

6:30 PM

Non-Public Session under RSA 91A:3 II (a) – The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted

Non-Public Session under RSA 91A:3 II (d) – Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community

7:30 PM Call to order

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

Roll Call: Councilor Fairbanks, Katsakiores, Chirichiello, Milz, Olbricht, Wetherbee and Chairman Benson

Consent Agenda

- 12-51** Approve Non-Public Minutes – April 26, 2012
- 12-52** Approve Budget Review Minutes – April 26, 2012
- 12-53** Approve Non-Public Minutes Sessions I & II – May 1, 2012
- 12-54** Approve Minutes – May 1, 2012
- 12-55** Approve Veterans' Credits, Blind and Elderly Exemptions

Accepted with clerical error on Non-Public Minutes Michael Fairbanks is District #1 Councilor

Chairman's Report – Brad Benson

Charter Amendments will be brought forward at the next two meetings.

Mr. Anderson explained the timeframe as follows: Presenting the Charter Amendments on June 5th the Town Council and within 10 days hold a public hearing, around June 12th, and then vote on the June 19th meeting.

The Chairman has had a discussion with Administration regarding "Going Green" for Town Council.

The idea of IPADs could be used by Town Council in lieu of notebooks. All Councilors agreed. Councilor Katsakiores is not aware of the technology however, if it saves the town money she is okay and she will get her granddaughter to show her how to use it.

At our last meeting, the Council had a request from Mrs. Fairbanks to release an Attorney Client-Privilege letter. This request has been denied as it is Attorney Client-Privilege. Mr. Benson asked if there was any desire on the Councils part to allow this request. No motion was made to release.

Town Administrator's Report – John P. Anderson

There are 3 staff reports not in the packets. The Highway Safety has recommended a stop sign at Drury Lane at Silver St, Muzzy Lane at Drury Lane and Rollin St both sides no parking these will be in the agenda packet on June 5th with adoption scheduled for June 19th.

There has been some confusion regarding the name of Adams Memorial Building. The people leasing the Opera House space are using the name The Derry Opera House. The building itself will remain as the Adams Memorial Building

Beginning on May 15th through September 12th the Transfer Station will extend their Wednesday summer hours to 6:30PM.

Firefighters Greg Laro, Sean Beinhaur and Ron Sebastian have all passed the Fire Officer I Program and graduated last Friday. Congratulations to all of them.

The Police Department has promoted two of their officers; Eric Kester has been promoted from sergeant to lieutenant and David Michaud has been promoted from patrolman to sergeant. Also, two new officers have been hired; Patrick Dawson, former patrolman from Bristol, and Ryan Hardy who is attending the Academy and will join us at the end of May.

Public Works Director, Mike Fowler, gave an update on the Manchester Rd construction. Conduit work crossing Manchester Rd at A Street and on 3 sides of the Ashleigh Drive intersection will begin this week. A 3rd party vendor is working to relocate poles and wires. Mr. Fowler has asked them to keep in mind new store openings while traffic is being tied up. The timeline, at this point, shows completion by late October.

Sabatino's Restaurant has opened in its new location at the old railroad station.

Public Forum – Non Agenda Items

Open Public Forum 7-0-0

no public input

Close Public Forum 7-0-0

Flagged Budget Items – Review

1. **Excess Cable revenue projected for FY2013, as well as the overall level of Cable Fund Balance – no change** There will be a workshop in the future with Cable TV Department, School Department and the public to work on a new strategy for the cable fund.
2. **Level of Police Staffing, including comparison with other communities similar in size to Derry.**

**Move to increase personnel cost in the Police Department by \$79,111.
Motion by Councilor Wetherbee, seconded by Councilor Katsakiores-Withdrawn**

Councilor Chirichiello asked where in the budget will it would be cut.

Discussion will continue after other flagged items.

Final – Move to increase personnel costs in this department by \$79,111.

Motion by Councilor Wetherbee, seconded by Councilor Katsakiores
Vote: 6-1-0 (Fairbanks)

3. Funding for Administration future employee compensation costs.

The \$520,000 is for the unsettled contracts. In FY09 and FY11 it was budgeted the same way.

Move to reduce \$520,000 to \$285,000 in this line item.

Motion by Councilor Wetherbee, seconded by Councilor Chirichiello

Vote: 7-0-0

4. Funding for future employee compensation

The Town Administrator's potential increase in pay is not in this budget.

Mr. Childs stated that .5% & .5% totaling 1% would be charged to Water and Wastewater.

