

## TOWN OF DERRY

### Town Council Meeting And Budget Review

May 4, 2010  
Tuesday 7:30 p.m.

Derry Municipal Center

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#### Meet with Planning Board – re: Agenda Item #10-50 Zoning Ordinance, Section 165-30

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

Call to order: Chairman Benson, Councilors: Milz, Olbricht, Wetherbee, Coyle, Fairbanks and Chirichiello

#### Consent Agenda

- 10-69** Acceptance of Budget Workshop Minutes – April 15, 2010
- 10-70** Acceptance of Budget Workshop Non-Public Minutes – April 17, 2010
- 10-71** Acceptance of Budget Workshop Minutes – April 17, 2010
- 10-72** Acceptance of Non-Public Minutes – April 20, 2010
- 10-73** Acceptance of Minutes – April 20, 2010
- 10-74** Acceptance of Budget Workshop Minutes – April 22, 2010

#### Chairman's Report – Chairman Benson

- Job fair congratulations
- 5/15 Hazardous waste day in conjunction with Londonderry

Received a letter in regards to Hilda Avenue – Mike Fowler, Public Works, has an established roadway management program. We are not recommending any work other than the maintenance to gravel be done. He suggests that if the Town desires to do major work in the future on the Rainbow Lake roads or any other private roads that might be accepted that there be a separate appropriation outside of the established road management program. Mr. Stenhouse, this will be communicated to the gentleman. .

- .Worthley Rd petition – petition is not being accepted as it is not signed by all property owners. The residents may follow the process under RSA 231:8
- Lake Ave, Pebble Lane, Rocky Road – heard by the Planning Board. The Planning Board took testimony and did not make a recommendation on 2/3/10. This petition was filed under RSA 231:8 which is a layout. The Town Council needs to accept/reject this petition and then schedule a public hearing. Chairman Benson would like this put on the agenda for a vote. Mr. Stenhouse will get the information back to Town Council hopefully for the next meeting.
- Mundy Lane – This layout is waiting for signatures from the Kimball Trust and the Howards.
- Publicly thanked the Fire Department Union for agreeing for what they did for the budget.

Councilor Coyle asked to have Attorney Boutin explain the process for RSA231:8 at the meeting in which the three roads are discussed. .

#### Administrator's Report –Gary Stenhouse

- Jim MacEachern – Expressed his appreciation to the Town Council on behalf of himself and Nicole Tessier, from State of NH, for their support in the job fair. It was very successful with over 600 people attending.

## **10-75 Appointments to Boards & Committees**

### Derry Housing & Redevelopment Authority

**Move to appoint Capt. Steve Warren as a member of the Derry Housing and Redevelopment Authority for a 2-year term to expire March 31, 2012. Chairman Benson/Councilor Milz 7-0-0**

### Highway Safety Committee

**Move to appoint Grant Benson Jr. as a member of the Highway Safety Committee for a 1-year term to expire March 31, 2011. Chairman Benson/Councilor Coyle 6-0-1 (Benson abstained)**

### Conservation Commission

**Move to appoint Paul Doolittle as a member of the Conservation Commission for a 3-year term to expire on March 31, 2013. Chairman Benson/Councilor Wetherbee 6-0-1 (Coyle abstained)**

**Move to appoint Richard Tripp as an alternate member of the Conservation Commission for a 3-year term to expire March 31, 2013. Chairman Benson/Councilor Wetherbee 7-0-0**

**Openings: Planning Board 1- 3yr alternate term  
Zoning Board 2 – 3yr alternate terms**

Anyone interested may apply to the Town Administrator's Office (Sheila Bodenrader)  
The Town Council agreed they would address appointments as candidates applied.

### **Public Forum – Non Agenda Items**

#### **Open Public Forum 7-0-0**

Erik Whitney & Mark Connors, DRTA – Had applied for a Transportation Enhancement Grant in conjunction with the Town of Salem NH. The grant has been approved. The Derry portion of this grant is approximately \$400,000. This grant will be applied to the Bowers Road crossing and the trail to Windham. He wanted to thank Bill Scott from Salem who has been pursuing this process to get this done.

Mike Gendron, Derry Downtown Committee – The Civic Profile event was a success. There will be a follow-up meeting on May 16<sup>th</sup> at the Adams Memorial Building. He also would like an answer be it yes, no, or maybe in regards to acquiring the property offered by a citizen at a reduced rate for the Town. This person dropped the price of her property in hope that the Town could afford the purchase.

Tom Cardon, Cunningham Dr – He thanked Mr. Stenhouse for the Exit 4A information. He is concerned that the Town of Derry could be responsible for more than the \$5M originally stated. There is no written document of this agreement. He asked the Town Councilors who reviewed the material if they could get a copy of the documents that they reviewed give him a definitive response.

#### **Close Public Forum 7-0-0**

### **Public Hearing**

**10-65 Amend the Code of Derry, Chapter 55, Health Ordinance**

#### **Open PH 7-0-0**

Larry Budreau and Paul Raiche – they had sought the Town Council's advice in regards to this ordinance.

Mr. Budreau gave an overview of this Department's Code for Food Establishments. He then read section 55:7. He referred to the Town Attorney's comments on this ordinance and that the

ordinance was deemed to be ineffective and probably unenforceable. They would like to use the State Statute under RSA 147 to levy administrative fines. .

