

TOWN OF DERRY

Town Council
Derry Municipal Center

June 4, 2013
Tuesday - 7:30 PM

7:00 PM Non-Public Session under RSA 91A:3 II (a)

Call to order: 7:30 PM

Pledge of Allegiance, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones

Roll Call: Councilors Cardon, Osborne, Dimmock, Wetherbee, Katsakiores (via phone) and Chairman Fairbanks (Benson arrived after roll call)

Consent Agenda

- 13-59 Approve Minutes – May 14, 2013
- 13-60 Approve Minutes – May 21, 2013
- 13-61 Schedule Public Hearing – June 18, 2013 – Release of Public Servitude – Lawrence Street (Paper Street)

Accepted as written

Chairman's Report – Michael Fairbanks

Councilor Dimmock read a "Certificate of Appreciation" for Roland "Root" Routhier for his work as a Supervisor of the Checklist.

Chairman Fairbanks will present the "Boston Post Cane" to Dorothy Greene on Friday, June 7, 2013. She is the town's oldest resident at an age of 105.

Due to the number of public hearings this week, the "Public Forum" has been moved to the end of the meeting.

Chairman Fairbanks apologized to the citizens who were here for the May 21st Public Hearing that were not heard due to time constraints.

Town Administrator's Report – John P Anderson

Mr. Anderson attended the opening at the Ernest P Barka Elementary School's Butterfly Garden.

Public Works update: Starting this Wednesday through October 2nd, the Transfer Station will be open Wednesday from 7:30 AM to 6:30 PM.

Gallien's Town Beach is currently closed until June 15th. There has been an advisory issued for Cynobacteria in the lake water which is caused by fertilizer in the watershed. Continued monitoring and testing will be ongoing.

Tsienneto Road construction will be completed by June 30th.

Repair work on the Meadows Dam was halted due to heavy rains which has caused a higher water level.

Mr. Anderson received a letter from our sister city in Derry/Londonderry Northern Ireland. They are celebrating 400 years of its incorporation and we have all been invited

to take part of this celebration. Our Town Historian, Richard Holmes, will be attending in July.

Derry School District held their deliberative session on May 28th. Mr. Anderson read the warrant as the school district will hold a one question formal election on Tuesday, June 25th.

Public Hearings –

13-37 Acceptance of a Pavilion Structure from Derry Village Rotary Club

Eric Bodenrader, Recreation & Parks Director, gave an outline of this project. This 30'x50' structure would be a donation for Don Ball Park. He introduced Derry Village Rotary Club members Kevin Olsen and Steven Dante to further explain the structural design.

Open Public Hearing 7-0-0 Wetherbee/Osborne

Mike Gill, Gill Rd – thinks this a great idea and supports it. However he questioned what insurance would be used.

Eric Bodenrader stated that the Rotary's insurance would be used during construction.

Close Public Hearing 7-0-0 Wetherbee/ Benson

Move that the Derry Town Council approve the project and authorize the Town Administrator to accept the donation of the new pavilion structure at the Don Ball Park from the Derry Village Rotary Club.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

13-38 Barkland Acres Association Petition: Community Water System Acquisition

Tom Carrier, Deputy Public Works Director, received a petition last November for this water system. He gave a detailed background and stated this is a well maintained water system and in generally good condition. He also gave estimated costs of this acquisition. He introduced Toby Duy a resident of the Barkland Acres Association to answer questions.

Open the Public Hearing 6-0-0 Wetherbee/Dimmock

Mike Gill – questioned if this was a health & safety issue and if it was in jeopardy?

Mr. Duy replied no.

Mr. Gill stated that if there was no health & safety issue then he doesn't feel the town should take it over. He encouraged the Town Council to vote no.

Don Walton, 18 Birchwood Dr. - would like the town to move forward with this. When they lose power the area loses their entire water supply.

Toby Duy- stated that if the town doesn't take it over, they will pursue a private vendor. The residents would like to move away from taking care of it.

Steve Trefethen, Mulberry Ln, Windham – questioned what the cost of the study would be.

Tom Carrier replied the water and maintenance would be paid by the customers. The study would be a time element of existing staff. The town adopted a master plan and has first right of refusal for these privately maintained water systems.

Mark Brassard, Birchwood Drive – questioned the two water storage tanks and their condition.

Mike Gill- suggested the Council might need to have another meeting on this. Give it serious thought.

Motion to close the Public Hearing 7-0-0 Benson/Cardon

The Derry Town Council acting as the Water Commissioners, move that the Department of Public Works prepare a detailed condition assessment of the Barkland Acres water system and an evaluation of costs and rate impact associated with the required and recommended improvements needed to meet Town of Derry standards for consideration by the Town Council at a public hearing to be scheduled at a future date.

