

TOWN OF DERRY

Town Council  
Derry Municipal Center

April 7, 2015  
Tuesday - 7:30 PM

---

6:30 PM Non-Public Session under RSA 91A:3 II (c)

7:30 PM Call to order  
Pledge of Allegiance, warning of fire exits, handicap access, & turn off all cell phones

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

**Consent Agenda -**

- 15-32 Approve Non-Public Minutes - Session I - March 24, 2015
- 15-33 Approve Non-Public Minutes – Session II –  
March 24, 2015 – **minutes sealed**
- 15-34 Approve Non-Public Minutes – Session III –  
March 24, 2015 – **minutes sealed**
- 15-35 Approve Minutes – March 24, 2015
- 15-36 Schedule Public Hearing – April 21, 2015 - FY2016  
Budget & CIP
- 15-37 Elderly & Disabled Tax Deferrals

**Corrections to 15-35:**

Appointment to Conservation Commission Neil Wetherbee **Vote: 7-0-0**  
FY2016 Budget Presentation, **follow-up final hearing on May5th, adoption by May 31<sup>st</sup>.**

**Accepted with corrections 7-0-0**

**Chairman's Report – Tom Cardon**

Town Cleanup Week is April 18 - 25<sup>th</sup> and there are various groups around town that will be involved. The EEAC group is cleaning up parking lots. Anyone interested please meet at the Abbott Ct. lot.

Property Maintenance Committee – update meeting tomorrow. They will be looking at various properties to get cleaned up.

At the Last meeting there was a member of public that was not allowed to speak. Chairman Cardon informed the public anyone can speak. Chairman Cardon has received an email from this person and read Mr. Trefethen's letter to the public.

Chairman Cardon has received complaints in regards to people in the audience with signs and he asked to please keep them down. The meeting went long last time and he respectfully requested the public not to applaud during this meeting and to please be respectful.

A special recognition was given to Firefighter James Hoffman for the rescue of two boys who had fallen through thin ice at Hood Pond in November 2014. Councilor Bourdon presented James Hoffman a Certificate of Appreciation on behalf of Town Council. James has also been recognized as the NH Police, Fire and EMS Foundations 2015 Fire Service Person of the Year.

### **Town Administrator's Report – Galen Stearns**

May 2<sup>nd</sup> is Household Hazardous Waste Day collection day at West Running Brook School from 9:00 – 12:00.

Derry has been selected for the “Solar Up NH” which is a new pilot program from SNHC. The Chairman requested a detailed FY2016 budget book and he asked other Council members if they would like one. Mr. Stearns said they should hopefully have them by end of this week.

The Greater Derry Regional Public Health Network which Derry has hosted since 2005 is growing bigger than what we can host. We will no longer be hosting this program in the future and are working with the State.

The auction for tax deeded property will be held this Saturday, April 11 at the DMC.

The next Budget public hearing is 4/21/14 and the final Budget hearing will be on May 5<sup>th</sup>.

### **Public Forum -**

#### **Open Public Forum 7-0-0**

Janis DelPozzo, Walnut Hill Rd – both north and south of Derry is thriving and developing. She asked that people support our Council and to move forward as a community.

Al Schnitzlein, Bayberry Rd – supports reductions and he doesn't want to wait four years for them.

Phil Brophy, Kilrea Rd – actions have consequences. The Town taxes pertain to only 1/3 of the annual budget. NH is only one of 9 states in country that tax business same as commercial. Top ten taxpayers in Town are apartment complexes. The Fairways only pay on taxes on their profits. He would like to see what the taxpayers pay online like other cities and states.

Corrine Dodge, Warner Hill Rd– applauds the Council for trying to lower property taxes. However we need to provide Town services for Derry. She asked not to lower taxes. She then spoke regarding programs that work in Derry.

Marion Schnitzlein, Bayberry Lane- showed her previous tax bills and asked for a \$600 break for taxes.

Mary Eisner, Derryfield Rd – she would like to see Derry maintain its quality of life and asked the Council to do the same. She raised questions regarding different options to be looked upon for improving energy and saving money. These are the answers the public is looking for. She thanked the EEAC for working with the Town to save money.

Marc Flattes, Linlew Dr – asked the Council to look at public and private partnerships. Suggested privatizing ambulance company and to take a look at RFP's to sponsor economic development in the community.

Janet Fairbanks, Rose Ave – supports what Council is trying to do. The local school board panders to the PTA and teachers. Council needs to review the Chester & Auburn contracts.

Robert Waites, West Everett St – owns the oldest home in Derry. The installation of his heating system cost him money when he had an issue due to improper Town approval. Town gave too much money away in the union contracts.

