

TOWN OF DERRY

Town Council
Derry Municipal Center

August 19, 2014
Tuesday - 7:30 PM

Consultation with Legal Counsel *(not open to the public)*

7:30 PM Call to order

Pledge of Allegiance, warning of fire exits, handicap access & turn off all cell phones

Roll Call: Councilors Cardon, Fairbanks, Bourdon, Dimmock, Katsakiores and Chairman Osborne (Councilor Fischer absent)

Consent Agenda

14-108 Approve Non-Public Minutes – August 5, 2014

14-109 Approve Minutes – August 5, 2014

Accepted as written 6-0-0

Chairman's Report –

***** Town Administrator Search Update

Town Administrator search continues. The deadline for applications was 8/15/14. There were 52 applications received. The Town Council met on 8/18/14 to narrow down the candidates.

***** Rail Trail Rider Recognition

The men who rode from Seattle to Derry were Kevin Koptez and Tom Bertrand from Derry. Along with a friend, they spoke about their experiences along the way while raising the money for the Derry Rail Trail.

Eric Whitney gave an update on the progress of the Rail Trail. He stated that a portion of Exit 4A is earmarked and owned by Hydrax which runs into the trail connector to Londonderry and encouraged the Council to work with them towards a solution. New signage will be used to mark the trail including an option for people/business to sponsor a section. The Grind Rail Trail Café has become the first sponsor.

Council Chair Mark Osborne reminded the public that a public hearing will be held on September 2, 2014 to consider changing the amount of the Land Use Change Tax that is directed to Conservation

Public Forum Open 6-0-0

Roberta Robie, Chester Rd – stated there was an Exit 4A referendum question that did pass. If 4A doesn't get done, Rte. 102 will be widened and more downtown parking will be lost. Downtown Derry needs more parking.

Marc Flattes, Linlew Dr – there was a tractor trailer on the Granite State property marked "Poisonous & Flammable" within 10ft of water. Need to do some preplanning regarding Exit 4A by forming a subcommittee that deals with agencies and residents.

Bob McGuigan from Rolling Thunder was there to answer questions regarding a request made to the Council on dedicating a chair to the POW/MIA's to be put at the DMC. Town could us any chair of significance.

Steve Trefethan, North Shore Rd- agrees with an Exit 4A Committee. He is concerned

Joseph Carroll, Humphrey Rd – spoke on Exit 4A.

Marion Schnitzlein, Bayberry Lane – she is against 4A.

Close Public Hearing 6-0-0

Town Administrator's Report –

- September 29th resurfacing of W. Broadway from Manning St to Londonderry line will begin and should be completed by October 4th. There will occasionally be one lane open between the hours of 8pm - 6am.

******* Review Police & Fire Overtime Budgets**

At the July 1st workshop, the Town Council asked for an overtime analysis for Police, Fire and Public Works. Chief Garone & Chief Klauber are here this evening. Mike Fowler will present Public Works analysis at the September 2nd meeting.

Chief Garone will address the salaries and overtime and he will present a list of personnel with OT costs for FY2014.

Councilors asked how the OT was assigned, asked for ideas to reduce OT, court OT, and clarification of codes listed on page 13.

Chief Garone explained that OT is assigned on a rotation basis through a list and if they cannot get volunteers, some personnel are ordered to work OT. Some OT is required for training and is beyond control. Officers get a 3 hour minimum for attending court if cases are scheduled outside of their regularly scheduled shift. Also, some OT is paid by grants and some by outside vendors. The only salaried employees are the two captains and the Chief. Everyone is eligible for details. When captains are ordered in, they are paid OT in cases of emergencies. The department is unable to do pro-active or preventative policing. Sometimes on duty officers are called by the Prosecutor before their case is called in the courtroom.

Chief Klauber addressed the Fire Department OT. The goal is to maintain a level of service at all times. OT is coded so it can be studied and used as a basis for prediction and future requests. This is monitored weekly by battalion chiefs. Generally OT is over budget and funds are shifted within the budget from other areas to cover this. OT is assigned on a rotating basis.

Councilors asked how Earned Time is used, why it is hard to get personnel to do OT, why the department is only fully staffed 42% of the time, questioned retroactive pay due to settlement with dispatchers, if there was a set of maximum hours personnel is allowed to work, how many calls are made per day and using volunteers.

Chief Klauber responded emergency earned time is unplanned which is requested less than 24 hours in advance and is tracked separately, some personnel may not be available for OT due to family commitments. This problem is everywhere not just Derry. Chief Klauber's response to the question of the department being fully staffed 42% of the time was, if the 16th person is missing it is covered in various ways with the result being

a loss of service due to time delays. OT is more cost effective than hiring FT staff. Some staff assume administrative duties rather than having an administrative staff officer. Two years back pay for OT was given for the grievance due to state law. Under "Fit for Duty" clause at the discretion of supervisors, there are exceptions made in emergencies for how many work hours per day. In 2014, 1882 calls were solo calls, 477 calls had 2 simultaneous responses. As many as 5 calls can be going on at same time. The CBA limits how many earned time vacancies can happen at one time. However it doesn't take into account injuries. Volunteers would need 120-240 hours of training to be qualified.

