforcement for action.

The Council each asked questions of Mr. Mackey and Chief Klauber in regards to when change could be seen, support of this ordinance by Council and other responsible parties. Another issue is the other overall areas of Town that need immediate attention of the amendments to this ordinance as well as the consideration of time for legal issues and court.

Council thanked Mr. Mackey and Chief Klauber for their work on this amendment. The public hearing will be held on December 16, 2014.

New Business (part 2)

14-155 Consider Leash Law

Mr. Stearns gave statistics of the licensed dogs in Derry. The surrounding towns do not have a leash law. He recommends Council take no action.

Discussion:

Councilor Katsakiores had brought this forward because residents have concerns. It's an animal it can change its mood just like people. She believes when you are off your property and in public dogs should be on a leash.

Other Councilors questioned dog bites and the process for the dog, how it would be reported if the dog wasn't on a leash, the amount of fines for this violation.

Move direct staff to come up with an ordinance in regards to leash law ordinance.

Motion by Councilor Katsakiores, no second.

Move to direct the staff to increase dog fines ordinance.

Moved by Councilor Fairbanks, seconded by Councilor Bourdon. Motion withdrawn.

Mr. Stearns interjected that RSA 466:31, defines the amount of fines that can be charged.

Chairman's Report –

Nepotism Ordinance there is a way to change Administrative Regulations

Be specific with commissions, board members, elected officials for conflict of interests. He has come up with some outlines in the Town Council

Council Goals - FY 2016 Budget -

Councilor Cardon – The way the budget is reviewed line by line. Let the department heads come up with the bottom line and review with Council. Need to cut tax rate.

Councilor Fisher – prepared a hand out and passed it to the Council. Need to balance delivery of services with cost of effectiveness. He has researched the tax rates in the surrounding towns and the average of tax rates is \$6.40. Derry needs to reduce the tax rate by \$2.50. The how is up to administration.

Councilor Fairbanks agrees to go line by line in the budget was because there was no direction by Council.

Councilor Osborne would like to give goals to administration

Councilor Bourdon would like to set goals, get contracts settled, and work with schools, increase constituent involvement.

Councilor Dimmock agrees with reducing the tax rate. There needs to be cuts.
Councilor Katsakiores asked how this \$2.50 reduction is going to affect services and staff. Derry has more people.

Councilor Osborne reminded Council of the Veterans tax increase which should be included in the budget.

Councilor Fischer wants to give the staff and administration some direction.

Move that the goal be to reduce the tax rate by \$2.50.

Motion by Councilor Fischer, seconded by Councilor Dimmock

(Councilor Bourdon asked that an amendment be made to the motion but would like to see three options and gave examples.) Discussion continued on this amendment. Councilor Bourdon withdrew his amendment.

Vote: 7-0-0

14-146 Change time of Town Council Meetings

Council discussed the change of time for the past two meetings starting at 6:30PM. Councilors suggested a 7:00PM start time however the majority requested a 7:30PM start time.

The Council was polled and all agreed on 7:30PM.

Mr. Stearns reminded Council that they needed to reconsider vote for Public Hearing on the item #14-144 at 6:30PM to 7:30PM on 12/16/14.

Councilors agreed to the reconsideration of the time change.

Vote: 7-0-0

Council Requests / Open Discussion

Councilor Cardon – thanked Fire Department for rescue of the two boys who fell into Hood Pond.

Councilor Fischer – Would like a town survey taken to see what the people of the Town have as priorities through Survey Monkey.

Councilor Fairbanks – Received the legal summary but two issues were missing. He asked if the Rail Trail could be plowed after the sidewalks.

Councilor Bourdon – Asked about installing a light at English Range Rd & Bypass 28. *He was informed this is a state highway.*

He is organizing a 5K road race to raise awareness and funds for drug addiction.

Councilor Katsakiores thanked Larry Budreau for his job performance as Acting Town Administrator.

Adjourned 9:20PM

Denise E Neale
Town Clerk

12/17/14
Date



Transcription by: Denise E Neale, Town Clerk