

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

May 3, 2011
Tuesday - 7:00 p.m.

Consent Agenda - Accepted

- 11-43 Acceptance of Budget Workshop Review – April 14, 2011
- 11-44 Acceptance of Minutes – April 19, 2011
- 11-45 Acceptance of Budget Workshop Review – April 19, 2011
- 11-46 Schedule Public Hearing – May 17, 2011 – Authorize Town Administrator to apply for and accept grant funds associated with the NH Highway Safety project titled "Derry Pedestrian Patrols" to execute on behalf of the Town all contracts or documents associated.
- 11-51 Approve Veteran' Credits, Total Veteran Exemption, & Elderly Exemptions

Chairman's Report – Chairman Benson

Mr. Benson thanked the employees, senior budget staff, and the Council for the effort everyone put into this year's budget process.

Once the budget is approved, the Council Workshops will begin again. If anyone has an idea for workshops, please notify the Chairman.

This Thursday is the 50th Anniversary of Alan Shepard's historical flight. A stamp is being issued on Friday.

Councilor Wetherbee thanked everyone who participated in environmental clean-up week.

Administrator's Report – John Anderson

Correspondence has been received from the Mayor Donna Lee Lozo of Nashua with a job description for the Nashua-Pennichuck Board of Directors as well as areas of expertise for the overall board including the process of selection for Board Members. This will be put on the website.

The Governor will be at the DMC on Friday morning for a Chamber of Commerce Breakfast update with Senator Carson and Senator Rausch for an update @ 7:30 a.m.

Public Forum – Non-Agenda Items

Open Public Forum

Vote: 7-0-0

Wendy Wetherbee, Worthley Rd – Ms. Wetherbee recently made a 91-A request to the town regarding emails of a member of the Town Council. She shared copies of the emails with the Town Council. Ms. Wetherbee would like the Town Council to review them. Her question is, "does the Town have an official email policy and who deals with this type of issue?"

Al Dimmock, High St – Wanted to clarify that there were stories going around town and he is not in the Town Councils back pocket. If he has an issue he says his peace and it's over with.

Close Public Forum

Vote: 7-0-0

Chairman Benson moved **New Business item #11-50** for appointment at this time. There are two appointments not listed on the agenda. Chairman Benson polled the councilors to approve these appointments.

Move to appoint James Degnan as an alternate member of the Conservation Commission term to expire March 2013, seconded by Councilor Wetherbee
Vote: 7-0-0

Move to appoint Michael Fairbanks as an alternate member of the Planning Board term to expire March 2013, seconded by Councilor Milz.
Vote: 6-0-1 (Fairbanks)

Move to appoint Tom Cardon as member of the Energy & Environmental Committee term to expire March 2013, seconded by Councilor Milz.
Vote: 7-0-0

Public Hearing

11-30 Derry Rail Trail, Phase II, Supplemental Appropriation of \$380,000 from the Land & Building Fund and \$6,844 from unassigned General Fund Balance

Mike Fowler reviewed the staff report on Phase II of the Derry Rail Trail from Bowers Rd south to the Windham line. Phase II will cost \$601,000. A supplemental appropriation beyond the original Town appropriation and DRTA contribution is required for the full value of Phase II construction in order to award construction contracts. NHDOT will reimburse project expenditures at the completion of the project. Erich Whitney expressed his opinion on moving forward with the assistance of Public Works.

Open Public Hearing

Vote: 7-0-0

Mark Connors member DRTA stated that he is anxious to get started and complete the project.

Mark Sampril member Windham Rail Trail - their organization helped work with the DRTA to develop the Derry Trail. In the last three years, it has been questioned often when the Derry Project will be finished connecting Derry to Windham. Mr. Sampril spoke in regards to the Tri-Town Grant of which he is hesitant because of the state's stringent requirements.

Phil Bruno, Windham Rd, questioned if the \$601,000 estimate would be enough money. Mr. Bruno spoke in regards to the issue with beavers in this area, flooding and the wetlands. Should the town be loaning out this amount of money? DRTA petition clearly states for non-motorized use. The snowmobilers presently have permission to use this trail which they have maintained for over 30 years. With the extension, is this permission going to be taken away from the snowmobilers?

Close Public Hearing

Vote: 7-0-0

Mr. Fowler further explained he believes there is enough money to pave the remainder of the trail; however, the NHDOT would have to approve. The NHDOT is stating that if the town moves forward to finish the trail and it isn't under the TE Grant, there will be no reimbursement for the project. There is \$211,000 that we could move forward with the paving; however, there will be no reimbursement. The ordinance in town code allows for snowmobiles to use south of Kendall

Pond Rd. Mr. Fowler doesn't foresee any issues with this. It works well during the co-existence. There was more discussion on the box culvert being built at a later date. There will be review for the Town Council and an update on the grant to determine how to move forward.

