

TOWN OF DERRY

Town Council
Derry Municipal Center

September 17, 2013
Tuesday - 7:30 PM

7:00 PM Consultation with Legal Counsel

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, Wetherbee, Katsakiores and Chairman Fairbanks

Chairman Fairbanks asked the board to move "New Business" following the Consent Agenda. All were in agreement.

Consent Agenda

- 13-91 Approve Minutes – August 6, 2013
- 13-92 Approve Minutes Emergency Meeting – August 16, 2013
- 13-93 Approve Non-Public Minutes Emergency Meeting – August 16, 2013
- 13-94 Approve Minutes Special Meeting – August 20, 2013
- 13-95 Approve Non-Public Minutes Special Meeting – August 20, 2013
- 13-96 Approve Minutes Special Meeting – September 11, 2013
- 13-97 Approve Non-Public Minutes Special Meeting Session I September 11, 2013
- 13-98 Approve Non-Public Minutes Special Meeting Session II September 11, 2013
- 13-99 Schedule Public Hearing – October 1, 2013 – Municipal Water Rate Increase
- 13-100 Schedule Public Hearing – October 1, 2013 – Accept Grant of three portable radios from NH Department of Safety

Consent agenda: **Accepted as written**

New Business –

- 13-101 Authorize Fire Department to update reimbursable fees for Hazardous Material Incidents

Chief Klauber – NH DOS is required to establish maximum rates for equipment use and personnel cost by a municipality when providing services at hazardous material incidents. These reimbursable fees for Hazardous Material Incidents are for Police, Fire, and Public Works.

Move that the Town Derry adopt the following fee structure, effective October 1, 2013 for reimbursement of expenses related to billable responses to hazardous material incidents.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

(See Attachment A)

**13-102 Dedication of bridge (Route 102) crossing on West
Broadway**

Councilor Katsakiores was contacted by State Representative Baldasaro of Londonderry to have a bridge in Derry named after Lance Corporal Michael E. Geary who was killed in the war in Afghanistan.

Public Works Director Mike Fowler was approached and stated that one of the locations he felt was most prominent is on Route 102(West Broadway). He researched the legalities and the Town of Derry has jurisdiction over this bridge. The VFW is willing to pay for the signs and Public Works Department will do the installation of the signs.

Representative Baldasaro, Londonderry – complimented Councilor Katsakiores and Mike Fowler. The VFW supports this dedication. Mr. Baldassaro has spoken with William Lambert of the NHDOT. Mr. Baldassaro has to file legislation in order for the state to approve this dedication as Route 102 belongs to the state.

**The Derry Town Council Moves to name the Route 102 (West Broadway) bridge
(NHDOT Bridge Number 054/094) as the Lance Corporal Michael E. Geary bridge.**

Motion by Councilor Katsakiores, seconded by Councilor Wetherbee

Vote: 7-0-0

Chairman's Report – Michael Fairbanks

- Mr. Fairbanks reminded the public of the upcoming collective bargaining workshop that will be held on 10/15/13. He would like public suggestions for upcoming negotiations. The contracts are on the town's website for viewing.
- Chairman Fairbanks would like to arrange for the Upper Village Hall group to provide an update via a presentation or a report for the Town Council by 10/01/13 meeting. Councilor Benson and Cardon will collaborate with the UVH group.
- The Energy Advisory Committee has asked to meet with the Town Council at the 10/1/13 meeting.
- There was previous discussion on scheduling future Town Council Workshops in FY 2014. The top of the list will be on Town Council and Town Administrator goals as the last formal workshop on goals was in 2009. The workshop will be held on 11/5/13. Another workshop will be on understanding the Tax Cap and that will be held on 11/19/13. Going forward down the road will be Economic Development and a workshop with the School District. Councilor Wetherbee suggested a workshop with the Planning Board between now and February as required by the Town Charter.