Move a pay increase for the Town Administrator Personnel Costs in Administration by \$8773, increase Water by \$42.00 and increase Wastewater by \$42.00 with offsetting increase of fund balance in Water by \$42.00 and in Wastewater by \$42.00.

Motion by Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 6-0-1 (Chirichiello abstained)

5. Funding of economic development efforts and Town Administrator contingency for unexpected services. – No change

Councilor Wetherbee would like to amend the funding mechanism for the police paving and not to bond the project.

Move to eliminate the bond revenue line \$128,000 and add in Police fund balance in the amount of \$128,000 for the police paving project.

Moved by Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 7-1-0 (Benson)

Chairman Benson reviewed his notes: Kevin Coyle talked about the Admin Budget and the PD Paving and those items have been addressed. Shaun Zajac talked about Cable TV and there will be a workshop on that. Expansion of Transfer Station was questioned on being Regional. Lastly, a question was asked on why the Public Hearing on the Budget was at 6:30 p.m. - this is the same time it was held last year.

Mike Fowler explained it would be possible to accept things from other Towns for a fee and increase revenue; however, it is not in the plans at this time. It would also have to go before Town Council first.

Chairman Benson is frustrated by the Town Charter and the Tax Cap logic. Mr. Benson read Section 9.4 (A) Action on the Budget Workshop. The Charter does not take into account contractual obligation, especially when the CPI is 0% for the prior year. He would like to have a workshop to better understand how this Cap was developed and how it works. Councilor Wetherbee would like information on other Towns Tax Caps' and how those towns handle it. All agreed.

Public Hearings –

12-44 Revise Chapter 55 of the Code of the Town of Derry –
Food Service Establishments

Larry Budreau presented this report. Paul Raiche, Health Officer, is available to answer any questions. The code was created using state guidelines. There is one technical change adding Type 1 classifications.

Open Public Hearing 7-0-0

No public input

Close Public Hearing 7-0-0

Move to amend the Chapter 55 of the Code of the Town of Derry Food Service Establishments in its entirety as presented.

Motion by Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 7-0-0

11-64 RSA 79-E Community Revitalization Tax Relief Ordinance

John Anderson gave a review of this ordinance. It has been modified and reviewed by the Town's Attorney. The Town Council will make decisions on all applications.

Open Public Hearing 7-0-0

No public input

Close Public Hearing 7-0-0

Council had some discussion

Whereas the Town Council, as part of its economic growth and development initiatives, is desirous of adopting an ordinance pursuant to certain State enabling statutes, to aid in implementing its initiatives; and

Whereas the Town Council specifically intends to adopt the powers and authorizes under RSA 79-E, the State Economic Growth Resource Protection and Planning Policy statute,

Now therefore, the Town council does hereby resolve and ordain that the following ordinance, entitled, Downtown Derry Revitalization Tax Relief Program, is hereby adopted and further ordered to be codified in the Derry Town Code as Chapter 138, Article II, 138:8.

Moved by Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 6-0-1 (Benson abstained)

**12-45 Amend General Code, Article II, Word Usage and Definitions, Section 165-5
Definitions, Article II, General Provisions, Section 165-14, Churches, and Article VI, District Provisions, Section 165-42, Industrial District IV, Subsection A, Permitted Uses and Subsection C, Prohibited Uses**

George Sioras explained this would clean up the old definitions and create new ones that were outdated.

Open Public Hearing 7-0-0

No public input

Close Public Hearing 7-0-0

There was discussion on not allowing churches in this area and it conforms to Federal Law. Councilor Chirichiello pointed out that there is a conflict on two different pages of the ordinance. A legal opinion has been obtained.

Move to amend Article II Word Usage and Definitions, Section 165-5, Definition, Article III, General Provisions, Section 165-14 Churches and Article VI, District Provisions, Section 165-42, Industrial District IV. Subsection A, Permitted Uses and Subsection C, Prohibited Uses, as presented."

Motion by Councilor Wetherbee, seconded by Councilor Chirichiello

Vote: 7-0-0

Old Business –
none

New Business –

12-56 VOTE to approve FY 2013 Budget & CIP

I move to approve the FY2013 Budget (as set forth in the budget presentation to the Town Council on March 20, 2012 and at the Public Hearing on May 1, 2012 and as revised the Council. Motion by: Councilor Wetherbee, seconded by Councilor Milz. Vote: 7-0-0

I move to approve the FY2013 Capital Improvement Plan (CIP) as set forth in the budget presented to the Town Council on March 30, 2012 and at the Public Hearing on May 1, 2012 and as reviewed and adjusted by the Council in the amount of \$5,924,608.

