

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

March 4, 2008

Staff Present: Frank Childs CFO, Larry Budreau HR, George Sioras CDD, Mike Fowler PWD, Chief Garone PD, Beth Thompson, Capt. Feole, Mike Fowler.

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

- 08-33** Acceptance of Non-Public Minutes – February 19, 2008
- 08-34** Acceptance of Minutes – February 19, 2008
- 08-35** Approval of Elderly Exemptions/Veterans' Credits/Disabled Veterans' Credits/Blind Exemptions
- 08-36** Schedule Public Hearing- March 18, 2008 – Authorization to Execute Contract with the State of NH Fish & Game Department

Consent agenda – Approved

Chairman's Report

*Presentation and information by Trooper Jill Rockey, NH State Police, and Amanda Grady Public Policy Director. Jill gave a synopsis of the registry and its interdepartmental workings. Jill referenced HB 1613 and HB 1640 in regards to registered Sex Offender and "Peeping Toms". The Adam Walsh act gives clear guidelines. These two House Bills (HB) will bring NH in line with other states.

Amanda Grady spoke in regards to opposition of residence restricting ordinances. Education and programs are more important. The State needs to strengthen the laws.

Chairman Bulkley thanked Senator Letourneau, Brenda Keith and Chief Garone for their work on this issue.

*Town Administrator's Representative for the Planning Board – Councilor Fairbanks stated that the Town Charter states that the Town Administrator shall serve on the Planning Board. Councilor Carney doesn't agree with Town Charter and it needs to be changed; however, he agrees that the Town Charter must be followed. Councilor Coyle referenced the wording of Article 4; Section 4.2 "Shall consist of the Town Administrator." Carney, Coyle, Fairbanks all agree Town Charter should be changed.

Move to allow Town Administrator to appoint a designee to the Planning Board. Motion by Councilor Metts, and seconded by Councilor Ferrante. Vote: 3–4–0 Motion Failed (Carney, Coyle, Fairbanks, Metts)

Chairman Bulkley allowed a 15 Minute Public Forum at this time due to the time constraints at the last meeting.

Motion: To open the Public Forum Vote: 7- 0-0

Doug Newell, English Range Rd – Derry Taxpayers Alliance, Campaign for the Elderly. They sent out a survey regarding Elderly Exemptions. Have a 20% response; lower taxes for everyone 9.1%, and most importantly hand written notes concerned tax situation and their inability to remain in Derry.

Al Dimmock, High St – Commented on the many newspaper articles lately and their content.

Motion: To Close the Public Forum Vote 7-0-0

Town Administrator's Report

Town Administrator Stenhouse informed the public that there could be localized flooding due to the anticipated heavy rains. Public Works has been out clearing storm drains and asked the public that if they experience flooding on their roads to please assist Public Works to clear a catch basin if it is blocked.

Posting of roads for weight limits under RSA 231:91 will be in effect from March 7th through sometime toward the end of April to early May. Names of Streets will be posted on the website they are: Adams Pond Rd, Cemetery Rd, Drew Rd, Floyd Rd, Warner Hill Rd, Gulf Rd, Kilrea Rd, Pingree Hill Rd, Back Chester Rd, Cole Rd, English Range Rd, Frost Rd, Hemlock Springs Rd, Old Auburn Rd, Pond Rd, Windham Depot Rd, Bartlett Rd, Damren Rd, Ermer Rd, Goodhue Rd, Old Chester Rd, Humphrey Rd, Walnut Hill Rd and Young Rd.

Councilor Coyle thanked Councilor Ferrante and Chairman Bulkley for their service to the Town as this will be their last meeting. Neither Councilor is running in the next Town Election. They both were presented with Rocking Chairs.

Councilor Ferrante and Chairman Bulkley thanked the other council members, Town Administrators over the years and citizens of Derry.

New Business

08-28 New Hampshire the Beautiful – Municipal Recycling Grant

Move that the Derry Town Council approve the application and further authorize the Town Administrator to accept the Municipal Recycling Grant for the purpose of providing recycling bins to residents. Motion by Councilor Ferrante, and seconded by Carney. Vote: 7-0-0 (purchase of 600 recycling bins)

08-29 Appoint General Counsel

08-30 Appointment for Labor Counsel

Councilor Carney requested to table #08-29 & #08-30. These two appointments affect the day to day operations and the two new members of Town Council should be the ones to have a vote. Vote to table: 3-4-0 (Metts, Chirichiello, Bulkley, and Ferrante)

Councilor Coyle raised a charter objection pursuant to Section 6.6 of the Derry Town Charter, seconded by Councilor Carney. Subsequently, Items #08-29 & #08-30 will be moved to the next Town Council Meeting (March 18, 2008).

