

TOWN OF DERRY

Town Council
Derry Municipal Center

November 3, 2015
Tuesday - 7:30 PM

6:30 PM Non-Public Session RSA 91A:3 II (c)
Non-Public Session RSA 91A:3 II (b)

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 & Denise Neale, Town Clerk

Consent Agenda –

- 15-131 Approve Non-Public Minutes – October 20, 2015 – **minutes sealed**
- 15-132 Approve Minutes – October 20, 2015
- 15-133 Schedule (2) Public Hearings November 17 and December 1, 2015 to review the disposition of Town owned properties

Approved as Written

- 15-134 Approve Repurchase Offer #1
- 15-135 Approve Repurchase Offer #2
- 15-136 Approve Repurchase Offer #3
- 15-137 Approve Demolition Request
- 15-138 Approve Purchase Offer

Approved in Non-Public

Chairman's Report –

Veterans Day Activities on 11/11/15. Ceremony at MacGregor 10:30 AM – 11 AM.
VFW open house 11–12:30 PM.

Town Administrator's Report –

Calvary Church donation update - there is one area the donation money can be used and that would be on Broadway replacing trees. A more detailed update will be forthcoming.

***** HR Director / Assistant Town Administrator – MRI Report

Ms. Hickey stated there was a comprehensive study done for the HR Department and it stated that while having a director is optimal, it is not necessary. In order to comply with voting results but also taking the MRI opinion into account, she would like to hire a part-time HR Director for 28 hours/week. She asked for Town Council's approval to post this position. **All agreed.**

Public Forum - *30 Minutes*

Larry Budreau, Oak Hill Road, Manchester – Stated that to appoint an interim Town Administrator to serve for 90 days does not comply with the Town Charter, Section 8.4 (b). Section 8.5 governs the present situation. The October election repealed the vote to eliminate his job. The MRI alternative exists only because the job was eliminated and it does not endorse Ms. Hickey's recommendation if there is a funded position nor does it include an Assistant Town Administrator. Ms. Hickey stated previously that the attorney had recommended that no

reorganization is to be made to this position as it could put the Town into a legal situation. To be clear he expects to be recalled. He asked that Town Council review the 5/12/15, 5/19/15 and 10/13/15 vote, the Administrative Code, Town Charter, Personnel Policy and he also referenced a memo to the Town Council on June 17th and was copied to Ms. Hickey. He suggested that the Council not hire a new Town Administrator new Council is elected in March. Mr. Budreau asked to be reappointed as Acting Town Administrator to work with Ms. Hickey, as two heads are better than one.

Michael Layon, Lee Circle – Spoke about the characters of the three people who sued the Town and their actions during previous meetings. He also commented on the press and their coverage of the issue of the petitions and budget. Cuts aren't easy but there was no mention of coverage on the positions that were removed through attrition. In regards to "Net Zero", from what he understands, it can increase costs at start up. Also in regards to agenda Item #15-144, on clearing of trees on Town property, he asked if we are going to sell energy, or take down the trees and sell them.

Mark Flattes, Linlew Dr. – Part-time HR and set aside some money for a part time Economic Developer. The money left over from TIF zone should be used to create a new TIF zone where the water and sewer was put in to encourage business to this area. He questioned the petitions he submitted and asked where they stood. Chairman Cardon explained there was no action taken on them, therefore they are complete.

Steve Trefethen, business owner, spoke regarding the tax misstatement in the amount of \$1.04. He feels had Mr. Flattes petition been heard first there may have been more discussion. There were no savings. He also asked will future increase in taxes be taken to a vote. He thinks the Council should direct the CFO to do a study with ways to save money.

Old Business –

15-120 Demolition of Town Owned Property – 40 Kilrea Road

Dawn Enwright, Tax Collector – spoke on behalf of Mike Fowler. She read an email from Mike Fowler which explained the incorrect street numbering of this property. The tax deed was recorded in 2014, the Parcel ID #03153-048 is correct. They seek to demolish this building. The DPW will do the demolition.

The Derry Town Council moves to authorize the demolition of the building at 40 Kilrea Road

Motion by Councilor Cardon, seconded by Councilor Bourdon

Vote: 7-0-0

New Business –

15-139 Appointment Interim Town Administrator

Move to appoint Susan Hickey as Interim Town Administrator under Charter Section 8.4 (b) to serve at the will of the Town Council for not more than 90 days.

Motion by Councilor Cardon, seconded by Councilor Tripp

Vote: 7-0-0

15-140 Process for new Town Administrator

Move to accept the recommendation of hiring a professional municipal management placement firm to assist in the recruitment of a Town Administrator per Charter Section 8.1.

Discussion:

Councilor Tripp asked if there would be more than one placement firm.

Councilor Fischer asked for an RFP and would like the information on the services and costs associated with hiring a firm. It was a valuable learning experience for everyone involved in the process.

Councilors Osborne, Katsakiores, Dimmock and Cardon concurred with Councilor Fischer.

Councilor Bourdon had no comment.

Motion by: Councilor Cardon, seconded by Councilor Tripp

Vote: 7-0-0

15-141 Land & Building Capital Reserve Fund – expand spending purpose

Susan Hickey explained management's recommendation to expand the use of these funds.

Move that the Land & Building Capital Reserve Fund authorized on May 20, 1999 to ease the financial burden of the taxpayers under the provisions of RSA 35:1 purpose shall be authorized to include land and building acquisitions and land and building capital improvements and the Derry Town Council will continue to act as agents to expend this fund.

