

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

August 19, 2008
Tuesday 7:30 p.m.

Non-Public Session RSA 91-A:2 I (b) & 91-A:3 II (c)

Fire Officer Promotion Ceremony – swearing in for advancement to Lt. Edward King

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

Roll Call – Councilors: Coyle, Chirichiello, Wetherbee, Carney and Chairman Metts
Absent – Councilor Benson and Fairbanks. (Condolences from Town Council to Councilor Fairbanks)

Consent Agenda

- 08-108** Acceptance of Non-Public Minutes – July 15, 2008
- 08-109** Acceptance of Minutes – July 15, 2008
- 08-110 Water/Sewer Commissioners** – Approval of Abatement
- 08-111 Water/Sewer Commissioners** – Schedule Public Hearing – September 2, 2008 – Amendments to Sewer Use Ordinance
- 08-112 Water/Sewer Commissioners** – Schedule Public Hearing – September 2, 2008 – State Aid Grant Application for Sewage Treatment Works
- 08-113** Schedule Public Hearing – September 2, 2008 - Ambulance Transport Fee Increase
- 08-114** Schedule Public Hearing – September 2, 2008 – Municipal Agent Fee Increase
- 08-115** Schedule Public Hearing – September 2, 2008 – Medical Reserve Corps Grant

Amend Non-Public minutes 08-108 to include present: Brian Chirichiello

Approved with amendment 5-0-0

Chairman's Report

Planning Board meeting 8/20/08 will hold a public hearing on the Maple Hills pump house proposed by Pennichuck Water Works.
Referred to an article regarding the "Red Blazer", waste oil fuel as far as generation of electricity, heat and hot water for the facility. He toured the facility with a company called Menico out of Pembroke. He will be converting his home to vegetable oil for heat and hot water. He is looking to possibly converting one of our buildings with this heating source through this company. It's a "Green" imitative.

Administrator's Report

There has been another meeting on the Town's energy savings program. They will meet early in the month of September to finalize things. He has asked each department head to put together an executive summary of materials. The goal is 20% on energy - not cost.

Public Forum – non agenda items

Howard Lund, English Range Rd, Representative Member of House Ways & Means Committee-
Read a letter to the Town Council regarding the Derry Fire Department costly benefit programs.
(attached)

Doug Newell, English Range Rd – Recommended Civility and Transparency in regards to the Derry Fire Department. Everyone must feel they are being treated fairly. Taxpayers would like to see surrounding towns Fire Departments benefits vs. Derry.

Raigh Paradis, Sawyer CT – Incident regarding taking down the tanks at Dustin Oil has spoken to the Town Administrator.

Public Hearings

08-98 Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-10 Stop Signs to read: Gervaise Dr at Stark Rd

Open Public Hearing 5-0-0

No Public Input

Close Public Hearing 5-0-0

Move to amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-10 A – Stop Signs to read: Gervaise Dr. at Stark Rd.

Motion by: Councilor Coyle, Seconded by Councilor Chirichiello. Vote: 5-0-0

08-99 Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-10 Yield Signs to read – Sunset Cir (cul de sac portion) @ Sunset Circle

Open Public Hearing 5-0-0

Dave Mulcahey, Sunset Circle – Referred to the Petition requesting Stop sign. Highway Safety Committee recommends Yield sign. Chief Garone gave input to committee's recommendation.

Chairman Metts suggested that Town Council take a tour of the Streets in questions. TA Stenhouse will ask GIS Manager to provide a map of this area.

Close Public Hearing 5-0-0

Motion to table by Councilor Coyle, Seconded by Councilor Chirichiello. Vote: 5-0-0

08-100 Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article II, Section 150-10 Stop Signs to read – Remove Stop Signs – Fenway St @ Grove St and Grove St @ Fenway St

Open Public Hearing 5-0-0

No Public Input

Close Public Hearing 5-0-0

Chairman Metts stated he had lived on Grove St and never understood why there was a STOP sign. Chief Garone answered that a child 30 years ago had ran into the side of a car there and it was decided that a STOP sign be put in place. Councilor Coyle stated that he had lived in that neighbor for 15 years. He asked had the residents of the neighborhood been notified. Chief Garone stated none had attended the Highway Safety meetings.

Motion to table by Councilor Carney, Seconded by Councilor Chirichiello. Vote: 5-0-0

Chief Garone asked if the Chair of the Highway Safety committee should be notified to notice the residents in the future of changes that come before the committee. Chairman Metts replied yes. Councilor Carney stated that these can be taken on a case by case basis. This was an unsolicited request it was part of an example for another request. Chairman Chirichiello stated that Highway Safety committee decided to look at these themselves. We need to make sure that the neighborhood should be noticed. Council Coyle suggested that all the people on Fenway and Grove be notified. Chairman Metts requested that TA Stenhouse notify these residents.

