

TOWN OF DERRY

**Town Council
Derry Municipal Center
Revised**

**July 19, 2016
Tuesday - 7:30 PM**

6:30 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 Bourdon, Foote, Katsakiores, Tripp, Fischer, Morgan and Chairman Chirichiello

Present: ATA Stephen Daly, Town Clerk Daniel Healey

Moment of silence for the passing of Michael Gill

Consent Agenda

16-91 Approve Non-Public Minutes – June 21, 2016 – **minutes sealed**

16-92 Approve Minutes – June 21, 2016

16-93 Approve Non-Public Minutes – July 13, 2016 – **minutes sealed**

Consent agenda approved

Chairman's Report – Brian Chirichiello

Eversource Presentation of Rebate Check – LED Lighting Project

Craig Trottier from Eversource Energy presented the Derry Town Council with a check for \$50,000 for their conversion of 928 street lights to energy efficient light fixtures.

Free Petitions – M. Flattes –

Free Petition #1

Both Mr. Tripp and I served on the Audit Committee and the last time we met with the representatives from the firm that deals with our audit, one of the questions we asked the representative was – is it common practice in the state of NH to collect more taxes than we need in order to deal with expenses. And the answer was that it is a common practice and then we talked about unassigned fund balance at length with this representative. He indicated that in a number of towns that it is a common practice, okay, for them to routinely look at after they've again looked at expenses and so forth to apply the unassigned fund balance to reduce taxes. Now I was surprised because they didn't know – I don't know what other towns do but I think it's important that and rather than just have those amounts go to various reserve accounts for capital needs or the unassigned fund balance. What I would like to suggest is rather than just dismiss, I think that the \$1.1M is a forecast, I didn't think that was a definitive number. One of the things that I would like us to consider is to take this matter under advisement and to identify the financial impact and scenarios should we decided that it is feasible to reduce the FY17 tax rate. So.....I need more information about what is that forecast solid. We heard it once from the director of our finances and there was another individual with Susan. So again, I'm indicating rather than just dismiss this; I think that the \$1.1M is a forecast. I'm asking that we move to take

this matter under advisement and seek information from our CFO to identify any financial impact and what would be the possibility in a timely fashion. I know this needs to be moving forward in terms of the state, but we're not at that point yet. And I think that it's important that if we do over tax or we receive more funds from residents in the community; that's if there's a substantial amount, that I think we, as a Council, have an obligation to the taxpayer to carefully consider whether or not we need to use that towards further reducing the tax rates. So I'm asking for more information and to study this a little bit further before we act on this first petition.

[Revised to verbatim]

Then there were other comments from Councilor Tripp

Councilor Fischer moves to table the free petition #1 for a later date after review, seconded by Councilor Tripp
Roll Call Vote 3-4-0 (Chairman Chirichiello and Councilor's Morgan, Foote, and Katsakiores)

Free Petition #2

No action by the council

Town Administrator's Report – Stephen Daly

Change in Tax Collector and Town Clerk Evening Hours from Wednesday to Tuesday

It is recommended that the late day for the Town Clerk and Tax Collector offices change from Wednesday night to Tuesday night to better serve the citizens of Derry unless there is a strong objection from the council. Chairman Chirichiello expressed some concern over the transfer station's hours being late on Wednesday but did not object to the change.

19 Elm Street is down. The crosswalks downtown got repainted and there are additional signs and lighting. Hood Dam needs approximately \$50,000 for improvements. Next Tuesday there will be a meeting on Exit 4A to discuss the design of the project. A few town employees recently retired that had long service with the town. The town is searching for an Economic Development manager. The firefighters boot drive collected around \$1,000 for charity. Water mains on Crystal Ave are being replaced.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Adam Burch: Maple Street – There will be Narcan training Thursday July 28th at 7pm at the Derry Friendship Center. Derry Fire & EMS have decided to incorporate overdose training into their monthly CPR and AED certification which happens the 3rd Wednesday of every month at station #4 at 6:30pm.

