

## TOWN OF DERRY

**Town Council  
Derry Municipal Center**

**February 7, 2012  
Tuesday - 7:30 PM**

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### ***Collective Bargaining Strategy Session (not open to public)***

Call to order 7:30 p.m.

Pledge of Allegiance, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones & Pagers

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

### **Consent Agenda**

#### **Approved**

- 12-11** Approve Special Meeting Minutes – January 12, 2012
- 12-12** Approve Minutes – January 17, 2012
- 12-13** Schedule Public Hearing – March 6, 2012 – Cemetery Policies & Procedures – Purchasing Unused Lots
- 12-14** Schedule Public Hearing – March 6, 2012 – Cemetery Policies & Procedures – Cremation Lots

### **Chairman's Report –**

**Farmer's Market is February 18<sup>th</sup>**

**Frost Ball is February 11<sup>th</sup> – tickets are available at Municipal Center**

#### **Discussion of House Bill 1201**

- Sponsors- Representative Frank Sapareto

Representative Sapareto presented his view of the cost of police, fire and public works for Pinkerton Academy. "There are 1,000 students that are not residents of Derry. Taxpayers in Derry should not have to pay for obligations for other Towns."

The expenses increase every year. Who should pay for the other town's kids? Should it be the taxpayers or the towns that are sending these kids? He is happy to withdraw his bill if Pinkerton will figure out who will pay this bill. He has two bills one that would allow the Town Council to recapture those costs he believes we incur. The second is to allow for any school in a town whose outside population exceeds 25% to tax the facility.

- Pinkerton Academy – Mary Anderson Headmaster Pinkerton

Pinkerton is a public academy. It is the high school for Derry, Hampstead and Chester and in 2013 Auburn as well. They provide services to Derry such as fire and police training facilities, Red Cross emergency shelter for Derry and surrounding towns, use of their Athletic fields and polling places for our elections. HB1201 would allow the Town to tax the academy. This would cause the tuition to go up. We are opposed to the bill.

Councilor Coyle asked if the Pinkerton would be opposed in lieu of taxes to pay for the Resource Officer.

Ms. Anderson replied that several years ago they approached the PD to ask if they would like PA to pay for the Resource Officer and the answer was "no". It's a partnership and a discussion point.

Chairman Benson stated that the Council does not get involved in state legislative issues but we were asked to hear this bill from a councilor. In the future, we would encourage those who are interested to use our cable stations to air those issues.

## **Administrator's Report –**

Update on Tax Deeding Properties - the progress to date is in the attached memo.

\*\*\*\*\* Anti-Blight Ordinance (Draft)  
**11-64 RSA 79E – Community Revitalization Tax Relief Incentive –**

Mr. Anderson provided this information again for a workshop for the future. Also included is a draft agreement.

Public Works Director, Mike Fowler did some research of the costs of running our transfer station from 2005 – 2012. Change in expenditures has gone down 25% from FY05 to FY12 while the CIP increased 20% over the same time.

Senator Sheehan was at the Derry Municipal Center on Friday, February 4<sup>th</sup> with some good news in that a compromise is forthcoming to move Federal Highway Transportation monies back to the \$140M. This would move the I-93 widening project back to the front burner.

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

### **Open Public Forum**

**Vote: 7-0-0**

**No input**

### **Close Public Forum**

**Vote: 7-0-0**

## **Public Hearing –**

### **12-09 Amend the Code of the Town of Derry, Chapter 150-9, General Parking Restrictions; Violations and Penalties**

Chief Garone explained the reasoning behind this new fine.

### **Open Public Hearing**

**Vote: 7-0-0**

**No public input**

### **Close Public Hearing**

**Voter: 7-0-0**

**Move to modify Town Code Chapter 150-9, titled General Parking Restrictions; violations and penalties, Section A, by inserting a new subsection six, "in a designated handicapped parking space without displaying a handicapped placard which had been properly issued," and re-numbering the remaining violations #7 through #21. Further, modify section B as recommended in the attached ordinance to reflect a \$10.00 fine for the new violation and re-number the subsequent violations. Motion by: Councilor Wetherbee, Seconded by Councilor Milz.**

**Vote: 7-0-0**

## **Old Business –**

### **12-06 Ambulance Fees**

Fire Chief Klauber and Chuck Hemeon, EMS Director – There has not been an increase in rates since 2008. The department is trying to come in with a fee similar to other towns our size and is looking for an increase to reflect that.

Council asked for various clarifications.

**Move that the Town of Derry amend the Town Code so that there shall be an increase in the Derry Fire Department Ambulance Fees Schedule as shown. These increases shall take effect on the first day of the month following a thirty day period after adoption. Motion by: Councilor Wetherbee, seconded by Councilor Milz. Vote: 5-2-0 (Coyle, Fairbanks)**

**New Business -**

**12-15 Historian Appointment – Rick Holmes**

Town Administrator Anderson requested under the Derry Town Charter Section 8.8-A to appoint Richard Holmes as the Historian and Advisory Member of the Heritage Commission.

**Move that the Derry Town Council confirm the Town Administrator's appointment of Richard Holmes to the Position of Historian. Motion by: Councilor Wetherbee, seconded by Councilor Milz. Vote: 7-0-0**

**12-16 Zoning Board Appointments**

**Chairman Benson moved to appoint Teresa Hampton to the Zoning Board of Adjustment as an Alternate Member, term to expire March 2014, Seconded by Councilor Wetherbee. Vote: 7-0-0**

**Chairman Benson moved to appoint Amy Colbert to the Zoning Board of Adjustments as an Alternate Member, term to expire March 2012, Seconded by Councilor Wetherbee. Vote: 7-0-0**

**12-17 Appointment of Larry Budreau & Janice Mobsby to Record Retention Committee**

Town Administrator Anderson explained that these two positions have served on the committee to date and this is to officially recognizing their roll on the Committee.

