

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**January 20, 2015
Tuesday - 7:30 PM**

6:15 PM Non-Public Session – RSA 91A:3 II (a) & RSA 91A:3 II (e)

7:30 PM Call to order

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

15-04 Approve Non-Public Minutes – January 6, 2015

15-05 Approve Minutes – January 6, 2015

Consent Agenda approved as written

15-06 Establish polling places

Town Clerk Neale shared with the Town Council the email advisement from Headmaster Griffin Morse of Pinkerton Academy stating that they could no longer accommodate this polling location as long as the students were in session. Under the direction of Chairman Osborne, Ms. Neale contacted the Derry School District Superintendent, Laura Nelson who reviewed with the School Board and approved accommodating the two displaced districts for the March 2015 elections; District #3 will be at West Running Brook Middle School and District #1 will be at Gilbert H. Hood Middle School. Ms. Neale will provide notification to the voters of these districts.

The Councilors discussed the situation and agreed on moving the two district locations for the March 2015 and have further discussions with Pinkerton Academy before the Presidential Primary in 2016 for accommodations.

Move that for the Derry March 2015 Elections that the polling places will be:

District #1 & #4 at Gilbert H. Hood Middle School

District #3 at West Running Brook Middle School

District #2 at the Calvary Bible School

Motion by Chairman Osborne, seconded by Councilor Fairbanks

Vote: 7-0-0

Chairman's Report – Mark Osborne

The meeting in non-public was to finalize the goals for the Town Administrator. This will be added as an addendum to Mr. Stearns contract.

Mr. Osborne has been contacted regarding consideration in taking up a "Pan Handling Ordinance". Considering there is a case before United States Supreme Court from Massachusetts regarding this issue he would like to wait for the court's decision.

Town Administrator's Report – Galen Stearns

Mr. Stearns responded to a request that was made on repositioning the flags so that the Town Council does not turn their back on the audience. Under US Code Appendix A "Patriot Customs", Section 175 "Position of Manner and Display of Flags" the flag must be faced at the front of the room in front of the audience.

It was requested that we use the Town's message boards regarding the School District Deliberative Session. This will be posted at the Transfer Station, the TV monitor in the lobby at the Municipal Center, the Town's website, Central Fire station and after the Police Blood drive this Friday it will be posted on the message board at the Police Department on Folsom Road.

On Wednesday, January 21, Public Works Director Mike Fowler, Mr. Stearns, and personnel from Londonderry will be meeting at Concord DOT with CLD to continue discussions on Exit 4-A.

Fire Chief Klauber will be retiring on the 31st and would like to say a few words as this is his last meeting.

Chief Klauber thanked the people of Town of Derry. He has enjoyed being here and hopes he has left the Derry citizens and businesses a little bit safer. He thanked Carol Grandfield who hired him. He was the first chief to come to Derry from the outside. He thanked Chief Garone who has worked with him closely over the years. He also thanked fellow managers; Mike Fowler and his crew who are a joy to work with. He went on to thank Frank Childs & Janice Mobsby of the Finance Department who has assisted him with budgeting and managing money; Larry Budreau for negotiating contracts and as Acting Town Administrator. Chief Klauber also thanked everyone in the Municipal Center who he has had a chance to work with over the years. He thanked the Derry Fire, Department who accepted and supported him, a special thanks to Jayne Gannon and Milena Anzalone in his office, Bill Rutherford our mechanic, Jon Goldman Communication & Technology, Chuck Hemeon, EMS, and Battalion Chiefs, Mike Gagnon, Dave Hoffman, Jack Webb, and Mike Doyle. He especially thanked his wife for allowing him to serve Derry.

Mr. Stearns would like to reconsider the make-up of the interview committee for the new Fire Chief. Councilor Katsakiores will step down from this committee and Chairman Osborne asked for a volunteer. Councilor Bourdon would like to serve. Councilor Dimmock would like Councilor Fisher to be on the committee. Councilor Fischer would prefer to be Mr. Bourdon's back up for these meetings.

Mr. Stearns asked the Council to confirm Battalion Chief Michael Gannon has been appointed as Interim Fire Chief.

