

TOWN OF DERRY

Town Council  
Derry Municipal Center

October 7, 2014  
Tuesday - 7:30 PM

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**Motion to enter into Non-Public per RSA 91A by Chairman Osborne, seconded by Councilor Fairbanks**

7:39 PM Call to order

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

**Roll Call: Chairman Osborne, Councilors Cardon, Fischer, Fairbanks, Bourdon, Dimmock, Katsakiores**

**Consent Agenda**

- 14-131 Approve Non-Public Minutes – September 16, 2014  
**Accepted with changes to page 2 91A:3 II (d); Larry Budreau, Frank Childs, and Dawn Enwright were excused Motion: Vote 6-0-0.**
- 14-132 Approve Minutes – September 16, 2014
- 14-133 Approve Minutes Special Non-Public Session  
September 22, 2014
- 14-134 Schedule Public Hearing – October 21, 2014 –
- 1) A proposed Community Development Block Grant application to the Community Development Finance Authority for up to \$12,000 in Community Development Block Grant Planning Grant funds. The funds will finance an engineering study of the existing infrastructure as well as the feasibility of interconnection to the municipal water and sewer system of the Running Brook Cooperative, a 24 unit manufactured housing park, located at 100 Rockingham Road in Derry
  - 2) The Residential Anti-displacement and Relocation Assistance Plan

**Accepted: #14-132 to #14-134 as written**

**Chairman's Report – Mark Osborne**

The Chairman reminded the Town Council regarding rules of decorum by reading from Section #12 of the Town Council rules. He asked that Councilors wait to speak until recognized by the Chair and that all side conversations take place with microphones off. This will ensure we have meetings that are worthy of the residents.

During the public forum at the last meeting there was discussion regarding the last election. Chairman Osborne has spoken to Denise Neale, Town Clerk and Margaret Ives, Town Moderator and they will be meeting prior to the next election.

In accordance with Section 8.1 of the Town Charter, the Town Administrator shall be appointed by the Town Council by an affirmative vote of at least 5 members of the Town Council. The Chair highlighted the input received from citizens, business owners and

employees. The candidate Council has chosen poses the qualities that are relevant to the issues facing Derry. The new Town Administrator is Mr. Galen A. Stearns.

**Move Pursuant to Section 8.1 of the Town Charter to appoint Galen Stearns as Town Administrator in accordance with the terms contained in this employment contract, negotiated by this body and Mr. Stearns.**

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

**Vote: 7-0-0**

**Mr. Stearns will begin on Monday, November 3, 2014.**

*Employment contract was handed to Chairman Osborne by Galen Stearns and Chairman Osborne signed it.*

Galen Stearns – Stated he welcomes the challenge as Town Administrator in Derry. He would like input from public, business community and employees of what they feel are the priorities on the Town. Mr. Stearns will be setting up some meetings prior to starting his new position to seek this input.

### **Town Administrator's Report – Acting Administrator Larry Budreau**

Two Derry fire firefighters were recognized by two state agencies: Rob Atwater received the "David F. Dow" award for Emergency Services provider of year. Firefighter and EMT James Moran received the "NH Congressional Law Enforcement Service" award for saving a woman from drowning due to a motor vehicle accident.

Reminder: Town Surplus property auction will be Saturday, October 18 beginning at 9AM at the Derry Police Department. A list of items up for action can be found on the Town's Website.

### **Public Forum**

#### **Moved to Open the Public Forum 7-0-0**

Marc Flattes, Linlew Dr. – urged the Council to reconsider their vote of land use tax. He suggested removing 75% from the Conservation Commission account and designate 40% to taxpayers and 35% towards sustainable energy. He questioned acts taken by the Conservation Commission and feels they did not address any environmental benefits of this land.

Chairman Osborne gave the parameters if a revote were to be made on the above subject.

Janet Fairbanks, Rose Ave – she polled the four Town Councilors who votes yes as to why they voted for the Land Use tax staying with the Conservation Commission. The Councilors expressed their answers as "It is better for the Town as a whole", "Funding DDC has little impact and keeps taxes down by obtaining land, and "The majority of people spoke in favor and the Council represents the people".

Richard Tripp, Windham Rd – spoke regarding the amount of Conservation Land that is in each voting district within the Town.

Steve Trefethen, North Shore Rd – thanked the Council for their efforts to reduce the tax rate, commended Larry Budreau as the Acting Town Administrator, asked that top salaried staff be reviewed, and approved of Mr. Stearns as Town Administrator.

Councilor Dimmock asked for a "point of order" due to a statement made by Mr. Trefethen as citizens are not allowed to electioneer during a meeting.

