

## TOWN OF DERRY

Town Council  
Derry Municipal Center

September 15, 2015  
Tuesday - 7:30 PM

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**6:30PM Non-Public Session RSA 91A:3 II (a)**

**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, Katsakiores, Dimmock, Bourdon and Chairman Cardon

Present: Susan Hickey, Acting Town Administrator and Denise Neale, Town Clerk

**Consent Agenda –**

**15-106** Approve Minutes – September 1, 2015

**15-107** Approve Non-Public Minutes – September 1, 2015 – **minutes sealed**

**Accepted as written**

**Chairman's Report – Tom Cardon**

Councilor Bourdon acknowledged the presence of two children (Abby & Joey) for their heroic efforts after being involved in a car accident with their grandmother Kathleen.

Chairman Cardon announced that Derryfest would be held from 10 am – 5pm on Saturday September 19, 2015 and thanked all of the volunteers for making this happen

Councilor Tripp announced that the ceremony for the POW/MIA Missing Man Table will be held on Friday, September 18, 2015 @ 3 pm in the lobby of the Municipal Center

Chairman Cardon stated there had been a decision on the court case regarding the 8 Referendum Petitions and that Council will hold a "Special Meeting" on Thursday, September 18<sup>th</sup> @ 6 pm to discuss the decision.

**Town Administrator's Report – Susan Hickey**

Answered the following questions asked at the prior Town Council Meeting:

Regarding the EMS Director's proactive plan for the heroin situation; the director is participating thru the Narcam program, round table discussions with Pinkerton & the Boys & Girls Club.

Regarding the donation from the Calvary Bible Church; the Rail Trail paving would cost \$400,000 as it would have to be reconfigured and would take 18-24 months.

Regarding the EMS dispatch contract services; these are provided by Derry to Windham, Auburn, Chester and Hazmat.

Ms. Hickey gave an update on the MRI efficiency evaluation for the HR Department. *Councilor Fischer suggested all departments.* Ms. Hickey stated she would get back to them with a cost.

Ms. Hickey was looking for direction regarding the paperless question asked by Council Fischer regarding information for meetings saving staff time. Chairman Cardon polled the board. A majority of Councilors agreed with keeping the present process.

Regarding "Conflict of Interest Policy" she is working on a draft for review.

The LED conversion - RFP's have been received and the cost is \$210,000 - \$509,450. This will create a savings to the town of \$75K per year and payback in 4.2 years. They will be reviewing these over the next few weeks. Target date is October 20<sup>th</sup>.

Chuck Tinkham of the Fire Department has been awarded "Dispatcher of the Year" award. Finance has been looking at re-financing some bonds to a 1.75% interest to save some money. She will be forwarding a Municipal Loan Agreement for Council to sign.

Chairman Cardon asked that Item **15-97** Municipal Work Zone Agreement – NHDOT under New Business be heard next as there was not enough time for NHDOT at the last meeting

**All Agreed**

Peter Stamnas, NHDOT – explained the project and the schedule as the continuation of widening I-93 slated for reconstruction which establishes their right to work within the Town Class V road and to manage the work zones on the Town's right of way.

Council asked questions regarding use of police details, cost, and updates on the website and keeping communication open between the town and the state.

*(Note: there is no cost to the town)*

**Move to authorize Susan Hickey, Acting Town Administrator to sign the Municipal Work Zone Agreement for State Contract 14633B on behalf of the Town of Derry.**

**Motion by Councilor Cardon, seconded by Councilor Katsakiores**

**Vote: 7-0-0**

**Public Forum - \*30 Minutes\***

**Open Public Forum – All Agreed**

Jim Morgan, Eastgate Rd – Unsettled by the removal of resource officers being removed from the middle schools.

Mike Gill, Gill Rd – Requested a study be done on cameras on police officers. He disagrees with Chief Garone's opinion on this. He also requested that if a Councilor is not able to attend a meeting that we do not use telephone conferencing as it is too difficult for the public to hear them. He is disappointed with Court's decision.

Liz Carver, Lenox Rd – announced that October 3<sup>rd</sup> is 'Clean up Week'. There will be a meeting at the Coffee Factory at 9AM. For more information please contact her: [Liz@go-green-derry.org](mailto:Liz@go-green-derry.org) Sign up is required.

Joe DiChiaro, Humphrey Rd – His road is missing a street sign. In regards to the resource officers in classrooms, he doesn't think they are needed.

Charles Foote, Drew Rd – wanted it to be known that he was in the room at the last meeting when his name was presented for appointment to the Highway Safety board.

Marc Flattes, Linlew Dr – presented 10 petitions under section 3.1 of the Charter and would like these placed on the ballot at the special election.

Michael Layon, Lee Circle – school resource officers have no impact in schools according to Pub-Med for drug use. We hire three non-teaching positions vs. teachers hired.

Steve Trefethen, Business owner – considers it important to have police resource officers in schools. Related a story or an experience he had regarding the property taxes with a business owner.

Brian Chirichiello, Rollins St – interested in seeing the free petitions from Mr. Flattes.

Jenna Paradise, Hubbard Hill Rd – read a statement in regards to the chairman’s interview she saw on the news.

Phil Brophy, Kilrea Rd – spoke on cutting the resource officer. Fire Department staffing is 20% below national standard. Seven other towns had to respond for mutual aid to Derry.

