

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

March 18, 2008

Staff Present: Frank Childs CFO, Janice Mobsby, Police Chief Garone

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

Roll Call: Fairbanks, Carney, Metts, Benson, Chirichiello, Wetherbee, and Chairman Pro-tem Coyle

08-37 Election of Officers

Council Chair nominations:

Kevin Coyle and Rick Metts Vote: 4-3-0 (Fairbanks, Carney, Metts) Rick Metts Chairman

Council Chair Pro Tem nominations:

Brian Chirichiello and Kevin Coyle Vote: 5-2-0 (Benson, Chirichiello) Kevin Coyle Chair Pro Tem
Councilor Liaisons and Representative to Boards listed below

- a) Council Chair – **Rick Metts**
- b) Council Chair Pro Tem – **Kevin Coyle**
- c) Planning Board Council Representative – **Brian Chirichiello**
- d) DEDC Council Representative – N/A
- e) Heritage Commission Council Representative – **Neil Wetherbee**
- f) Southern NH Hazardous Materials Mutual Aid District Council Representative – **Rick Metts & Brian Chirichiello**
- g) Legislative Delegation Council Representative – **Brian Chirichiello**
- h) Human Services Council Representative – **Janet Fairbanks**
- j) Conservation Commission Council Representative – **Neil Wetherbee**
- i) Housing Authority Council Representative – **Brent Carney**
- k) Safety Department Liaison - **Brad Benson**
- l) Finance Committee Council Representative – **Kevin Coyle**
- m) School Board Liaison – **Rick Metts**
- n) Ash Street Corporate Park Advisory Board Council Rep – **Neil Wetherbee**
- o) Taylor Library Liaison – **Brent Carney**
- p) Derry Public Library Liaison – **Neil Wetherbee**
- q) Public Works Liaison – **Kevin Coyle**
- r) Exit 4-A Liaison – **Brad Benson**

Consent Agenda

- 08-38** Acceptance of Non-Public Minutes – March 4, 2008
- 08-39** Acceptance of Minutes – March 4, 2008
- 08-40** Schedule Public Hearing – April 1, 2008 – Fire Act Grant - (Installation of sprinklers in fire stations)
- 08-41** Schedule Public Hearing – April 1, 2008 – Authorization to Execute Contract with the State of NH Fish & Game Department FY 2009

Councilor Coyle amended the consent agenda adding the following:

- 08-42** Schedule a Public Hearing – April 15, 2008 - Offenders against Children Restriction

Consent agenda approved with Councilor Coyle's amendment.

Chairman's Report

As the newly elected chairperson, there's not much to report. I would like to ask for co-operation from the public to work with the new Chair and the Town Council to get things done.

Town Administrator's Report

The schedule for the Budget Session Meeting needs to be approved or modified. As there were no suggested changes to the schedule, the draft schedule will be used. Chairman Metts stated the schedule was approved.

Councilor Chirichiello will not be able to attend the Budget Session on April 1.

Chairman Metts asked that the Councilors who cannot attend please submit your questions or concerns to Chairman Metts.

Budget Books will be submitted on March 28, 2008 to the Town Council.

Second Quarter Financial Report – Frank Childs and Janice Mobsby gave an overview of the Second Quarter Financial Report. Janice Mobsby addressed the General Fund Balance Sheet and stated that financially the Town was in good shape. Additionally, to date the Town has not seen degradation in receivables being paid. Frank Childs reviewed the Revenues and the Expenditures. Two major items highlighted were the interest income from investments and 2007-2008 storm related expenses. Frank reported that FY08 interest income from invested funds will be at least \$300,000 below the budget and the proposed budget for FY09 will be less than half of the \$1.4 million budgeted in the current year. This has created a challenge for the Town's management team in preparing a budget that meets the requirement of the tax cap. There is concern from the Town Treasurer regarding interest rates for overnight investments and CD's. Regarding storm expenses for this fiscal year, Frank reported that to date, the Town has spent \$210,000 more than was budgeted and that this expense could end up being \$250,000 over budget before winter ends. It is currently believed that additional revenue and lower expenses within the overall Public Works Department may well cover this cost, rather than having to tap funds from the Winter Snow /Ice Control capital reserve fund.

Councilor Fairbanks made a motion to have a Public Forum at this point in the meeting for twenty minutes for this meeting only, Seconded by Councilor Fairbanks. Vote: 7-0-0

Public Forum

Marjorie Bisson, Cole Rd – Discussed Veterans Credit and reminded Town Council that it was decided to increase this amount on an annual increment. She was pleased, with the Elderly Exemption increase. Please post to Cable 17 when the exemption deadlines are.

Al Dimmock, High St – He welcomed new Councilors. He also agrees with Ms. Bisson in regards to the Veterans Credit increase.

Mike Gill, Gill Rd – Concerned about the reports of drugs per millimeter being found in drinking water supplies. He asked who was responsible for the water quality coming from Lake Massabasic.

