

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**August 6, 2013  
Tuesday - 7:30 PM**

6:30 PM Collective Bargaining Strategy

7:30 PM Call to order

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

**Roll Call:** Councilors Cardon, Osborne, Dimmock, Benson, Katsakiores and Chairman Fairbanks. (Councilor Wetherbee absent)

**Consent Agenda**

- 13-80** Approve Non-Public Minutes – July 9, 2013
- 13-81** Approve Minutes – July 9, 2013
- 13-82** Approve Minutes Emergency Meeting – July 12, 2013
- 13-83** Approve Non-Public Minutes Emergency Meeting – July 12, 2013

**Accepted as written**

**Chairman’s Report – Michael Fairbanks**

Following comments made during the July 9<sup>th</sup> public forum concerning the application of the Town’s Investment Policy to real estate purchases, the Chair reviewed the policy with the CFO. He concurs with Councilor Benson’s remark on July 9 that the policy applies to the investment of funds and not to the decision to make capital or real estate purchases.

Several meetings ago, it was decided that the public should participate in reviewing collective bargaining agreements. There will be a public hearing on Tuesday, October 15, 2013 to invite public input about future bargaining agreements. Chairman Fairbanks asked the public to view the contracts on the website and attend the meeting or contact Town Councilors at any time with questions or comments.

**Town Administrator’s Report – Larry Budreau, Acting Town Administrator**

\*\*\*\*\* Rockingham Road Construction

Mike Fowler, Public Works Director – The infrastructure improvement project between Rockingham Road at Bradford Street to Winter Hill Road will begin on September 3, 2013 through December 2013. Rockingham Road will be closed during that time. Construction area residents only are allowed to pass.

It was stated during the July 9<sup>th</sup> meeting that Mr. Gill’s recommendation that all Town employees be subject to drug and alcohol testing would be discussed at tonight’s meeting. In light of Acting Town Administrator’s duties, Mr. Budreau asked to postpone this report. Chairman Fairbanks suggested moving it to September.

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

Hal Schnitzlein, Bayberry Lane – Questioned the plans for Deer Run Road. He stated that construction workers are working on Sundays and he has license plate numbers of workers. Chairman Fairbanks asked to have this looked into.

Mr. Schnitzlein asked for an update on Mr. Anderson’s leave of absence. Chairman Fairbanks responded that there is no new information at this time.

Mark Flattes, Linlew Drive – Stated that it is important to keep the public forum ongoing. He asked that a resident come to the podium to continue speaking his opinion from the last meeting. Councilor Dimmock replied, thank you but it has been resolved. Mr. Flattes then asked Council if the Town is doing anything regarding the death of Christine Sophia on Manchester Road in May.

Chairman Fairbanks stated that due to possible legal action it cannot be discussed.

Steve Trefethen – Windham, NH - Thanked Councilors Dimmock and Osborne for their statements on conducting the public forum. He met with Councilor Cardon regarding what can be done on the downtown that is not going to cost money. He recommended placing a questionnaire in the Derry Community Center asking residents what they want downtown. He also suggested the Arts Council could hook up with the Palace Theater to bring in more venues.

In regards to the Town Administrator's leave, he suggested that maybe this is an opportunity to see if we can save money by combining Mr. Budreau's position to Town Manager/Hr Director.

Janet Fairbanks, Rose Ave - She discussed the P&S Agreement with EDVIS and the contingencies of the sale. She highlighted the two and three year terms of the contract. She suggested the Council ask EDVIS to come forward with their plans.

She stated she had a negative experience at the Tax Collector's office when registering her car.

Councilor Cardon stated on Upper Village Hall that it was on his list for next week to speak with them. Councilor Benson stated that the electrical and heating project has been done. The lack of painting has been due to the availability of volunteers and the weather. He will personally reach out to the painters.

Chairman Fairbanks asked Chief Klauber if all safety requirements had been met. Chief Klauber stated the building is safe to use and has met all of the code requirements.

Brenda Willis, Maxwell Drive – Thanked all the Councilors for the job they do. She also wanted to particularly recognize the Police and Fire departments in regards to the fireworks. They were fantastic. Also, the police detail on bicycles is working. She has seen them out riding on hot days as well as talking to people.

She was disappointed about some comments made in the newspaper regarding the School District. The School Board cut 14 positions. The voters put the money back into the budget. She invited the Council to come to meetings and see how we operate. Only one and a half positions have been put back in. She also suggested that the Council ask the Local Government Center to offer training on how to conduct a meeting so that there would be a better working relationship.

Bonnie Schofield, Brenda Drive – Spoke about a vacant manufactured home at Foxy Terrace located on 25 Wayne Drive. Tenants were evicted in January due to non-payment of lot rent in the amount of \$9,156 plus attorney fees. She then found out that there are over \$10,000 in back taxes on this manufactured home which has an estimated sale price of \$2,500 to \$3,000. She has proposed that the Town forego the owed taxes. Foxy Terrace would forego the rent owed and the members would empty, clean and prepare the home for potential owners. This would put the house back on the tax roll.