Tabled items # 08-99 & #08-100 schedule for 9/16/2008.

08-101 2008 Justice Assistance Grant (JAG) – Police Department

Chief Garone reviewed the grants purpose and requirements

Move that the Town Council authorize the Town Administrator, Gary Stenhouse to execute the agreement between the Town and Rockingham County required as a condition of the application and execute any and all documents or electronic filings associated with the 2008 JAG Process.

Motion by: Councilor Coyle, Seconded by Councilor Carney. Vote: 5-0-0

08-102 Approve Cities Readiness Initiative (CRI) Phase IV Grant

Larry Budreau reviewed the grants purpose and requirements.

Move that the Derry Town Council approve the application for, and authorize the Town Administrator to accept and expend the Cities Readiness Initiative Phase IV Grant, in the amount of \$35,588.

Motion by: Councilor Carney, Seconded by Councilor Wetherbee. Vote: 5-0-0

New Business

08-116 Implementations of the National Incident Management Systems (NIMS)

Chief Klauber gave an overview of the Proclamation. He also stated that senior Town staff as well as the Council Chair and Chair Pro Tem had received the required training using Fire Department staff as the trainers.

Move that the Town Council Adopt the NIMS Proclamation and hereby mandate the National Incident Management System be utilized for all incident management in the Town of Derry.

Motion by: Councilor Carney, Seconded by Councilor Wetherbee. Vote: 5-0-0 (attached)

08-117 AFSCME Support Staff Fact Finders Report

Move that the Derry Town Council approve the May 20, 2008 fact finding recommendations made by John B. Cochran, Esq. in the matter of AFSCME Local 1801 Support Staff & Town of Derry.

Motion by: Councilor Wetherbee, Seconded by Councilor Carney. Vote: 5-0-0

08-118 SEIU Professional, Administrative & Technical Employees Fact Finders Report

Move that the Derry Town Council reject the June 30, 2008 fact finding recommendations made by Gary D. Altman, Esq. in the matter of SEIU Local 1984 Professional, Administrative & Technical Employees & Town of Derry.

Motion by: Councilor Wetherbee, Seconded by Councilor Carney. Vote: 4-0-1 (Coyle)

Public Forum – non agenda item

Open Public Forum Vote: 5-0-0

Al Dimmock, High St – Would like a proposal put on the Agenda regarding the encroaching on Town Property by Benson Lumber in the vicinity of Manning Street. There has been a survey done. The Town Council should demand the fence be removed.

Raigh Paradis – stated the Town gave that property to Benson's and there hasn't been any taxes paid on the square footage of the property.

Close Public Forum Vote: 5-0-0

Council Requests/open discussion

Councilor Carney – Had two proposed new programs for Town Council’s review. He read each separately. The “Town of Derry Community Enhancement Grant Program” submitted by Councilor Carney.

“Department Efficiency and Accountability Review” submitted on behalf of Councilor Carney and Councilor Coyle (attached)

He asked about the reports of vandalism to the schools that had been reported and requested looking into the Security Cameras for parks, library, etc. He asked TA Stenhouse to look into this and come to Town Council with a recommendation.

Councilor Coyle – There has been reports that the Town Administrator and Town Council had talked about looking at the Fire Department with an independent party. Please explain.

Town Administrator Stenhouse explained that an RFP had been prepared & that we only received one proposal and he didn’t think it was very good. He will share it with Town Council. It was to look at the entire operation.

He asked about looking into allegations by the PD Union.

Chairman Metts stated this could be looked at in Non-Public on 9/2/08

Councilor Coyle - Also questioned if there was an answer from Legal Counsel if union contracts that are tentatively agreed upon are a public document.

TA Stenhouse stated that they had requested an opinion from Attorney Flygare and Attorney Boutin.

Adjournment 9:45 PM (Coyle/Chirichiello) 5-0-0

Recording: Denise Neale, Town Clerk
Review: Gary Stenhouse, Town Administrator

Town Clerk

Date

PRESENTED TO DERRY TOWN COUNCIL 8-19-08

MY NAME IS HOWIE LUND AND I LIVE AT 92 ENGLISH RANGE ROAD.

I PRESENTLY SERVE THE TOWN OF DERRY AS A REPRESENTATIVE IN THE N.H. HOUSE ON THE WAYS AND MEANS COMMITTEE WHERE WE ARE FREQUENTLY REQUIRED TO DO COST BENEFIT ANALYSIS ON BILLS RELATING TO REVENUE.

BEFORE I GET INTO THE SUBJECT MATER I WOULD LIKE TO THANK EACH OF YOU FOR YOUR DEDICATION AND SERICE.