Motion by Councilor Benson, seconded by Councilor Cardon. (Vote listed after discussion)

Discussion:

Councilors asked various questions regarding cost, revenue, time involved, long term capital effect, other systems not owned by town and newly acquired system.

Councilor Wetherbee wanted it clarified that this is just a study and Mr. Carrier was just looking for direction by following the master plan.

Councilor Benson asked to move the question, seconded by Councilor Katsakiores 7-0-0

On the motion of 13-38

Votes 4-3-0 (Cardon, Osborne, and Dimmock)

13-46 Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-5 (1) Limited Parking Highland Avenue

Mr. Anderson stated in the area of the old Floyd School there were parking restrictions due to it being a school zone. Since this is no longer a school zone the town needs to bring this area in line.

Open the Public Hearing 7-0-0 Wetherbee/Benson

no public input

Close the Public Hearing 7-0-0 Benson/Katsakiores

Move to amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section §150-5(l) Limited Parking by eliminating:

Remove - Highland Avenue-East-From 100 feet north of Severance Street and 300

feet south of Severance Street.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

13-49 Approve Teamsters Local #633 Collective Bargaining Agreement

Open Public Hearing 7-0-0 Wetherbee/Benson

Mike Gill, Gill Rd – has reviewed contract for health/dental insurance. Mr. Gill questioned the signing bonus. He also has an issue with drug & alcohol testing because it is required for CDL operators and the fire department but not listed as a town policy for all employees.

Mr. Gill would like the following documents made part of these minutes; Staff Report dated 5/2/13, Contract DFF Local 4392, Tennessee Department of Labor and Workforce Development, Town of Derry Administrative Regulation #10 and Town Council Rules (*attachments available for viewing in Town Clerk's Office*).

Kevin Coyle, North Shore Rd – He has read the agreement and his concern is for raises for employees who are already making a pay highest in state. This pushes against the tax cap. He requested the Council to vote no on this agreement.

Lyn Perkins, Woodland St – overall comparison – the contract appears to be inline as far as pay raises go. He would be for the bonus given in the 3rd year of contract not the first. Need to encourage these people to get involved with town.

Close Public Hearing 7-0-0 Wetherbee/Benson

Discussion: Councilors questioned the total cost of this contract; spoke on direction of expectations and public input before negotiations.

Larry Budreau, Human Resource Director, was asked to address questions asked by citizens.

Mr. Budreau explained the signing bonus as a one-time only for people enrolled in health plans. Members of this bargaining unit contract net pay will decrease in order to increase health care contributions. The estimated goal for all contracts is a 20% healthcare contribution. Most Public Works employees are participants in random drug & alcohol testing. As for the rest of the employees, the Town Council does not have the authority to require this.

Mr. Budreau continued with the explanation of negotiations and guidelines that he has been directed to follow and the challenges. There are still five contracts not negotiated due to the guidelines set forth and the union's resistance to accept.

Councilor Osborne stated that Mr. Budreau followed the guidelines given by the Town Council and given the commitment the results are seen. He intends to support this contract. He thanked Mr. Budreau as his explanation was helpful.

Move that the Derry Town Council approve the collective bargaining agreement between the Town of Derry and Teamsters Local #633 from July 1, 2013 to June 30, 2016 and authorize the Town Administrator to sign the Agreement on behalf of the Town of Derry.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

- 13-57** Commercial District Revisions - Zoning Ordinance – to amend Article II, Word Usage and Definitions, Section 165-5, Definitions to add definitions to define the following: Clinic, Bus Depot, Day Care, Health Service Facility, Library, Medical Office, Open Space, Private Educational Facility/Private School, Radio Broadcast Facility and Sale of Travel Accommodation; to amend Article II, General Provisions, Section 165-14 Churches; to amend Article VI, District Provisions, Section 165-32.A through B, General Commercial District; and to amend Article VI, District Provisions, Section 165-35.B.4, Office Medical Business District

George Sioras & Liz Robidoux presenting: George stated there are four parts to this zoning amendment. They are as follows: clean up language, eliminate churches in the fourth district, limited commercial zone and eliminate single family home. The Planning Board is looking at mixed use.

Open Public Hearing 7-0-0 Wetherbee/Benson

Atty. Morgan Hollis - he represents the Siragusa's and he would like to testify in opposition to proposed 165-32. He stated the opposition and hardship in changing this zoning district would have on the owner.

Gerry & Beth Siragusa, South Main St – they attended the Planning Board meetings on these changes. Twenty-six people signed a petition against these changes. He would like to see this sent back to the Planning Board or tabled.