Motion by Councilor Cardon, seconded by Councilor Dimmock

Vote: 7-0-0

15-142 Rail Trail Discussion – Request of Councilor Bourdon

Councilor Bourdon gave an overview of what the Rail Trail brings to the community. Mark Connors & Eric Whitney provided a PowerPoint "Let's go North to Londonderry". Derry is a key part of the larger vision of the granite state rail trail. Mr. Whitney passed out information from National Rail Trails to Town Council. Derry's bike path loops around town. The new section would start at Hood Pond and go up to North High Street to Madden Road, however up to Beaver Brook is privately owned land to the Londonderry line.

Councilors asked questions:

How many miles does Derry have that are paved - 3.2 miles

What has the completed Rail Trail cost to date - \$247,000 approximately

Who maintains trail – Rail Trail group through volunteers does pickup. DPW does larger work.

Where can the funds come from for section 1 (Hood Pond – North High St) the \$100,000 to \$125,000 can come from TIF funds or L&B Capital Reserve. The second section will cost \$300,000 including land acquisitions.

Are there any grants for the Derry to Londonderry section – very difficult to obtain now a days.

As this is an investment in Derry, are there complaints or concerns about parking – no there is parking in municipal lots along the rail trail.

Any additional infrastructural improvements need to be made – long range goal is to place a box culvert underneath where the trail crosses Kendall Pond Road at Bowers Road.

Councilor Cardon stated now it the time to speak with the private land owners as well as the state regarding this area as it is part of the Rte. 93 Exit 4A project.

15-143 Code of Conduct – 1st Review

Councilor Tripp – questioned some of the terminology in this document and stated that most of his comments were on ‘wordsmithing’.

Councilor Fischer – spoke regarding the nepotism section on interviewing practices and hiring practices overall.

Councilor Osborne – has looked over the Council, & Administrative rules. Changes were made after consulting with legal counsel but it was found that it didn’t work. He would like to see a draft ordinance that provides clear guidance.

Councilor Katsakiores – Council needs to read the document page by page read and it needs to be understandable.

Councilor Bourdon – feels this is worthy of working on and discussing. There will still be situations that will come up. It is the individual elected official responsibility whether one should recuse himself / herself.

Chairman Cardon suggested that everyone send comments to Ms. Hickey and she will revise this document. Discussion will continue at the November 17th meeting.

Councilor Tripp suggested forming a subcommittee to take and refine the document. All agreed. Subcommittee will consist of Councilor Tripp, Councilor Osborne and Ms. Hickey. Councilor Osborne will set up meetings.

15-144 Request to remove hardwood on Town owned property

Ms. Hickey explained that she has spoken with the owner. There is a culvert on the Town Property and the path would have to be widened for a logging truck.

Move to reject request under RSA 231:40 by Richard Tate to allow access to remove trees on Town owned property located at 12 Forest Street, Lot 057-017

Discussion:

Councilors felt there are a lot of unanswered questions in regards to this request. Councilor Dimmock questioned Mr. Tate’s land being landlocked. It could also place precedence on future requests.

Motion by Councilor Cardon, seconded by Councilor Dimmock

Vote: 7-0-0

15-145 Appointment to Economic Development Committee

Chairman Cardon moved to appoint Andrew White as a member of the Economic Development Committee, seconded by Councilor Tripp

Vote: 6-0-1 (Councilor Dimmock)

15-146 Appointment to Derry Housing Authority

Chairman Cardon moved to appoint Jennifer Lague as a member of the Derry Housing Authority for a Term to expire in March 2016, seconded by Councilor Tripp

Vote: 7-0-0

15-147 Appointment (2) members to CART (Cooperative Alliance for Regional Transportation)

Chairman Cardon moved to appoint Jennifer Lague and Richard Tripp as representatives of CART, seconded by Councilor Bourdon

Vote: 7-0-0.

15-148 Approve disposition of 3 Pembroke Drive #10 – 2014 Deeded Property

Dawn Enwright, Tax Collector – in the April 2015 Auction of Tax Deeded property the disposition of this property had a noticing issue which has been cleared. There now needs to be approval for the disposal of this property including the payment to the auctioneers.

Move that the Derry Town Council authorize the Acting Town Administrator to sell the unit at 3 Pembroke Drive #10 to Bloom O’Leary Holdings, LLC for \$56,000 plus auctioneers premium of \$4,200.

Motion by Chairman Cardon, seconded by Councilor Katsakiores

Vote: 7-0-0

Council Requests / Open Discussion

Councilor Fischer supports the Rail Trail. He would like using some of Land & Building Capital Reserve funds. He asked for a comprehensive list of land and improvement projects to be put together. He would like to see downtown revitalized & have discussions.

Councilor Osborne – since people are getting more involved in voting, maybe people would be interested in weighing in on big budget items. It would be wise to change the Charter in three areas: 1) The provision for members of Council to remove another Councilor is incorrect and it should be put on the ballot to amend. 2) For voters to approve or disapprove how Council spends bonds. 3) For the voters to be allowed to see ratifications of union contracts and to able to vote to approve or disapprove union contracts.

Councilor Katsakiores – The Heritage Commission is looking for the oldest resident of Derry to give the Post Cane to. She knows of one person living at Birch Heights who is 100 years old. If anyone know of someone else older, please let the Heritage Commission know.

Councilor Dimmock – there are people who want money spent in West Derry. The Bike Path upgrade is in West Derry.

Councilor Bourdon – there is a new business in town called “Aldi” and people should check it out. This Saturday from 9AM – 3PM at his home he will be accepting winter clothing as part of the “Keep our Veterans Warm” program”. They will be donated to the Liberty House.

Councilor Cardon – wanted a follow up on the crosswalks on Broadway.

Ms. Hickey will get an update from Mr. Fowler.

Adjournment 9:40 p.m.

Denise E. Neale
Town Clerk

Recorded and Transcribed by: Denise E. Neale, Town Clerk

November 17, 2015
Date