**Move to appoint the Assistant Town Administrator and Controller as additional Municipal Officer designees to the Municipal Records Committee as established by RSA 33-A:3-a. Motion by: Councilor Wetherbee, Seconded by Councilor Milz. Vote: 7-0-0**

**12-18 Rescission of Bond Authorization**

Town Administrator Anderson stated this is a housekeeping item. The TIF bond came in at \$3.4M and this is a rescission of the initial authorization in 2006. The auditors have recommended this as well. There is an additional authorization from 2009 for \$500,000 that will have to wait until 2014 to be rescinded. This will get 1.5M off of our the books for auditing purposes.

**Move that the \$1,500,000 unutilized portion of the bond resolution adopted on August 25, 2006 for infrastructure improvements for the Route 28 Corridor Tax Increment Finance District is hereby rescinded. Motion by: Councilor Wetherbee, Seconded by Councilor Milz. Vote: 7-0-0**

**12-19 Derry Police Patrolman's Association, NEPBA Local #38, Collective Bargaining Agreement**

Larry Budreau presented highlights of the proposed agreement to the Town Council and mentioned that the Union ratified it on February 6, 2012.

**Councilor Coyle moved to table the vote and Councilors' questions until the next meeting.**

Chairman Benson suggested that the Council table the vote, but pose questions now as he would like the contract to be put on the website on Wednesday morning so that taxpayers can see it and contact their councilors with comments. He thought that asking questions now might assist the public in its review. He asked if Councilor Coyle would be amenable to withdrawing his motion.

**Councilor Coyle withdrew his motion.**

Councilor Wetherbee commented that some of the bargaining goals were achieved, especially those concerning health insurance.

Councilor Milz asked Mr. Budreau to address how long it has been since the Patrolman's Association received a wage increase and what is the average increase over the time span between their last raise and the end of the proposed agreement. Mr. Budreau responded that the last time they received a general increase was on July 1, 2007 and that the average annual pay increase from July 1, 2007 through June 30, 2015 will be 1.6%.

Councilor Coyle stated that Mr. Budreau did a nice job negotiating health plan changes. However, although he understands that the Patrolman's Association had not received a pay increase for several years, he is alarmed that we are providing a 6% increase in the first year of the agreement. Chairman Benson pointed out that the initial 3% increase was effective March 1 and would have little impact in FY 2012.

Councilor Coyle mentioned that Mr. Budreau gave the Union a health plan buyout (payment in lieu of enrolling in health insurance) that is greater than that paid to any other union. Mr. Budreau replied that the current expired contract provides a buyout of \$14,800 and that he has negotiated a decrease to \$11,200. Councilor Coyle suggested that most private sector employers provide no buyout and that \$5000 should be adequate. He emphasized that \$11,200 is too high. Mr. Budreau reminded the Council that the buyout was initially agreed in 1998 to be 50% of the premium and that it is only \$2500 for employees hired since 2004. He said that reducing it by \$3500 was the best he could do. Chairman Benson stated that the problem he had with Councilor Coyle's concern is that if this contract is not signed the buyout will remain at \$14,800.

Councilor Coyle asked about Earned Time buy back. If a senior member were to retire we would have to pay a significant "spiking" assessment to the New Hampshire Retirement System which we would not have to pay if we do not approve this agreement. Mr. Budreau responded that he is correct. He explained that the "spiking" law had been amended since its first introduction and the currently proposed assessments were nominal when compared to those initially proposed. Mr. Budreau went on to clarify that the wage increases of 3% in FY 12, 3% in FY13, 1.5% in FY14 and 2% in FY 15 are significantly offset by increasing employee health insurance contributions from 10% to 20% and reducing the health plan buyout from \$14,880 to \$11,200. Further, Mr. Budreau reminded the Council that while the Patrolman's Association had not received an increase in July of 2008, 2009, 2010 or 2011, most other bargaining units had received 7.5%. Mr. Budreau reported that the Town's FY2012 cost for wages and benefits will be \$3,423,553 if the old agreement remains expired and \$3,463,910 if the new agreement is approved, an increase of 1.2%.

Councilor Coyle expressed a concern about the amount of Earned Time that is accrued by senior members of the Department; it seems like a lot and hasn't changed. Mr. Budreau agreed that it was a lot.

Councilor Olbricht feels that this agreement will have a positive influence on the Police Department. He thinks it is a good contract.

Councilor Wetherbee feels you that you have to look at the whole package. It should be supported.

Councilor Coyle clarified that he doesn't disagree, but that the health plan buyout should be \$5000 instead of \$11,000. He's on the fence about this agreement because there are a lot of good changes.

**Councilor Wetherbee motioned to table until the February 21, 2012 meeting, Milz seconded.**

**Vote: 7-0-0**

**Council Requests / Open Discussion**

Chairman Benson asked about an update on the building next to Vet's Hall. There has not been any progress on it.

Councilor Olbricht asked for a report on how the Rte. 28 widening would be over the summer. Mr. Anderson shared the project is beginning next week with PSNH moving the poles and should be done in 15 days. Wal-Mart has moved their opening date from Thanksgiving to September 12, 2012. He will provide a full report for the next meeting.

Councilor Olbricht stated the Worthley Rd lawsuit has been resolved and he would like the final cost of this lawsuit.

**Adjourned 8:55 p.m.**

Recording Clerk, Mark Jesionkowski  
Transcriber, Denise E. Neale, Town Clerk  
Reviewed by, John P. Anderson, Town Administrator

*Denise E. Neale*  
*Town Clerk*