**No public input**  
**Close PH 7-0-0**

**Move that the Town of Derry amend Chapter 55 of the Code of Derry in its entirety, as prescribed. Motion by: Councilor Coyle seconded by Councilor Wetherbee 7-0-0**

**10-66** Supplemental Appropriation of \$50,000 for Cable TV17  
Equipment & Facilities

Chris Martin – The Town signed a contract with Comcast on 10/6/09. There was \$50,000 from this contract received. These monies will be used to replace the studio cameras. There is no effect on tax rate.

**Open PH 7-0-0**  
**No public input**  
**Close PH 7-0-0**

**Move that the Derry Town Council authorize the Town Administrator to accept \$50,000 in funds for Derry Community Television from Comcast, as provided for within the new franchise agreement. Further move that the Town Council authorize a supplemental appropriation for FY2010 in the amount of \$50,000 for new studio cameras and related equipment, said expenditure to be funded by the \$50,000 received from Comcast. Motion by: Councilor Wetherbee, seconded by Councilor Chirichiello 7-0-0**

#### **New Business**

##### **10-76** Flagged FY 2011 Budget Items

Gary Stenhouse reviewed the memorandum regarding the Senior Management's agreement to forego their COLA increase for the FY2011 a savings of approximately \$12,000.

Frank Childs explained the contents of the packets as having a detailed tax calculation and a listing of flagged items. The following action was taken on the listed flagged items:

#### Administration

**Councilor Wetherbee moved to decrease line item #390 by \$25,000, seconded by Councilor Coyle Vote: 7-0-0 This action removed the Fire Department Study from the budget.**

**Councilor Wetherbee moved to increase line item #390 by \$10,000, seconded by Councilor Olbricht Vote: 5-2-0 (Coyle/Fairbanks), which increased the funding for Economic Development Consulting Services.**

#### Police Department

**#740 Police Department Virtual Servers – no further action, thus this item remains in the budget.**

#### Cable

**Councilor Wetherbee moved to increase line item #210 by \$24,051, seconded by Councilor Milz. Vote: 7-0-0. This action increased the health insurance costs for Cable.**

**Councilor Coyle moved to appropriate from #032101 a rent increase by \$10,000, seconded by Councilor Fairbanks. Motion withdrawn**

**Councilor Coyle moved to appropriate from #032101 a rent increase by \$7,000, seconded by Councilor Fairbanks. Vote: 6-1-0 (Chirichiello)**

Frank Childs stated that there would be an adjustment to increase the Building & Grounds revenue of \$7,000 due to this motion.

Other Municipal Obligations

**Councilor Wetherbee moved to add \$360,000 to revenue #035012 in Other Municipal Obligations, seconded by Councilor Fairbanks. Vote: 4-3-0 (Coyle/Fairbanks/Chirichiello)**  
*This action increased revenue to reflect the projected sale of additional Town tax-deeded property.*

Highway

**#110-260 Highway Personnel - no further action**

Code Enforcement

**Councilor Wetherbee moved to increase Building Permit revenue #032300 in Code Enforcement by \$75,000, seconded by Councilor Milz. Vote: 5-2-0 (Coyle/Wetherbee)**

**#110-260 Personnel – no further action**

Various Departments

**Councilor Chirichiello moved to increase Town Service Gasoline line item #635 by \$21,257 and the Water/Waste Water Department line item #635 by \$494, seconded by Councilor Coyle Vote: 7-0-0**

Chairman Benson asked for an updated amount of the over (under) tax cap figure.

Council Discussion -The Council referenced their concern over the potential impact of the Governor's budget reductions as they reviewed the flagged items. The possible loss of Rooms & Meals tax revenue and a possible shift of retirement costs from the state to municipalities could be an impact of \$270,000 on the Town.

Frank Childs stated that if this potential loss becomes a reality, the Town would need to use fund balance to cover that impact when the tax rate is set in the fall for 2010.

There was also discussion on the Road Maintenance line.

Other Municipal Obligations

**Councilor Wetherbee moved to reduce the Use of Fund Balance #039399 in the amount of \$466,000, seconded by Councilor Milz. Vote: 6-1-0 (Olbricht)**

Highway

**Councilor Wetherbee moved to increase Highway line item #430-Road Maintenance by \$126,000, seconded by Councilor Olbricht. Vote: 6-1-0 (Chirichiello)**

Chairman Benson reviewed the meeting schedule as follows:

Thursday May 6, 2010 – Public hearing & CIP

Chairman Benson requested the Bond Debt retirement schedule before the meeting

Tuesday May 11, 2011 – cancelled

Tuesday May 18, 2011 – Vote on FY11 & CIP

Council Requests / Open Discussion

**Councilor Wetherbee – discussed the one meeting per month and one workshop per month. He questioned when Arnett Development Group's contract ended and the bid process for this item.**

**Mr. Stenhouse recommended extending the Arnett Development Groups contract for one year.**

**Chairman Benson asked to do a workshop on June 1, 2010 for Economic Development.**

**Mr. Childs reminded the Town Council that the first meeting in June the Finance Department brings to the Town Council the year end budget adjustments. The Councilors agreed to have a regular meeting on this item before the workshop.**

**Councilor Olbricht asked if the contract with the Arnett group could be less than one year.**

**Councilor Olbricht was pleased with the Town Administrators report that stated all the good things that happened during the storm.**

**Chairman Benson thanked the staff for the great job done on the budget.**

**Adjournment 9:15 p.m.**

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Town Clerk

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Date

Recording by: Town Clerk Denise Neale

Reviewed by: Frank Childs, CFO & Gary Stenhouse, Town Administrator