

TOWN OF DERRY

Town Council
Derry Municipal Center

May 19, 2015
Tuesday - 7:30 PM

7:15 PM Non-Public 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 -

- 15-51 Approve Non-Public Minutes Session I – May 5, 2015
- 15-52 Approve Non-Public Minutes Session II – May 5, 2015 **minutes sealed**
- 15-53 Approve Minutes – May 5, 2015
- 15-54 Schedule Public Hearing – June 2, 2015 – Amend Zoning Ordinance Article VI, District Provisions, Section 165-45.D.2.i, Medium High Density Residential, Section 165-45.1.C.2.i, Medium High Density Residential II, Section 165-46.B.2.i, Medium Density Residential
- 15-55 Schedule Public Hearing – June 2, 2015 – Amend Zoning Ordinance Article II, Section 165-5, Definitions; Article III, Section 165-13, Off-Street Parking for Non-Residential Uses; Article VI, Section 165-33, Central Business District; and Article VI, Section 165-49, Traditional Business Overlay District
- 15-56 Schedule Public Hearing – June 2, 2015 – Accept Department of Health & Human Services Grant
- 15-57 Approve Veteran Credits, Elderly & Blind Exemptions

Approved as written-all agreed

Chairman's Report – Tom Cardon

Veterans Credit will be increased from \$350 to \$400 this year.

Ron Dupuis has passed away; he was a state representative. Tom Minnon has also passed away; he was the first chairman of the Energy Environmental Advisory Committee. He was instrumental in conducting many informative sessions at the library. Tom Minnon set up the Junior Solar Sprint Program for middle school students. They build a small car that is solar powered and they hold races with it. This year it will be on June 6th at Hood Park. Councilors Bourdon, Osborne and Cardon will be participating.

A moment of silence was held.

In upcoming meetings, the Council will be discussing Economic Development and forming a committee. We would like to do a survey for the Town to find out what people are looking at, form a fiscal advisory committee for the budget and to review the process.

There was a petition received last week signed by 190 people. Mr. Cardon read the Town Counsel's opinion on the petition. There is nothing in the Town Charter that requires the Town Council to hold a public meeting on their changes to the budget. Therefore they will not be accepting this petition.

Chairman Cardon moved to make the Town's Attorney's opinion as part of the record, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Fischer, Osborne, Dimmock)

Town Administrator's Report – Galen Stearns

He has been contacted by FOX 25. They produce a show called "ZIP TRIPS" and highlight what is unique about different towns; what makes it a great place to work and live in. They would like to come to Derry in July. Mr. Stearns will give more information when received.

New Business

15-58 Discussion / Modification of FY2016 Budget

Susan Hickey, CFO, has been asked to join the process. The time has come for the budget to be processed by the Town Council. Chairman Cardon asked the audience to please be respectful of the process as the budget is reviewed and amended.

Chairman Cardon moved to decrease the Town Administrator's proposed use from Fund Balance in the amount of \$1M and to use \$694,800 from the Fund Balance for the purpose of reducing the tax rate. Seconded by Councilor Osborne.

Discussion on the motion: Councilor Bourdon rejected using Fund Balance. Councilor Tripp asked for clarification on the motion. Chairman Cardon stated his motion would decrease the tax rate by \$.25. Questions were asked of Ms. Hickey.

Councilor Bourdon amended the motion to return \$1,694,800 to Fund Balance, seconded by Councilor Katsakiores.

1st Vote: 3-4-0 (Councilors Fischer, Osborne, Dimmock, and Cardon) motion failed

On the original motion:

Chairman Cardon moved to decrease the Town Administrator's proposed use from Fund Balance in the amount of \$1M and to use \$694,800 from Fund Balance for the purpose of reducing the tax rate, seconded by Councilor Osborne.

2nd Vote: 6-1-0 (Councilor Bourdon)

Councilor Osborne moved to amend the Fire Department budget by closing one of Derry's four stations and removing operation staff; with the building only to be utilized for training, storage and office space, seconded by Councilor Dimmock.

Discussion on the motion:

Councilor Bourdon amended the motion to cut only the four vacant positions as a compromise, no second. Councilor Osborne intervened stated this has to do with a building not staff.

Chairman Cardon stated this was not germane.

