

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

June 6, 2006
Tuesday 7:30 pm

Member Present:
Chairman Chirichiello
Councilor Reisdorf
Councilor Ferrante
Councilor Bulkley
Councilor Dowd
Councilor Fairbanks
Councilor Coyle

Staff Present:
Janice Mobsby
Dave Gomez
Frank Childs

Town Administrator Marcoux

Called to Order at 7:35 pm

Salute to Flag, Notice of Fire Exits & Handicap Access

Roll Call-Present: Dowd, Fairbanks, Ferrante, Bulkley, Chirichiello, Reisdorf, Coyle

Consent Agenda

06-73 Acceptance of Minutes – May 16, 2006-Budget Workshop

06-74 Acceptance of Minutes – May 16, 2006-with responses

06-75 Acceptance of Minutes – May 16, 2006-Non-public Session

06-76 Acceptance of Minutes – Schedule Public Hearing – June 20, 2006 – Forest Hill Cemetery Expansion

06-77 Schedule Public Hearing – June 20, 2006 – Increase “Regular” Veterans Credit for the Town of Derry, NH in accordance with State Statute, RSA 72:27-a, 1 (b) from \$100.00 to \$200.00

06-78 Acceptance of Investment Policy from Finance Committee

The Consent Agenda was Approved.

Councilor Dowd moved that the Town Council accept the recommendation of the Finance Committee for the annual adoption of the Town’s Investment Policy as recommended by the Finance Committee. Seconded by Councilor Coyle. VOTE 7-0-0

Administrator’s Report

- Financial Statement 7/1/05 – 3/31/06

Revaluation notices have been mailed out. Russ encourages the public to call Vision Appraisal with any questions. The phone number can be located on the appraisal notice.

Island Pond Road at Taylor Mill will not be reopened until around July 1st. The long wait is due to the delivery of a culvert box. With recent flooding the road was washed away and suffered extensive damage that has to be corrected. Residents that may want to file a claim can contact FEMA directly by calling 1-800-621-3362.

Russ presented the Finance Report for nine months ending March 31, 2006.

Councilor Coyle questioned the amount of money that will be received from the sale of the Ash St.

Frank replied that the amount from that sale will be roughly 1.1 million dollars.

Janet questioned the time frame for the parking study that will take place on Central St. *The Highway Safety Committee was scheduled to discuss that issue again on June 15th. Funds need to be available for such a study. Meanwhile, the Central St. Parking issue still needs to be addressed.*

Russ noted that he would get that information to Janet.

Councilor Dowd moved to move Items 06-79, 06-80 and 06-81 before the Public Hearing. Seconded by Councilor Reisdorf. VOTE 6-1-0 (Coyle)

Old Business

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No new business

New Business

06-79 Discretionary Easement Application

06-80 Re-authorization of a contract with State of NH Fish & Game Department for OHRV

06-81 Granting of Easement to Conservation Commission

Dave Gomez explained that a Discretionary Easement is for land that does not meet the ten-acre minimum requirement for Current Use. This essentially allows the owner to receive the same basic benefits as if it were Current Use.

Councilor Bulkley asked if any changes were made to the land since the last application was filed for this lot.

Dave replied that no changes have been noted but does leave this land subject to development.

Councilor Coyle commented that these owners would be given a small tax-break and would preserve 8.9 acres for open space.

Councilor Ferrante asked if a site-walk has been done and if not she suggested that a walk-thru be done.

Dave commented that the application comes with pictures but a site-walk can certainly

happen.

Councilor Reisdorf noted that if the land was to be granted an easement and the land went for sale the owner would pay a ten-percent penalty.

Councilor Dowd noted the law was set at ten-acres over twenty years ago and feels that was set for a purpose and wanted to note that a previous application for this land was denied in 1998.

**Councilor Dowd moved to deny the Discretionary Easement Application submitted by Mr. and Mrs. Stephen Nottonson as the parcel does not 'encourage the preservation of open space which is potentially subject to development, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources'.
Seconded by Councilor Bulkley. VOTE 7-0-0**

06-80 Russ gave a brief description of the contract with the state for OHRV.

**Councilor Dowd moved that the Town Administrator is hereby authorized to execute and deliver for in the same name and on behalf of the Town of Derry, New Hampshire all professional services contracts, agreements and reports with the State of New Hampshire Fish and Game Department for Off Highway Recreational Vehicle law enforcement purported to be binding upon the Town shall be conclusive evidence for all purposes that such instrument is authorized by this vote.
Seconded by Councilor Coyle. VOTE 7-0-0**

06-81 Mrs. Page supports this move toward open land for the residents.

