

TOWN OF DERRY

Town Council  
Derry Municipal Center

May 14, 2013  
Tuesday - 7:30 PM

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

Consultation with Legal Counsel

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, Osborne, Dimmock, Benson, Wetherbee, Katsakiores (via speaker phone) and Chairman Fairbanks**

**Consent Agenda**

- 13-50 Approve Non-Public Minutes – April 26, 2013
- 13-51 Approve Budget Review Minutes – April 30, 2013
- 13-52 Approve Non-Public Minutes, Session I – May 2, 2013
- 13-53 Approve Non-Public Minutes, Session II – May 2, 2013
- 13-54 Approve Minutes – May 2, 2013
- 13-55 Approve Tax Waivers

**Amend minutes of April 30, 2013 page 3:** Motion to remove Line Item #760 from the Police Department in the amount of \$117,000. **Moved by: Councilor Osborne seconded by Councilor Cardon**

**Approved all with amendment to April 30, 2013 motion.**

**Chairman's Report:**

Public Service Awards were given on Loyalty Day to: Emergency Management, Law Enforcement, Community Service Senior Volunteer, Elementary School Teacher, Middle School Teacher and Pinkerton Academy School teacher.

The Town of Merrimack has recognized Officer Paul Wells and Officer Dan Jacques as the 2012 Police Officers of the Year for their actions in training which saved Councilor Brad Benson's life.

In regards to Town Council Rules:

If there are any missions or action items that the Town Council would like to address in June or July please notify the Chair.

Councilor Wetherbee stated since the changes to the Town Charter have not gone into effect as of yet, the Town Council needs to meet with the Planning Board in a workshop and also the Schools.

The Chair must provide any council expenditure for inclusion into the budget. Mr. Fairbanks is not aware of any.

The DOT is hosting a combined informational meeting at Windham High School at 7p.m. on May 21<sup>st</sup>.

Councilor Fairbanks asked the Council for thoughts for any workshops appropriate for next year; updating Council goals, Tax Cap, Cable TV., and integrations of process between Derry Public and Taylor Libraries.

On collective bargaining negotiations, Councilor Fairbanks is undecided whether to have public hearings on the agreements. There are five of the seven unions that are operating under expired contracts. The Chairman is asking the public in order to assist the Town Council in their goals setting for ongoing negotiations for assistance from those interested in Town wide management and labor relation goals to review the expired bargaining agreements available on the town website under the Human Resources page. He invites them to contact via telephone or email or public forum during Town Council meetings with feedback.

**Town Administrator's Report:**

Derry School District deliberative session will be held on May 28<sup>th</sup> @ 6pm @ West Running Brook School and there will be a ballot vote on June 25<sup>th</sup> @ Gilbert H Hood Middle School.

Manchester Road paving is complete and all that remains is striping.

Public Works Director, Mike Fowler gave an update on the Beaver Meadow dam repairs that will be made; however, we are awaiting approval of the design from the state DES.

The Tsienneto Road Project has begun for the continuation of sidewalks and drainage. This project should be completed by June 30<sup>th</sup>.

Mr. Anderson gave an update on the sewer and bridge repairs on Rockingham Road project. The low bid was \$858,000 and once approved by the State, the project should begin September 2013 and be completed by November 2013.

**Public Forum – Non Agenda Items**

**Move to open Public Forum 7-0-0**

Lynn Perkins, Woodland Rd – spoke on goals and a missing goal he feels is not in the budget. He made recommendations to the council when asked of his perception of changes to the budget.

Kevin Coyle, North Shore Rd – presented a petition to Chairman Fairbanks to allow the citizens of Derry to vote on the proposed collective bargaining agreement between the Town of Derry & Teamsters Local #633. He requested the Town Council act on this petition. He talked about the agreement and not allowing the public to have say on a contract such as this. He also asked that the Chair poll the board to see if they would agree to allow the public to speak about the collective bargaining agreement. He asked that the Chair not vote on this agreement tonight due to what he believes is a conflict of interest. Chairman Fairbanks polled the board on the public have input on this agreement. Councilor Cardon stated he was in favor of the public meeting and voting on this agreement. Councilor Osborne seconded it, Councilor Dimmock agreed, Councilor Benson disagreed.

