

**TOWN OF DERRY**

**Town Council Meeting**  
Derry Municipal Center

May 20, 2008  
Tuesday 7:30 p.m.

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**Non-Public Session RSA 91A:II (c)**

Staff Present: Capt Feole, Chief Garone, Chief Klauber, Frank Childs, Janice Mobsby, Mike Fowler and Larry Budreau

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

Roll Call: Councilors Wetherbee, Fairbanks, Carney, Coyle, Chirichiello, Benson and Chairman Metts

**Consent Agenda**

- 08-74** Acceptance of Non-Public Minutes – May 6, 2008
- 08-75** Acceptance of Minutes – May 6, 2008
- 08-76** Approval of Elderly Exemptions / Veterans' Credits / Blind Exemptions

**Addition to Agenda:**

- 08-82** Public Hearing to establish a Network Infrastructure Capital Project and establish a budget of \$20,000 funded by a budgetary transfer.
- 08-83** Public Hearing to establish an Emergency Notification System Capital Project and establish a budget of \$15,000 funded by a budgetary transfer.
- As Water Commissioners:**
- 08-85** Public Hearing to establish a Scobie Pond Water High Service Area Capital Project and establish a budget of \$220,000 funded by a budgetary transfer.

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TA Stenhouse explained the meaning of these Public Hearings as consolidated funds for FY08 & FY09 budgetary items into the FY09 budget.

**Consent Agenda Approved with Amendment to #08-74 Non-Public as discussed in today's Non – Public. The amendment included sealing the minutes as they contained "Collective Bargaining Strategy". Consent Agenda approved with additions of Public Hearings: #08-82, 08-83, and 08-85**  
**Vote: 7-0-0**

**Chairman's Report** – Workshop with the DPL and Taylor Library to be held on 6/24/08 to include TA Stenhouse and CFO Frank Childs. As School Department Liaison, he will meet with Superintendent of Schools regarding Public Relations and school designations. Town Council liaison reports will be on 6/3/08 time permitting.

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**Administrator's Report** –Town Council has been given a copy of the reply from Attorney Boutin regarding the Conservation Commission

- Draft – Open Space Ordinance – some of the Town Council disagrees with this draft.
- Iraq-Afghanistan Monument Update – Mark Brassard gave an update and overview of the monument and the festivities to be held on May 26, 2008. Invited the Town Council to march in the Parade and asked Chairman Metts to take part in the dedication ceremony.

- 3rd Quarter Financial Report – FY 2008- Janice Mobsby and Frank Childs gave an overview of the Town Financial Standing as of 3/31/2008.

The Town remains in very solid financial shape. The payment of current year taxes is actually better than the prior year, despite the current economic climate. Interest income is likely to be down \$100,000-\$150,000 at year-end. MV registrations are running behind budget and are partially offset by higher interest on liens. Overall, the current projection is that the Tax Collector's revenues will be \$380,000 below budget at year end. Code Enforcement revenue is already over budget due to building permits. Expenses in Public Works for winter storm handling are \$250,000 above budget. Our goal continues to be to not have to tap the "Snow Removal Capital Fund Reserve". Human Services costs will be under budget for the year, while continuing to provide the services our citizens are entitled to receive. In response to a question about our year end financial situation, it is currently believed that the Town will be in a positive situation for the year. A further update will be presented at the June 3, 2008 Council meeting when year-end budget transfer requests are presented.

### Public Forum

**Raigh Paradis, Sawyer Ct – Gave Council a copy of the 2003 Town Staff Report SR 03-104 regarding drainage work that the Town agreed to do on Sawyer Ct and it has not been done. Poor drainage has affected his property. Chairman Metts asked T.A. Stenhouse to look into the matter.**

### Public Hearing

- 08-67** Grant from the Alexander Eastman Foundation in the amount of \$12,667 for the purpose of establishing Derry as a "Heart Safe Community"

Chief Klauber gave an overview of the Program.

### **Open Public Hearing 7-0-0**

No Public Input

### **Close Public Hearing 7-0-0**

Council discussion: Councilors asked Chief Klauber questions regarding the training and overtime it takes for these training classes.

**Move that the Town apply for an Alexander Eastman Foundation (AEF) Grant for the purpose of expanding the "Heart Safe Community" CPR and AED program and that the Town Administrator be authorized to receive and expend the funds by Councilor Carney, Seconded by Councilor Benson. Vote: 7-0-0**

Chairman Metts publicly thanked Eleanor McCooley and Chief Klauber for the involvement in the "CPR and AED program.

### Old Business

- 08-72 VOTE – FY 2009 Budget (as amended)**

**Moved by Councilor Carney to reconsider the Budget Amendment, seconded by Councilor Coyle. Vote: 3-4-0 (Wetherbee, Chirichiello, Benson, Metts)**

Council discussion: There was disagreement with the procedure regarding the Rte 28 TIF project funds and whether the funds should be added to the FY09 Budget now or at some future time.

Frank Childs gave his recollection of the history on the Rte 28-TIF. The bond is authorized for up to \$4.9M to be issued for this TIF. Until we have all the pieces together and we know the actual cost, we would not go forward with the bond. We know we have \$700,000 from the State of NH.

Mike Fowler clarified that once the news from Wal-Mart was received and there was an internal meeting

regarding Wal-Mart pulling out. He will be furnishing a report to Town Council within four weeks as to where things are at present. We have brought the project to permitting which we have in hand and next would be the land acquisition process. We will need money in hand. We could begin the project in January of 2009 but unless we have a buyer for the land with \$1M it may not happen at that time.