Mr. Budreau has received this letter from Ms. Schofield. He will get with Tax Collector and CFO to discuss the matter.

**Move to close the Public Forum Councilors Benson/Katsakiores**

Discussion:

Councilor Osborne asked to reply to speaker Mrs. Willis.

**Vote: 2-4-0 (Cardon, Osborne, Dimmock and Fairbanks) Motion failed**

Councilor Osborne stated when the newspaper asked him about the recount he wanted to make it clear to the taxpayers that the Town Council did not raise one penny in taxes. It was the deliberative session vote that is raising taxes

Brenda Willis, Maxwell Drive – She wanted to make it clear that the School District did not add the \$800,000 back into the budget, the voters did. There are only 1½ teachers being put back in. Pinkerton gave the School District a 3% rise to the district's budget. They are not using this money and when asked if it would be returned, she stated that she didn't know as it was in next year's budget.

Steve Trefethen – He wanted to reiterate some of what Senator Rausch had said at a past meeting. Taxes are out of control.

#### **Close Public Forum Councilors Katsakiores/Cardon 6-0-0**

#### **Old Business**

**13-61** Release of Public Servitude – Lawrence Street  
(Paper Street)

Mike Fowler, Public Works Director – gave an overview of the last couple meetings and stated that since the last meeting, he has additional information. He gave the Town Council three options in his revised staff report dated: August 2, 2013 #2.

There is some uncertainty as to the private ownership status of the right-of-way. The Town Council's action would be to simply declare their release of any public interest in the right-of-way regardless of whether one actually existed or not. It will be in the petitioner's responsibility to navigate the title issues to achieve ownership of the right-of-way. It was dedicated in 1902 and it could be the heirs still own the right-of-way.

Mr. Budreau explained that it appears we have no public servitude to release.

**Motion to table indefinitely was made by Councilor Benson, seconded by Councilor Katsakiores**

**Vote: 3-3-0 (Benson, Katsakories and Fairbanks) Motion Failed**

**The Derry Town Council releases any public interest in a portion of Lawrence Street starting at a point 20 feet beyond current edge of pavement to its intersection with the Sargent Street right-of-way. Future property owners shall be responsible for any and all costs related to the acquisition of the underlying land.**

**Motion by Councilor Osborne, seconded by Councilor Cardon**

**Vote: 4-2-0 (Fairbanks, Benson)**

#### **New Business**

**13-84** Heritage Commission Appointment

**Move to appoint Denyce Ellis as an alternate member of the Heritage Commission for a three-year term to expire March 2016.**

**Motion by Councilor Fairbanks, seconded by Councilor Katsakiores**

**Vote: 6-0-0**

**13-85** Derry Housing & Redevelopment Authority Appointment

**Move to appoint Roland Lebel as a member of the Derry Housing & Redevelopment Authority for a 5-year term to expire March 31, 2018.**

**Motion by Councilor Fairbanks, seconded by Councilor Katsakiores**

**Vote: 6-0-0**

**13-86** Planning Board Appointment – Town Administrator Designee

Larry Budreau - Pursuant to Article 4.2 Administrative Boards Section (A) Planning Board of the Derry Town Charter (amended September 11, 2012); effective July 1, 2013 the Town Council must approve the Town Administrator's designee to the Planning Board.

**Move that the Derry Town Council approve the Town Administrator's appointment of Randall Chase, 4 Walker Street, Derry, as the Town Administrator's designee to the Planning Board.**

**Motion by Councilor Katsakiores, seconded by Councilor Osborne**

**Vote: 6-0-0**

**13-87** Professional, Administrative & Technical Employees (P.A.T.E.) Request to address Town Council

Larry Budreau – The Town Council has the statutory right to accept or deny the Union's request. I, along with the Town's labor counsel and its municipal law counsel, recommend that you deny this request. He urged the Town Council to vote no on this motion.

Councilor Katsakiores stated that she would abstain on this motion as she has a family member in this union.

**Move that Derry Town Council approve the July 25, 2013 request of the Professional, Administrative & Technical Employees' chief negotiator to make a presentation directly to the Town Council.**

**Motion by Councilor Cardon, seconded by Councilor Osborne**

**Vote: 0-5-1 (Katsakiores) Motion failed**

**13-88** Professional, Administrative & Technical Employees (P.A.T.E.) Fact Finding Report

**Move that the Derry Town Council approve the June 28, 2013 Fact Finder's Report in the matter between the Town of Derry and the Professional, Administrative & Technical Employees SEIU Local 1984-Chapter 67.**

**Motion by Councilor Osborne, seconded by Councilor Dimmock**

**Vote: 0-5-1 (Katsakiores) Motion failed**

**13-89** Fire Department Training Fees

Fire Chief George Klauber – The Derry Fire Department is providing its employees an EMT Intermediate to Advanced Emergency Medical Technician conversion course. This is a mandatory 40 hour course which all of the Department's intermediate technicians must complete. There is adequate space to invite two non-employee participants to these classes. Article 7.2 of the Derry Town Charter requires that the Town Council "shall approve and regulate all fees charges". Chief Klauber is recommending a charge of \$250.00 per student.

