

TOWN OF DERRY

Town Council
Derry Municipal Center

May 6, 2014
Tuesday - 7:30 PM

6:00 PM Non-Public Session 91A:3 II (c)

6:10 PM Collective Bargaining Strategy Session *(not open to the public)*
Room 207

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

- 14-37 Approve Amended Special Meeting Minutes – March 25, 2014
- 14-50 Approve Non-Public Minutes – April 15, 2014
- 14-51 Approve Minutes – April 15, 2014
- 14-52 Approve Budget Workshop Minutes – April 17, 2014
- 14-53 Approve Budget Workshop Minutes – April 22, 2014
- 14-54 Approve Non-Public Minutes – April 24, 2014
- 14-55 Approve Budget Workshop Minutes – April 24, 2014
- 14-56 Approve Non-Public Minutes – April 29, 2014
- 14-57 Approve Minutes – April 29, 2014
- 14-58 Approve Veterans' Credits, Elderly Exemptions, Blind Exemptions
- 14-59 Schedule Public Hearing – May 20, 2014 – Authorize the Town Administrator to accept 2014 Justice Assistance Grant (JAG)
- 14-60 Schedule Public Hearing – May 20, 2014 – Amend Article II, Word Usage and Definitions, Section 165-5, Definitions to ADD definitions for Nuisance, Pasture and Enclosure, and to AMEND the definitions for Livestock, Structure and Fowl; and to amend Article XX, Livestock to REVISE the title to read Livestock and Fowl; AMEND the majority of the sections contained within Article XX and to ADD Section 165-154.1, Lot Setbacks; Section 165-161, Penalties, and Section 165-162, Pre-Existing Non-Conforming Status

Consent agenda accepted

Chairman's Report –

***** Lance Corp. Michael E. Geary Memorial Update

Chairman Osborne stated that HB 1389, Dedication of the Michael E Geary Memorial Bridge, is presently on the Governor's desk for signature. Once signed, the NH DOT will make the appropriate signs. The dedication is scheduled for May 26, 2014 @ 8:30 a.m.

The search for the new Town Administrator is continuing. To date there are approximately 49-50 resumes received. The Council is following Councilor Fischer's plan.

There was discussion on whether or not to have two meetings per month throughout the summer. It was agreed upon by the Council to continue with two meetings for July and August. Council can consider having a meeting and a workshop within a month. Some of the workshop agendas can be on the following: Zoning changes, Collective Bargaining, Town Administrator Goals, meeting with School Board, Economic Development, Town Council Goals follow up, and Current Use Tax and Penalties.

Town Administrator's Report –

On Sunday, May 4th, the VFW Post #1617 held their annual Loyalty Day. Town employees who were recognized were: Fire Fighter/Paramedic Lt. Ed King, Police Detective Dana Parker and Community Service Senior Volunteer Robert Gorham

Government Finance Officers Association CAFR Award Presentation for 2013

Larry Budreau presented CFO Frank Childs and Controller Janice Mobsby with the 2013 CAFR award. This is the Town's 16th year receiving the award.

Public Forum

Open Public Forum 7-0-0

Steve Trefethen, North Shore – discussed more needs to be done with lowering the budget. Taxpayers need immediate relief. People want the new Town Council to have a goal on reducing taxes throughout the town departments.

Richard Tripp, Windham Rd – spoke on Consent Agenda Item 14-60, Livestock Ordinance. He will come back for the public hearing on the May 20, 2014.

Close Public Forum 7-0-0

Public Hearings –

- 14-41** Amend Derry Zoning Ordinance, Article V, Zoning Map and District Boundaries, Section 165-31, District Boundaries to amend parcel identification numbers as follows: Section A, General Commercial, add Parcel #35020, 19 Folsom Road and Parcel #35027, 8 Laconia Avenue; and amend Section N, Medium-High Density Residential District; remove Parcel #35020, 19 Folsom Road and Parcel #35027, 8 Laconia Avenue

George Sioras explained the location of these properties and the value this area brings as general commercial property.

