

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**January 6, 2015
Tuesday - 7:30 PM**

6:30 PM **Non-Public Session – RSA 91A:3 II (a)**
7:30 PM Call to order

Pledge of Allegiance, warning of fire exits, handicap access, & turn off all cell phones

Roll Call: Councilors Cardon, Fischer, Fairbanks, Bourdon, Dimmock, Katsakiores and Chairman Osborne

Consent Agenda

- 15-01** Approve Non-Public Minutes – December 16, 2014
- 15-02** Approve Minutes – December 16, 2014
- 15-03** Schedule Public Hearing – January 20, 2015 – NHDES Household Hazardous Waste Agreement, grant application

Accepted as written

Chairman’s Report – Mark Osborne

Chief Klauber has announced his retirement effective January 31 and the Town is presently looking for a new fire chief. The Chair has asked for two councilors to be part of this process from an observation standpoint and they will not vote on this employment. Councilor Osborne & Katsakiores have agreed to this task. The Chair asked the Council if there were any objections. There were none and all agreed.

Candidates for the Town of Derry Elections may file for candidacy from January 21st – 30th in the Town Clerk’s Office.

Town Administrator’s Report – Galen Stearns

There was a ribbon cutting ceremony for the new Liberty Tax Service which opened last week.

He reminded the Council that they need to address the polling locations for the March Election.

Chairman Osborne requested this be put on the next agenda.

Public Forum

Lynn Perkins, Woodland St – next Tuesday is the School Budget Public Hearing and on Saturday, January 31st will be the Deliberative Session. He encourages everyone to attend. Both the budget hearing and deliberative session will be held at West Running Brook School. He requested the Town to participate by advertising this on Cable 23 & 17 to make the public aware of these events and assist with broadcasting within the school district.

Corrine Dodge, Warner Hill Rd – Asked that the Council join the 56 other NH Towns by passing a resolution urging the NH State Legislature to join these 56 towns and 16 other states in calling upon Congress to move forward a constitutional amendment that guarantees the right to safeguard fair elections through the authority to regulate political spending, and clarify that constitutional rights were established for the people, not

corporations or unions; that the NH Congressional delegation supports such a constitutional amendment once approved by Congress and sent to the State for ratification; that a copy of this resolution be sent to our Derry State Senator and Representatives and the President of the NH Senate and the Speaker of the NH House.

Charlie Zoeller, Windham Rd – He agrees with Ms. Dodge’s request and condones the sources of money and large entities that contribute despite laws on donations. This is a principle issue.

Mary Till, Old Chester Rd – Also agrees with Ms. Dodge. She gave a definition of oligarchy power and democracy vs. oligarchy. Democracy gives equal votes vs Oligarchy which gives money power votes from a selective few.

Marc Flattes, Linlew Dr – Asked why the Town is hiring a fire chief instead of promoting from within specifically one of the battalion chiefs.
Mr. Stearns stated the Town is looking for the best candidate for Derry and there is a process in which employees can apply.

Mike Hughes, Gervaise Dr – Spoke about the pending budget issues that have been published in the newspapers. Cutting safety services will not save money. If there is less police, the department will not be able to function and respond on time when needed. He gave examples from his own experience as a Police Supervisor. He spoke on moral presently in the department.

Eugenia Chen, Gaita Dr – Also read the article in Nutfield News and has concerns regarding the safety of citizens and loved ones. She asked how much of a tax savings would these cuts really be.

Mr. Stearns – Will give Town Council an initial presentation in February.

Helen Evans, Edgewood St. -Responded to budgetary concerns. She feels that Derry is a good safe reliable place to live with great police, fire and public works departments. She has had experiences with all of these departments. She asked if these numbers had been explored and what would happen if these cuts took place. Her understanding of the article was these are issues being explored as a worst case scenario in order to lower the tax rate.

Mike Gendron, Old Auburn Rd – Stated he is publically resigning as Vice Chair of the Derry Downtown Committee in order for him to speak publically tonight. He is concerned and alarmed in path of what the Town Council is doing to the Town. A 20% reduction in taxes is proposing taking a chainsaw as opposed to an X-ACTO knife to the budget. He estimates a \$5M budget cut saves the taxpayers \$400. Derry needs to nurture business and industry but continually refuses to explore it. The schools have inefficiencies there.

