

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**February 4, 2014  
Tuesday - 7:30 PM**

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**7:00 PM**                      **Collective Bargaining Strategy Session** *(not open to the public)*

**7:30 PM** Call to order

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

**Roll Call:** Councilors Cardon, Osborne, Dimmock, Benson, Wetherbee, Katsakiores and Chairman Fairbanks

**Consent Agenda**

- 14-08**    Approve Meeting Minutes – January 22, 2014
- 14-09**    Approve Meeting Minutes with Boards & Committees  
January 22, 2014

**Approved**

**Chairman's Report** – Michael Fairbanks

- Reminded the public about the School Annual Meeting to be held on Saturday 2/8/14 @ 10am at the West Running Brook Middle School
  
- Senator Jim Rausch – School Funding Discussion

Senator Rausch began his discussion by stating that there are some errors in the information that the public receives on how we actually receive state funding. Because he wrote the state educational funding formula, it is important to him that the citizens of Derry understand exactly why and how we receive the money we do. The Derry School Board has made reference that they plan to work on a strategic plan. Sen. Rausch thanked them as this has been long overdue and extremely important.

He provided a State of NH Comparison of Selected Municipal Education Data and reviewed this information for the Council. Sen. Rausch stated that from 2002-2003 to 2012-2013 the school population has dropped 20.3% (-1393 students). Derry has lost the number of students equivalent of the entire Hampstead School population, he also represents the Town of Hampstead. However the FY2003-FY2013 Total State Education Aid has increased by 13.8%. He pointed out that in 2003 to 2007 Derry did not have a Kindergarten. The addition of kindergarten students added in 2008 was 300. He then explored the Adequate Education Grant Calculation History. This is based on the Average Daily Membership of school children. From 2009 to 2012 there was a loss of 488 students. From 2012 to 2013 there was a loss of 106 additional students. He was troubled by the school's public hearing where they failed to state there was a drop of students estimated for 2014-2015 of another 106 students. The State is not cutting the funding. Derry is receiving less because we are funded by the number of students Derry has. Senator Rausch emphasized once again how it is important for citizens to understand this. However, the Town of Derry gets a stabilization grant of \$8,658,000. Derry is receiving more on a per student basis. He has put this funding grant in a formula to create stability and sustainability in order to stabilize the tax rate for the citizens, but this doesn't work in Derry. The only option to make a change is at the deliberative session on Saturday.

The Senator also supplied to the Council a NH Dept. of Education Program Support Data spreadsheet & Table 3 Projected K-12 Enrollments 2022-2023 Five-Year Average Method, which is a demographic study the School Board did which projects a loss of another 1000 students. The School Board did this same study in 2009 and it is being done accurately. In the State of NH, we are losing children however not to extent Derry is. We are shifting our population. He hopes this has given some explanation to the Town Council and Derry's citizens.

Councilor Cardon stated he noticed that in the SB2 budget, the default budget has always been higher than the proposed budget. He asked Senator Rausch if there has been any push to change SB2.

Senator Rausch replied that two years ago he proposed change to SB2 and because the default budget is tied into the municipal budget it was difficult. He talked to the originators of SB2 and the default budget was supposed to be a budget that would sustain whatever you currently have. It was supposed to be a failsafe mechanism.

Chairman Fairbanks asked what the risk was of losing the stabilization grant. Senator Rausch replied the next legislative body.

This information Senator Rausch provided was from the State of NH official number.

Councilor Osborne asked if the Senator had a number that the School Budget should be reduced by. The Senator replied he wanted to stay with the explanation of the State Numbers.

Councilor Wetherbee asked for an explanation regarding the "Charter Schools". Senator Rausch stated "Charter Schools" are funded separately. The state gives the "Charter School" \$5,500 per student. There is no school board in the State of NH that gives "Charter Schools" money out of taxpayer dollars except Derry. They fund raise what is needed.

There is another "Charter School" approved by the state and tentatively scheduled to move into Derry for 150 students. For every decrease in students at Pinkerton they raise the tuition and the school board has made this agreement for "Charter Students" so there is an impact to the tax rate.

Council Wetherbee stated if he has it correctly we are losing \$4,500 in state aid plus another \$1,000 being given to Pinkertons due to this agreement. Home school students do have the ability to participate in school functions.

Senator Rausch thanked the Town Council for giving him the time to speak at tonight's meeting.