Michael Layon, Lee Circle – spoke regarding compassion vs. protection. No government can have compassion. For compassion you need to take out your checkbook and make a donation. We have amazing police & fire departments; he suggested not filling vacancies.

Susan Walker, Park Ave – She is the Pastor at St. Luke's Church. She respects the fire and police. Spoke regarding cuts that affect Human Services. She sees people who need help and if cuts in this area happen, people will have no place to go.

Chris Whalen? Rockingham Rd – doesn't know if a \$2 reduction is a good or bad thing. He would like more information on these budget cuts. He is concerned that because of the tax cap, it would take over 20 years to increase budget. He also commented about the applauding stating it saves time.

Mark Connors, Cabot Dr – he gave credit to the people for taking the opportunity to speak on this issue. People are looking for facts, data, and for answers. There are questions that if the Town is equivalent in areas of staffing, tax base, evaluation, etc. the same as other surrounding towns. We need to deal in facts. He has researched the Town's database and in the last 10 years the average tax rate has been around \$9.00. In 2004 it was \$5.00. He would like some of this information as part of the budget presentation.

Helen Evans, Edgewood St – spoke regarding misinformation about unions and gave her experience. In terms of information and communication, some people who speak are misinformed as they need to have substance before making remarks. Please somebody spearhead and Economic Development for the Town.

Karen Blandford Anderson, Village Brook Lane - she supports economic development. Somebody needs to sell Derry and we need somebody who is a professional at it.

Nicole Ferrante, Chester Rd – she spoke regarding senior citizens and how the seniors want lower taxes and a senior center. She told the Council about partnerships that are going on between Town & businesses in support of the seniors.

Mike Gendron, Old Auburn Rd – Derryfest is a privately funded event. The Town supports this event only through trash pickup by the Parks Department. He is dismayed by the speech that was made by a Councilor at the last meeting. He has made a 91-A email request as he would like to know who are these constituents who want their taxes lowered. It appears that most residents are fine with them.

Jenna Paradis, Walnut Hill Rd – rather give taxes to Town budget than pay higher fees.

Gordon Graham Drake Lane- Looked at data from 2013 for equalized evaluation of municipal tax rates for Concord, Goffstown, Dover, Hillsboro and vs. Derry. We don't have a problem.

**Close Public Forum 7-0-0**

## **Public Hearings –**

### **15-28 Hydrant Rental Charges and Retail Service Rates**

Tom Carrier, Deputy Director Public Works reviewed the proposal for hydrant fees and retail service rates to offset loss of revenue. He gave a history of how these services came about.

Mr. Stearns stated this was a first reading of the ordinance change.

#### **Open Public Hearing Councilors Dimmock & Tripp 7-0-0**

Brian Chirichiello, Rollins St – asked if this will be a shifting of the rates from the taxpayers to water users. He polled the Council to see who was a rate payer. He asked if the rate payers would pay for the Water Park.

Tom Carrier replied that the Recreation Department pays for the Water Park.

Neil Wetherbee, Worthley Rd – Personally this is a win/win situation for him. However he is against it. It is just a tax shift from the general public to mom & pop businesses and the downtown area. This will lower the tax rate but raise the water rates. Since the Town just ran water and sewer down Rte. 28, how does this effect economic development in this area. He hopes Council will look at this when making the decision

Janis DelPozzo, Walnut Hill Rd – Heard Councilor Fischer spoke of a Rain Bank and she would like to see us work towards this. There are a lot of possibilities out there in the community, rather than putting it on water users.

Mark Connors, Cabot Dr – Asked how many are serviced by the municipal water system. Tom Carrier answered 60%.

Mr. Connor's stated that this is taking 100% of the cost and shifting it to 60% of the water users. This shift is wrong fundamentally. He then asked what would the benefit of taking it from the Fire Department budget and placing it onto the water users. Would it lower the tax rate but increase the water bill? He would rather pay his share of the fire hydrants. If you are near a fire hydrant and you are not a water user, the fire department is still going to use the fire hydrant closest to your home. He is willing to pay for the cost through taxation.

Phil Brophy, Kilrea Rd – He has a fire suppression system in his home which makes it difficult for him to get homeowners insurance because there are no fire hydrants in his area. This is something the Town should look at for the future expanding the fire suppression system. If we want to solicit business in the Rte. 28, this is needed. We could charge a fee for the business that comes into the area for this. He referenced a fire in that area where the engines had to bring in many tankers to put out a fire.

Mike Layon, Lee Circle – is not advocating one way or another. He would like to know how many people are actually protected in his area as there are no hydrants.

