

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

February 5, 2008
Tuesday, 7:30pm

Agenda

Staff Present: Frank Childs CFO, David Gomez Town Assessor, and Eric Bodenrader Parks & Recreation Director

Salute to Flag, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones and Pagers

Roll Call: Fairbanks, Carney, Metts, Coyle, Chirichiello, Ferrante, and Chairman Bulkley

Consent Agenda

08-15 Acceptance of Non-Public Minutes – January 29, 2008

08-16 Acceptance of Minutes – January 29, 2008

08-10 Schedule Public Hearing – February 19, 2008 – Ordinance Governing Private Roads

08-17 Veterans' Credits & Disabled Veterans' Credits

08-22 Request for Interest to be Waived

Amended to include:

Schedule a Public Hearing – February 19, 2008 –to establish a Special Revenue Fund and approve a supplemental appropriation in the sum of \$225,000 for the acquisition of property on Central Court, funded from the Land & Building Capital Reserve Fund.

Schedule a Public Hearing – February 19, 2008 – to establish a Capital Project Fund and approve a supplemental appropriation in the sum of \$225,000 for Rail Trail Improvements, funded from the Land & Buildings Capital Reserve Fund.

Consent agenda approved with Amendments

Chairman's Report

Chairman Bulkley read a Town of Derry Proclamation for Dan LaFleur. Dan LaFleur was appointed the first principal of the Ernest P. Barka Elementary School and was named the Best School Principal in the Derry News.

Town Administrator's Report

The Derry Town Council has declared the week of February 10th, 2008 as "Future Business Leaders of America" week. This is an organization within the schools that nurture and promote business leaders.

As of March 1, 2008, the organization that has been receiving a discounted rate will begin paying the normal rate for rental of Veterans Hall. I have directed the department to review all the present rates for rentals in recreation facilities. The study that the

present rates are based upon was conducted in 2005 and some costs, particularly energy related ones, have increased substantially in the past three years.

Councilor Coyle and TA Stenhouse are working on the request by Town Council for an ordinance in regards to "Hawkers & Peddlers" Licensing so that everyone will be treated fairly and equitably.

Public Hearing

07-104 Amendment to Elderly Exemptions

Frank Childs and David Gomez provided information before opening public hearing. Frank reviewed the memos regarding the Exemptions. There are three proposals before Town Council one from Councilor Coyle and two from Council Metts.

1. Councilor Coyle's revised proposal results in an increase in lost property taxes of \$95,000 - \$182,000, with the Town Services portion of those lost taxes ranging from \$33,000 to \$63,000.
2. Councilor Metts' 1st proposal results in an increase in lost property taxes of \$42,000 - \$84,000, with Town Services portion of those lost taxes ranging from \$14,000 to \$29,000.
3. Councilor Metts' 2nd proposal results in an increase in lost property taxes of \$21,000 - \$43,000, with the Town Services portion of those lost taxes ranging from \$7,000 - \$15,000.

Councilor Coyle asked if the tax rate would increase by .02 cents from his revised ordinance.

Motion to Open Public Hearing Vote 7-0-0

Frank Knutowksi, N. Shore – Thanked for what exemptions were given in past; however, many Senior Citizens today have to decided what to pay either prescriptions or taxes. Even if tax rate were to go down we still need exemptions.

Al Dimmock, High St – Thanked Councilor Coyle for helping the elderly.

Victor D'Amboise, McKinley Rd – Is having difficulties paying taxes as an elderly person.

Maureen Rose, Windham Rd – Is a car and a home considered part of the assets. (Vehicles, bank accounts, etc do count) The Town should support our seniors.

Joe DiChiaro, Humphrey Rd – Doesn't qualify even with new standards. There are so many things that the town spends money on that could be used to lower taxes for the elderly.

Raigh Paradis, Sawyer Ct – Put in for elderly exemption but he is over by \$2000 - \$3000. As a disabled firefighter, he does not have to pay income taxes. But under elderly exemptions his retirement is treated as income.

Richard Holmes, High St – He would like to speak in support of the exemption for the elderly. As Town Historian he speaks to them all the time and we need them to stay here.

Al Dimmock, High St – Reflected on a Councilor who doesn't agree with raising the Elderly Tax Exemptions.

Motion to Close the Public Hearing Vote: 7-0-0

Councilor Metts – In 1997 & 1998 the tax exemptions were brought down, what happened?

Dave Gomez – Real Estate market slowed down and values were slow to come up, so it was reconsidered to decrease the exemption amounts & increase the income limits.

Councilor Metts – Have we re-assessed the Town values yet?

Dave Gomez – Reassessments will be in 2008 and the Town's general re-assessment is set for 2009.

Councilor Chirichiello – When was the last time the Town Council did an Elderly Exemption increase?

Dave Gomez – 2006.

Councilor Chirichiello- Isn't this usually done after the budget? Wouldn't it be prudent to wait until budgets are in?