I WANT TO TALK BRIEFLY ABOUT OUR DERRY FIRE DEPARTMENT WHICH IS MADE UP OF DEDICATED MEN AND WOMEN THAT SERVE OUR COMMUNITY IN A VERY PROFESSIONAL MANNER.

I ALSO WANT TO TALK ABOUT YOU FOLKS OUR TOWN COUNCIL, THE STUARTS OF OUR HARD EARNED TAX DOLLARS. EACH OF YOU PUT YOURSELVES THROUGH THE CAMPAIGN RINGER FOR THE PRIVILEGE TO SERVE.

I AND MANY OTHER TAXPAYERS OF DERRY ARE CONCERNED THAT OVER THE YEARS PREVIOUS COUNCILORS HAVE NOT TAKEN THEIR STUARTSHIP AS SERIOUSLY AS THEY COULD HAVE. THEY HAVE ALLOWED FIREFIGHTER SALARIES AND BENEFITS TO SORE TO LEVELS WELL BEYOND THAT WHICH DERRY TAXPAYERS CAN AFFORD.

I BELIEVE THE FIGURES I AM QUOTING ARE CORRECT AND IF THEY ARE NOT I AM SURE THEY ARE FAIRLY CLOSE.

THE PRESENT AVERAGE W-2 EARNINGS OF A DERRY FIREFIGHTER IS OVER \$80,000 PER YEAR AND A NUMBER OF DERRY FIREFIGHTERS EARN IN EXCESS OF \$100,000 PER YEAR.

THE CURRENT VACATION BENEFIT CAN BE AS HIGH AS 12 WEEKS AND THREE DAYS WHICH FAR EXCEEDS WHAT 95% OF DERRY TAXPAYERS COULD EVER DREAM OF GETTING. I SPENT 31 YEARS WITH A FORTUNE 500 COMPANY AND GOT FIVE AND ONE HALF WEEKS AND TWO PERSONAL DAYS. MOST OF THE DERRY TAXPAYERS THAT GET VACATIONS MUST USE THEM OR LOOSE THEM. A DERRY FIREFIGHTER CAN TRADE OFF AND COVER FOR EACHOTHER AND END UP NOT TAKING VACATION AND GET PAID ONE BIG CHECK FOR THEIR ENTIRE VACATION. I KNOW OF NO ONE-WHO GETS A BENEFIT LIKE THAT.

THE MEDICAL BENEFIT (INCLUDING DENTAL) IS FAR BETTER THAN 90% OF WHAT DERRY TAXPAYERS CAN EXPECT TO GET. MANY OF DERRY TAXPERS MUST PAY FOR THEIR ENTIRE MEDICAL BENEFIT. DERRY FIREFIGHTERS GET THE FINEST PLAN I HAVE SEEN OFFERED IN THE STATE AND THE MAXIMUM THEY PAY IS 12% WHILE THE DERRY TAXPAYER WHO IS IN A COMPANY PLAN PAYS 20 TO 40% OF THE PLAN COST AND OFTEN DOES NOT GET A DENTAL PLAN.

THE AMBULANCE SERVICE IN DERRY IS EXCELLENT AND THE STAFF IS SECOND TO NONE BUT DO WE HAVE A BMW WHEN WE CAN ONLY AFFORD A CHEVY. I HAD THE DERRY AMBULANCE TO MY HOME FIVE TIMES IN THE LAST TWO YEARS. EVERY TIME THEY CAME THERE WERE TWO VEHICLES, A TANKER WITH 2 OR 3 PERSONAL AND THE AMBULANCE WITH 2 PERSONAL. I CAN UNDERSTAND HAVING AT LEAST 3 PEOPLE SO NO-ONE GETS HURT CARRYING A HEAVY PATIENT. JUST SOMETHING THAT MIGHT BE DESERVING OF A REVIEW.

YOUR ANALYSIS SHOULD INCLUDE A CLOSE LOOK AT THE PRESENT STAFFING LEVELS OF OUR FIRE DEPARTMENT, A CLOSE LOOK AT FIRE SALARIES AND BENEFITS OF SIMILAR TOWNS **AND MOST OF ALL A VERY CLOSE ANALYSIS OF WHAT THE TAXPAYERS OF DERRY CAN AFFORD.** WHEN YOU KNOW THAT A \$500,000 LIFE INSURANCE POLICY WILL MORE THAN ADAQUATLY PROTECT YOUR SPOUSE AND CHILD WHY WOULD YOU BUY A \$10M POLICY THAT YOU CAN NOT AFFORD.

SHAME ON ME AND YOU FOR NOT MORE CLOSELY
MONITORING THE STUARTSHIP OF PREVIOUS COUNCILS.
WHAT COULD HAVE BEEN RESOLVED EARLY ON WITH
RELATIVE EASE WILL NOW TAKE STRONG LEADERSHIP FROM
EACH OF YOU.