Chairman Fairbanks "Over the last month and during some of the issues the Town Council has been dealing with some of the member/members of the Town Council have not held true to their responsibilities regarding holding the resolutions that are passed by Councilor majority and keeping issues discussed in non-public/non-public. The Chairman would personally like to look forward not going backwards and would like to put it out there that if there is any member of the Council that does not feel they can abide by the non-public status of an issue then they should recuse themselves on that issue as well as on a resolution that is passed even though they may have voted in the affirmative we will have to follow the Town Charter regarding that."

Councilor Benson suggested that he is not sure that everyone may not know what the rules of the charter are. Going forward he hopes this doesn't happen again.

Town Administrator's Report – Larry Budreau, Acting Town Administrator

Mr. Budreau announced to the Council and public that a horse in Derry last week was found to have EEE and today a mosquito tested positive for EEE; therefore a second spraying will take place on Wednesday, September 18th. The best defense for this is personal protection.

Larry has drafted a "Drug Free Workplace" regulation. It has been reviewed with Senior Staff and is now being reviewed by legal.

Derryfest is this Saturday, September 21st, 10-5pm. The DerryFest Committee has invited councilors to the opening ceremonies.

***** Government Finance Officers Association
Comprehensive Annual Financial Report (CAFR) Award Presentation for
2012

The Finance Department has been awarded the GFOA's CAFR once again this year. Congratulations to Frank Childs, CFO, Janice Mobsby, Mark Fleischer, Debbie Mallioux, Bob McCarthy, and Sonata McPhail. He presented the plaque to Mr. Childs.

Frank Childs – commented this is the 15th year the CAFR has been awarded to the town. This financial report is not a requirement but the town has chosen to submit the report annually.

***** Roadway Management Program

Mike Fowler, Public Works Director and Alan Cote, Highway Superintendent presented the Roadway Management Program in a power point presentation which showed the different types of pavement cracklings, historical budget funding, historical cost of machine paving, and selection of streets and road segments (different treatments). Coordination is usually made with public utilities when updating of these roads take place. The presentation listed the streets proposed for the road work, reclaims, and mills/shims slated for this fiscal year. Also presented was the list for FY15 – FY18 (See Attachment B).

Alan Cote explained the process of maintenance for the former private roads and expectation of maintenance.

There was discussion on some of the Rainbow Lake roads and the expectation of repair. Councilor Dimmock asked if the list was written in stone or if it is a projected list. Alan Cote replied that it is a projected list.

Larry Budreau stated regarding inquiries of the Town Administrator, the Town Council has taken no action to date and if there is anything to report he will contact the local media.

Mike Fowler gave an update on the Rockingham Road project. It is on track, installing water mains and blasting ledge, and installation of drainage is scheduled for next week. Traffic prospective: Keeping neighborhood traffic around South Range School at a minimum. The targeted re-open date is the last week in November.

Public Forum – Move to open public forum – Councilors Dimmock & Osborne
Vote: 7-0-0

Councilor Dimmock stated he would like have a spokesperson address the Council regarding the Dumpster Depot issue as this will cut down the amount of people coming up to the podium.

Richard Tripp, Windham Rd – Spoke about the rooster issue and he understands the ordinance. Another issue he is asking about is regarding dogs. He has a new dog and when the rooster crows it causes his dog to bark. He is hoping the ordinance for barking dogs is as lenient as rooster ordinance.

Dave Fischer, Donmac Dr – First spoke at Planning Board meeting to accept Dumpster Depot. He questions if there is anything they can say or do to prevent this business from entering the community? Mr. Fischer contends that this business falls under prohibited uses and believes the Planning Board meeting was unfair. He is concerned regarding the health and safety of neighborhood. (6 minutes)

Brenda Wilson Greenwich Rd – She feels conditional approval was given for Dumpster Depot, then all conditions were removed. She feels this has caused bias from the beginning regarding this business. At the Planning Board meeting on 8/21/13, Mr. Paul was allowed to speak but none of the public was. She would like rehearing by Town Council or Zoning Board not Planning Board. (7 minutes)

Councilors asked questions and gave statements regarding the upcoming appeal to the Planning Board and charges being made against the fairness of their decision. Councilor Dimmock stated that there should be an appeal to the Zoning Board to make an adjustment on the Planning Boards decision.