Councilor Osborne stated he hopes Mr. Gendron will reconsider serving on this Committee as he knows the Town benefits from his service.
Mr. Gendron replied, he appreciates that, and will consider it.

Marion Schnitzlein, Bayberry Lane – Everyone needs to synch their belts and now it’s time for the municipality and school district as well. She gave statics of how many employees of the school & Town are Derry residents. (School – 81 (72+9), Town – 103,

Police -17, Fire -19). She would like people who speak at the district meeting to state if they are a Derry voter.

Steve Trefethen, North Shore – Gave his opinion for when the Town is hiring to look at hiring Derry residents or replacing employees with residents.

Jeff Moulton, Taylor Brook – Suggested budget reductions by performing similar services at a reduced rates. Look at how services are being provided.

Old Business –

14-162 Amend Town Council Rules – 2nd reading

Chairman Osborne read the changes to Section 14 of the Rules of the Derry Town Council, pages 7 & 8 as a Second Reading.

Councilor Katsakiores questioned if she could vote on the Fire Department's budget as her son works for Emergency Management which has its own budget even though she gets no benefit from him.

Councilor Osborne suggested that this could be conceived as a conflict, however she has a right to a legal opinion.

Councilor Katsakiores requested a legal opinion.

Move to adopt changes, to Section 14- I (e), (f), 14-II (pages 7&8) of the Rules of the Derry Town Council.

Motion by Councilor Osborne, seconded by Councilor Bourdon

Vote: 6-0-1 (Councilor Katsakiores)

09-103 Zoning Ordinance/Special Exception Covenants – Discussion

Bob Mackey, Code Enforcement Director & Lynn Perkins, ZBA Chair – presented the background on Article VI, Section 165-45 D.2, 165-45.1C.2, and 165-46.B.2 which had been brought before the Town Council for amendment in 2009 and was tabled indefinitely. The amendment request was based on removal of paragraph (J) from this ordinance after a legal opinion of the Town's Attorney was received regarding covenants when granting special exceptions for proposed Home Businesses. Recently the Zoning Board had a case and a question was raised if the applicant was contrary to any covenants. The usual response is that is a civil matter.

Council asked various questions regarding the process of change and how much time would be needed to re-address this issue through the Planning and ZBA Boards.

Moved by Councilor Osborne to postpone consideration of this matter until the 2/3/15 meeting, seconded by Councilor Cardon. All agreed.

Council Requests / Open Discussion

Councilor Cardon – none

Councilor Fischer – questioned the New Assessments and Valuations document which stated that these had been thoroughly reviewed and discussed with the Town Council. He did not sign the document because it was not reviewed and discussed with the Town Council. He would like to have this discussion.

Councilor Dimmock stated he did not sign it either.
Mr. Stearns stated he would have it at the next meeting.

Councilor Fairbanks asked for the status on new Transfer Station. He is formally requesting the resolution for campaign funds be put on agenda.

Councilor Bourdon, seconded Mr. Fairbanks request.
He also requested Mr. Stearns report on 10 other town samples and layout where their municipal employees are from a financial standpoint and amount of employees as a comparison.
Mr. Stearns will provide comparisons that are equal to the other towns.

Mr. Bourdon spent this past Thanksgiving & Christmas with the VFW Ladies Auxiliary helping members of the community. He thanked Commander Startzie, Doug Crooker, Richard Tripp and the Ladies Auxiliary.


Councilor Katsakiores announced the Police Department's Semi-Annual Blood Drive will be Friday, January 23rd from 11:00AM to 6PM at Promises to Keep.

Councilor Dimmock – has been tasked with a strange question. Someone asked why the flag could not be moved because at the start of every meeting when the flag is saluted the Council has to turn their back to the audience.

Mr. Stearns believes the placement of the flag is protocol but he will look into it.

Councilor Osborne – Would like a report from the Blight Ordinance Committee and its compliance with the law. He would like a 60 days progress report from Code Enforcement as to what steps they have been able to take since the ordinance has been in effect. He thanked Mr. Dimmock for attending even though he was ill.

Adjournment 9:46 p.m.



Denise E. Neale, Town Clerk

1/21/15
Date

Recording & Transcription by: Denise E. Neale, Town Clerk