

TOWN OF DERRY

Town Council
Derry Municipal Center

June 2, 2015
Tuesday - 7:30 PM

7:00 PM Non-Public RSA 91A:3 II (d)

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 –

15-59 Approve Minutes – Special Meeting – May 12, 2015

15-60 Approve Non-Public Minutes- **minutes sealed** – May 19, 2015

15-61 Approve Minutes – May 19, 2015

15-62 Schedule Public Hearing – June 16, 2015 – Increase in Veterans' Credit

Accepted as written

Chairman's Report – Thomas Cardon

Thanked Councilors for attending the Memorial Day ceremonies.

The Junior Solar Sprint Cup has 20 teams and the races will take place Hood School @ 10 am this Saturday, June 6th.

Chairman Cardon has had some thoughts about the recent budget process and would like the Councilors to email him with things they feel worked or didn't work and any ideas for the future.

Town Administrator's Report – Galen Stearns

The NH Drug and Alcohol 2015 Prevention Provider of the year recipient is Pam Santa Fe. She will be awarded a plaque at their July 16 annual meeting.

Hutter Construction has started site work preparation at the Transfer Station. Construction will begin in August and completion is slated for November. The facility will open in 2016.

A request has been made for Derry to adopt a noise ordinance. Mr. Stearns has spoken to Chief Garone and this has been discussed before. Councilor Tripp stated there is an RSA on the books it just has to be enforced. The Chair requested it be put on the agenda and have Chief Garone available for discussion.

As of July 1st, Police Detail billing will increase to \$63.00 per/hour (an increase of \$1.00).

Chairman Cardon asked when we are going to have the MIA / POW remembrance ceremony.

Councilor Tripp stated they are studying it as they are not sure what to do for dedication.

Approximately around the time of the POW / MIA vigil at Macgregor park is the thought at this time.

Public Forum

Open Public Forum – all agreed

Ernest St Pierre, Sunset Ave – He spoke regarding the recent budget process. He asked residents to send letters to the Council regarding the lack of providing proper personnel in the Police and Fire Departments under National Standard Guidelines. He asked that department heads continue to provide best services possible under these conditions.

Chris Owen, Rockingham Rd – Spoke about what people feel was a degree of alignment amongst four Councilors as the other three were not informed of these motions on the budget.

Mike Gill, Gill Rd – Thanked the four Councilors for reducing the tax rate stating that the Councilors at Large work for me. He gave his view of articles and what he has seen on Facebook and feels statements made have been misleading the people. He questioned the authenticity of Derry Residents United as they are not listed as an organization and wants to make sure that there is no potential for fraud. He has the most respect for Derry's Police and Fire Departments. He feels this is the first step with the Town cutting its tax rate and would like to see the school take \$2.20 off their portion.

Philip Brophy, Kilrea Rd – These cuts are over 1/3 of the budget and the Council needs to ask the school to make cuts as well. He feels apartment complexes in Town aren't paying their fair share of taxes. Police staffing is less than the national average. The associated crimes from opiate users are the direct result of related crimes to persons and businesses. Our Fire Department is now below national standards. He is now in the dry part of Derry and his family is now in harm's way as he is well outside the eight minute full alarm standard response time. He questioned if the cuts in the Fire Department affect our contracts with Auburn & Chester.

Mark Connors, Cabot Dr. – Suggested the Town begin streaming meetings live like the School Department does. He asked if the Council had used data to analyze these cuts and if so could they post it for all to see. The Council has stated they do not want to micro-manage so they should give department heads a figure for their budgets and allow Police, Fire and Public Works to make the necessary cuts. In regards to the eliminating the HR Director, he believes that in accordance to (?) 32-5, section 2 (?) was violated.

Steve Trefethen, Mulberry St, Windham – Thanked the people attending the meetings and the Police and Fire Departments for services provided. This Town Council has made a difference. This Council has set goals and reduced the taxes. He will bring some savings ideas to the Town Administrator over the next year.