Councilor Bourdon moved to leave the station open and remove only the four vacancies and leave the remaining positions intact, seconded by Councilor Katsakiores. Chairman Cardon repeated this is not germane. Discussion continued with questions to Ms. Hickey, the Chair and Councilor Osborne.

Councilor Osborne moved to amend the Fire Department budget by closing one of Derry's four stations and removing operation staff; with the building only to be utilized for training, storage and office space, seconded by Councilor Dimmock.

Vote: 4-3-0 (Councilors Tripp, Katsakiores, Bourdon)

Councilor Osborne supports the Town Administrator's proposal in the Fire Department by reducing and not filling four full time positions at a cost savings of \$384,424.70.

Councilor Osborne moved to remove those four positions, as well as reduce an additional four positions including salary and benefits of \$384,424.70, accordingly this motion reduces a total in the FY 2016 budget of \$768,849.40, seconded by Councilor Dimmock. (Motion revised by Councilor Osborne below)

Discussion on the motion:

Councilor Bourdon amended the motion to only include the four vacant positions and leave the remaining positions intact and see how this goes, seconded by Councilor Katsakiores. Vote: 3-4-0 (Councilors Tripp, Katsakiores & Bourdon) motion failed

Discussion on the original motion:

Councilor Osborne referenced the Council Rules, Section 14, and Code of Ethics that was recently revised. Councilor Katsakiores stated she was going to vote due to the opinions she obtained relative to the definition of family from the State. Town Administrator Stearns stated the two opinions received by the Town from NHMA and the Town's Attorney was conflicting of each other. Chairman Cardon stated he agreed with the inquiries and is satisfied.

Councilor Bourdon stated he would not make cuts to safety, Councilors Katsakiores and Tripp referenced questions regarding studies and overstaffing.

Councilor Osborne defended his motion based on his own research and information gathered from past meetings and statements made.

Councilor Osborne moved to remove those four positions, as well as reduce an additional four positions including salary and benefits of \$384,424.70, accordingly this motion reduces a total in the FY 2016 budget of \$768,849.40, seconded by Councilor Dimmock. (Motion revised by Councilor Osborne below)

Town Administrator Stearns clarified that the four vacant positions were already removed from this budget. Councilor Osborne stated the nature of his original motion is still correct.

Councilor Osborne revised motion: Move to reduce staffing of an additional four full time positions including salary & benefits for an additional savings of \$384,424.70.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Fischer passed out a sheet with a motion to reduce overtime pay (Object Code 140). He explained how he arrived at the savings by cutting overtime in departments by 50%.

(See attached)

Councilor Fischer moved to reduce overtime pay (Line item #140) by a saving between the Town Administrator's Proposed and Town Council Proposed:

Emergency Management (\$12,905), Tax Collector (\$6,589), Fire (\$436,680), Dispatch (\$46,000), Police (\$350,820), DPW-Hwy (\$60,600) Transfer Station (\$16,600), Buildings & Grounds (\$7,950), Recreation (\$7,647), Parks (\$6,389), for a total savings of; \$951,750, seconded by Councilor Osborne.

Chairman Cardon suggested there be discussion before voting on these line by line.

Discussion on motion:

Chairman Cardon polled the Council on comments regarding the decreases in overtime.

Councilor Tripp made two suggestions; one was for police to only cut \$150,000 and the other was for Public Works to keep the Town Administrator's proposed amount.

Town Administrator Stearns informed the Council that police overtime was offset by revenue received for detail work.

Councilor Fischer recommends the following for overtime on his motion as stated above.

Chairman Cardon read the motions as follows:

Chairman Cardon motioned for the total overtime in Emergency Management in the amount of \$6,000.00, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned for the total overtime for the Tax Collector in the amount of \$6,250.00, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned for the total overtime in the Fire Department in the amount of \$339,012.00, seconded by Councilor Osborne

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned for the total overtime in Dispatch in the amount of \$38,000.00, seconded by Councilor Osborne

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Police

Chairman Cardon amended the motion for overtime in the Police budget recommended by Councilor Fischer's proposed in the amount of \$566,581, seconded by Councilor Tripp.

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

Chairman Cardon motioned for total overtime in the police budget as \$566,581, seconded by Councilor Tripp.

Vote: 7-0-0

DPW-Highway

Chairman Cardon amended the motion from Councilor Fischer's proposed amount in overtime for the DPW to the proposed amount recommended by the Town Administrator in the amount of \$124,100, seconded by Councilor Tripp.