- The Chairman has received in package regarding "Housing for Homeless" he would like to have Sheila scan and send to councilors and they can let him know if anyone would like to discuss it.

#### **Town Administrator's Report – Acting TA Larry Budreau**

Mr. Budreau announced the agenda for the 15<sup>th</sup> Annual Frost Festival beginning on Friday, February 14<sup>th</sup> with a free spaghetti supper for seniors sponsored by the Derry Village Rotary Club. Saturday's events begin at Veterans Hall at 12:00PM with a free

puppet show and Animals from Wildlife Encounters. There will be a 5K Snowshoe Race at J&F Farms at 11:00AM and Frost Festival Farmers Market at the Upper Village Hall from 10 to 1:00PM. On Sunday, Alexander-Carr Park will be open for sledding, creation of ice sculptures under the pavilion, a bon fire (monitored by the Derry Fire Dept.), free arts and crafts for children, and a meet & greet with Miss Greater Derry.

**New Business –**

- 14-10** Approve Professional, Administrative & Technical Employees Collective Bargaining Agreement

Mr. Budreau gave the Council background history on this bargaining unit. He spoke about and highlighted the proposed agreement with over 40 changes. Some of the changes were including general wage increases over the next three fiscal years with no retroactive, increase of employee contributions toward conventional health plan premiums, health insurance caps have been eliminated, fully paid health insurance for disability was shortened, length of service for new employees to receive fully paid Medicare supplemental insurance upon retirement increased from 10 to 20 years, and the maximum Earned Time accrual is reduced to 36 days. The proposed contract is estimated to increase the total cost of compensation for this agreement an average rate of 2.3% per year.

Mr. Budreau suggested tabling this today in order for the Council to study the proposed agreement. The public can view this contract on the Town's website.

Councilor Wetherbee moved to table until the 2/18/14 meeting, seconded by Councilor Katsakiores

Vote: 7-0-0

- 14-11** Accept Collette's Mountain Gift

Larry Budreau – Margaret Ives, Conservation Commission Chair is here tonight to explain in detail for the Council. On September 10, 2012 the Conservation Commission accepted a gift of 67 acres of Conservation Land from the heirs of Joseph C. Collette.

**Pursuant to the powers granted the Town of Derry under RSA 36-A:4, be it resolved that the Derry Town Council on this 4<sup>th</sup> day of February 2014 hereby accepts the gift from the heirs of Joseph C. Collette of two parcels of land consisting of approximately 67 acres +/-, fondly known as Collette's Mountain and identified on the Derry Tax Map as SH121, Lot 790 and Lot 2026 to be used for conservation purposes and to be managed by the Derry Conservation Commission. Further, the Derry Town Council authorizes the Town Administrator to execute any documents that may be required to facilitate this gift.**

**Motion by Councilor Wetherbee, seconded by Councilor Katsakiores**

**Vote: 7-0-0**

Chairman Fairbanks read the following restrictions into the record:  
shall be known as Collette's Mountain. No dirt bikes or ATV's to be used on the property. The property is to be used for walking, nature trails, camping, hunting, conservation and recreational purposes. There shall be no motor vehicle parking on any land that borders Drew Road for Lot 07-090. There shall be no cutting of vegetation, trees, and bushes on land bordering Drew Road for Lot 07-090 so that a buffer shall remain in place. Parking shall be allowed on Lot 20-026 which abuts Collette's Drive. Paving, tree and brush

cutting will be allowed. There shall be no building or development allowed on the property.

Margaret Ives – answered questions of the Council. She is very happy with Conservation receiving this piece.

#### **14-12 Review of Town Owned Property**

Town code lays out the disposition of Town Real Estate. It provides a procedure and timeline to follow. The properties are evaluated by the Planning Board, Conservation Commission and Heritage Commission and Town Departments. The process has begun with the list being distributed to Town Departments, boards and commissions. The next step would be to notify the abutters of these properties prior to a public hearing. The first public hearing would be scheduled at the 3/18/14 meeting and the second at the 4/1/14 meeting. Town Council vote would take place on 4/15/14.

Frank Childs gave overview of the list of properties that previously had not sold at auction. The difficulty with these land properties has been overgrown dirt road, no frontage, or a road never built.

Councilor Cardon asked if there was a list of all town owned properties as he has been researching a list provided by a resident. Some councilors said they had this list.