Marc Flattes, Linlew Dr – Has spoken to a lot of residents and they support the tax cut and understand the difficult decisions. He hopes the school would recognize their budget needs to work to better.

Helen Evans, Edgewood St – distressed over the Council ignoring the citizens who had spoken during the past weeks. This wasn't a fair fight. The Chair cut opportunities for other Councilors to speak. There is an imbalance of power. If four votes are going to continue to shape the way Fire, Police and PW are going to conduct business and the lives of 32,000 citizens of Derry, it's time to learn how to make consensus building decisions. She urged the Council to learn more about consensus building. She requested for Council to support department heads as they work to support your budget decisions.

Jenna Paradise, Hubbard Hill Rd – she is frustrated about the meeting. To say there was no rhythm or flow between the four you is incorrect. Questioned who wrote notes. There's a lot of speculation about a lot of things. Council completely ignored what the people had said and she was insulted to be referenced as a mob or pep rally. It was obvious some Councilors had their own agenda.

Michael Layon, Lee Circle – Referenced homeowner insurance remarks made and his homeowners insurance is not going up. Insurance company rates use 5 things by ISO to assess insurance for homes. He was surprise our Fire Department does not have a brush unit and that we needed to call in Chester. Every NH Fish & Game officer is trained in brush fires. He was

shocked to find out that out of 98 firefighter injuries in the State of NH, Derry had 23 of them. He would be happy to make a list of 100 ways to save money.

Close Public Forum - all agreed

Public Hearings –

- 15-50** Apply for New Hampshire Highway Safety Agency Grants for DWI Patrols, Pedestrian Enforcement Patrols, Red Light Enforcement Patrols & Speed Enforcement Patrols

Chief Garone – stated the project period for this grant is from May 1 - September 15, 2016. The NH Highway Safety Agency will reimburse the Town for 100% of the salary related expenses plus associated roll up costs for all hours worked. It does not cover time for prosecution as a result of these. The fines collected are and disbursed to the State of NH.

Open Public Hearing – all agreed

Michael Layon – The Federal Government gives taxpayer money to NH for these grants. He would like to keep this money in the community.

Mark Connors – Asked the Chief - given the amount of money do you feel this will support the department.

Chief Garone answered grants have always been in addition to the budget. Grants allow patrolman to be dedicated for this purpose.

Scott Savard – The Highway Safety Committee gives full support for this.

Close Public Hearing Councilors Dimmock & Katsakiores – all agreed

Move to grant authority to Town Administrator Galen Stearns to apply for and accept on behalf of the Town, grant funds associated with the 2015 NH Highway Safety projects as follows:

DWI Enforcement Patrols	\$7,417.80
Pedestrian Enforcement Patrols	\$5, 439.72
Red Light Enforcement Patrols	\$5, 439.72
Speed Enforcement Patrols	\$5, 439.72

Further, to grant authority to the Town Administrator to execute any contracts or documents associated with those projects without further Town Council Action.

Motion by Councilor Katsakiores, seconded by Councilor Bourdon

Vote: 6-1-0 (Councilor Osborne)

- 15-54** Amend 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.

George Sioras, Planning Director gave the background and stated this was a request from the Zoning Board to the Planning Board. The Planning Board held a public hearing and approved this on 4/15/15.

Lynn Perkins, Zoning Board Chair, explained this was called the “Condo Act” so to speak.

Open Public Hearing Councilor Katsakiores

No Public Input

Close Public Hearing Councilors Katsakiores & Dimmock – all agreed

Move to Amend 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.
Motion by Councilor Fischer, seconded by Councilor Katsakiores
Vote: 7-0-0

15-55 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

George Sioras stated this is a proposed amendment to the Town of Derry Zoning Ordinance, specifically relating to the Central Business and Traditional Business Overlay Districts. It references changes to the definitions, Off-Street Parking for Non-Residential Uses, Central Business District and Traditional Business Overlay District. Mr. Sioras explained the new height requirements.