**Close Public Forum – All Agreed**

**Public Hearing –**

**15-102** Adoption of Water & Sewer Betterment Assessments: 2015 Route 28  
Water and Sewer Improvements

Tom Carrier, Deputy Director of Public Works, gave the background on this project and the cost recovery resolution.

*Move to adjourn as Town Council and re-convene as Water Commissioners.  
(Councilors Katsakiores/Bourdon- all agreed)*

**Open Public Hearing**

Brian Chirichiello, Rollins St – feels this would be a step in the right direction and supports this.

**Close Public Hearing 7-0-0 (Councilors Katsakiores/Bourdon)**

**The Derry Town Council acting as the water commissioners and in accordance with the Council Resolution dated November 15, 2011, adopts the water betterment assessment fees as shown on the 2015 Route 28 Water Improvements Schedule A dated 8/27/2015.**

**Motion by Councilor Fischer, seconded by Councilor Cardon**

**Vote: 7-0-0**

***Motion to convene as water commissioners 7-0-0***

***Motion to re-convene as sewer commissioners 7-0-0***

**The Derry Town Council acting as sewer commissioners and in accordance with the Council Resolution dated November 15, 2011, adopts the sewer betterment assessment fees as shown on the 2015 Route 28 Sewer Improvements Schedule B dated 8/27/2015.**

**Motion by: Councilor Fischer, seconded by Councilor Cardon.**

*Re-convened as Town Council*

**Old Business -**

**15-103** Calvary Bible Church Gift – Discussion

Councilors Cardon & Katsakiores gave their input to see if some of these monies could be used to reinstate an award ceremony and to recognize Town Employees without closing the building. Ms. Hickey will get a cost and timeframe for Council.

**New Business –**

**15-108** Free Petition

Chairman Cardon read the Free Petition (see attached)

Chairman Cardon stated he doesn't have any documents which require and investigation to respond to. Chairman Cardon believes just the appearance of a conflict of interest the person should recuse themselves. Councilor Tripp questioned if there was a violation or law broken as he doesn't believe there is one. He questioned who would investigate, what the goal is and who will report the investigation. Councilor Fischer believes what is being asked if there are employees or members of this body are doing the right thing. Councilor Osborne thanked Mr. Flattes for bringing this to Council. It's a pendulum that springs both ways and he would like to draft a conflict of interest ordinance. Councilor Katsakiores restated that there were legal opinions obtained on her vote for the Fire Department. Councilor Dimmock wants to draft an ordinance and have teeth to it and make it legal. Councilor Bourdon doesn't believe it's the Council's responsibility. With regards to the Veterans Credit, just ask. Chairman Cardon feels time should be spent on conflict of interest or ethics rule.

**15-109 Heritage Commission Appointment**

**Chairman Cardon moved to appoint Roger Konstant as a member of the Heritage Commission for a term to expire March 2016, seconded by Councilor Fischer  
Vote: 7-0-0**

**15-110 Confirm Appointment of Town Assessor**

**Move that the Derry Town Council confirm the Interim Town Administrator's appointment of Barbara Chapman as Town Assessor, effective September 15, 2015.  
Motion by Councilor Cardon, seconded by Councilor Bourdon  
Vote: 7-0-0**

**15-111 Forest Hill Cemetery – waiver**

***Move that the Derry Town Council convene as Derry Cemetery Trustees.  
Motion by Councilor Osborne, seconded by Councilor Cardon  
Vote: 7-0-0***

**Move that the Derry Cemetery Trustees approve the waiver request by Mr. Palermo for the purchase of a lot by a non-resident of Derry.  
Motion by Councilor Cardon, seconded by Councilor Tripp  
Vote: 7-0-0**

***Move that the Derry Cemetery Trustees reconvene as the Derry Town Council.  
Motion by Councilor Cardon, seconded by Councilor Osborne  
Vote: 7-0-0***

**Council Requests / Open Discussion**

Councilor Tripp – would like to see a conflict of interest ordinance to identify how to handle situations.

Councilor Osborne – referred to emergency services provided to other towns that Ms. Hickey referenced. Why would we deploy for safety to other towns for revenue when the discussion has been we don't have enough safety for our own.

Councilor Dimmock – agrees with Councilor Osborne

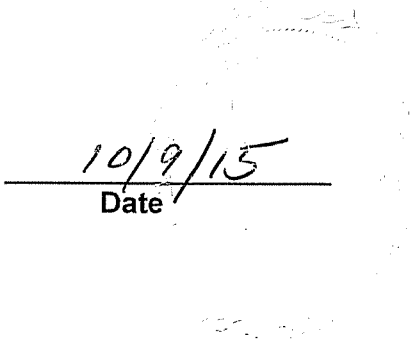
Councilor Bourdon – shared a letter sent to the residents of Symphony Lane regarding their brush fire from the Fire Department. He thanked Liz Carver, Chrispin Starbeck, and Mary Till, of GO-GREEN Committee for setting up the Clean-up Day. Andy Day, owner of the Drinkery and Cask & Vine, will be showing the movie “Casablanca” and has invited people to participate in the 1940ish style. During the week of October 11 – 17<sup>th</sup> people can stop in local business and make a purchase and get a free ticket to the movie.

The hostess of the TV show “Up-close & Political” is using profanity and he is asking her to please refrain.

Ms. Hickey wanted to clarify that the EMS services was for dispatch only.

**Adjournment 9:35 p.m.**

  
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Town Clerk

  
10/9/15  
\_\_\_\_\_  
Date

Recorded & Transcribed by: Denise E Neale, Town Clerk