Councilor Ferrante moved that the Derry Town Council move to approve the language of the three conservation easements to be placed on property owned by the town and to be managed by the Conservation Commission. The three properties subject to the conservation easements being 24 Kendall Pond Road (Tax Map 22, Block 12); 19-21 Tigertail Circle (Tax Map 25, Block 13 Lot 20) and Off Bowers Road (Tax Map 2, Block 36).

**Further, the Council authorizes the Town Administrator to execute any and all documents necessary to complete the transaction. Seconded by Councilor Reisdorf.
VOTE 7-0-0**

Public Hearing

06-69 Fire Station Petition

Al Dimmock spoke on better communication between the Council and the public.

Bill Cooper presented the Council with comments from petition signers and asked the Council to consider not building on the Carr Land.

Mike Gill asked to receive all the documents related to the Fire Commission and Shutes Corner.

Brett Carney would like the Council to take a moral stand and respect a dead man's wishes.

Rich Gufstufsen considers the land an activity center for youth and asked the Council to do the same.

Bob Marquis also feels better communication is needed with the public.

John Pelkey is a tennis coordinator for Pinkerton and expressed his need for the tennis courts.

Paul Hopfgarten feels the public would be satisfied knowing the Fire Station is not going to be built on Carr land.

George Shalom feels there must be an alternative to building on Carr land.

Frank Knutkowski suggests putting the Fire Station as far as possible from the hospital.

Maureen Rose spoke on the history of the Carr Land and also asks to leave the park alone.

Audrey Thompson spoke on behalf of the youth and would like to keep the park.

Charlie Zolla ask the Council to speed up the decision making process on the location of the Fire Station.

Donna Thompson spoke on the grant the park has received and feels the land cannot be built on.

Dave Nelson felt the Council is doing due diligence and appreciates the Councils work but does ask for alternatives to be looked at.

Julie Gufstufsen also does not want the Fire Station put on Carr land.

Ray Moser does not want to see the land built on.

Al Dimmock hopes the Council really listens to the public's comments.

Donna Thompson questioned if the town owns the tennis courts.

Councilor Coyle replied that the Town has always owned the land.

Councilor Dowd moved to close Public Hearing 06-69. Seconded by Councilor Bulkley. VOTE 7-0-0

Public Forum – non agenda items

Frank Knutkowski spoke on the flood problem at Tsienneto and 102 and that it be corrected before Exit 4-A is completed. Frank also would like to see more conservation easements be given to property owners. He would like Vision Appraisals to use less comparative estimates. He also spoke about his revaluation and the lack of viewing of his property. *His property was viewed last year, and as of Monday of this week, had not scheduled an appointment with Vision. Mr. Gomez did contact him and set up an appointment for him*

Reigh Paradis spoke on a safety and lighting issue in the Abbott Court area. *Once again [third time] we contacted Public Service the following morning, and the lights were replaced by last Thursday morning for the third time. Mr. Paradis was told by Alan Cote to contact his office if he notices that lights are out.*

Marge Bisson also feels Tsienneto and 102 is a problem intersection. Marge also needed clarification of when the new Veterans Credit will take effect. *The July bill is ½ of the December credit (or \$50). Following the approval at the Public Hearing, because the Council budgeted for the increase, the balance of \$150 will be on the December, 2006 bill; followed by ½ of the \$200, or \$100 on the July, 2007 bill.*

Councilor Bulkley clarified that the new increase will show on the December bill.

George Falou made the Council aware of a paving problem that happens in the Rainbow Lake area.

Maureen Rose agrees with discretionary easements. Maureen also asked what happens with grant money pertaining to flooded roads, meaning when the money comes in does the money go to repairing the damage or fixing the problem. Also, Maureen thanked the Council for approving open space in her area of town.

Al Dimmock commented on his feelings of the ADA Committee being needed in Derry.

Paul Hopfgarten gave caution on issuing bonds and suggested that no bonds should be issued until after the Charter Question is voted on in March, 2007.

Councilor Reisdorf moved to close the Public Forum. Seconded by Councilor Fairbanks. VOTE 7-0-0

Council Request/open discussion

Councilor Reisdorf reported that the Greater Salem Transportation Committee is moving forward with gathering providers and should be running by next year.

Councilor Ferrante made notice of Janet and her work in hanging the flower pots in the downtown area.

Councilor Fairbanks commented on the clean-up taking place the next two weekends in Derry. For further information please contact Joanie at the Transfer Station.

Councilor Ferrante moved to Adjourn at 9:15 pm. Seconded by Councilor Dowd. VOTE 7-0-0

Michelle Cerullo,
Recording Clerk

APPROVED:_____