TA Stenhouse stated that required by the State of NH testing of water supply is done by Public Works annually.

Close Public Forum 7-0-0

Public Hearing

08-36 Authorization to Execute Contract with the State of NH Fish & Game Department

Chief Garone –The Town will be reimbursed at a rate of \$45.00 per hr of patrols conducted pursuant to the contracts. The cost will be \$50.11 per/hr based on the CBA currently in effect resulting in a net cost to the town of \$5.11 per/hr. (calculated at Sr. Master Patrol Officer's rate) for a total of 350 hrs of patrols. It is requested the Town execute an additional contract with State that provides the additional monies of \$7875.

Councilors asked various questions regarding past rates and where the trails were and how often they are patrolled.

Motion to Open the Public Hearing Vote 7-0-0

Mike Gill, Gill Rd – questioned who pays for the extra \$5.00 per/hr for the OHRV Patrolman and is this overtime for the detail?

Chief Garone replied - yes it is overtime and the taxpayers would bear the cost.

Mike Gill, Gill Rd – he would like to know what the revenue side would be to offset the \$5.00 per/hr.

Chief Garone replied – all fines collected go to the Town of Derry. However we do not look at this for revenue but rather as a public safety issue..

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

Move that the Derry Town Council approve acceptance and expenditure of the NH Fish & Game Department OHRV Enforcement Grant in the amount of \$7875 and the Town Administrator is hereby authorized to enter into the contract required of this grant. Motion by: Councilor Coyle, seconded by Councilor Chirichiello. Vote: 7-0-0

New Business

08-29 Appointment of General counsel (Tabled from 3/4/08 Meeting)

TA Stenhouse gave an overview of the committee's review of the RFQ's. Based on the fact of municipal knowledge of the Town the committee recommended Boutin and Alteri as General Legal Counsel for the Town of Derry.

Move that the Derry Town Council confirm the appointment of Boutin & Alteri to serve as general Counsel for the Town from March 1, 2008 through February 28, 2011. Motion by: Councilor Chirichiello, seconded by Councilor Benson. Effective March 18, 2008. Vote: 4-3-0 (Fairbanks, Carney, Coyle)

There was discussion regarding a firm which charged less, which firm would be qualified, who knows the Town best, knowledge saves money.

08-30 Appointment of Labor Counsel

TA Stenhouse reviewed the Labor firms reviewed by Larry Budreau, Human Resource Director. It is the recommendation of Larry Budreau and TA Stenhouse for the firm of Flygare, Schwarz and Closson as legal Counsel.

Move that the Derry Town Council confirm the appointment of Flygare, Schwarz & Closson as Legal Counsel – Labor and Employment Law for a three year period commencing on March 1, 2008. Motion by: Councilor Carney, seconded by Councilor Coyle. Vote: 7-0-0

TA Stenhouse noted that there were a few Labor issues that Devine and Millet were working on and they will continue to work on until these issues are finished.

Public Forum

Mike Gill, Gill Rd – questioned Town Counsel serving both the Town and the Town Council. Trustees of the Trust funds are concerned with investments for the Town Trust Funds. The next 6 months to a year no one knows what's going to happen.

Al Dimmock, High St – There is a lot coming up on your agendas this year. He is very disappointed in voter turnout for the Town Elections. Spoke on the Boards and Commissions. Zoning doesn't have enough members to conduct its business.

Steve Falconer, Buttonwood Dr. – Suggested a laptop be used in the Council Meeting room during meetings. Regarding the voter turnout only 30% of our town commutes out of state. He also suggested a task force to look for other areas of revenue. As a citizen of the Town he did not get a 3% increase last year and would like the Town Council to remember this when going through the budget sessions.

Public Forum - Closed

Council Requests/open discussion

Councilor Coyle – McKinley Ave Petition for April 15th agenda. Please notify them.

Councilor Carney – Requested the Taylor Library do a brief presentation for the addition on April 1st Agenda. Put them on the agenda first. Legislative bills for shortfall of \$7M for the schools, would like to have a joint meeting of the School Board and Town Council. Also, would like to discuss how to deal with the appointments for the Boards and Commissions and notify the applicants.

Chairman Metts – asked the Town Clerk to notify the applicant to attend April 1st meeting for interviews. Town Clerk will also obtain the laptop for Town Council Meetings.

Councilor Wetherbee – asked if they could have a special meeting for Boards and Committees.

Discussion on how to handle this and the issues surround the Zoning Board.

Councilor Carney – requested the opening be put in the press again.

Councilor Benson – questioned a goal setting workshop. (TA Stenhouse will supply goals from 2007 he will supply them with the April 1st Agenda.)

Councilor Chirichiello asked if he could speak with the applicants and send in recommendations to the Chair.

Councilor Metts stated he was not going to ask that everything go before him for TA Stenhouse and department heads, he would like the courtesy of being cc:'d to him.

Adjourned at 9:20 p.m.

Town Clerk

Date

Recording: Denise Neale, Town Clerk