Marie Manion: Alan Shepard Project – Would like to fundraise to donate a statue honoring Alan Shepard. Would like the statue placed in a public place where educational classes could take place. Has a website setup for more information: alanshepardproject.com

Councilor Bourdon made a point of order to include this on a future agenda

Steve Trefethen: Windham, NH – Disagreed with some online comments towards him. He would like board members to attend meetings when they are being appointed.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Bourdon – all agreed

Old Business

16-72 Set Town Clerk's Salary

The council is being asked to set the annual base salary for the newly elected Town Clerk and to provide benefits consistent with those afforded to his predecessors.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-007, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote 7-0-0

Resolution attached

New Business

16-94 Appointments to the Southern NH Planning Commission

Chairman Chirichiello moves to appoint Jeffrey Moulton, John O'Connor, and Frank Bartkiewicz as members of the SNHPC for 4 year terms set to expire June 30, 2020, seconded by Councilor Morgan
Vote 7-0-0

Councilor Fischer moves to appoint Marc Flattes as a member of the SNHPC for a 4-year term to expire June 30, 2020, seconded by Councilor Tripp

Roll Call Vote 2-5-0 (Chairman Chirichiello, Councilor's Katsakiores, Morgan, Foote, and Tripp)

16-95 Appointment to Highway Safety Committee

Chairman Chirichiello moves to appoint Denise Christoni as a member of the Highway Safety Committee, for a 1 year term to expire March 31, 2017, seconded by Councilor Katsakiores
Vote 7-0-0

16-96 Appointment to Zoning Board of Adjustment

Chairman Chirichiello moves to appoint Joseph Carnevale as an alternate member of the Zoning Board of Adjustment for a 1 year term to expire March 31, 2017, seconded by Councilor Katsakiores
Vote 7-0-0

16-97 Appointment to Derry REDC Loan Committee

Chairman Chirichiello moves to appoint Catherine Taylor as a member of the Derry REDC Loan Review Committee for a 1 year term to expire March

**31, 2017, seconded by Councilor Morgan
Vote 7-0-0**

**16-98 Amend Code of the Town of Derry, Chapter 51, Fire Prevention – Schedule
Public Hearing August 16, 2016**

Fire Chief Mike Gagnon and Assistant Fire Chief Scott Jackson presented the amended code. The fire code update will be more user friendly and it is an update to 3 chapters that will then consolidate everything into 1 chapter. This update has been evaluated in multiple communities in the area. Something that is unique for Derry will be having automated external defibrillators. There are no grants available for the defibrillators and the costs will be on the establishments themselves. Information regarding the updated code will be posted online before the public hearing. Train the trainer training will be provided. If someone is not trained they will still be able to use the machine as it talks to the person using it. The cost for 1 machine is about \$600-700. This new "Chapter 51 – Fire Prevention Code" includes all fire department related language that was originally listed in Chapter 32, Chapter 36, and Chapter 50; all fire department related language that was listed in Chapter 32, Chapter 36, and Chapter 50 is proposed for deletion.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL schedule a hearing for Tuesday, August 16, 2016 at 7:30 p.m. in the Main Meeting Room of the Derry Municipal Center to hear a presentation by staff and to take testimony from the public regarding an amendment to the Town Code related to Fire Prevention, as required by Section 6.2(C) of the Town Charter, seconded by Councilor Katsakiores
Roll Call Vote 7-0-0**