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

Chairman Cardon motioned for total overtime in DPW budget in the amount of \$63,500, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned for total overtime in the Transfer Station in the amount of \$15,000, seconded by Councilor Osborne **Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)**

Chairman Cardon motioned for total overtime in Buildings & Grounds in the amount of \$6,500.00, seconded by Councilor Dimmock.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned for total overtime in Recreation in the amount of \$2,500.00, seconded by Councilor Osborne

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned for the total overtime in Parks in the amount of \$5,000.00, seconded by Councilor Osborne

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon polled the board for more modifications.

Councilor Dimmock motioned to remove the purchase of a new ambulance at the cost of \$250,000 from FY2016 budget, seconded by the Councilor Fischer.

Town Administrator Stearns questioned the motion; Chairman Cardon stated it would be taken out of the CIP.

Discussion on the motion:

Councilors asked questions regarding the removal of the ambulance and the age of it.

Town Administrator Stearns commented that this does not affect the tax rate at all.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Dimmock motioned to remove the purchase of a new vehicle for the Fire Department at a cost of \$50,000 from the FY16 budget, seconded by Councilor Osborne.

No Discussion

Chairman Cardon stated this is also being removed from the CIP.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to remove \$2,209.00 for discretionary raises in the Executive Department, seconded by Councilor Osborne.

Discussion on the motion:

Councilor Bourdon stated he doesn't support reducing any more money from any department.

Councilor Tripp asked for clarification if these were non-negotiated contracts.

Town Administrator Stearns stated these were for step raises for non-negotiation contracts and for employees who have not reached the top level of their pay scales.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to remove \$16,423 for step raises in Finance, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to remove \$320.00 for step raises in Planning, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to remove step raises in the Police Department in the amount of \$48,045, seconded by Councilor Osborne.

Vote: 4-3-0 Councilors Tripp, Katsakiores & Bourdon

Chairman Cardon motioned to remove step raises in the Public Works Department in the amount of \$16,670, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to remove step raises in the Town Clerk's Department in the amount of \$1285.00, seconded by Councilor Osborne.

Vote: 3-4-0 (Councilors Tripp, Katsakiores, Bourdon, Cardon) *motion failed*

Chairman Cardon motioned to remove step raises in the Cable Department in the amount of \$2,388.00, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to remove step raises in the Wastewater in the amount of \$1,153, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to amend the Fire Department budget by increasing it in the amount of \$414,103 for the hydrants, seconded by Councilor Osborne.

Discussion on the motion:

Questioned where this would be better suited and the reasoning for placing this in the fire budget. Town Administrator Stearns tried to clarify who maintains the hydrants and if moved to the wastewater budget users would pay only not the entire Town. Councilor Tripp doesn't believe it belongs in Fire and there was discussion on where it is a better fit. Chairman Cardon stated this would require a public hearing.

Vote: 7-0-0

Councilor Osborne moved to reduce four full time staff positions in the Police Department including benefits & salary at a cost savings of \$96,000 for a total reduction in FY2016 of \$384,000, seconded by Councilor Dimmock.

Discussion on the motion:

Councilor Bourdon made statements and discussed the drug trends in the state and government is reducing the cost for this issue. Councilor Osborne stated his experiences with this epidemic. Councilor Tripp asked if Mr. Stearns had left the vacant positions in his budget. Town Administrator Stearns replied yes but wasn't sure if the amount was correct. Chairman Cardon stated Ms. Hickey had given him the numbers at \$300,000 for four.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Osborne moved to reduce two full time staff positions in the Department of Public Works including salary & benefits at a cost savings of \$96,000 for a total reduction in the DPW for FY2016 for \$192,000, seconded by Councilor Dimmock. Corrected amount is \$150,000.

Discussion on the motion:

Councilor Bourdon questioned why Mike Fowler would put these in if he didn't need them.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Fisher made a motion to reduce Administration Other Professional Services from \$18,300 to \$9,150, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Dimmock made a motion to reduce the Administration Hospitality from \$2,750 to \$500 in FY2016, seconded by Councilor Osborne.

Vote: 5-2-0 (Councilors Katsakiores, Bourdon)

Councilor Dimmock made a motion to remove the new Economic Development Director position in the amount of \$115,000 including salary & benefits, seconded by Councilor Fischer.