08-31 Ratification of Cost Items – Town & SEA/SEIU Local 1984 (Police Supervisors) Collective Bargaining Agreement.

Councilor Fairbanks and Councilor Coyle had an issue with Article 1.2 - Buy-Back. Councilor Fairbanks stated it is not in the best interested of the taxpayers.

Councilor Ferrante and Councilor Metts - this issue was not included in the parameters of the Town Council's negotiating team.

Move that the Derry Town Council approve the collective bargaining agreement between the Town and the Derry Police supervisors SEA/SEIU Local 1984 from July 1, 2007 to June 30, 2010 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 Carney, seconded by Councilor Metts Vote: 6-1-0 (Fairbanks)

08-32 Receipt of Gift – Communications Radio from the State of NH Department of Safety

Move that on behalf of the Town of Derry, the Town Administrator accept the gift from the State of

New Hampshire Department of Safety of one APCO-25 compliant digital/analog capable base station radio to be used by the Town in the Emergency Operations Center. Motion by Councilor Metts and, seconded by Councilor Ferrante. Vote: 7-0-0

Old Business

08-18 Green Vehicles/ Green Buildings Initiative

Councilor Carney gave an overview of the Ordinance. Town Council discussed Policy vs. Ordinance.

Be it ordained by the Derry Town Council that the following ordinance concerning Green environmental standards for the construction and renovation of town owned buildings and vehicle purchases by the Town be and is hereby adopted. Motion by Councilor Carney and seconded by Councilor Ferrante. Vote: 5-2-0 (Chirichiello & Fairbanks) See attached

Councilor Coyle moved to amend the ordinance by adding the following: The requirements of this ordinance can be overridden by a 2/3 majority vote of the Town Council, seconded by Councilor Metts.

Vote: 6-1-0 (Chirichiello)

Councilor Coyle moved for a vote on 08-27 before voting on 08-26. All agreed

08-27 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.

Councilors Bulkley, Coyle, Metts, Carney and Fairbanks support this fund. Councilor Ferrante give it support but has her reservation in regards to the FY 09 budget. Councilor Chirichiello does not support it at this time because of budgetary reasons.

Move to establish a non lapsing Rail Trail Capital Project Fund for the purpose of Rail Trail Improvements in Derry NH. If funds are not obligated or expended by 6/30/11, the remaining funds will lapse to Land and Building Capital Reserve fund.

Move a supplemental appropriation of \$225,000 from Land and Building Capital Reserve Fund to Rail Trail Capital Project Fund, establish a budget of \$225,000 in the Rail Trail capital Project Fund and allow contributions or grants to be applied for, accepted and expended for the same purpose in said fund without further action by council.

Move that these funds be help by the Town and not be expended until such time as the DRTA has raised the remaining funds required to complete this project and turned those funds over to the Town. The Town Administrator will be the individual with spending authority for this project. Also a regular report is required by the DRTA on their actions to the Town Council. Motion by Councilor Coyle, and seconded by Councilor Carney. Vote: 6-1-0 (Chirichiello)

08- 26 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 & Buildings Capital Reserve Fund.

TA Stenhouse gave an update on the property and the deed restrictions put on by the Derry Housing & Redevelopment Authority.

Move to establish a non lapsing Central Court Special Revenue Fund for the purpose of funding any and all costs necessary to acquire map/lot 30-037 also known as 3 Central Court. If the funds are not obligated or expended by 6/30/10, the remaining funds will lapse to the Land and Building Capital Reserve Fund.

Move a Supplemental Appropriation of \$225,000 funded by the Land and Buildings Capital Reserve Fund to establish a budget in the Central Court Special Revenue Fund for the purpose established and further authorize the Town administrator to take any and all actions necessary to acquire said property without further action by Council.

Further move that the purchase of said property will not be finalized until deed restrictions on two town owned abutting properties are lifted and that any proceeds raised from the sale of any of the three properties be returned to the Land and Buildings Capital Reserve Fund. Motion by Councilor Metts, and seconded by Councilor Ferrante. Vote: 5-1-1 (Fairbanks) (Chirichiello) Amendments included by: Councilor Coyle, and seconded by Councilor Carney. (Voted on all as one motion)

08-10 Private Road Ordinance

Councilor Carney gave an overview of the Ordinance again. There are some changes to be done due to feedback.

Councilor Coyle there is no easy solution. Council needs to address each road one at a time.

Councilor Ferrante suggested the need to look at other ideas. McKinley Ave should be the first road on the agenda to be addressed.

Councilor Metts believes some of these roads belong to the Town of Derry. Doesn't believe the Ordinance will work.