**16-99 Increase Veterans' Credits from \$400 to \$425 - Schedule Public Hearing August
16, 2016**

The current Veterans' credit only applies to war veterans. The proposed change would make the credit available to veterans that are property owners or that pay property taxes. This credit could be continued to be funded without raising the tax rate by using the overlay account. Currently there is no data on who is a veteran and who is not. Residents who have veterans' plates are the only indicator. \$500 is the current maximum credit allowed. Opening eligibility to all veterans is allowed under HB 430. If done, with the amount of the credit having been increased to \$425, will change the \$47k increase in the cost of the credits by over \$200k based on state estimates of the number of eligible veterans owning property in Derry. Currently 952 veterans are receiving the \$400 veteran's credit. The NH-DRA estimates that 485 veterans would become eligible for the new credit in Derry, which would be an increase in eligible veterans by 51%.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL schedule a public hearing for Tuesday, August 16, 2016 at 7:30 p.m. in the Main Meeting Room of the Derry Municipal Center to hear a presentation by the staff and to take testimony from the public regarding a proposed increase in the Veterans' Tax Credit subject to RSA 72:28-a of \$50 dollars, which will set the credit at \$450 for each eligible veteran, seconded by Councilor Fischer
Vote 7-0-0**

Councilor Tripp MOVES THAT THE TOWN COUNCIL, instruct the Chair to appoint a committee of three (3) Councilors to evaluate the policy and financial implications of the Town adopting the provisions of RSA 72:28-b, which would extend the Veterans' Tax Credit to Derry resident veterans not otherwise eligible under RSA 72:28-a, and to report back to the Council with its recommendations at the October 4, 2016 regular Council meeting, seconded by Councilor Bourdon
Vote 7-0-0

16-100 Adopt new ambulance fee schedule - Schedule Public Hearing August 16, 2016

Fire Chief Mike Gagnon and EMS Director Chuck Hemeon presented the updated ambulance fee schedule. They stated that the current fee schedule has been in place since 2012. Some of the councilors are concerned about the cost to the taxpayers. They were informed that other towns have a higher ambulance rate than Derry. The council is informed that there has been an increase in residents who are uninsured. It is questioned if there are different rates for different scenarios but that would likely trigger an audit or an investigation. 88% of the patients who utilized Derry Fire Ambulance transportation services have a form of health insurance. Only two payer groups will be affected by the changes which are patients with private health insurance and patients who are uninsured. A 12% adjustment for EMS transport fees could potentially increase overall EMS revenues by as much as 5% or \$55,000 annually. No notification of the change is required but the town will try to notify as many people as possible. A majority of people only use the ambulance service one time and if there ever was a free ride offered for the first use, the town would lose about \$700k in revenue.

Councilor Foote moves to extend the meeting by 10 minutes, seconded by Councilor Katsakiores - all agreed

Councilor Morgan MOVES THAT THE TOWN COUNCIL schedule a hearing for Tuesday, August 16, 2016 at 7:30 p.m. in the Main Meeting Room of the Derry Municipal to hear a presentation by staff and to take testimony from the public regarding a change in the fee schedule for Ambulance Transportation and Related services, seconded by Councilor Tripp
7-0-0

16-101 NH Highway Safety Agency E-Crash/E-Ticket Equipment Grant

Captain Feole presented the NH Highway Safety Agency E-Crash/E-Ticket Equipment grant. On June 23, 2016 the Derry Police Department was advised that there is a grant available from the NH Highway Safety Agency for equipment needed to utilize two new programs titled E-Crash and E-Ticket. The grant provides printers, scanners, and GPS devices for marked cruisers that are used for traffic enforcement and are equipped with mobile data stations. Right now this grant would apply to 5 vehicles with hopefully subsequent offerings likely. The Derry Police Department currently has 11 vehicles that meet the qualifications set forth by the state. The software of the equipment will be updated in August at no cost to the town and the hardware is up to the police department to maintain.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-021 as follows ... [read the Resolution], seconded by Councilor Katsakiores

7-0-0

Resolution attached

Councilor Fischer moves to extend the meeting by 10 minutes, seconded by Councilor Katsakiores - all agreed

Council Requests / Open Discussion

Councilor Morgan – Thanked the Derry News for the story on Tupelo coming to Derry. The new location will be off of A Street and it will be opening in about 1 year. The Economic Development Committee has been working to bring businesses locally.

Councilor Foote – There was a hot tub dumped on a Derry road a few weeks ago, thanked the Department of Public works for their quick work in cleaning up the mess. He would like a goals meeting with the Planning board scheduled.