Discussion on the motion:

Councilor Tripp did not expect using this position immediately; however, he would like it to stay in the budget. Chairman Cardon stated hiring an Economic Development Director right now without a plan is unnecessary.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Fischer stated in regards to Executive Department staffing; "the Council was told by the Town Administrator during the interview process that he did not need an Assistant Town Administrator. When hiring the new CFO, Council was told there was considerable discussion about not hiring a full time CFO because there were capable people in Finance & Administration

that could assume the duties and responsibilities which would result in a cost savings for the Town, with that in mind.”

Move to eliminate the full time position of Director of Human Resource/Assistant Town Administrator including salary & benefits in the FY2016 budget for a total savings of \$150,000 from the Executive budget, seconded by Councilor Dimmock.

Discussion on the motion:

Councilor Fischer explained that responsibilities could be delegated and divided with others. He stated, it’s about the position not the person. Councilor Bourdon protested removing the Human Resource Director and gave his reasons. Councilor Katsakiores was shocked stating the Human Resource Director/Assistant Town Administrator ran the town when we didn’t have a Town Administrator.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Councilor Katsakiores raised a Charter Objection.

Councilor Osborne explained that a Charter Objection has to have merit and be identified by Charter.

Chairman Cardon asked what portion of the Charter was the objection on.

Councilor Katsakiores replied, “All of it”.

Chairman Cardon replied, “Charter Objection denied”.

Councilor Bourdon called for a Charter Objection based on putting this Town’s safety of its citizens and the viability of this community at drastic risk.

Councilor Osborne asked what section of the Charter Councilor Bourdon was referring to.

Councilor Bourdon replied, “Duties as a politician”.

Chairman Cardon asked for a recess to refer to the Charter.

Chairman Cardon asked Councilor Katsakiores what part of the Charter was the Objection based on? ***Councilor Katsakiores read 6.6 of the Charter regarding the Charter Objection. She stated it violates 91-A under the right to know law without discussion. Councilor Bourdon seconded her objection.***

Councilor Osborne stated it was too late for a Charter Objection as the vote was already taken. He then referred to his experience in a meeting regarding a Charter Objection that he made and it was denied by the Chair as he did not state reference to the Charter or a law. It was ruled that the Chair has the right to deny.

Chairman Cardon ruled to deny the Charter Objection.

Old Business

15-36 Vote FY2016 Budget & CIP

Chairman Cardon motion to approve Emergency Management Department FY16 budget as presented by the Town Administrator in the amount of (~~\$69,929~~) \$57,024.00 Town Council proposed, seconded by Councilor Osborne.

Vote: 5-2-0 (Councilors Tripp & Katsakiores)

Chairman Cardon motion to approve Executive Department FY16 budget as presented by the Town Administrator in the amount of (~~\$1,381,785~~) \$1,103,176, Town Council proposed with the removal of the Economic Development Director and Human Resource/Assistant Town Administrator, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motion to approve Finance Department FY16 budget as presented by the Town Administrator in the amount of (~~\$4,488,779~~) \$4,465,776, Town Council

proposed, seconded by Councilor Fischer.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Motion by: Chairman Cardon moved to approve Fire Department FY16 budget as presented by the Town Administrator in the amount of (\$10,992,948) Town Council proposed amount of \$10,539,946, this includes \$414,000 addition of hydrant fees back into the budget, removal of operation staff 4 and closing of the Hampstead Station to be utilized for training, storage and office space.

Councilor Bourdon interjected that it was agreed that Council would not decide which station would be closed.

Chairman Cardon restated his motion as:

Motion to approve Fire Department FY16 budget as presented by the Town Administrator in the amount of (~~\$10,992,948~~) \$10,539,946 Town Council proposed, this includes \$400,046 \$414,000 addition to fire hydrant fees back into the budget, (pause) the removal of the operational staff at one station and cutting the fire fighters by four positions and closing a fire station and that will be left up to the fire chief, seconded by Councilor Osborne.

Councilor Tripp questioned how the motions were being stated as the motion should not be stated as presented by the Town Administrator.

Chairman Cardon restated his motion as amended by the Town Council in the amount of \$10,539,946.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to approve the Libraries FY16 budget as presented by the Town Administrator, in the amount of \$1,412,190, seconded by Council Osborne.