Moved by Councilor Wetherbee, seconded by Councilor Milz

Vote: 7-0-0

(Refer to page 6-7 of this document for figures)

12-57 Reappointment of legal counsel

Move the Town should continue to employ the firm of Boutin & Altieri as General Counsel and Jackson Lewis as Labor Counsel.

Motion by Councilor Wetherbee, seconded by Councilor Milz

Vote: 6-1-0 (Olbricht)

Council Requests / Open Discussion

Ms. Katsakiores asked if there was anything that could be done at Weber Forest as patrons are nervous about walking out there when practice shooting is going on. Chief Garone gave an explanation of the State Statue. There was discussion this is managed by Conservation Commission.

Councilor Wetherbee stated that he possibly may not be able to attend meeting on June 5th. Councilor Olbricht will also be out of Town. They will decide on moving the meeting.

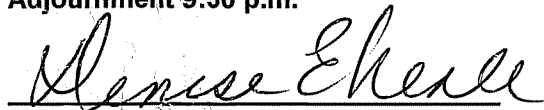
Derry Downtown Committee donating or selling Abbott Court for a \$1.00

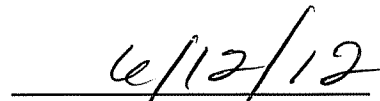
Mr. Anderson stated in the future there will be RFP on the Abbott Court property. This was a rough draft. Anything can be proposed for that property. It will come before Town Council.

Mr. Olbricht spoke about the meeting with Senator Jeanne Sheehan's group and how some good ideas and resources were given for Economic Development.

Chairman Benson would like to do a workshop on Economic Development.

Adjournment 9:30 p.m.


Town Clerk


Date

Recording & Transcription: Denise E Neale, Town Clerk

Reviewed by: John P. Anderson, Town Administrator

Frank Childs, CFO

Derry, NH Town Council
FY 2013 Budget Adoption
Town Council Final Motions

Date: May 14, 2012 (Monday)

Time: 7:30 PM

Location: Derry Municipal Center, 3rd Floor Meeting Room

	<u>Amount</u>
I move to approve the FY 2013 Budget (as set forth in the budget presented to the Town Council on March 30, 2012 and at the Public Hearing on May 1, 2012, and as revised by the Council) as follows:	
Emergency Management	\$60,202
Executive	\$1,635,465
Finance	\$4,207,279
Fire Prevention & Emergency Services	\$10,665,390
Derry Public Library	\$1,150,914
Taylor Library	\$171,303
Planning	\$263,050
Police	\$8,630,565
Public Works	\$12,850,653
Town Clerk & Elections	\$184,912
Total for Town Services	\$39,819,733
Wastewater	\$2,263,265
Water	\$2,728,961
Cable	\$250,342
TIF Districts	\$253,638
Total for Other Services	\$5,496,206
Total Budget	<u>\$45,315,939</u>

I move that, in conjunction with the approval of the FY 2013 Budget, the Town Administrator is authorized to enter into Lease Agreements and to take any action related thereto for equipment whose acquisition is provided for in the budget via a Lease, as set forth below in the aggregate amounts shown: Moved by Councilor Wetherbee, Seconded by Councilor Milz Vote: 7-0-0

Dispatch (audio recorder)	\$11,000
Information Technology (two copiers)	17,060
Parks (pickup replacement)	25,000
Parks (tractor replacement)	18,500
Highway (wood chipper)	48,500
Highway (trackless sidewalk plow)	130,000
Wastewater (truck replacement)	60,000

I move to establish the Transfer Station Construction Capital Project Fund. The source of funding shall be from bond proceeds of \$3,000,000, transferred in from the General Fund as authorized in the 2013 budget. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the Transfer Station Construction project is completed or by June 30, 2014, whichever is sooner. Investment interest earned or unexpended bond proceeds at the completion of this project shall be returned to the General Fund to be used toward debt service on the bond in an ensuing fiscal year. Moved by Councilor Wetherbee, Seconded by Councilor Milz Vote 7-0-0

I move to establish the Rockingham Road Reconstruction Capital Project Fund. The source of funding shall be from bond proceeds of \$1,000,000, transferred in from the General Fund as authorized in the 2013 budget. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the Rockingham Road Reconstruction project is completed or by June 30, 2014, whichever is sooner. Investment interest earned or unexpended bond proceeds at the completion of this project shall be returned to the General Fund to be used toward debt service on the bond in an ensuing fiscal year. Moved by Councilor Wetherbee, Seconded by Councilor Milz Vote: 7-0-0