Frank Childs – It's your policy decision, not mine. The point is if you do it subsequent to April 1st it will not be effective until the following year.

Councilor Carney – I believe that it can be planned for within the budget. It should be done now.

Councilor Ferrante – Questioned if Council received something from Finance showing that the budget is in a \$4700.00 deficit? (Frank Childs, yes you did.) I agree with Councilor Carney we can pre-plan.

Councilor Coyle – I didn't want it to be a political football. I brought this proposal forward because a constituent asked to me to. Councilor Carney said, "It is the right thing to do". We voted at the School budget meeting to raise taxes between \$1 to \$1.50. If 6 cents is good enough for the children, it's good enough for the elderly.

Councilor Ferrante – Believes we should be there for our seniors. I agree we should move forward with some assistance here.

Councilor Chirichiello – I believe this ordinance takes effect April of 2008. There will be two new Councilors sitting here when the budget comes in.

Councilor Fairbanks – Maybe we should not make a decision until the new councilors

come in on everything.

Chairman Bulkley – Reassessment of property based on the fact of reduction in values. Do you have any sense what those reductions in values will be? Trying to get a sense what town is losing for taxes.

David Gomez – Assessment reflect 95% -111% values now as the market gets worse those numbers will change. We do not lose taxes the rate raises.

Councilor Metts – I don't want to see a seesaw of 1997, tax rate & exemptions. I don't want to see a repeat of dropping the exemption levels and increase income levels. Councilor Coyle's' growth is reasonable.

The Derry Town Council moves that in accordance with RSA 72:27-A the following levels of Exemptions effective April 1, 2008:

Age Group	65 -74	\$ 85,000
	75 – 79	\$125,000
	80+	\$165,000

Income Levels

Elderly Single	\$35,000
Elderly Married	\$45,000

Elderly Assets Limit of: \$150,000

Motion by: Councilor Coyle, Seconded by Councilor Metts. Vote: 6-1-0 (Chirichiello)

08-14 Firefighters & Fire Officers Collective Bargaining Agreements

Move that the Derry Town Council approve the Collective Bargaining Agreement between the Town and the International Association of Firefighters Local 4392 Firefighters Union from 7/1/2007 – 6/30/2009 as negotiated and ratified by the bargaining unit and authorize the Town Administrator to sign the agreement on behalf of the Town of Derry.

Further, Move that the Derry Town Council approve the Collective Bargaining Agreement between the Town and the International Associate of Fire Officers Local 4392 Firefighters Union from 7/1/2007 – 6/30/2009 as negotiated and ratified by the bargaining unit and authorize the Town Administrator to sign the agreement on behalf of the Town of Derry.

Motion by: Councilor Metts, Seconded by Councilor Chirichiello. Vote: 3-4-0 (Fairbanks, Carney, Coyle, Ferrante)

08-19 Application for Wal-Mart Community Grant - \$1,000 – (Parks & Recreation)

Eric Bodenrader gave an overview of what the grant would fund as it has in the past.

Move that the Derry Town Council approve the application and expenditure of the Wal-Mart Community grant for the purpose of funding the senior citizen luau special event.

Motion by: Councilor Ferrante, Seconded by Councilor Chirichiello Vote: 7-0-0

08-21 Derry Rail Trail Alliance

Eric Whitney and Mark Connors gave a presentation of the Derry Rail Trail Corridor.

Eric Sampsal, Windham Rail Trail Alliance gave a presentation on what the connection of the two trails would mean for the Towns. Also, gave overview of what the Town of Windham put forth to make their trail.

(This item is scheduled for a Public Hearing on February 19th)

Councilor Chirichiello question who would be paying for the ongoing maintenance of the trail.

Eric Whitney told Council that the organization would take care of it and only ask the Town for assistance with removal of large obstructions, debris from culverts and supply paint and materials for graffiti removal.

Councilor Chirichiello questioned liability.

Eric Whitney explained that the trail would be covered under state law.

Councilor Metts - hoping your organization will be going to other organization for funding.

Councilor Carney - the Rail Trail is much larger than the bike path Derry has now. I don't think there will be the same issues.

Councilor Fairbanks - Thank you to everyone who was involved in this project, this is a win/win situation for the Town.

Councilor Ferrante -Thank you and Eric Bodenrader will let you know the areas that need extra attention. One area she would like to see done is when you cross over Broadway and cross over Rte 28.

Senator Bob Letourneau gave a letter of support to the Town Council. He worked with the Selectman in Windham and Trail Rail Alliance Group at the State level.

Roger Hornbord, Windham Selectman - I was concerned when this first came before us and in the past 2-3 years they are an excellent group. The trail is truly an asset for Windham.

Council Metts made a motion to waive the rules since there were people in the audience who wanted to speak on this subject, seconded by Councilor Carney. No

Council Objections.

Maureen Rose, Windham Rd – Thanked Windham for their help with the Derry Rail Trail.