Open the Public Hearing – all agreed

Steve Trefethen - asked if the existing properties will remain the same. There are some issues with buildings that have offices on the second floor and retail space. It's a tough sell.

Brian Chirichiello - asked the difference between MHDR and MHDR2.

George Sioras explained MHDR has town water & sewer lots. MHDR2 is like Nortonville.

Karen Blandford-Anderson – asked if in all of the discussions held was there any prosthetics of downtown area thought of.

George Sioras replied yes, it will conform from Maple St. to the Baptist Church and must stay traditional. He commented about the downtown area and the reason is that owners who own multiple buildings don't take care of them or work with the Town.

Mike Fairbanks - brought to everyone's attention that the agenda did not match what was being discussed and was misstated.

Councilor Osborne moved to reschedule #15-55 under the proper title, seconded by Councilor Bourdon

Vote: 7-0-0

(Note: Public notice to newspapers and on website stated Agenda item #15-55 correctly error was on agenda only)

15-56 Accept Department of Health & Human Services Grant

Mr. Budreau stated this grant will take the Public Health Network to the end of the year. In order for NH DHHS to locate a new fiscal agency through an RFP process and effectively transition to the new host agency and they have asked the Town to support a temporary contract renewal. It would probably on be until October 1st.

The Council asked Pam Santa Fe is she could get them some statics on the cases processed in Derry.

Pam Santa Fe stated she was in the process of doing a lengthy report and would provide it to the Council. She thanked the town of Derry regardless of what happens. The Department has made great strides working with the 13 towns in the network. Their forum is June 8th.

Open Public Hearing – all agreed

No Public input

Close Public Hearing – all agreed

**Move that the Derry Town Council approve the application for the FY2016 6-month renewal of the New Hampshire Public Health Network Grant in the amount of \$67,700 and authorize the Town Administrator to accept and expend the funds on behalf of the Greater Derry Public Health Network without further action of the Town Council.
Motion by Councilor Osborne, seconded by Councilor Katsakiores
Vote: 7-0-0**

New Business

15-63 Summer Schedule

**Chairman Cardon move to hold the summer meeting as follows:
July 7, 2015 & August 4, 2015, seconded by Councilor Osborne
Vote: 6-1-0 (Councilor Dimmock)**

15-64 Approve \$100 Health & Safety "Coordinator Cash" grant from HealthTrust

Larry Budreau gave an overview of this grant with examples of what is supplied by it for the employees who participate. He thanked Barbara Chapman for coordinating these programs.

**Move the Derry Town Council approve the receipt and expenditure of the award from HealthTrust in the amount of \$100.00.
Motion by Councilor Bourdon, seconded by Councilor Katsakiores
Vote: 7-0-0**

15-65 Appointment to Zoning Board of Adjustment

**Chairman Cardon moved to appoint Stephen Coppolo as a member of the Zoning Board of Adjustment for a term to expire March 31, 2016, seconded by Councilor Dimmock
Vote: 7-0-0**

15-66 Appointment to Highway Safety Committee

**Chairman Cardon moved to appoint Tom Landers as a member of the Highway Safety Committee for a term to expire March 31, 2016, seconded by Councilor Katsakiores
Vote: 6-1-0 (Councilor Dimmock)**

15-67 Appointment to Planning Board

**Chairman Cardon moved to appoint Frank Bartkiewicz as member of the Planning Board for a term to expire March 31, 2017, seconded by Councilor Katsakiores
Vote: 7-0-0**

15-68 Approve Chester & Auburn Fire/EMS Dispatch Contracts

Chief Mike Gagnon & Jon Goldman gave an overview of the dispatch contracts and answered questions from the Council regarding, equipment, provisions, and other related costs to provide this service.