Ms. Wilson stated that they have filed an appeal with the Planning Board and Zoning Board. As the governing board she wanted to know if there was anything the Town Council could do. She will forward another copy of the appeal to the Town Council.

Bob Zinkevich, former Zoning Board member – stated that this issue needs to go to Zoning Board. It should have never been presented to Planning Board. Secondly the Conservation Commission would have never given its approval to this plan from Dumpster Depot had they seen the plan that was presented to the Planning Board.

Councilor Wetherbee stated that having sat on the Conservation Commission and following this process for Dumpster Depot as this has gone through, what was presented to Conservation was entirely different.

Paul Doolittle, Old Chester Rd – The Conservation Commission was not given the correct information on this plan and he agrees with Councilor Wetherbee's statement.

Close Public Forum – Councilor Dimmock, seconded by Councilor Cardon

Vote: 7-0-0

Council Requests / Open Discussion

Councilor Katsakiores - Heritage Commission is looking for volunteers to run museum. If anyone is interested, please contact them.

Councilor Benson - There is new group in town called the NH Theater Factory. They are doing a show on 10/18-20 and 10/25-27 called Ghost Hunting @ the Opera House.

Councilor Osborne – Added for upcoming workshops for review the Council might review conflict of interests

Chairman Fairbanks – added also governing rules and how conduct business.

Councilor Wetherbee – We should look at potentially changing this form of government. We could possibly meet with Senator Rausch. There is a timeframe this entails in getting it done in time for the March election.

Move into Non- public 91a III, II (d)

Motion by Councilor Fairbanks, seconded by Councilor Cardon

Vote: 7-0-0

Adjournment 9:10 p.m.

Recorded and Transcribed by: Denise E. Neale, Town Clerk 9/18/13
Reviewed and Corrections by: Larry Budreau, Acting Town Administrator


Denise E. Neale
Town Clerk

Sept 21, 2013
Date

ATTACHMENT A

HAZARDOUS MATERIAL REIMBURSEMENT RATES
Effective October 1, 2013

PERSONNEL COSTS				
		Range	OT Range	% of Cost for Roll-Ups
FIRE	Firefighter	\$19.22- \$25.74	\$28.83- \$38.61	31.59%
	Lieutenant	\$24.27- \$30.70	\$36.41-\$46.05	31.59%
	Captain	\$28.39- \$33.21	\$42.59-\$49.82	31.59%
	Battalion Chief	\$29.48- \$35.88	\$44.22-\$53.82	31.59%
	Director	\$25.49- \$32.26	\$38.24-\$48.39	18.50%
	Chief	\$40.32- \$52.41	N/A	31.59%
	Dispatcher	\$17.82- \$22.74	\$26.73-\$34.11	18.50%
	Administrative staff	\$13.51- \$27.94	\$20.27-\$41.91	18.50%
POLICE	Patrol Officer	\$22.45- \$31.08	\$33.68-\$46.62	27.85%
	Sergeant	\$32.57- \$37.71	\$48.86-\$56.57	27.85%
	Lieutenant	\$35.91- \$39.60	\$53.87-\$59.40	27.85%
	Captain	\$36.75- \$47.93	N/A	27.85%
	Detective	\$23.29- \$32.17	\$34.94-\$48.26	27.85%
	Chief	\$43.83 - \$56.98	N/A	27.85%
	Dispatcher	\$18.56- \$24.15	\$27.84-\$36.23	18.50%
	Administrative staff	\$13.51- \$27.94	\$20.27-\$41.91	18.50%
PUBLIC WORKS	Laborer	\$15.76- \$21.93	\$23.64- \$32.90	20.26%
	Equipment Operator/Crew Chief	\$19.40- \$29.13	\$29.10-\$43.70	19.82%
	Superintendent of Operations	\$33.80- \$43.97	N/A	20.65%
	Environmental Engineer	\$25.80- \$33.59	N/A	20.65%
	Director	\$43.83- \$56.98	N/A	19.41%
	Admin Staff	\$18.56- \$27.94	\$27.84-\$41.91	18.50%