#### **Public Forum**

Marc Flattes, Linlew Drive – Requested the information provided by Senator Rausch be placed on the website along with list of Town owned properties that was previously discussed. He also wanted to know about prior council decisions on the sale of these properties.

Mr. Budreau advised the Town Council that he would like to ask Senator Rausch before placing the information on the website. Mr. Budreau also would like to answer the remaining questions at the next meeting so that he may converse with staff for the appropriate answers.

Kelly Martin, Bayberry Lane – She also would like to see a list of all Town owned properties. She suggested a real estate professional to look at these properties.

Steve Trefethen - referenced a newspaper article regarding Mr. Benson and Mr. Wetherbee views. He mentioned the hiring of a new Town Administration and his opinion of how it should be handled. Regarding the properties, Mr. Trefethen suggested they should not go to auction but they should go to real estate agents in town.

Margaret Ives, Field Rd – She was concerned that there has not been any discussion on Pinkerton Academy and their effect on the school budget. She asked the Council to find a way to converse with Pinkerton Academy Trustees.

Dendra Abdinor - Chester Rd – Wanted to reiterate some points previously made. She feels that a hiring firm has been productive in the past. If after reviewing interested people in town, then go through firm. She also made reference to an article in the newspaper.

## **Council Requests / Open Discussion**

**Councilor Benson** - he read in the paper that the Town has lost the dispatch contract with Hampstead. This is lost revenue and therefore it has an impact on expenses. This needs to be discussed and unsure why the Town Council wasn't informed of this before reading it in the newspaper.

He has taken a tour of the Opera House as he was concerned about the structural issues and losing the seating capacity as the council has been aggressive in trying to get the Arts Council to increase the venue. Some of the structural issues could be done in February or March with no tax impact. It would make the building occupancy increase within the next sixty (60) days. He encourages the Council to agendaize for the 2/18/14 meeting. Frank Childs and Mike Fowler could provide a staff report.

**Council Wetherbee** – he encourages Council members to speak with Mike Fowler and do the tour. He was surprised by some of the structural issues he saw during the tour. Mike Fowler has put this in the budget for next fiscal year; however, he encourages the Council to do this now.

**Councilor Dimmock** – believes this is something that should be done as soon as possible but if he recalls Mike Fowler was asked to provide an overview of the issues.

**Chairman Fairbanks** - asked to put Adams building on agenda for 2/18/14 and provide a staff report.

**Councilor Osborne** – reminded people to attend the school deliberative session this Saturday at 10am. By casting votes at this session, the citizens can control 2/3 of their tax bill.

He appreciated Senator Rausch speaking but he doesn't want it to be lost that the Town Budget still matters.

**Councilor Cardon** – agrees that there is a need to handle the Opera Houses issues. He has a copy of the proposed "Anti-Blight Ordinance" and he has looked at the Derry Downtown reports. He questioned why it has not been enacted. He would like to see it worked on. He asked if this could be agendaized within the next couple of meetings.

**Councilor Wetherbee** – he doesn't believe it has gone before the Planning Board yet.

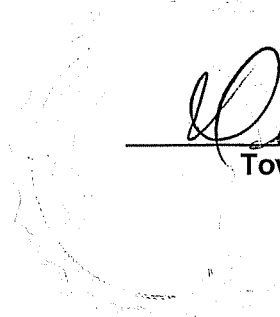
**Councilor Osborne** – stated that in reading the Town Charter the Town Council can originate an ordinance.

**Councilor Wetherbee** – addressed the leadership statement brought up and subjects surrounding it. It was not a personal thing towards the sitting chairman. The Chairman sets the agenda and there were things that failed to get on the agenda. There was never discussion on either becoming a city or sitting with Pinkerton and it has not happened.

**Councilor Dimmock** – reiterated that there is another snow storm coming and in the past there were complaints about the roads. He wanted to remind everyone that traveling on the roads during a storm packs the snow and makes it harder to for Public Works to remove the snow. The sidewalk plow is 14 years old and it should be retired.

He approached the newspaper on incorrect information and was told it would be taken care of but nothing was done. He doesn't feel the town is being represented by the town papers.

**Adjournment 9:40 p.m.**

  
Denise E Neale  
Town Clerk

2/19/14  
Date

Recording & Transcription by: Denise E Neale Town Clerk