**Move that the Town Council authorize the Town Administrator to enter into Inter-municipal Agreements for Fire/EMS Dispatch Services with Auburn and Chester for fiscal years 16,17,18,19 & 20.
Motion by Councilor Osborne, seconded by Councilor Katsakiores
Vote: 7-0-0**

15-69 Authorize Town Administrator to sign documents relative to
Town's participation in HealthTrust's updated "Membership Agreement"

Galen Stearns reviewed the membership agreement and requirements for the Council and explained that HealthTrust is the provider for members of six of the bargaining units and for non-represented employees.

RESOLVED: That the Town of Derry shall participate as a Member in the HealthTrust pooled risk management program for the provision of group medical and/or other benefit plan in accordance with the "Application and Membership Agreement" and NH RSA 5-B.

Further:

RESOLVED: That Galen A. Stearns, Town Administrator is hereby authorized and directed to execute and deliver to HealthTrust, on behalf of the Town of Derry, the "Application and Membership Agreement," in substantially the form presented to this meeting.

Further:

RESOLVED: That Galen A. Stearns, Town Administrator is hereby authorized and directed to execute and deliver to HealthTrust a certification of this resolution.

Motion by Chairman Cardon, seconded by Councilor Katsakiores

Vote: 7-0-0

15-70 Economic Development – form committee

Chairman Cardon is recommending an Economic Development Committee consisting of 7-10 people to bring to the Council 5-6 recommendations by 9/1/15.

Councilor Tripp agrees with forming this committee

Councilor Fischer recommends this is needed for the future and that a plan needs to be laid out.

Councilor Osborne questioned how people would be appointed and would like to see people from the community such as realtors, business owners, etc.

Councilors Dimmock & Bourdon agreed that people who have been involved with Economic Development before should not be on this committee.

Move that the Derry Town Council establish an Economic Development Committee and begin accepting applications.

Motion by Councilor Osborne, seconded by Chairman Cardon

Vote: 7-0-0

15-71 Abbott Court

Chairman Cardon handed out a map of the properties on Abbott Court, Central Street, and Central Court presently owned by the Town of Derry. He would like to see these properties put up for sale. These properties were not tax deeded so they may be disposed of by sale.

Motion to extend 10 minutes by Councilor Osborne, seconded by Chairman Cardon – all agreed

Move that the Derry Town Council direct the Town Administrator to seek proposals from the staff in the readying the Abbott Court (properties) for marketability.

Councilor Tripp asked questions regarding the properties.

Chairman Cardon stated 5 Abbott Court is the parking area on the map. 3 Central Court, 1 Central Court, and 2 Central Court Extension are also owned by the Town.

Motion by Councilor Osborne, seconded by Chairman Cardon

Vote: 7-0-0

15-72 Town Survey – form committee

Councilor Fischer liked Mr. Stearns' recommendation of putting this on the website for people interested in developing a survey and forming a committee of survey questions to gather information in an objective a way as possible. Survey Monkey would be able to accomplish this for us. He would like to serve on this committee and find key players within the Town.

Councilor Tripp stated that in the 2010 Master Plan, a community survey was done in 2008. A 1,000 surveys were sent out; however, there were only 89 responses. He doesn't think it could be very successful. We need to make sure we get the community involved to do this.

Councilor Fischer said technology puts the survey online.

Chairman Cardon is looking for the questions from the 2008 survey and the new committee can look at this survey.

Mr. Stearns stated that a couple of communities have recently done this kind of survey online.

Councilor Fischer is looking for 7-9 members to be on this committee.

Motion to extend 10 minutes by Councilor Dimmock, seconded by Councilor Katsakiores All agreed.

Council Requests / Open Discussion

Councilor Tripp said the Council voted to close a fire station and the Fire Chief has recommended the Hampstead Road Station. On the map this leaves a gaping hole in the middle of Derry in service. He recommended that the Council direct the Fire Chief to conduct a study concerning the optimum fire station locations, to include density, demographics, response time for current and proposed stations, hydrants, and other water sources. The Chief would then present this to the Council so that they could have a better understanding of the ramifications of closing this fire station.