Councilors asked questions of Chief Klauber regarding the charge for non-employees, how many non-employees would be allowed, the cost of each student and where the classes would be held.

Chief Klauber replied that the charge to non-employees would be up to \$250.00 and that they can accommodate 8 additional students. This would generate revenue to offset the cost of training materials, approximately \$1500.00. Classes will be held at the Hampstead Road Station.

**Move that the Derry Town Council authorize the Fire Department to charge a fee of up to \$250.00 to each non-employee participant in an Emergency Medical Technician training program provided by the Town's Director of EMS.**

**Motion by Councilor Osborne, seconded by Councilor Cardon**  
**Vote: 6-0-0**

**13-90 Hilda & Mark Avenue – Discussion**

Councilor Osborne went to Hilda Ave to look at the conditions. There are substantial pot holes and divots. The residents are concerned about danger at the intersection of English Range Road and the poor site distance.

**Councilor Osborne moved to suspend rules and allow the residents to speak. (No second on the motion)**

Councilor Dimmock has spoken to Alan Cote, Larry Budreau, and Mike Fowler. He has also looked the road over. In his conversation with them, he stated there was a site distance issue and something should be done. The best that could be done at this time is to fill in the divot at the end of road at the intersection. When Public Works does work on Cove Road, they will do an apron on the main road. They will clear brush for site distance so oncoming vehicles can be seen.

Mike Fowler gave an overall philosophy of paving the roads in this area. First road to be paved is Cove Drive. Mr. Fowler explained the condition of these roads and the extensive amount of work that needs to be done prior to paving. Site distance has been improved. The Department doesn't have funds to pave Hilda Ave. Cove Road is on the schedule for September. They will be paving an apron on Hilda Ave. at that time, making the surface hard which will make exiting easier. This is a short term fix. Hilda Avenue is not on next year's schedule. This is a 5-10 year plan. It is important to maintain high volume roads before a small subdivision road.

Councilor Benson suggested that Mike come back and give the Council a list of private roads that have been accepted by the Town that are not paved, and describe the Department's plan for these roads. Chairman Fairbanks stated this could fit into a later September agenda.

Councilor Osborne stated that some residents had questions on the apron. There was discussion on porous asphalt, millings, reclamation and old mix that use to be used. Alan Cote explained this process to the Councilors.

There was a discussion of a ranking system of improvements and what will happen. Councilor Katsakiores questioned if there were any complaints from Police or Fire regarding these roads. The answer was none that Alan was aware of.

Councilor Cardon asked for a cost estimate.

Mike Fowler replied that Hilda Avenue would cost approximately \$100,000 and all of Rainbow Lake \$800,000 -\$1M.

Councilor Osborne thanked the Chair for putting this on the agenda.

**13-91 Appoint Acting Town Administrator**

Larry Budreau explained that he was being proactive as he has a scheduled vacation coming up late in August. He stated that if Mr. Anderson returns prior to his vacation this will be moot.

**Move that the Derry Town Council appoint Michael Fowler as Acting Town Administrator, pursuant to Section 8.5 of the Derry Town Charter, in the event that John Anderson, Town Administrator and Larry Budreau, Acting Town Administrator, are both unable to perform the duties of the office from August 27, 2013 through September 4, 2013.**

**Motion by Councilor Dimmock, seconded by Councilor Osborne**  
**Vote: 6-0-0**

## Council Requests / Open Discussion

Councilor Katsakiores wanted to congratulate the Red Star Twirlers and Rick Holmes for their acts in representing the community.

Councilor Cardon – Has spoken to the people downtown and looked at different plans and ideas for the area. One plan was for the Abbott Court area and a skateboard park. His idea is to have a park everyone could use. The area needs to be cleaned up. Lighting at Abbott Court is an issue. There are several businesses in downtown area that look bad. Broadway Pets, the Friendship Center, #6, 8, 14 and 14b need some help.

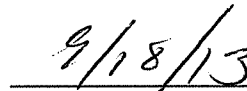
He then went to the Opera House and noticed that there are no upcoming venues. He feels there is enough parking downtown. But the Opera House needs some type of parking. He was not happy with his visit to the Chamber. There needs to be a workshop on economic development for the downtown.

Councilor Dimmock stated, "The area of DeFeo Property looks like Iraq". He wants to put it up for sale and get some tax dollars back.

Councilor Benson stated the town should move forward with an RFP.

**Motion to adjourn was made by Councilor Katsakiores, seconded by Councilor Benson  
Adjournment 9:15 p.m.**

  
Town Clerk

  
Date

Recorded & Transcribed by: Denise E. Neale, Town Clerk  
Reviewed & Corrections by: Larry Budreau, Acting Town Administrator