**Moved to Close the Public Forum 7-0-0**

**Old Business –**

**13-122** Town Administrator search update

*This was addressed during the Chairman's report therefore it has been stricken from the agenda*

**New Business –**

**14-135** Accept grant from NH Highway Safety Agency for Operation Safe Commute Patrols

Chief Garone – Assigned officers on Overtime basis will be completely covered by this grant.

The grant does not cover the cost of summons being issued or vehicle costs. It puts more officers on the street in a specified duty.

Councilors had questions and was followed by discussion.

**Move to grant authority to the Town Administrator to apply for and accept on behalf of the Town, grant funds associated with NH Highway Safety project titled "Derry Operation Safe Commute Patrols", project number 15-03, 4 and to execute on behalf of the Town all contracts or documents associated without further action of the Town Council.**

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

**Vote: 4-3-0 (Councilors Dimmock, Cardon, Osborne)**

**14-136** Appointment to Energy/Environmental Advisory Committee

**Chairman Osborne moved to appoint Holly Lee Hall Alabachian as a member of the EEAC, until March 2015, seconded by Councilor Katsakiores**

**Vote: 6-1-0 (Councilor Dimmock)**

**14-137** Derry Municipal Center – Recognition Luncheon

Mr. Budreau stated that Thursday, December 11, 2014 is scheduled for the Employee Recognition Luncheon. Notice of the event was given to the Chair who suggested the Council would like to discuss further. Mr. Budreau recommends that Council takes no action.

Council discussion:

Councilors questioned cost, notifications, time paid and closing DMC for two hours and complaints. All agreed recognition was important for the employees.

**Move that the Town of Derry keep the Municipal Center open during normal work hours throughout the year unless an emergency warrants the closing of the Municipal Center.**

**Motion by Councilor Fischer, seconded by Councilor Fairbanks**

**Vote: 5-2-0 (Councilors Bourdon, Katsakiores)**

**14-138** Schedule Public Hearing – November 18, 2014 -  
Amend Pole Licenses

Larry Budreau explained why this action came about.  
David Gomez answered questions from Council.  
Councilor Fischer is unable to attend this meeting; however, rescheduling is not necessary.

**Move to schedule a public hearing at 7:30 pm on November 18, 2014 to consider the order on changes to Pole Licenses by or Under the Authority of the Town Council of the Town of Derry, NH (Or their Predecessors in Authority) as of November 18, 2014.**

**Motion by Chairman Osborne, seconded Councilor Fairbanks**

**Vote: 7-0-0**

**Council Requests / Open Discussion**

Councilor Fairbanks – On November 5, the Planning Board will be a workshop on Medium High Density and on November 19, a second public hearing will be held on Route 28 rezoning. Councilor Fairbanks requested legal summary of outstanding legal litigation. He has received a question from a citizen who is having issues with OHRV and snowmobiles on an undesignated trail.

Councilor Bourdon - Used the rail trail last weekend and enjoyed it.

Councilor Katsakiores – Asked for a POW chair update. She questioned as to why there is no leash law in Town. She would like it looked into.

Councilor Cardon – Stated that on appointments to Boards/Commissions candidates are not required to be present but Council may need to consider putting some requirement in place. People should not be penalized for not coming to the meeting they are being appointed at. (Mr. Dimmock voted no as the person was not present). Abbot Court is coming along nicely but 2 Central St Extension needs a cleanup. He thanked the Fire Department for their open house.

Councilor Dimmock – Believes all applicants need come to the meetings to be appointed and explain why they want to be on board.

Chairman Osborne reminded the Council they give that information on their application or in a letter when they apply.

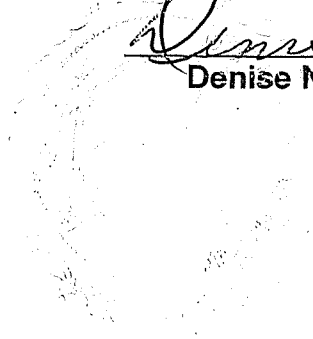
Councilor Fairbanks – David J Macomber Jr. became an Eagle Scout, received the Red Cross Hero Award and President Obama Award.

Chairman Osborne – Thanked Sheila Bodenrader for her outstanding job and commitment aiding the Town Council with the TA search.

Councilor Katsakiores - Recognized Larry Budreau for filling in as Acting Town Administrator.

Adjournment 9:20 p.m.

Chairman Osborne moved to go into Non Public under 91A:3 II (c), seconded by  
Councilor Cardon  
Vote: 7-0-0

  
Denise E. Neale  
Denise Neale, Town Clerk

October 22, 2014  
Date

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