**Move to approve the FY 2009 Budget, Item 08-72, (as set forth in the budget presented to the Town Council on March 28, 2008 and at the Public Hearing on April 22, 2008, and as revised by the Council) on May 6, 2008 as follows:**

<b>Community Development (Planning)</b>	<b>\$267,460</b>
<b>Emergency Management</b>	<b>\$75,711</b>
<b>Executive</b>	<b>\$1,535,133</b>
<b>Finance</b>	<b>\$6,152,313</b>

(Finance Department-Other Municipal Obligations includes net appropriations for the Derry Public Library of \$1,089,631 {*expenditures of \$1,138,276 net of use of fund balance of \$9,865 and various revenues of \$38,780*} and for the Taylor Library of \$177,713 {*expenditures of \$182,913 net of use of fund balance of \$1,500 and various revenues of \$3,700*})

<b>Fire Prevention &amp; Emergency Services</b>	<b>\$10,202,444</b>
<b>Police</b>	<b>\$7,797,111</b>
<b>Public Works</b>	<b>\$9,025,625</b>
<b>Town Clerk &amp; Elections</b>	<b>\$151,791</b>
<b>Total Town Services</b>	<b>\$35,207,588</b>

<b>Wastewater</b>	<b>\$2,287,656</b>
<b>Water</b>	<b>\$2,459,415</b>
<b>Cable</b>	<b>\$212,459</b>
<b>Total for Other Services</b>	<b>\$4,959,530</b>
<b>Total Budget</b>	<b>\$40,959,530</b>

**I further move that, in conjunction with the approval of the FY09 Budget, the Town Administrator is authorized to enter into Lease Agreements and to take any action related thereto for vehicles and equipment whose acquisition is provided for in the budget via a Lease, as set forth below in the aggregate amounts shown:**

<b>Information Technology (copier)</b>	<b>\$5,718</b>
<b>Public Works-Highway (excavator)</b>	<b>\$180,000</b>

Councilor Coyle gave a statement regarding this budget and his opinion of the undertakings and decisions made. He does not approve this budget.

Councilor Fairbanks voiced her opinion of the decisions made. This budget is overinflated with contracts for employees and someone needs to control it. She also does not approve this budget.

**Motioned by Councilor Benson, seconded by Councilor Chirichiello.**

**Vote: 4-3-0 (Fairbanks, Carney, Coyle)**

### **New Business**

#### **08-77 Acceptance of Easement Deed – Episcopal Church, 1 Hood Road**

George Sioras noted that this came as part of the approval of the Planning Board back in November for a new Synagogue on Hood Rd. When the survey was done by the engineer, it was found that some of the existing Town property at the corner of Hood Rd and E Broadway including some of the sidewalk and signage is located on the Church's property. One of the conditions for approval by the Planning Board was to give an easement to the Town. The easement deed has been approved by Attorney Steve Clark.

**Move that the Town council accept the Easement Deed from the Protestant Episcopal Church to the Town of Derry a perpetual easement for highway purposes, located at 1 Hood Road, dated April 4, 2008 by Councilor Coyle, Seconded by Councilor Benson.**

**Vote: 7-0-0**

**08-78 Acceptance of Fire Dispatch Contracts**

Chief Klauber gave an overview of the Intermunicipal dispatch services to Chester, Auburn, Hampstead and Windham. These contracts are for three year contracts in which the present contracts will expire on June 30<sup>th</sup>. There is a 5 -10% increase per year in the new contract. If there were a request from the communities to have an additional dispatcher included in FY2010 & 2011 Fire Department Budget, the contract includes 75% of the cost being shared by these communities including roll-ups.

The Town Council discussed with Chief Klauber personnel costs, breakdown of calls, the Towns costs being covered, how many dispatcher are on duty at one time, overlap issues with dispatchers.

Councilor Carney asked to see the number of calls requested by these towns. He questioned undercharging.

Council Coyle – asked to see what other communities charged for dispatch.

Chief Klauber stated that there would be a revenue loss to the Town of Derry but the Fire Department costs would be the same. Windham has already signed off on their contract.

Chairman Metts asked that the Councilors email all their questions regarding the Intermunicipal Agreement be funneled through TA Stenhouse for Chief Klauber.

**Public Forum – non agenda items**

Joe Dichiario, Humphrey Rd – had statements and questions regarding the Rte 28 TIF. He requested a total breakdown from the Ash St TIF and does not want to see the Rte 28 TIF go any further.

Al Dimmock, High St – Was disappointed with Councils action this evening.

**Council Requests/open discussion**

**Councilor Fairbanks moved that the legal opinion from Boutin regarding the Conservation Commission be made public, seconded by Councilor Carney. Vote: 7-0-0**

Councilor Fairbanks requested that George Sioras look into the Bunker Hill Estates and their landscaping which was suppose to be done before occupancy was allowed. One of the conditions of the Planning Board was that they market to 55 and older.

Council Benson inquired about the Goals document and would like an update from the Departments. T.A. Stenhouse stated that Council would get this in conjunction with the next agenda.

Chairman Metts set up the Summer TCM Schedule for 7/22 and 8/19.

**9:30 p.m.**

**Adjournment**

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**Town Clerk**

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**Date**

Recording Clerk: Denise Neale, Town Clerk  
Reviewed by: Gary Stenhouse, Town Administrator  
Financial Update by: Frank Child, CFO