Councilor Osborne moved that the Derry Town Council confirm the Town Administrator's appointment of Mike Gagnon as the interim Fire Chief effective 1/31/15, second by Councilor Bourdon

Vote: 7-0-0

***** (a) New Transfer Station Update – M. Fowler,

Public Works Director Mike Fowler – there were difficulties in meeting the budget of the design for this facility. He had gone back and got 7 qualified bids. Hutter Construction won the contract for the 15,000 square foot facility. Expectation to break ground is for the Spring and the total cost is \$2,796,404. Placement of the new facility will be on the north side of the present facility. It is scheduled to open in December of 2015.

Mr. Fowler explained the process to get the site ready at no cost to the Town.

A new double ram bailer is one of the key components of the new facility, which will allow for more separation of different types of recyclables.

Council asked questions regarding hiring more employees and questioned the comingling of recyclables and the new separating process.

Mr. Fowler stated there would be no new hires and detailed the separating process.

(b) Revaluation Process – D. Gomez

Assessor David Gomez – The Assessment Equalization Ratio which we estimate that the State's Equalization Ratio for 2014 will be 97.8% compared to the DRA approved Ratio of 94% for 2013. The information Assessing submits to DRA is deemed to be "unofficial" since the DRA's final report will not be completed until March 2015. Every five years the town is required to do an assessment of property which is done by an outside consultant; this was completed in 2015. This was submitted to the DRA on the MS-1 form in August. Anyone who seeks to inquire or object to their evaluation has until March 1, 2015 to submit it to the Town; the Town then has until July 1, 2015 to render an opinion. If a homeowner does not agree with the Town's opinion they may then file an appeal in Superior Court by September 1, 2015.

In the process there were a total of 11,760 properties of which 225 were exempt, 164 had no effect on value, 111 parcels saw no increase in taxes, 6,994 parcels had a decrease, and 4,266 had an increase.

Mr. Gomez advised the Council that if we continue on a two year reassessment as opposed to five to ten year, we will meet the five year DRA standard. This will mitigate the spikes in assessments which will assist the tax rate.

Councilors asked questions as who makes up the assessment, regarding fairness of assessments, and how the consultant is hired

Registrations for the March elections will begin on Wednesday, January 21 and remain open until Friday, January 30. Anyone interested may sign up at the Town Clerk's office. A list of open positions can be found on the Town's website.

The School Deliberative Session will be Saturday, January 31st at West Running Brook School beginning at 10AM.

Public Forum

Open Public Forum

Janet Fairbanks, Rose Ave - asked the Town Council to consider looking at the property on Kendall Pond that abuts Magnolia Lane where they are about to build 18 apartments. She asked that maybe the Town could do a swap of land with the builder from Town owned property. At the Planning Board meeting all the abutters on Magnolia Lane objected to this building. If this is built, 100 apartments will be placed in this area this year. These apartments would also abut the bike path. Ms. Fairbanks suggested that maybe the old Community Electric building could be torn down and a parking lot created for the bike path. Another concern she had was that a few months ago the Planning Board meeting couldn't get started for 30 minutes until a quorum was present; this meeting almost didn't take place. If someone is not interested in serving on the board they should step down.

Marion Schnitzlein, Bayberry Lane –Thanked the Council for running the meeting peacefully. She gave definitions of “oppress” in reference to the tax burden. She was disappointed in the School Board as they were not willing to cut their budget. She wanted to remind the taxpayers about the Deliberative Session on 1/31/15 and urged voters to speak.

James Zamboni, Stark Rd – Mr. Gomez adjusted the assessment on his home after viewing. It is difficult to understand the process. He asked if it would be possible to hold a community workshop to help citizens understand the process. He would like to understand how to get a true evaluation.

Marc Flattes, Linlew Dr- questioned the deliberative session voting process. He agrees Town Council should support the Constitutional Amendment.

Corrine Dodge, Warner Hill Rd – spoke regarding the Constitutional Amendment that she brought forward at the last meeting and referenced more information.

Steve Trefethen, business owner – spoke on the tax appraisal and assessment process. He recommended that citizens call a realtor and have a market analysis done on their homes. He also made reference to Tax Collectors in NH. He has approached them and it appears to him that he receives different information each time. He would also like the snow removed off the sidewalks in downtown.

Charlie Zoeller, Windham Deport Rd – citizens united ruling was negative

Richard Tripp, Windham Rd – He is not opposed to the resolution of Citizens United he doesn't feel polls are necessarily accurate and asked the Town Council not to rush into this resolution.