Public Hearing –

14-103 Enforcement of Underage Drinking Laws (EUD) Grant

Open the Public Hearing - Councilors Osborne and Fairbanks 6-0-0

No Public Input

Close the Public Hearing - Councilors Katsakiores and Fairbanks 6-0-0

Chief Garone this is a supplemental grant for \$7,500 for the enforcement of Underage Drinking. The Town will be reimbursed time and half for each hour of patrols conducted and includes cost for roll-ups, retirement contributions, workers' compensation and medicare.

Move to grant authority to Acting Town Administrator Larry Budreau to accept grant funds associated with EUDL Grant #2014CD42 from the NH Department of Justice on behalf of the Town and to execute any associated contracts or documents without further action of the Town Council.

Motion by Chairman Osborne, seconded by Councilor Katsakiores

Vote: 5-1-0 (Chairman Osborne) (Councilor Fischer absent)

14-104 Road Acceptance – Cella Drive

Alan Cote explained that this is a new subdivision road that has been recommended for acceptance by the Planning Board. Acceptance by the Town will require maintenance of the road including salting and sanding plus future long term capital costs. The estimated cost is \$6,000 per mile per year. This road is less than 1/3 of a mile.

The Town Council moves to accept Cella Drive as a Class V roadway as recommended by the Planning Board.

Motion by Councilor Dimmock, seconded by Councilor Katsakiores

Vote: 6-0-0 (Councilor Fischer absent)

Old Business – none

New Business –

14-110 NH the Beautiful – Municipal Recycling Grant

Alan Cote – The Transfer Station recycles several hundred tons of scrap metal annually and aggressively markets these metals for maximum value. It was typically transported in a 50 yard roll-off container. The existing container was purchased in the 1900's and it has rusted and can no longer be used. The cost to replace the container is \$6,000; this grant will reimburse the Town \$1,200 with the remainder coming from the FY15 budget.

I move that the Derry Town Council approve the application and further authorize the Town Administrator to accept and expend funds from the Municipal Recycling Grant without further action of the Town Council.

Motion by Chairman Osborne, seconded by Councilor Katsakiores

Vote: 5-1-0 (Councilor Dimmock) (Councilor Fischer absent)

14-111 Authorize NH DOT to manage Exit 4A construction and funding

Move that the Derry Town Council request and authorize the New Hampshire Department of Transportation to assume responsibility for managing the funding, design and construction of the 4A project described as Alternative A in the draft EIS, with the explicit understanding that the DOT will seek federal and state funding and “cap” the Towns’ cost at \$5M (less \$1,750,00M previously expended). Further move that a majority of the Town Council sign the attached letter on this date.

There was a discussion on the motion and explanative from each councilor, overall consent was to approve.

Motion by Chairman Osborne, seconded by Councilor Cardon

Vote: 6-0-0 (Councilor Fischer absent)

14-113 Discuss Rolling Thunder – POW/MIA Chair

Chairman Osborne made the following motion:

Move that the Derry Town Council in the remembrance of the 92,000 POW’s and MIA’s missing since WWI accept, delegate or acquire a POW Chair to be placed in an appropriate location in this Town Hall year round, seconded by Councilor Katsakiores

Vote: 6-0-0 (Councilor Fischer absent)

14-112 Appointments to Zoning Board of Adjustment

Chairman Osborne moved to appoint Dana Nouerz as an alternate member of the Zoning Board of Adjustments for a term to expire March 31, 2016.

Seconded by Councilor Fairbanks

Vote: 6-0-0 (Councilor Fischer absent)

Councilor Katsakiores moved to appoint Joseph Carnavale as an alternate member of the Zoning Board of Adjustments (no second)

Chairman Osborne moved to appoint Daniel Taylor as an alternate member of the Zoning Board of Adjustment for a term to expire March 31, 2017.

Seconded by Councilor Cardon

Vote: 6-0-0 (Councilor Fischer absent)

Council Requests / Open Discussion

Ms. Katsakiores – On Sept 8th, 9:30 am – 11:00am Estelle Anderson will be discussing Estate Planning for Senior Citizens in this meeting room at no charge.

Mr. Bourdon – There is a new business in town “The Drinkery” which has a selection of craft beers. Recognized Acting Town Administrator Larry Budreau for his service as Acting Town Administrator.

Mr. Osborne – reminded everyone to Vote on September 9th.

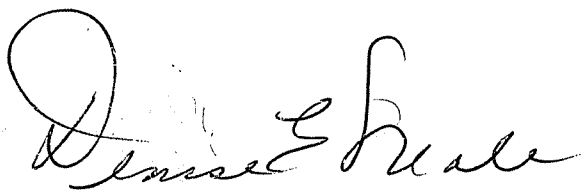
Mr. Fairbanks – would like to have CLD in for an update for Council.

Mr. Cardon – Thanked Mr. Dimmock for the T-Shirts and would like to see a tribute to Alan Shepard in town. Thanked Larry Budreau for his year-long contribution to the Town.

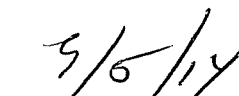
Mr. Dimmock – thanked Mr. Cardon. People do not recognize the impact of Alan Shepard today.

Mr. Osborne had a message from Mike Gendron of Derryfest that they are looking for more volunteers.

Adjournment 9:45 p.m.



Denise E. Neale, Town Clerk



Date

Transcription by: Denise E Neale, Town Clerk
Reviewed by: Larry Budreau, Acting Town Administrator