Above Rates do not include Shift Differential rates if applicable and FLSA OT Adjustments
Benefit Rates do not include State Unemployment, STD, LTD and Health Insurance(s)

EQUIPMENT COSTS – Effective October 1, 2013

Equipment		Unit	Rate
Ambulance		hour	\$32.00
Truck, Fire	Pump Capacity 1000 gpm	hour	\$70.00
Truck, Fire	Pump Capacity 1250 gpm	hour	\$80.00
Truck, Fire	Pump Capacity 1500 gpm	hour	\$85.00
Truck, Fire	Pump Capacity 2000 gpm	hour	\$90.00
Truck, Fire Ladder	Ladder length 100 ft	hour	\$125.00
Truck, Water	Tank Capacity 2500 gal	hour	\$31.00
Truck, Water	Tank Capacity 4000 gal	hour	\$42.00
Heavy Rescue		hour	\$95.00
Command Unit	Command Vehicle SUV	hour	\$43.00
Forestry Unit		hour	\$55.00
Truck, Pickup	1 ton	hour	\$20.00
Truck, Pickup	1½ ton	hour	\$22.00
Truck, Pickup	1½ ton	hour	\$25.00
Bucket Truck		hour	\$55.00
Command Vehicle	Mobil Command Post	hour	\$100.00
Collapse Trailer		hour	\$10.25
Equipment Trailer		hour	\$10.25
Haz- mat Trailer		hour	\$10.25
Police cruiser		hour	\$16.25
Dump truck	18 cy	hour	\$65.00
Loader	7cy	hour	\$115.00
Backhoe	1.5 cy	hour	\$65.00
Excavator	1.5cy	hour	\$65.00
Pick-up truck/ Utility Truck	1 ton	hour	\$20.00
ADDITIONAL COSTS			
Expendable supplies	Replacement Costs		
Replacement of Contaminated Equipment	Replacement Costs		
Administrative Costs	Actual Labor costs including benefits		
Other Fees	Administrative Costs of 18% for overhead and billing.		

ATTACHMENT B

PROJECTED FUTURE WORK

FY 2015

Thomton St (portion)
 Cemetery Rd
 Central St
 Dexter St
 Orbow Lane
 East Derry Rd
 Frost Rd (portion)
 Pondview Dr
 Rain Pond Place
 Scobie Pond Rd
 Old Manchester Rd
 Young Rd
 West Broadway

FY 2016

Madden Hill Rd
 Storer Court
 Heather Lane
 Brady Ave
 Drew Rd (portion)
 Fordway (portion)
 Etherson Dr
 Beckford Rd
 Lawrence Rd
 East Broadway (portion)
 Londonderry Lane
 Twilight Path
 Faith Dr

FY 2017

Collettes Grove Rd
 Lane Rd
 Brian Ave
 Norman Dr
 Phillip Rd
 Pelican Cir
 Redmond Way
 Whittmore Rd
 Tigertail Cir
 Warner Hill Rd (portion)
 Chester Rd
 Old Auburn Rd (south)
 Alice Rd
 Greta Ave
 Gena Ave
 Karen Ave
 Brook St
 Floyd Rd (portion)

FY 2018

Newhouse Dr
 Pebble Lane
 Mark Ave
 Hilda Ave
 McKinley Ave
 Cole Rd
 Lake Shore Dr
 Topaz Cir
 Back Chester Rd
 Opal Dr
 North Shore Rd (portion)
 Rocky Rd
 Lake Ave
 Anna Cir
 Montgomery Farm Rd
 Hope Hill Rd
 Diamond Dr
 Joshua Cir
 White Oak Lane