Councilor Fischer thanked everyone who gave constructive feedback to the budget process. We did listen and it was a challenging thing to do. He thinks there are many opportunities for improvement. The gathering of data would help the Council make decisions in the future. There was an idea of a budget review committee. He thinks outside people could help us with this (ex. bank managers). This process should be talked about every month.

Councilor Osborne said the Council recently asked members of U.S. Congress to enact a resolution on Campaign Finance reform. He would like to propose a goal to put in effect a Campaign Finance Disclosure ordinance. It's owed to the residents to give them an opportunity to see the finances of local officials disclosed. Also he would like to codify a conflict of interest statue or ordinance. This has sometimes raised issues in the present and past. There were two to four conflicting opinions on this issue. He would like to put out an RFP to a law firm to draft a Conflict of Interest or Ethics Ordinance. This will alleviate future issues and everyone will know what is expected of them.

Councilor Katsakiores congratulated Councilor Bourdon and his wife on the birth of their son. She wanted to thank the two rotary clubs for the cookout provided for the Veterans of Derry held at the Boys & Girls Club.

Councilor Bourdon moved to suspend the rules so that all Councilors could give their requests, and Councilor Katsakiores agreed.

Chairman Cardon moved to suspend the rules, seconded by Councilor Bourdon.

Vote: 7-0-0

Councilor Bourdon received a letter from a Pierce Avenue resident regarding incidents that regularly occur at Alexander-Carr Park. The Police and Recreation Departments stated there is not much they can do about it. He is asking for a change in the park hours.

Mr. Stearns stated he has been working on this and this could be put on the agenda.

Councilor Bourdon thanked everyone for the calls and gifts he received for the birth of his child. On 6/13/15 there will be a race for "Run for Recovery", check the website or contact him for details. This is to benefit the Friendship Center.

Councilor Bourdon cited the following: *5.10 of the Town Code: Subordinate positions of the Executive Department shall consist of an Assistant Town Administrator, a Human Resources Manager, a Human Services Administrator, an Information Technology/GIS Manager, a Cable Television Administrator and such other administrative support staff as may be approved in the budget.*

9.4 (D) of the Town Charter states the Town Council shall enact the budget, with or without amendments, by May 31. In amending the budget, it may delete, decrease, increase or add any programs or amounts, except it may not decrease expenditures required by law or for debt service.

It seems to him by eliminating the Human Resource Director, including salary and benefits, in the fiscal 2016 budget it violates the town ordinance, until the ordinance is amended. He is disappointed in the acts taken by Council on May 19. The Human Resource Director is important to the operations. He feels Mr. Stearns will become bogged down with the additional responsibilities.

(Councilor Dimmock left the meeting room)

Councilor Bourdon asked to make a motion or request to review this at the next meeting the elimination of the Human Resource Direction and Assistant Town Administrator as a new business item at the 6/16/15 meeting.

Chairman Cardon replied that he will look at it.

Councilor Bourdon wanted to make a motion. Councilor Bourdon continued with his motion: *Move to restore the full time position of Director of Human Resources, the Assistant Town Administrator including salary and benefits for the FY16 budget to increase \$150,000 to the Executive Department correspondently increasing the FY16 budget adopted by the Town Council as impacted by the repeal of this specific item of \$150,000.*

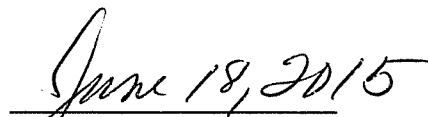
Chairman Cardon replied this has happened before and it is not on the agenda.

Motion to Adjourn by Chairman Cardon, seconded by Councilor Fischer 6-1-0 (Councilor Bourdon)

Adjournment 10:20 p.m.



Town Clerk



Date

Recording & Transcription by: Denise E Neale, Town Clerk