Vote: 7-0-0

Chairman Cardon motion to approve Planning Department FY16 budget as presented by the Town Administrator in the amount of (~~\$266,707~~) and amended by the Town Council in the amount of \$266,387 seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motion to approve Police Department FY16 budget as presented by the Town Administrator (~~\$8,790,057~~) and amended by the Town Council in the amount \$8,292,012, this motion is to include the removal of 4 positions, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Motion to extend 10 minutes by Councilor Fischer, seconded by Councilor Osborne, all agreed.

Chairman Cardon motion to approve Public Works Department FY16 budget as amended by the Town Council in the amount of \$8,404,634 which includes the removal of (2) positions, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to approve Town Clerk & Elections Department FY16 budget as presented by the Town Administrator in the amount of \$185,638, seconded by Councilor Osborne.

Vote: 6-1-0 (Councilor Tripp)

Chairman Cardon motion to Wastewater Department FY16 budget as presented by the Town Administrator and as amended by the Town Council in the amount of \$2,357,866, seconded by Councilor Osborne.

Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to approve Water Department FY16 budget as presented by the Town Administrator in the amount of \$2,551,611, seconded by Councilor Osborne.
Vote: 7-0-0

Chairman Cardon motion to approve Cable Department FY16 budget as presented by the Town Administrator (~~\$326,465~~) and amended by the Town Council in the amount of \$324,077, seconded by Councilor Osborne.
Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon motioned to approve TIF Districts FY16 budget as presented by the Town Administrator in the amount of \$246,838, seconded by Councilor Osborne.
Vote: 7-0-0

Chairman Cardon moved to approve the FY2016 budget as presented by the Town Administrator on April 1, 2015 and at the Public Hearing on May 5, 2015 and amended by the Town Council on May 19, 2015 in the amount of \$40,207,166, seconded by Councilor Osborne.
Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

Chairman Cardon moved to approve the FY2016 Capital Improvement Plan (CIP) as set forth in the budget presented to the Town Council on April 21, 2015, and at a Public Hearing on May 5, 2015 and as reviewed and as amended by the Town Council on May 19, 2015 in the amount of \$1,032,871 seconded by Councilor Osborne.
Vote: 4-3-0 (Councilors Tripp, Katsakiores & Bourdon)

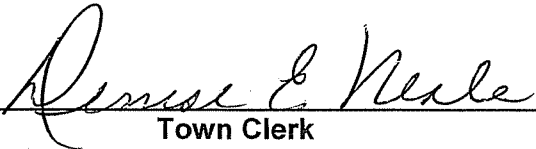
Chairman Cardon stated this resulted in a decrease to the tax rate of \$1.21 per thousand.

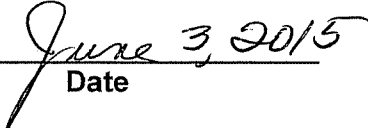
Motion to adjourn by Council Fischer, seconded by Councilor Osborne
Roll Call Vote: 5-2-0 (Councilors Katsakiores, Bourdon)

Public Forum – *30 Minutes*- N/A

Council Requests / Open Discussion- N/A

Adjournment 10:10 p.m.


Town Clerk


Date

Recording and Transcription Submitted by: Denise E Neale, Town Clerk
Reviewed by Janice A Mobsby, Controller

ATTACHMENT

May 19, 2015

Motion to reduce overtime pay (140)

| <u>Dept.</u> | <u>Code</u> | <u>T.A. Proposal FY16</u> | <u>T.C. Proposal FY 16</u> | <u>Savings</u> |
|-----------------------|-------------|---------------------------|----------------------------|------------------|
| Emerg. Mgmt. | 12 | 18,905 | 6,000 | (12,905) |
| Tax Coll. | 42 | 12,839 | 6,250 | (6,589) |
| Fire (P&ES) | 10 & 14 | 775,692 | 339,012 | (436,680) |
| DIS | 16 | 84,000 | 38,000 | (46,000) |
| - Police | 20 | 716,581 | 365,761 | (350,820) |
| - DPW-Hwy | 84 | 124,100 | 63,500 | (60,600) |
| Trans. St. | 88 | 31,350 | 15,000 | (16,350) |
| B&G | 80 | 14,450 | 6,500 | (7,950) |
| Rec | 70 | 9,967 | 2,500 | (7,467) |
| Parks | 72 | 11,389 | 5,000 | (6,389) |
| <u>Total Savings:</u> | | | | <u>\$951,750</u> |