Councilor Ferrante stated that the Sub-Committees report should be reviewed again.

Councilors had further discussion regarding private roads in regards to how this should be handled and this issue must be handled by this Town Council.

Move that the legal opinion of Steve Clark, Boutin & Alteri be placed into the public record in regards to Worthley Rd, dated 2/15/07 and waive the Attorney Client Privilege. Motion by Councilor Fairbanks, and seconded by Councilor Coyle. Vote: 6-0-1 (Chirichiello)





Councilor Carney suggested to change page 2 A-2 "Contents of the Petition". Petitions under this section shall be signed by 2/3 of the owners of the property also page 4 Section 3, "Presence of Municipal Utilities within the Right-of-Way, remove "where the Town does not have an easement for the location of such utilities."

Councilor Coyle moved to table and seconded by Councilor Carney. Vote: 6-1-0 (Carney)

Councilor Coyle would like to agendized the petition received by McKinley Ave for the next available meeting. All agreed.

Public Forum-non agenda items

Marjorie Palmer Warner Hill Rd - She was the person that was disappointed that there was no public forum at the last meeting. Ms Palmer listed her wishes for the new council on how to handle a meeting and remove the timer lights.

John Burtis, Lori Rd. – The increase of commodity prices and HB 539 is going to be a reality. Derry's taxes keep going up and Wal-Mart's Superstore, pulled out.

Joe Dichiaro, Humphrey Rd – requested Town Council to revoke the Rte 28 TIF as Wal-Mart has pulled out.

Al Dimmock, High St – Can't disagree with anything heard this evening from Town Council. Thanked Chairman Bulkley and Councilor Ferrante for their service to the Town. Would like to see the timer lights go away.

Roberta Robbie, Chester Rd – She has been a strong supporter of Exit 4A for many years. She has been striving to secure State and Federal funding for this project. She shared several facts as a member of the Citizens Advocate Task Force. Taxpayers will not be funding Exit 4A beyond the \$5M. Now is the time to secure funding. We should not give up on this project.

Joe Dichiaro, Humphrey Rd – The extra work in order to prepare for Exit 4A will cost between \$24M - \$30M - who will be paying for the roads and land acquisitions.

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

Council Requests/open discussion

Councilor Chirichiello would like a detailed budget to be put downstairs in the Municipal Center for the Public to view. Thanked both Chairman Bulkley and Councilor Ferrante.

Councilor Metts also thanked the Chairman and Councilor Ferrante.

TA Stenhouse thanked them both.

Council Carney thanked them and has a lot of respect for people who are willing to serve their community.

Councilor Ferrante thanked Roberta Robbie for her dedication to the Town.

Councilor Ferrante motioned to adjourn this business meeting of the Derry Town Council.

Meeting Adjourned 9:55 p.m.

Attachment: Green Vehicles/Green Buildings Ordinance

“Green Vehicles / Green Buildings Initiative”

Submitted by Councilor Brent R. Carney – January 29, 2008

I.

Vehicle Purchases

The Town of Derry shall give preference to alternative fuel and hybrid vehicles when purchasing or leasing a vehicle to be used by any department of the Town. Exceptions to this standard shall be granted when alternative fuel vehicles do not provide the performance needed to meet the needs of a

specific department. An example of such a vehicle that maybe exempted would be emergency response vehicles.

As technology continues to develop, the Town Administrator or Town Administrator designee shall, from time to time, reexamine the Town's vehicle fleet to see if other types of alternative fuel vehicles can be purchased to fit performance requirements and to enhance the energy efficiency of the Town's vehicle fleet.

II.

Construction

All new construction, and all major renovations to any existing structure's exterior or interior, completed or funded in full or in part by the Town of Derry, must meet basic LEED certification standards as prescribed by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System. When upgrading or conducting minor repairs to an existing Town owned or Town funded facility, repairs and upgrades will be done in a manner consistent with LEED certification standards. The Town shall strive to meet higher LEED certification standards when it is able to do so without increasing the budget for a given project.

This ordinance does not exempt the Town from meeting all Land Development Control Regulations, but instead sets additional minimum standards that must be achieved during the planning and construction process for any Town owned building.

The Town of Derry will work with business owners as well as local, Town, state and federal agencies to promote, assist, and encourage business owners in building in an environmentally friendly and environmentally responsible way in order to provide a healthy environment for employees and the public. In addition, each year the Town Administrator will examine ways to incorporate and deploy environmentally friendly technology throughout the town in order to decrease long-term costs for Derry as well as decrease carbon emissions.

The requirements of this ordinance can be overridden by a 2/3 majority vote of the Town Council.

Effective Date: April 3, 2008

Town Clerk, Denise Neale

Date