Open Public Hearing Councilors Osborne/Fairbanks 7-0-0

No Public Input

Close Public Hearing Councilors Fairbanks/Dimmock 7-0-0

**Amend Derry Zoning Ordinance, Article V, Zoning Map and District Boundaries, Section 165-31, district Boundaries to amend parcel identification numbers as follows: Section A, General Commercial: add Parcel 35020, 19 Folsom Road and Parcel 35027, 8 Laconia Ave; and amend Section N, Medium-High Density Residential District: remove Parcel 35020, 19 Folsom Road and Parcel 35027, 8 Laconia Ave. Motion by: Councilor Dimmock, seconded by Councilor Katsakiores
Vote: 7-0-0**

14-42 Supplemental Appropriation of \$106,399 – Use of Winter Snow/Ice Control Fund – Committed Fund Balance (Capital Reserve)

Mike Fowler highlighted the added costs due to this year's heavy snowstorms and long winter.

Open Public Hearing Councilors Katsakiores/Dimmock 7-0-0

No Public Input

Close Public Hearing Councilors Dimmock/Katsakiores 7-0-0

Move a FY14 supplemental appropriation of \$106,399 for Highway Other Property Related Services (490) with source of proceeds derived from the Highway Winter Maintenance Capital Reserve.

Motion by Councilor Cardon, seconded by Councilor Katsakiores

Vote: 7-0-0

Old Business –

13-122 Town Administrator Search Update

Councilor Cardon looked at the "Ideal Candidate Profile" and he uses this as a guide to rate candidates on a scale of 1-4.

The public and Town staff are reminded to submit to any Councilor questions and/or ideas for the new Town Administrator.

Councilor Fairbanks would like a calendar of all the meeting dates for the process.

Councilor Cardon was asked to give a sample of his guideline to all council members.

New Business –

14-61 Approve Rockingham Road Water/Sewer Easements

Council discussed zoning and uses for this area. There was consensus that residential and mixed use not be allowed. They are comfortable with the Planning and Zoning Board's expertise; however, they are still concerned with the use of this area.

George Sioras – explained some of the changes in the zoning and permitted uses. Planning Board will be doing a workshop on Wednesday, May 7.

Frank Childs asked that the Council move this project forward in conjunction with the Planning Board as they continue work through the use for this area.

Mike Fowler and Tom Carrier explained the project, notification to the public and easements that are needed to be obtained and paid for.

**The Derry Town Council, acting as the Sewer Commissioners, in order to facilitate construction of the Route 28 Water and Sewer Improvements Project, moves to approve the acquisition of easement deeds as shown on the attached Route 28 Water and Sewer Improvements: Contract B Easements Schedule A dated 4/15/2014 and authorizes the Acting Town Administrator to sign said deeds. Motion by Councilor Fairbanks, seconded by Councilor Bourdon
Vote: 7-0-0**

**The Derry Town Council, acting as the Sewer Commissioners, in order to facilitate construction of the Route 28 Water and Sewer Improvements Project, finds that an easement is necessary to construct and maintain the proposed as full compensation for the temporary and permanent easements, to waive any sewer connection fees payable to the Town of Derry for the parcels at 49 (parcel 05048) and 45 (parcel 05047) South Main Street. The term "connection fees" shall include any construction or betterment assessments, impact or tie-in fees, accessibility fees or other charges levied by the Town of Derry associated with the construction, availability or connection to the public sanitary sewer but does not include sewer usage charges and further resolves that, in the event that lots 0548 and/or 05047 are subdivided, the easement agreement shall carry with any sub-lot so created from Parcels 05048 and 05047. Motion by Councilor Cardon, seconded by Councilor Katsakiores
Vote: 7-0-0**

14-62 2014 Justice Assistance Grant (JAG) Interlocal Agreement

Chief Garone explained the 2014 Justice Assistance Grant, the award is \$19,905 which is administered through Rockingham County. This vote is to allow the Police Department to file for the grant. A public hearing will be held on May 20, 2014.

**Move to grant authority to the Town Administrator to execute the 2014 Justice Assistance Grant Agreement between the Town and Rockingham County and further authorize the Town Administrator to execute any and all documents or electronic filings associated with the 2014 Justice Assistant Grant Process. Motion by Councilor Katsakiores, seconded by Councilor Dimmock
Vote: 7-0-0**

14-63 FY2015 Budget Discussion

Chairman Osborne invited open discussion and questions from the Councilors.

Councilor Bourdon expressed his appreciation for the leadership of the Council during this budget process.