Tim Butterfield, Humphrey Rd – asked the Town Council to consider not passing this and changing it to a mixed overlay district.

Steven Trefethen, Mulberry Lane, Windham – claimed this change would devalue property. He made suggestions and guidelines for this area.

Janet Fairbanks, Rose Ave – there's a total cost problem and it is not something that can be easily resolved. You need to have all your "Ducks in a Row" before you spend money

for Economic Development you would not want a home on Tsienneto Rd or in the TIF district.

Randall Chase, Walker St – He understands that the residents that have spoken have concerns for their property. His concern is with the entire Town of Derry. The reason the tax rate is as high as it is that it is due to the gross mismanagement of our ordinances throughout the years. The fact that the town's districts, with the exception of the heavy industrial district, has allowed residential growth which has gone unchecked, without any of the residential developers having to do anything with the infrastructure. Commercial & Residential have co-existed, however, not without litigation. There are far more than 26 properties in this community. What this ordinance does is it reduces the minimum lot size if you have water and sewer. If water and sewer were not being extended this would not be a problem. He agrees that residents in this area with water and sewer increase the ability of more homes on these lots which defeats the purpose of the commercial tax base. This has always been a problem in Derry. Our infrastructure needs to grow, not residential housing.

Motion to extend 10 minutes Dimmock/Cardon 7-0-0

Mr. Chase continued- The Planning Board has listened to the residents and made changes. It is not wise to mix general commercial in a zone and an overlay at the same time. They are two separate issues and should be dealt with separately.

Councilor Osborne asked if this was a unanimous decision by the Planning Board. Mr. Chase replied, "Yes".

Close Public Hearing 7-0-0 Wetherbee/Benson

Councilor Wetherbee would like to amend motion as follows:

#1. Move to amend Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions to define the following: Clinic, Bus Depot, Daycare, health Service Facility, Library, Medical Office, Open space, Private Educational Facility/Private School, Radio Broadcast Facility, and Sale of Travel Accommodation.

#2. Move to amend Article III, General Provisions, Section 165-14 Churches.

#4. Move to amend Article IV, District Provisions, Section 165-35.B.4, Office Medical Business District.

Motion by: Councilor Wetherbee, seconded by Councilor Benson.

Discussion: Councilor Wetherbee is not sure where he's at on 165-32 would like to understand more. He suggested Town Council meet with Planning Board.

Move to extend 10 minutes until 10:20 p.m. Osborne/Dimmock 7-0-0

Move to amend the above motion: Move to Accept #1 (Article II) & #2 (Article III) as written. Amend to remove #4 (Article IV) from the motion.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 5-2-0 (Osborne, Dimmock)

Move to table #3 (Article VI 165-32.A) & #4 (Article VI 165-35.B.4) to the next Town Council meeting Motion b: Councilor Benson, seconded by Councilor Wetherbee

Vote: 7-0-0

New Business –

13-58 Wal-Mart Grant - \$1,000 – Human Services Food Pantry
(Not heard due to time constraints)

13-62 Online Vehicle Registration Renewal (E-Reg) Certified
Mailing Fee
(Not heard due to time constraints)

13-63 Approve Revision to Investment Policy
(Not heard due to time constraints)

13-64 Approve Fund Balance Policy
(Not heard due to time constraints)

13-65 FY 2013 Budget Transfers

Janice Mobsby reviewed the budget transfers which most of were directed by the Town Council during the FY2014 budget sessions.

Move to transfer FY2013 appropriations totaling \$44,750 as follows:

Increase

Emergency Management (740) Machinery & Equipment \$16,750

Finance (390) Other Professional Services \$12,000

Fire (740) Machinery & Equipment \$12,000

Town Clerk/Elections (690) Non-Capital Inventory \$4,000

Decrease

Finance/Human Services (810) Direct Assistance \$12,000

Fire (760) Vehicles \$12,000

Executive (290) Other Employee Benefits \$20,750

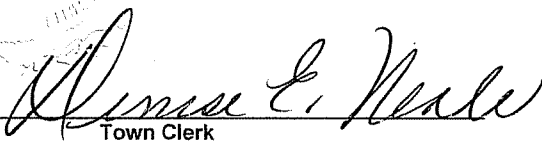
Motion by: Councilor Wetherbee, seconded by Councilor Benson

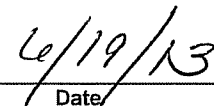
Vote: 7-0-0

Adjournment 10:25 p.m.

Public Forum – (none due to time constraints)

Council Requests / Open Discussion (none due to time constraints)


Town Clerk


Date

Recorded & Transcribed by: Denise Neale, Town Clerk 6/6/13

Reviewed & Corrections by: John P Anderson, Town Administrator