Chairman Chirichiello – All of the Councilors will have an active role in the upcoming elections. At the next meeting, the town moderator will be making a presentation.

Councilor Fischer – I have 2 requests:

- 1) Is I would like, as a future agenda item, to talk about the public forum. I know that we have not talked about that as a council. I have gone through RSA 91A training a couple of times. I do understand that the non-public is optional; I mean the public forum is optional. I do understand that this Council, I assume, is supportive of a public forum. However, one of the concerns that I had is that tonight we've had a couple of instances where individuals get into a dialogue with the people at the microphone. The problem is this that may not be my opinion; but once a councilor starts speaking about a particular issue and unless everybody else chimes in, it's assumed that is the position of the council. So I think by talking about public forum, I think what we can do is, that is a time for the public I believe to share information with us but not get into a dialogue. We can respond when it's appropriate for us to talk but not at a dialogue. So rather than beat the issue, I would suggest that we get some information in our packet about public forum from the town administrator. We can look at it and then talk about what we want as a protocol. Not just me, but you know when I hear someone saying something that isn't my shared belief, I almost feel compelled to step in and say – what, whoa, you know I don't know anything about this topic or you're talking about something that I don't share that opinion. And that's why I think a dialogue is not a good idea during the public forum. It's our opportunity to listen to the public and to tell us, you know, their thoughts and beliefs about hopefully things that are going on and things they think are important for us to consider either for tonight's agenda or future agenda items. So, just public forum.
- 2) I would like to ask the Town Council to consider a date and time for a non-public Meeting to discuss the confidential town administrator search.
[Revised to verbatim]

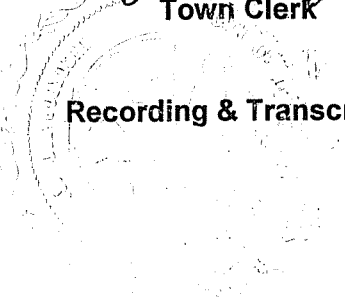
Councilor Katsakiores – She stated that the Alan Shepard property grass is waist high and would like it cut but was informed by Councilor Tripp that is conservation land.

Adjournment: 10:20 p.m.



Town Clerk

9-8-16
Date


Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2016-007

To Set the Compensation of the Town Clerk and Provide Employee Benefits

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town; and

WHEREAS, Section 8.6(C) of the Charter empowers the Town Administrator to fix the compensation of all town officers and employees appointed by the Town Administrator; and

WHEREAS, the Town Clerk is an elected official whose compensation is not fixed by the Town Administrator, doing so is therefore a legislative action and a duty of the Town Council; and

WHEREAS, the incumbent Town Clerk has worked with the Administration to rearrange roles and compensation levels within the Town Clerk's office in order to enhance the quality of service to the public, and in doing so has agreed to allocate a portion of the former Town Clerk's compensation for that purpose;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Clerk base annual compensation is hereby fixed at \$40,040 (Forty Thousand Forty and 00/100 Dollars) effective July 1, 2016; and

FURTHER, BE IT RESOLVED that the Town Clerk is hereby provided with access to the full range of employee benefits available to non-represented employees retroactive to March 14, 2016.

This Resolution shall take effect immediately upon its passage.

Adopted: July 19, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 7-19-16

x Ruth Robinson Deputy

Ruth Robinson, Deputy Town Clerk

Date: 7-20-16



RESOLUTION

Number 2016-022

To Authorize Application for a NH Highway Safety Agency E-Crash/E-Ticket Equipment Grant

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to apply for grant funding; and

WHEREAS, such funding is available from the State of New Hampshire Highway Safety Agency for the acquisition of certain equipment to improve the efficiency of processing traffic enforcement and motor vehicle accident scenes; and

WHEREAS, half of the number of devices needed to outfit the Police Department's fleet of patrol vehicles can be acquired using the funding available to it under the E-Crash/E-Ticket Grant;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend such grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: July 19, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 7-19-16

x Dan Healey

Daniel Healey, Town Clerk

Date: 7-20-16