Councilor Fischer renewed his statements regarding the budget by process stating it should be a year round process instead of a two month process. The Council should act in the best interest of the Town. The budget process should align with the Town's Master Plan and a strategic and improvement plan. Councilors should receive preliminary information so they are prepared and should focus on big picture, not small items. Questions were asked during the process and not all information was available. Projected increases included in the budget were not explained. During public hearings he heard requests to reduce the tax rate and must balance delivery of services with the tax rate. Councilor Fischer proposed a budget reduction by removing projected salary and benefit increases not mandated by contract.

Councilor Fairbanks requested clarification on the process to remove the projected increases.

Councilor Bourdon expressed appreciation for the town employees and their work.

Councilor Dimmock agreed with Councilor Fischer.

Acting Town Administrator Larry Budreau strongly objected to this motion. He stated that five union contracts are pending settlement and many employees have not received an increase in four years. The Town cannot negotiate in good faith with unions without anticipated settlement costs included in the budget. It is standard practice to include projected costs in the budget. Projected costs are realistic. The increase is .08% overall. Linear correlation exists between the population of the Town and salaries are comparable to salaries in other towns.

Mr. Budreau addressed the impact of not including reasonably expected costs in the budget on the tax cap for the following year. Chairman Osborne called on Frank Childs to address the Council.

Mr. Childs explained that projected increases are included to provide for cost increases anticipated during the year. If the projected increases are removed from the budget next year, the tax cap the following year will be insufficient to operate without a reduction in services. He encouraged that the projections be included in the budget. Chairman Osborne said this is what the Council heard last year and this year there was no reduction in services. Mr. Childs explained there were increases in motor vehicle registration and the Room & Meals tax distribution revenue that offset these costs.

Chairman Osborne questioned reduction in staff in prior budget years. Mr. Budreau responded that reductions in some areas were the result of alignment with long term plan and the consolidation of fire departments. He also explained that the funding of Capital Improvement projects have been funded without issuing bonds. The current Capital Improvement Plan for next year is projected to be significantly higher than this year's.

Discussion among Councilors regarding appropriateness of adding anticipated costs to budget and impact on future budgets and tax cap. Councilor Dimmock suggested an overall salary freeze. Consensus is to keep the tax rate down.

Move to reduce the FY15 budget by \$235,625, which involves decreasing all of the projected FY15 salary and benefit increases that are not mandated by contract.

Motion by Councilor Fischer, seconded by Councilor Dimmock

Vote: 6-1-0 (Councilor Katsakiores)

Motion to extend 10 minutes by Councilor Fairbanks, seconded by Councilor Dimmock

Vote: 7-0

14-64 Discuss Veterans' Credit

Frank Childs presented a staff report. No opinion expressed. Increase in credit would increase the amount to be raised by taxes at \$97,700 or a \$.04 increase in tax rate.

Councilor Fairbanks asked for total number of veterans (977) and date for public hearing. All agreed to hold hearing on May 20, 2014.

Move to schedule a public hearing on May 20, 2014 to consider a \$100 increase in the Veteran's Credit beginning in 2014.

**Motion by Councilor Cardon, seconded by Councilor Katsakiores
Vote: 7-0-0**

14-65 Summer Meetings / Workshop Schedule
(Discussed under Chairman's Report)

Move to approve proposed schedule as submitted in Chairman's Report.

**Motion by Councilor Fischer, seconded by Councilor Cardon
Vote: 7-0-0**

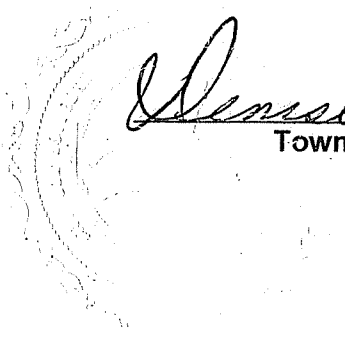
Council Requests / Open Discussion

Councilor Bourdon expressed his appreciation of the VFW Loyalty Day

Councilor Katsakiores announced that Monday, May 5th was known as Alan B. Shepard Day

Councilor Dimmock also expressed his appreciation on the VFW Loyalty Day

Adjournment 10:10 p.m.


Denise E Neale
Town Clerk

May 22, 2013
Date

Recorded and Transcribed by: Denise E Neale, Town Clerk & Cynthia Messina Assistant
Reviewed by: Larry Budreau, Acting Town Administrator