Denise E. Neale, Town Clerk June 12, 2012

TOWN OF DERRY, NEW HAMPSHIRE

BOND RESOLUTION

May 14, 2012

RESOLVED:

That the Town Council of the Town of Derry, New Hampshire (the "Town") hereby confirms that the sum of Four Million Dollars (\$4,000,000) has already been appropriated for the Public Works Department related to construction of a new Transfer Station Facility (\$3,000,000), to be located at Transfer Lane, and the reconstruction of Rockingham Road (\$1,000,000), including related and incidental costs and expenses (the "Projects") as part of the Town's regular FY2013 budgeting process;

RESOLVED:

That \$4,000,000 of the aforesaid appropriation be raised through the issuance of bonds or notes (the "Bonds"), prior to June 30, 2013, under and in compliance with the terms of the Municipal Finance Act, RSA 33, as amended;

RESOLVED:

That the Town Council hereby determines that the useful life of the Project is at least twenty-five years; and

RESOLVED:

That all acts heretofore taken consistent with the foregoing are hereby ratified and confirmed.



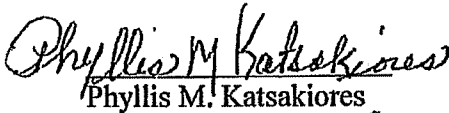
Bradley N. Benson



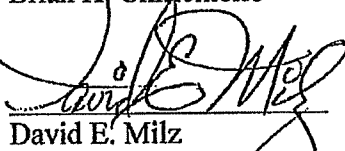
Brian K. Chirichiello



Michael D. Fairbanks



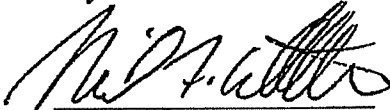
Phyllis M. Katsakiores



David E. Milz



Joel C. Olbricht



Neil F. Wetherbee

TOWN OF DERRY, NEW HAMPSHIRE

BOND RESOLUTION

May 14, 2012

WHEREAS, The Town Council of the Town of Derry, New Hampshire (the "Town Council") has appropriated the sum of Two Hundred, Fifty Thousand Dollars (\$250,000) in the Derry FY2013 Water Enterprise Fund Budget for the purpose of the engineering and construction of the 2013 Woodlands Community Water System Upgrades and Improvements;

NOW THEREFORE BE IT RESOLVED: That that the Town Council authorizes \$250,000 of the aforesaid appropriation be raised through the issuance of bonds or notes (the "Bonds") under and in compliance with the Municipal Finance Act, RSA 33, as amended;

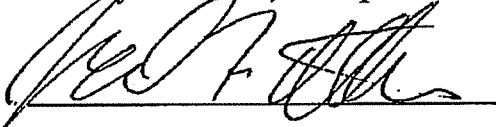
RESOLVED: That any interest or other earnings on the invested Bond proceeds for the purpose of the aforesaid Project shall remain in the water enterprise fund until such time as appropriated by the Town Council for Water Fund debt service payments;

RESOLVED: That the Town Council determines that the useful life of the water system improvements for which these funds have been appropriated is at least twenty years;

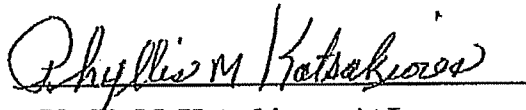
RESOLVED: That all acts heretofore taken consistent with the foregoing are hereby ratified and confirmed;



Bradley N. Benson, Chairperson



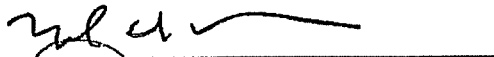
Neil F. Wetherbee, District 3



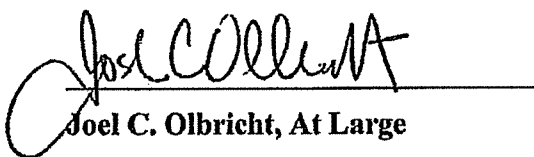
Phyllis M. Katsakiores, At Large



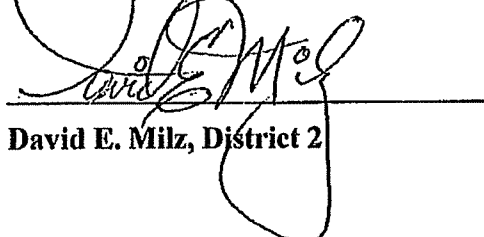
Brian K. Chirichiello, District 4



Michael D. Fairbanks, District 1



Joel C. Olbricht, At Large



David E. Milz, District 2