**Move to schedule a public hearing as soon as possible by Councilor Wetherbee, seconded by Councilor Cardon. Vote: 6-1-0 (Benson)**

Larry Budreau verified the son of Chairman Fairbanks is not in this union.

Phil Bruno, Windham Rd – he is here tonight regarding the control of the rooster his neighbor has. Chairman Fairbanks stated he has spoken with Counsel and there is nothing the Town Council can do other than to create an ordinance.

**Move to close Public Forum 7-0-0**

**Old Business**

**13-47** Approve FY 2014 Budget & CIP

John Anderson presented an alternative method to handle the 690 accounts (Capital less than \$10,000) that he had previously mentioned during the Town Council budget workshops using \$55,841 of Fund Balance. An offsetting expenditure error for \$17,060 in IT also needed to be removed. Included in the

calculation is an estimated \$80,000 of a one-time revenue from Local Government Center. Result is the revised amount to be raised by taxation is \$24,392,693. The town service portion of the tax rate would be \$10.39 which is a zero increase over the approved rate in 2012. Mr. Anderson explained that Capital is usually funded through the tax rate.

Councilor Benson asked with this proposed zero increase in the tax rate what would the issues going forward be.

Mr. Anderson replied the FY2015 budget would start out with a \$400,000 deficit due to contractual increases in the next budget.

Councilor Benson then addressed statements made by Mr. Perkins during the public forum in regards to reducing taxes by \$1800 per home. Councilor Benson calculated the number of this type of rebate and it would be approximately \$20M out of a budget of \$24M. He just wanted to quantify the number.

Frank Childs reviewed the revised package for the Town Council. He would have to change the IT number in the Administrative section. Mr. Childs highlighted various changes within the budget.

Mr. Anderson read an email that was provided the Town Council: This Summer Market has a total of 8 vendors paid and 21 signed up to date. The support of \$9,000 a year is more than justified to continue to run the market and it is viable to the downtown area. He is asking the Town Council to leave the \$9,000 in for the FY2014 budget and they will endeavor to provide the Council with a two year plan to reduce the subsidy to zero.

There was discussion on the Farmer's Market expense and revenues.

**Councilor Osborne made a motion to reduce Executive line item #120 for the Farmer's Market by \$15,000 seconded by Councilor Cardon.**

**Vote: 4-3-0 (Benson, Wetherbee, Katsakiores)**

There was more discussion whether the Farmer's Market could continue at all. This became a debate. Revenue would also be reduced by \$11,782.00 from the Farmer's Market.

**Motion to reduce the revenue of the Farmer's Market by \$11,782.00 by Osborne, seconded by Councilor Wetherbee**

**Vote: 4-3-0 (Cardon, Osborne and Dimmock)**

There will be discussion at a later date whether to continue with the Farmer's Market.

**Motion to reduce line item in IT by \$17,060, moved by Councilor Osborne, seconded by Councilor Cardon**

**Vote: 6-0-0**

Discussion on reconsideration of continuing the Farmer's Market continued. Mr. Anderson explained the fact that the Farmer's Market revenue would have to be returned.

**Councilor Osborne made a motion to reduce the Economic Development line #390 from \$30,000 to zero, seconded by Councilor Cardon**

**Vote: 3-4-0 (Benson, Wetherbee, Katsakiores and Fairbanks)**

Councilor Osborne asked how much it would cost for 4 police cruisers instead of the 11 as requested. No one had the exact figures to revise, but it was advised that they could provide them subsequent to the meeting. Councilor Osborne worked on coming up with a calculation. Chief Garone had no available input due to revenue trade in value and needing to determine which 4 cruisers would be replaced. Councilor Osborne did not want to make a motion without a dollar value.

Moved to recess while budget calculations were being done  
 Councilor Wetherbee, seconded by Councilor Cardon  
 Vote: 7-0-0

Meeting Reconvened per Chairman Fairbanks.

Councilor Osborne stated that after having reviewed the memorandum provided by Mr. Childs that if the recommendations are accepted the tax rate will not go up and this was the goal.