DERRY TAXPAYERS ARE EXPERIENCING WORK FORCE
CUTBACKS. OUR HOME FORCLOSURE RATE IS ONE OF THE
HIGHEST IN THE STATE.

YOUR STUARTSHIP IS NOW UNDER THE MAGNIFYING GLASS. ON
THE ONE HAND YOU HAVE THE DERRY FIREFIGHTERS, A
DEDICATED AND PROFESSIONAL GROUP THAT HAVE A SET OF
DEMANDS. ON THE OTHER HAND YOU HAVE THE DERRY
TAXPAYER WHO IN MANY INSTANCES IS STRESS WELL BEYOND
HIS OR HER ABILITY TO PAY.

THANK YOU FOR LISTENING

“Town of Derry Community Enhancement Grant Program”

Submitted by Councilor Brent R. Carney – August 19, 2008

The Town of Derry, New Hampshire shall establish a “Community Enhancement Capital Reserve Fund” (established in accordance with RSA 35:1-c) for the purpose of funding a yearly community enhancement grant program. Through this fund, matching-fund grants shall be distributed by the Town of Derry to non-profit organizations and groups of Derry residents numbering twenty or more, for the purpose of enhancing our community through the arts and culture, recreation, or educational programs.

The Town of Derry’s Town Administrator or Town Administrator designee with Town Administrator oversight shall administer the program. Grant awardees shall be selected each year by an independent awards panel of town employees and residents, with funds distributed subject to each year’s budget. Funding for this program shall be approved each year by the Town Council as part of the annual fiscal budget process. All awarded funds must be used for projects taking place within the Town of Derry.

Those applying for a Town of Derry Community Enhancement Grant may apply for a sum not to exceed the funding allotted by the Town Council during a given fiscal year, or a sum not to exceed \$25,000 when funding in the capital reserve fund exceeds \$25,000. All funding awarded must be matched by the applying entity. The number of grants distributed each year will be determined by the amount of funding available, the number of grant applications, and the amount of funding awarded to each award recipient.

Applications shall be submitted each year between July 1, and August 31, with funding awards being approved each October by the awards panel. Once a grant has been awarded, the group or organization receiving the funding will be given until June 30 (or the last business day of June), of the following year to raise the needed matching funds. If matching funds cannot be secured in the allotted time, the award will be revoked, and the funding will remain in the capital reserve fund for future awardees.

Applications will be graded based on the following, in order of priority: the event, program, or structure’s focus on the arts and culture, recreation, and/or education; the number of residents who may benefit from the funding; the level of public support for the program; and the environmental impact of the applicants proposal, with those improving the town’s environment or lessening the town’s carbon footprint scoring highly.

No group or organization may receive funding more than once in a three-year period. For-profit organizations are not eligible to apply. The Town of Derry, the Derry School District, and Pinkerton Academy may not apply; however, student groups may be eligible if the project benefits the community. Funding may not be awarded for the same project more than one time during a 5 year period. Funding may be used for projects requiring an element of construction, but the funding may not be used specifically to construct a new permanent facility, for building or facility rental payments, or for any type of bond or mortgage payments. If funds awarded are not used as specifically outlined in the

applicant’s proposal, all funding will be revoked, and the applicant will be required to return the original award amount to the Town of Derry. All funds unused after the completion of the project must be returned to the Town of Derry. The Town Administrator and the awards panel will be charged with ensuring that all awarded funds are used properly, and that appropriate legal actions be taken to reimburse the Town of Derry in the case of misused funds. Award recipients must provide the Town of Derry with itemized receipts to show how all award funds and matching funds were used.

Department Efficiency and Accountability Reviews

Proposal Submitted by Councilors Brent Carney and Kevin Coyle - August 19, 2008

Each member of the Town of Derry's Senior Staff, including the Town Administrator, must have his/her departments reviewed by an independent third party a minimum of one time every seven years. Reviews shall be conducted more frequently due to: Derry Town Council majority vote; Town Administrator request; union majority vote; local ordinance requiring more frequent reviews; and/or state and federal laws requiring more frequent reviews.

All independent reviews shall include but are not limited to: a review of staff efficiency; staffing levels; a complete financial review including profitability, monetary accountability, and financial efficiency; personnel and management structure; quality of service to the public; and equality of service, both actual and financial, to all sectors of the community.

Unions within each department may request more frequent third party reviews by a majority vote of all union members. The union must supply 75% of the total costs for such a review to take place as requested. Reviews requested by union vote shall be conducted by a third party and in a manner agreed to by the union, Town Administrator and Town Council.

The findings of all reviews must immediately be presented to the Senior Staff member of the Department under review, the Town Administrator, Derry Town Council, and must also be made available for public inspection. In addition, within two months following the findings presentation, the Town Administrator must present the Town Council with an action plan for addressing any items of concern included in the report's finding.