#### **Close Public Hearing Councilors Dimmock & Bourdon 7-0-0**

Council discussion: Councilors asked various questions regarding the change in this ordinance and its purpose. Most agreed it was primarily shifting the cost from the tax rate to the water users. It needed more exploration and they were concerned about shifting costs.

**15-29** Amend Article II Section 165-5, Definitions, to add definitions for Green Area/Space, Greenway/Greenbelt, Recreation Area/Space, Active Recreation, Passive Recreation, and Net Buildable Area, to amend Section 165-8 relating to the number of dwelling units on a lot, and to amend Article VI, Section 165-44, Multi-Family Residential (MFR), and Section 165-45, Medium High Density Residential District (MHDR) to revise the density calculations, parking calculations, green space and recreational space requirements for multifamily dwellings within the Town of Derry

George Sioras, Planning Director -The purpose is to increase the multi-family requirements that we currently have. These are areas serviced by Town water and sewer in high density areas. They are the older compact areas. This is to reduce the amount of density for multifamily in these areas.

**Open public hearing Councilors Tripp & Councilor Bourdon 7-0-0**

Janet Fairbanks, Rose Ave – asked if this was a new proposal for a zoning ordinance, what it would do to old Floyd School.

Mr. Sioras replied that it cuts density in half.

Ms. Fairbanks asked if this ordinance is as strict as it could be. She encourages Council to vote in favor of this.

Brian Chirichiello, Rollins St – Thanked Planning Board and also is in favor of this. He questioned page 2 on building heights.

Mr. Sioras answered his question in detail. This lowers the height of the buildings to the size within 500 ft. of the surrounding buildings.

Mark Connors, Cabot Dr – asked the question if the new building near the rail trail would come under these new regulations?

Mr. Sioras applied no as it was approved under the old regulations.

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

Council discussion: Councilors agreed with this amendment.

Councilor Tripp questioned if future 55+ older developments needed to comply.

Mr. Sioras said yes.

**Move to amend Article II, Section 165-5, Definitions, to add definitions for Green Area/Space, Greenway/Greenbelt, Recreation Area/Space, Active Recreation, Passive Recreation and Net Buildable Area, to amend Section 165-8 relating to the number of dwelling units on a lot and to amend Article VI Section 165-44, Multi-Family Residential (MFR), and Section 165-45 Medium High Density Residential District (MHDR) to revise the density calculations, parking calculations, green space, and recreational space requirements for multifamily dwellings within the Town of Derry. Motion by Councilor Osborne, seconded by Councilor Katsakiores  
Vote: 7-0-0**

## **New Business –**

### **15-41 Approve Medical Reserve Corps (MRC) Grant**

Larry Budreau - the Medical Reserve Corp are all volunteers that it has been in effect since 2003. This grant is used to fund a part-time secretary. These funds will actually be shifting to a new fiscal agent; however, we will receive the grant initially. We will then transfer the balance of funds to the new fiscal agent.

**Move that the Derry Town Council approve the application for, and acceptance and expenditure of the NACCHO MRC award in the amount of up to \$3,500.**

**Motion by: Councilor Bourdon, seconded by Councilor Dimmock**

**Vote: 7-0-0**

### **15-38 Appointment – Conservation Commission**

**Chairman Cardon moved to appoint Marianne Page as an alternate member of the Conservation Commission for a 1 year term to expire March 31, 2016, seconded by Councilor Katsakiores**

**Vote: 6-1-0 (Councilor Dimmock)**

### **15-39 Appointment – Planning Board**

**Chairman Cardon moved to appoint Robert Jean as an alternate member of the Planning Board for a 1 year term to expire March 31, 2016, seconded by Councilor Katsakiores**

**Vote: 3-4-0 (Councilors Fischer, Osborne, Dimmock, and Cardon) *motion failed***

### **15-40 Group Petition Discussion**

Clerk Neale explained that this is Public Hearing on the Group Petition as voted and recorded in the minutes of the March 24<sup>th</sup> meeting and all had been noticed in accordance with Town Charter.

Chairman Cardon read the petition and the Article 3.1(B) of the Town Charter. Open the public hearing by Council Bourdon, seconded by Councilor Katsakiores.

Neil Wetherbee, Worthley Rd – stated this is not his petition. The petition talks about transparency and people want information prior to the budget hearings.

Mark Connors, Cabot Dr – questioned the receipt of two petitions, one was online petition. There needs to be a charter change for acceptance for petitions done online.

Chris Howe, Rockingham Rd – he would like information on how the budget is put together.

Eleftheira Keans, Gervaise Dr. – this petition supports information being seen by the public and how these changes affect services.

Brian Chirichiello, Rollins St – people wanted to see transparency. The budget has value going line by line and it is a learning process. The Council should take the petitioners seriously and invite the department heads to speak in public.