I move to approve the FY 2014 Budget (as set forth in the budget presented to the Town Council on March 29, 2013 and at the Public Hearing on May 2, 2013, and as revised by the Council) as follows:

Emergency Management	\$55,214
Executive	\$1,378,496
Finance	\$4,387,767
Fire Prevention & Emergency Services	\$10,831,254
Derry Public Library	\$1,273,869
Taylor Library	\$176,612
Planning	\$265,654
Police	\$9,152,409
Public Works	\$9,374,870
Town Clerk & Elections	\$165,653

**Total for Town Services** **\$37,061,798**

WasteWater	\$2,744,527
Water	\$3,097,979
Cable	\$333,125
TIF Districts	\$250,238

**Total for Other Services** **\$6,425,869**

**Total Budget FY 2014** **\$43,487,667**

Motion by Councilor Osborne, seconded by Councilor Cardon  
 Vote: 4-3-0 (Benson, Wetherbee and Katsakiores)

**LEASE AGREEMENTS**

I move that, in conjunction the approval of the FY 2014 Budget, the Town Administrator is authorized to enter into Lease Agreements and to take any action related thereto for equipment whose acquisition is provided for in the budget via a Lease, as set forth below in the aggregate amounts shown:

Cemetery (utility vehicle with plow)	\$23,000
Code Enforcement (vehicle replacement)	\$27,000
Highway (vehicle replacement)	\$26,000
Police (Patrol vehicle replacement)	\$347,403
Transfer Station (loader replacement)	\$110,000

Vehicle Maintenance (vehicle replacement)	\$27,000
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**Motion by Councilor Osborne, seconded by Councilor Cardon**  
**Vote: 7-0-0**

**CAPITAL IMPROVEMENT PLAN**

**I move to approve the FY2014 Capital Improvement Plan (CIP) as set forth in the budget presented to the Town Council on March 29, 2013, and at the Public Hearing on May 2, 2013, and as reviewed and adjusted by the Council, in the amount of: \$3,316,195.**

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

**13-49** Approve Teamsters Local #633 Collective Bargaining Agreement

Councilor Osborne moved to table due to Public Hearing to be held, seconded by Councilor Cardon  
**Vote: 7-0-0**

*(Councilor Katsakiores asked to be excused from the remainder of the meeting)*

**New Business**

**13-56** Appointments to Boards & Committees  
A) Highway Safety Committee

**Move to appoint Matt O'Malley to the Highway Safety Committee to expire March 2014 by Chairman Fairbanks, seconded by Councilor Osborn**  
**Vote: 6-0-0**

B) Planning Board

**Move to appoint Frank Mazzuchelli to the Planning Board as an alternate member term to expire March 2015 by Chairman Fairbanks, seconded by Councilor Dimmock**  
**Vote: 6-0-0**

**Council Requests / Open Discussion**

Councilor Benson asked if at the next meeting he could address the public and clarify the statements and accusation that were stated that were not true at the last meeting. Comments made.

Councilor Dimmock asked the Chairman to administer control over the meeting without interruption from the other councilors.

All Councilors agreed

Councilor Osborne stated it has been discussed that a second public forum be conducted so that people may comment on what ever has happened in the meeting. Maybe now we can have a second public forum. Councilor Wetherbee disagreed on having a second public forum as he has sat through both sides.

**Move to allow a second public forum to commence this evening.**  
**Motion by Councilor Osborne, seconded by Councilor Cardon**  
**Vote: 4-2-0 (Benson, Wetherbee)**

**Open Public Forum 6-0-0**


Robert Robie, Chester Rd – Spoke to the Town Council about what was accomplished in the passing of the Town's FY2014 budget and commented on the school budget and the issues being caused by their budget.

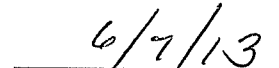
Kevin Coyle, North Shore Rd – Stated the Council had promised a zero balanced budget and they came through.

**Close Public Forum 6-0-0**

Tuesday, May 21<sup>st</sup> - 7:30 PM Regular Meeting

**Adjournment 9:50 p.m.**

  
Town Clerk

  
Date

Recorded & Transcribed by Denise E Neale, Town Clerk 5/19/13  
Budget Reviewed by Frank Childs, CFO 5/29/2013