

TOWN OF DERRY

Town Council
Derry Municipal Center

June 3, 2014
Tuesday - 7:30 PM

Non-Public Session RSA 91A:II (b)
Non-Public Session RSA 91A:II (c)

Call to order 7:30 p.m.

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

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

Consent Agenda

- 14-72 Approve Minutes – May 20, 2014
- 14-73 Schedule Public Hearing – June 17, 2014 – Accept funding from US Department of Justice, Bureau of Justice Assistance, for personal body armor under the Bullet Proof Vest Partnership Program
- 14-74 Approve Veteran Credit and Elderly Exemption

**Approved 14-74 in Non-public
Consent agenda approved as written**

Chairman's Report –

In tonight's non-public, the Council went through resumes for the new Town Administrator. The application submission process closed on June 1 and 76 applications have been received.

The next non-public meetings to continue the application process are scheduled for June 10, 12, & 14. Citizen's review will be discussed in the future. Chairman Osborne asked all citizens to please email your Councilor with your input in the meantime.

The Planning and Town Council workshop addressed zoning and town property. There was an overwhelming consensus that zoning shall be commercial on Rte. 28 South and should also extend to the Windham line for economic growth and infrastructure. The Sawyer Court property was discussed and consensus is to have an office building to be put into that area, not a residence. However, presently the zoning for a building cannot be more than 60 ft. high and should be changed to 100 ft. high for commercial use. Chairman Osborne thanked the Planning Board for this productive meeting.

In regards to Memorial Day, he thanked Councilor Katsakiores for her role in making sure the dedication of the Lance Cpl. Geary Bridge was completed. There were comments made that this was the first Memorial Day at MacGregor Park that the entire Town Council attended. It was most appreciated. Chairman Osborne thanked the Veterans and VFW for allowing the Council to take part.

Last March, Councilor Katsakiores was appointed to the Derry Housing & Redevelopment Authority and they meet once per month. She asked the Town Council if she needed to be there.

Town Administrator's Report –

Tom Carrier reported on the odor at wastewater treatment plant and he explained this is not uncommon at this time of year although it was very pungent. He continued to explain the process of the organic waste. It is believed the extremely cold winter caused a larger sludge blanket in the bottom of the lagoon and with the warm up in temperatures so fast has caused the smell. The State, engineers and personnel could not find any faults. The wastewater plant is functioning as designed. The size of the Derry facility is larger than other facilities in this area.

Councilors asked questions and were concerned over the public media in regards to the odor emitted. Councilor Fairbanks lives in the direction of the wastewater plant and confirmed the odor happens every year but has never been this extreme. It has since subsided.

Larry Budreau spoke about the police evidence storage building and stated that to keep in compliance with RSA 674:54, a 60 day notice has to be given to the Town Council and Planning Board before construction. Funds for this project were approved in the FY2014 budget. This building will be 6 feet from the property line instead of the normal 20 feet required in the zoning law. However, municipalities are exempt from these rules. The abutter has been notified by Mr. Mackey.

Public Forum

Open Public Forum 7-0-0

Roberta Robie, Chester Rd – spoke regarding increases in the Veterans' Tax Credit. She has been before the Council eight times. This \$50.00 increase to the Veterans Credit equates to \$10.00 per year as there had not been an increase from 2010-2014. In 2003 she informed the Town Council that SB45 had passed which allowed municipalities to increase the Veterans' Credit to a maximum of \$500.00 per year. Veterans put their lives on the line so that we can all be free. The Council's vote of a *\$0.02* tax rate increase equates to \$48,850 and an increase of *\$0.04* would be \$97,700. The Council should not sacrifice the Veterans' Credit increase to keep the tax rate down. She requested that the Town Council reconsider their vote and revote a *\$100* increase *to the Veterans' Credit*.

There were two boy scouts with their Scout Master in the audience who are working on their Citizenship badge. The Town Council acknowledged their presence and asked if they had any questions.

Richard Tripp, Windham Rd – Thanked the Council for the increase in the Veterans' Credit, and participation in the Memorial Day Ceremonies. He objected to the word "pandering" used in the last meeting in conjunction with Veterans as a special interest group.

Roberta Robie, Chester Rd – wanted to clarify to people she does receive the Veterans' Credit and Elderly Exemptions.

Katherine Prudhomme-O'Brien – Was concerned regarding the odor from the Wastewater Treatment Plant. She would like an update on this issue.

Council requested an update on Wastewater Treatment plant at next meeting.

Marc Flattes, Linlew Dr. – asked the Councilor to reconsider raising the Veterans' Credit increase from \$50.00 to \$65.00.

Close Public Forum 7-0-0

Old Business –

14-36 Anti-Blight Ordinance - Discussion

Discussion:

The Anti-Blight Committee has had two meetings. George Sioras gave information on creating a town ordinance through the Fire and Code Enforcement Departments and to utilize Town Council, staff and legal input to create this. The Committee would like to craft an ordinance that would be enforceable and their target date is the end of summer. The Committee will be requesting a change of name to "Derry Property Maintenance Committee" as this gives a broader spectrum of the definition to address insufficient maintenance issues. A member of the Derry Housing Authority will be asked to join the Committee.