Move to establish a budget of \$601,000 for the purpose of the design and construction of Phase II of the Rail Trail Pathway Project funded by \$154,156 available in the Rail Trail Capital Project Fund, a contribution of \$60,000 from the DTRA, a supplemental appropriation of \$380,000 from the Land and Buildings Fund and \$6,844 from unassigned general fund balance. Unexpended or unencumbered funds in the Rail Trail Capital Project Fund on June 30, 2012 shall lapse to the Land and Building Capital Reserve Fund including grant reimbursement for the SNHRTA project. In conjunction with this appropriation, the Town Council authorizes the Town Administrator to sign the attached Memorandum of Agreement between the Town of Derry and the Southern New Hampshire Rail Trail Alliance in order to participate in the multi-town project and qualify for grant reimbursement of \$400,000. Motion by: Councilor Coyle, seconded by Council Milz. Vote: 6-0-0

11-31 Supplemental Appropriation of \$55,827 for Copier Lease Program

Doug Rathburn explained that a supplemental appropriation is needed in FY11 IT Capital Equipment line to reflect the recent copier capital lease purchase and needs a public hearing and Town Council approval to expend.

Open the Public Hearing

Vote: 7-0-0

No Public Input

Close Public Hearing

Vote: 7-0-0

Move a supplemental appropriation to IT Capital Equipment (740) in fiscal year 2011 of \$55,827 for copier equipment acquired by Information Technology division for various sites with the source of funding from capital lease proceeds of \$54,177 and sale of town property \$1,650. Motion by: Councilor Wetherbee, seconded by Councilor Milz. Vote: 6-0-0 (Chirichiello absent)

11-32 Establish Capital Project Fund for Folsom Rd and Tsienneto Rd Bridge Projects and establish an appropriation of \$600,000 from closed Bridge Capital Project Funds.

Janice Mobsby reviewed the bridge projects that Town Council has approved in the past. There is an accumulation of \$1.9M in unassigned fund balance. The South Ave Bridge project is nearing completion of the plans. An amount of \$425,000 for completion will remain in this fund and a transfer of \$600,000 into the Folsom Rd and Tsienneto Rd Bridge Projects.

Open Public Hearing

Vote: 7-0-0

No Public Input

Close Public Hearing

Vote: 7-0-0

Move to establish a Folsom Rd/North High and Tsienneto Rd Bridge Project Fund and establish a budget of \$600,000 for said purpose. This \$600,000 budget is funded by a supplemental appropriation from excess proceeds in the South Avenue Bridge Project. The South Avenue Bridge Project budget of \$425,000 will be sustained from prior appropriations and budget transfers. Unexpended or reimbursed funds from the South Ave, Folsom Rd/North High and Tsienneto Rd projects shall lapse to the General Fund upon completion. Motion by: Councilor Wetherbee, seconded by Councilor Milz. Vote: 5-0-2 (Coyle, Chirichiello)

- 11-33 Supplemental Appropriation to pay off \$600,000 BAN for Exit 4-A from closed Bridge Capital Project Funds.

Janice Mobsby stated that there is still \$1.2M available in the South Ave Bridge Fund Project that is excess proceeds. It is recommended that there be a transfer of \$600,000 to pay off the bond anticipation note for Exit 4-A that is set to expire in June for consulting costs that have been incurred to date.

Open Public Hearing

Vote: 7-0-0

No Public Input

Close Public Hearing

Vote: 7-0-0

Move a supplemental appropriation of \$600,000 from the South Ave Bridge Capital Project Fund to pay off the Exit 4-A share of the bond anticipation note expiring 6/30/11 thus lowering the amount to be bonded in June to cover the Rte. 28 TIF project only. Motion by: Councilor Wetherbee, seconded by Councilor Milz. Vote: 7-0-0

New Business

- 11-48 Authorize Town Administrator to enter into Fire/EMS Dispatch Agreement with the Town of Londonderry.

There was council discussion on the purpose of this agreement.

Chief Klauber gave background information as stated in the staff report. This is an opportunity to have two dispatchers on board with the funds from this contract. Once this contract is approved by both parties this allows the fire department to charge for radio boxes for additional revenue.

Council asked questions on a dispatcher position held by Londonderry and the call boxes whether they are in the contract?

Move that the Town Council authorize the Town Administrator to enter into the Intermunicipal Agreement for dispatch services with the Town of Londonderry, New Hampshire for fiscal years FY12 through FY16 inclusive. Motion by: Council Wetherbee, seconded by Councilor Milz. Vote: 6-0-0 (Coyle absent)

- 11-49 Approve receipt and expenditure of \$500 LGC Health & Safety "Coordinator Cash" Grant

Larry Budreau gave background information regarding this grant. The specific use of this \$500 grant will be determined by the Employee Activities Committee.

Move that the Derry Town Council approve the receipt and expenditure of the award from the New Hampshire Local Government Center in the amount of \$500. Motion by: Councilor Wetherbee, seconded by Council Milz. Vote: 7-0-0

- 11-50 Appointments to Boards and Commission

Taken up earlier.

Council Requests / Open Discussion

Chairman Benson thanked Brian Pellerin for serving on the Energy Committee.

Chairman Benson received a letter from EDVIS in regards to the action of a Town Councilor. Mr. Benson would like to ask the Town Council and Council Fairbanks to allow the Town Administrator John Anderson to research the issue with "Meals on Wheels" and clarify their position.

Councilor Fairbanks has no issue with Mr. Anderson doing the fact finding, as she has not done anything that hasn't been done by another Councilor. Ms. Fairbanks has nothing to hide. **Council approved this fact finding by the Town Administrator. Councilor Coyle had objections.**

Adjournment 9:05 pm

Town Clerk

Date

Recording Clerk: Denise E Neale, Town Clerk
Reviewed by: John P Anderson, Town Administrator