Michael Layon, Lee Cir – would like to see the department heads' proposals. He would like see if cuts are reasonable or not. He read out of the Bill of Rights.

Scott Savard, Londonderry Ln – asked if the department heads have been met with especially the police and fire chiefs.

Chairman Cardon replied some of us have been.

Brenda Willis – saw a clip on Facebook that said Mr. Stearns has not met with department heads.

Mr. Stearns replied that when he made that statement he had not met with them at that time; however, he has since.

Ms. Willis stated you need to give all department heads your time.

Nicole Ferrante, Chester Rd – transparency is difficult to work with as everyone has a different definition of it. This goal was great and ambitious but department heads were not informed to this goal ahead of time. Department heads need to have the chance to speak.

Marc Flattes, Linlew Dr – asked if Council will have department heads at the meeting on April 21<sup>st</sup>. He doesn't understand the problem.

**Close the Public Hearing Councilors Dimmock & Cardon**

Council discussion:

**Councilor Katsakiores moved to invite department heads to come before the Council to answer questions during the budget presentations.**

Councilor Fisher stated he expected today that the Town Administrator would give his pre-budget report. He has questions because there is a drastic difference in the proposed budget he received and he has concerns. Mr. Fischer has asked for a systematic survey to identify needs, wants, desires by the Town. The budget needs to take place all year long so that there is a lot of input. He agrees with having department heads present for questions. He is disappointed in not having a pre-budget discussion tonight.

Councilor Osborne - also thought it there would be a pre-budget presented this evening. He received the proposed budget book this week and it is unrecognizable and hoped there would discussion prior to the presentation.

Councilor Katsakiores stated she doesn't want go line by line

Councilor Dimmock stated regarding the proposed budget he thought a discussion would give Council insight from where Mr. Stearns was coming from.

Councilor Bourdon – found it interesting that 1,200 people voted and over 50% want the open budget hearings. He also found it interesting he was indirectly accused of being in violation because he wanted to learn about this budget. He is in support of listening to department heads.

Councilor Cardon – would like to invite department heads to present the new budget to Council.

Galen Stearns answered to the Council's remarks regarding the budget presentation. He was asked to present the impact of \$2.50 & \$2.00 tax rate decrease. He has complied. The Town Charter requires him to turn in a budget to the Town Council by April 1 on the needs of the Town. The budget hearing is when his budget will be discussed. He will

discuss why it differs from what it was requested. He did not realize Council wanted a prehearing discussion.

Councilor Bourdon – only remembered the proposal for the budget based on \$2.50 reduction. He did not recall one for a \$2.00 reduction.

Mr. Stearns replied Councilor Fischer made a motion on 12/16/14 for this reduction.

Councilor Katsakiores stated in light of the testimony and the input from the public, I would like to make a motion that we, as a Council, invite the department heads not to go line by line but at least have them here so that we can ask them a question or the public can ask a question.

Chairman Cardon asked her to make a motion. It was repeated as follows:

**Move the Town Council invite department heads to come before the Council so we can hear their input and for us to ask questions.**

**Motion by Councilor Katsakiores, seconded by Councilor Bourdon**

**Vote: 6-0-1 (Councilor Dimmock)**

*Councilor Osborne wished to make a statement; he is all for the department heads being present provided they answer questions encompassing their whole budget.*

**Councilor Bourdon moved to extend the meeting until at least 10:20 p.m. if needed seconded by Councilor Katsakiores. All agreed**

#### **Council Requests / Open Discussion**

Councilor Fischer – would like to ask department leaders about their budget. Specifically, *“What practical suggestions do you have to reduce costs in your department?”* and would like department heads to be ready to answer.


Councilor Osborne – felt this was a tremendous improvement over the last meeting. He thanked everyone for coming out.


Councilor Dimmock - pointed out his reason for abstaining from the vote as, he felt Council should not have to have a discussion as to whether they should have department heads present or not. It is both their duty and Council's duty to discuss the budget. He would like department heads to show up and let us know where you stand. The Council needs their input and he feels they should be here and listen.

Councilor Bourdon – Spoke regarding the drug & alcohol abuse in Derry. There have been 36 overdoses since the beginning of the year. It affects everyone. The community leaders are taking a stand. On June 13<sup>th</sup> @ 10am they are sponsoring a 5K road race to benefit Derry Friendship Center. Feel free to contact him his information is on the website.

Chairman Cardon thanked everyone for coming out. The Democratic process is alive and well in Derry.

**Adjourn 10:20 p.m.**

  
\_\_\_\_\_  
Town Clerk

  
\_\_\_\_\_  
Date

Recording & Transcription: Denise E Neale Town Clerk