New Business –

**14-69 Revise Chapter 55 of the Code of the Town of Derry-
Food Service Establishments**

Mr. Budreau highlighted the Food Service Establishment revision. Change: All licenses currently issued shall be valid from date of issue instead of expiring on March 31st, also to clean up some language within this code and add Food Processors in shared kitchens.

Move that the Derry Town schedules a public hearing on June 17, 2014 at 7:30 p.m. to consider amending Chapter 55 – Food Service Establishments of the Code of Derry.

Motion by Chairman Osborne, seconded by Councilor Katsakiores

Vote: 7-0-0

14-75 Extend Capital Appropriations

Janice Mobsby stated that were no transfers needed. The snow & ice and Adams Memorial supplemental appropriations have already been voted on. The Town Charter requires that capital appropriations do not lapse. She is asking the Council to extend appropriations so that they can be completed.

Acting as Water and Wastewater Commissioners, I move to extend previously authorized capital appropriations for Emerald Dr and Route 28 Water and Wastewater Capital improvements until the purpose for which they were made is accomplished or abandoned. This motion includes fiscal 2012 and 2014 Water appropriations of \$150,000 and \$214,000 for Emerald Drive and fiscal 2012 appropriations of \$1,958,500 for water and \$1,975,500 Wastewater for Route 28 infrastructure improvements.

Motion by Councilor Fairbanks, seconded by Cardon

Vote: 7-0-0

14-76 Economic Development Discussion

Discussion:

To begin discussion, Chairman Osborne asked what incentives the Town already has and what more can be put in place to bring in business.

George Sioras listed what tools are available for utilization to the public & businesses and explained some of these programs. There is eligibility for grants, abatements and property tax relief. Explanation was given for impact fees and assessments. Questions were asked regarding the hazardous clean-up sites within town. Council would like to put this information on the website so that businesses know what is available and promote business.

14-71 Discuss Land Use Change Tax

Discussion:

Larry Budreau stated that in 1997 the Council voted to give 100% of these taxes to the Derry Conservation Commission (DCC) to protect "Open Space" and "Preservation". Mr. Budreau explained the Land Use Tax.

Councilors asked questions regarding; how much land the DCC has preserved by purchase, where the money would come from if this was reversed, and how it would affect the DCC's ability to function. Councilor Cardon feels strongly that these monies stay with Conservation. Councilor Fairbanks would like to have a public hearing to change the percentage to 50%. Councilor Osborne stated maybe it is time to have a discussion on whether to cut the percentage of these fees going to Conservation and return some of these funds back to the taxpayers.

Chairman Osborne asked Council if everyone would like to hold a public hearing on this issue. All agreed.

Council Requests / Open Discussion

Councilor Katsakiores thanked the Rotary Clubs for the Veterans cookout held at the Boys & Girls Club. Derry Police Department Blood drive is June 25th.

Councilor Dimmock had questions regarding the Derry Downtown Committee.

Councilor Bourdon stated it was good to see new people in audience. He would like more people to get involved with the Derry Downtown Committee.

Chairman Osborne announced state wide elections are coming up for State Senate and Representatives. He invited all candidates for office to attend a meeting to hear what is on the minds of the Derry citizens.

Councilor Fairbanks invited the Boy Scouts to come and ask questions. One young man did ask, "Would there be mosquito control this summers?" Mr. Budreau replied, "Yes". "How is the search for the new Town Administrator progressing?" Chairman Osborne replied, "very well, looking for someone who will listen to the citizens, someone we like and can work with".

Councilor Fischer would like information before FY2016 for the Taylor Library and Derry Public Library. He requested a report from the leadership of both Taylor and Derry Public Libraries as to what their capital needs are by August and also if they were to merge libraries what would the cost and services be. He also asked how much is in Building Fund? There were no objections from the Council.

Councilor Fischer would like to see an RFP for "Collective Bargaining Services" as the town needs to move forward on getting contracts settled. He asked Mr. Osborne and Mr. Budreau to work on RFP.


Councilor Cardon has checked out the parking signs for Wall St and Broadway. They are hard to see and need to be larger to direct people to parking areas.

Motion to extend 10 minutes Councilors Bourdon and Katsakiores 7-0-0

Councilor Cardon continued regarding an article on Exit 4A that the Town needs to get together as the timeline is 2-4 years. It could get costly and the town would need to work on a funding source. Ms. Katsakiores stated the State of NH is not supporting the exit.

Mr. Budreau informed the Council that NH DOT would like to meet on the Rte. 93 widening project and do a presentation at the 7/15/14 Town Council meeting.

Adjournment 10:05 pm


Denise E Neale
Town Clerk


August 5, 2014
Date

Recording by Cynthia Messina, Clerk
Transcription by Denise E Neale, Town Clerk

Amended August 5, 2014