Wayne Morris, Rail Trail Alliance and Conservation Commission – they now have 5 pieces of conservation land on the Rail Trail. There is conservation land already on the trail in Derry. The one thing that has been accomplished is the family use of the trail.

Councilor Carney, the Conservation Commission in Derry is willing to fund part of this project and I would ask of you if you could reach out to these members to guide them.

Steven Provencher & Dick Bonner, Derry Pathfinders Snowmobile Club – Concerned about losing use of these trails for snowmobiles. In the wintertime they maintain the trails from Salem to Sandown. Want to make sure they are not going to lose their right of the trail.

Councilor Chirichiello asked Windham to explain if this is allowed in Windham.

Yes they are, and there have been no issue working with these groups.

Councilor Fairbanks can't groom pavement.

Dick Bonner under RSA 215:15A it allows us to use that part of trail. It's been the snowmobile club that has been put across the trails. Snowmobilers have a state liability insurance of \$2M for the snowmobiles. It's a great idea and would be happy to see it used all year round and would be glad to assist the Alliance.

08-20 Non-Binding Referendum Question Regarding Exit 4-A

Councilor Coyle read question to be placed on the Ballot on March 11, 2008.

Council discussed edits to the explanation and question.

Do you support the continued funding and development of the proposed exit 4A interchange on Interstate Route 93?

Move to remove "continued funding and" from the question. Motion by: Councilor Chirichiello seconded by Councilor Ferrante. Vote 4-3-0 (Fairbanks, Carney, Coyle)

Motion to place the following Non-Binding Referendum question on the Ballot with an explanation. Motion by Councilor Coyle, Seconded by Metts. Vote: 7-0-0

Do you support the development of the proposed exit 4A interchange on Interstate Route 93? (Revised)

Explanation:

Exit 4A would be a new exit off of Interstate 93. It would be located between Exit 4 and Exit 5. It would exit in Londonderry and travel east into Derry. The

proposed route would incorporate the use and widening of Madden Road, Folsom Road and Tsienneto Road all in Derry. It is thought that this new exit would ease traffic congestion on Route 102 as well as increase commercial and industrial development in both Londonderry and Derry. The Towns of Londonderry and Derry have agreed to spend no more than \$5 million each for the project. It is hoped that any remaining balance would come from State and Federal funds. Should State or Federal funds be unavailable for this project, the Town of Derry would not be obligated to move forward with construction.

Vote: 7-0-0 on the Explanation.

Chairman Bulkley, there have been discussions on the Council regarding the reading of proposed ordinances, as they are introduced. Council Carney has introduced an ordinance which he is going to read at this time.

Green Vehicles/Green Buildings Initiative Ordinance. (See attached)

Private Road copies will be sent to the libraries.
Copies of all new Ordinances should be placed in the libraries.

Public Forum

Al Dimmock, High St – Concerned people ask questions and do not get answers even when the Right to Know Law is used. Questioned is anyone infringing on Manning St. property.

Chairman Bulkley answered that to his knowledge no one is infringing on this property. On another question regarding 91A - a request regarding the recent primary election and the Town Administrator responded in the same manner as received which was by email. The 91A law requires him to produce any documents that came about at any meeting he had. He had no documents he told the individual and the individual chose not to believe that. He directed him to the Town Clerk who is basically responsible for handling elections and works directly with the Department Heads in Town (PD and Public Works) that effect the election. So in fact the response was made. I want to put this to rest.

Joe DiChiaro, Humphrey Rd – Questioned whether Hybrid vehicles are really cost effective. Feels the explanation for Exit 4A is confusing and there's no time limit with it.

Frank Knutowksi – Veterans Credits the state allows \$500 and Derry gives \$250. There ought to be someone to increase that gradually over the future years.

Al Dimmock, High St – Questioned Town Council regarding volunteers for board and commissions. I heard that we were going to discuss it at this meeting.

Chairman Bulkley – clarified that it is the practice of boards and commissions that they will recommend to the Council someone that is sitting as an alternate now. Discussed with Chairman of Boards at a regularly scheduled meeting as required by the Town Charter to do and they didn't express any interest at that point that they wanted to fill any vacant positions. I understand that we got a letter from Paul Dionne that one of the

alternates would like to be moved up to the vacant position.

Ellie Sarcione, Chester Rd – applied 90 days ago, it was my understanding that there would be a decision made tonight.

Councilor Coyle moved that the Town Council appoint Bill Hoyt to be moved from alternate to fill Albert Doolittle's full member position for the rest of his term. Seconded by: Councilor Metts. Vote: 7-0-0

Move to extend for another 10 minutes. Vote: 7-0-0

Councilor discussion ensued regarding the Town Charter and procedures in regards to boards and commissions.

Move to appoint Eleanor Sarcione to the Alternate position vacated by Bill Hoyt for the rest of his term. Vote: 7-0-0

Councilor Requests/open discussion

None

Motion to adjourn 10:20 p.m.

Adjourned at 10:20 p.m.

**Recording:
Denise Neale, Town Clerk**