Chief Klauber- He has been working on his budget and stated that he moved to Derry by choice because of what the community represents. We don't have a lot of commercial or industrial buildings; we have neighbors and people which cost money. As he sat at school board meetings, he stated that people who attended said is they don't care about their taxes; they care about class sizes and number of teachers and schools. Please be careful as you go through the budget process, look for the efficiencies. There is efficiency in the budget but that doesn't mean we can't do a better job. I'm sure your numbers & goals are going to change Derry and the community.

Close public forum

Public Hearing –

15-03 NHDES Household Hazardous Waste Agreement, grant application

Mike Fowler – DES Commissioner has announced the Household Hazardous Waste grants are available.

Open Public Hearing Councilors Katsakiores & Bourdon 7-0-0

No public input

Close the Public Hearing Councilors Katsakiores & Bourdon 7-0-0

**The Derry Town Council MOVES to authorize Galen Stearns, Town Administrator, to sign applications and contracts on behalf of the town with respect to grant contracts with the State of New Hampshire Department of Environmental Services and to enter into a grant agreement with the NHDES to receive and expend funds without further action of the council, a household hazardous waste collection event in FY16. Motion by Councilor Osborne, seconded by Councilor Dimmock
Vote: 7-0-0**

New Business –

15-07 Review of Town Owned Property

Dawn Enwright, Tax Collector – presented the properties that have been taken for taxes and would like the Town Council to set two public hearings to review the disposition of these properties by auction or sealed bid in the Spring of 2015.

Council asked questions of Ms. Enwright regarding two properties that were requested to be retained by Conservation Commission and DPW.

**Move that the Derry Town Council set two public hearings to review the disposition of Town-owned property on February 3, 2015 and February 17, 2015; and schedule a vote at the March 3, 2015 meeting to authorize the Town Administrator to dispose of the tax deeded properties.
Motion by Councilor Osborne, seconded by Councilor Bourdon
Vote: 7-0-0**

15-08 Resolution for Constitutional Amendment concerning Campaign contributions

Mary Till, Derry State Representative – explained the ways that this Constitutional Amendment could move forward. It is a lengthy process but involves both the Federal government, House and Senate and includes approval from the states.

**Councilor Osborne read the attached resolution and Councilor Bourdon seconded
Vote: 7-0-0**

Council Requests / Open Discussion

Councilor Katsakiores – reminded the public of the Police Department Blood Drive on Friday, January 23 at Promise to Keep.

Councilor Bourdon- asked if there were a mechanism to put a freeze on building any new apartment buildings. At a School Board meeting he heard a woman state she assumed that Town Council and School Board are in constant communication. To date that is not the case. He suggested forming a committee comprised of two councilors, two school board members, two legislatures, two town employees, two school employees, and 4 citizens to meet quarterly to seek out and discuss areas to problem solve, find savings for the town and schools work together.

Eight weeks ago the Town Council set a goal of cutting the tax rate by \$2.00 per thousand. He asked Mr. Stearns if, to date, if anyone has approached him with an area that could generate revenues or ideas.

Mr. Stearns replied the Fire Chief has made a proposal for fee schedules and looked at different revenues. Mike Fowler is working to get a proposal from suppliers to set up solar farm.

Councilor Bourdon feels these are the type of things to promote change and avoid layoffs. He put the request out to citizens to email ideas to the Town Council.

Move to Extend 10 minutes was made by Councilor Dimmock; all agreed.

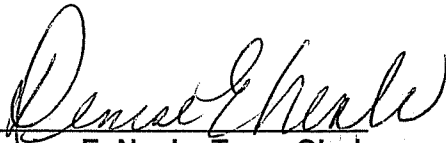
Council Osborne – The Town Council and School Board have had workshops and meetings before and the tax rates never went down as a result. Next year the new chair could focus on a workshop. There were other issues which were focused on this year and accomplishments made.

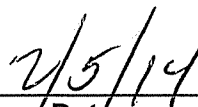
Councilor Fairbanks stated the Planning Board had their last workshop on Medium High Density at their last meeting and he is not positive but they may vote on it tomorrow evening. The Central Business District Rezoning Committee had its last meeting and will also be bringing it to the Town Council soon.

Councilor Fischer- Attended a professional workshop held at the DPL and thanked Ms. Barlow and her staff.

Councilor Cardon- Asked Mr. Stearns that while at his meeting in Concord on Wednesday to check into including the bike path as part of the Exit 4-A meeting.

Adjournment 10:05


Denise E. Neale, Town Clerk


Date

Recording & Transcription by: Denise E. Neale, Town Clerk