

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

September 5, 2006
Tuesday 7: 30 pm

Member Present:

Chairman Chirichiello
Councilor Reisdorf
Councilor Ferrante
Councilor Bulkley
Councilor Fairbanks
Councilor Coyle

Staff Present:

David Gomez
George Klauber
Kerran Vigroux

Town Administrator Marcoux
Recording Town Clerk Denise Neale
Called to Order at 7:30 pm

Salute to Flag, Notice of Fire Exits & Handicap Access

Roll Call-Present: Fairbanks, Ferrante, Bulkley, Chirichiello, Reisdorf, Coyle
(Councilor Dowling-absent)

Consent Agenda

06-96A Approve Amendment to July 18, 2006 Minutes

06-104 Acceptance of Special Meeting Minutes-August 9, 2006-with responses

06-105 Acceptance of Non-Public Minutes – August 15, 2006

06-106 Acceptance of Meeting Minutes-August 15, 2006

06-107 Acceptance of Special Meeting Minutes – August 22, 2006

06-108 Acceptance of Non-Public Special Meeting Minutes – August 29, 2006

06-109 Acceptance of Special Meeting Minutes – August 29, 2006-with responses

06-110 Schedule 3 Consecutive Public Hearings- September 19, 2006
Relative to the following:

1. A propose emergency application to the Community Development Finance Authority for up to \$84,000 in Community Development Block Grant funds to finance the replacement of 4 failed or failing septic systems with a Community System (approximately 7 units) at the Running Brook Cooperative Park, 100 Rockingham Road
2. The Housing and Community Development Plan
3. Residential Anti-displacement and Relocation Assistance Plan

06-111 Schedule Public Hearing – September 19, 2006 – Amend the Code of
Town of Derry, Chapter 150, Section 150-5B 2-Hour Parking – McAllister Court- West – for a distance of 110 feet from East Broadway in a northerly direction

Consent Agenda approved 6-0-0 (Councilor Dowling Absent)

Chairman's Report

There was a meeting last week with the Governor at the Municipal Center in a roundtable discussion and he would like to thank, Councilor Coyle, Councilor Fairbanks, Town Administrator Marcoux for attending with him. It was a very good meeting, the Governor had a lot of positive things to say about the town and it's moving forward.

Administrator's Report

Margaret Ives, Town Moderator (spoke) – Next Tuesday, September 12th is the State Primary Elections, Elections will be held at Hood & West Running Brook School. The polls are open from 7am – 8pm. Explained Absentee ballot process and new amendment to the rule. (If commuting to or from work or at work you may now obtain an Absentee Ballot).

In regards to Bob Hall of FireHall Pub and Grille, the attorneys are working on a plan. Therefore the decision has been requested to be removed the September 5, 2006 agenda.

The Second Clean-up Day had been re-scheduled due to rain to September 16th, however that being DerryFest Day, it has been moved to Saturday, September 30th.

The Upstone Lane survey has been completed and reviewed. The survey will be mailed to residents on Tuesday. Once the information has been compiled a staff report for council will be prepared and a workshop will be requested of the council.

All the appropriate forms are ready and some have been sent to the DRA already for the state to set the Derry Tax Rate. An extension waiver was filed and approved. All that is left is the MS-1, which is on the agenda this evening for your approval.

Last week was tough for vehicle registrations. It was the end of the month and people were returning from vacation, when one of the town's servers went down. We surveyed many of the people in line and they were holding the E-Reg registrations in their hands. The employees showed their dedication during this trying time. I'd like to thank our employees. (Councilor Bulkley would like an E-Reg demonstration done at the next meeting by the Tax Collector for the public.)

Although Derry has not identified any positive mosquito pools, we have decided to move forward with Adulticide Spraying that will take place this week in 15 areas. 48-hour notice must be given in advance. Both Pinkerton and the School Dept. have offered to share in the cost for the spraying.

(Chairman Chirichiello and Councilor Ferrante would like to hear more from the public on spraying next year. They have researched the chemicals used in the spraying; its long-term effects and the water supply.)

Public Hearing

06-98 Purchase of Land for Fire Station and Supplemental Appropriation

Administrator Marcoux discussed the P&S agreements that have been signed. The balance needed out of the unrestricted Fire Dept. balance is \$256,830 not \$435,271 as stated in the motion is the balance in the account. The motion needs to be amended. On August 10th, we received a variety of questions from two Councilors that were needed to be answered before this evening. Those were emailed out to the Councilors last Thursday.

Chief Klauber thanked the council for assisting with finding the site. It is in the area that was needed and met all of the criteria of the needs. Recommends the approval for this site. P&S on these properties must be completed by December. Discussed the option that the council would have on the building at this site. The Chief explained for the public that in 2000 MMA Company did a strategic planning for the fire stations in the Town of Derry. His first suggestion was to relocate the station on West Broadway to an area in the Windham Rd, Shute's Corner area. Call density maps were provided to the Council. MMA study endorsed 4 fire stations in Derry. Second station that needs to be replaced is the Central Stations. Original request was to build a two bay station at the Shute's Corner station. It has been suggested that the new station be expanded to house the dispatch and add bigger bays. This would consolidate the Central station with the Shute's Corner station and then sell the Central station.

Motion to open the Public Hearing by Councilor Bulkley, Second by Councilor Ferrante.

Maureen Rose, Windham Rd – concerned about closing stations, and expanding a station that's not even built. Why can't the Central Station be expanded?
Questioned costs of new station.

Al Dimmock, High St – A building should be sufficient before it is built to be useful for 15 years. The plans should be adequate for the future.

Raigh Paradis, Sawyer Court – Questioned regarding the sewer to the property.

Rita Correia, Jones St – Asked question regarding ambulance staff at the new fire station. The new station would increase her area's response time. She would like the Council to approve P&S for land.

Motion to close the Public Hearing by Councilor Bulkley, Second by Councilor Ferrante.

Councilor Fairbanks, reiterated suggestions that she had made and specific options she's stated before. Discussed a commitment made by prior council when the decision was made to build the Barka School.

Councilor Coyle, asked Chief Klauber what he recommends 5 stations or 4? (Chief recommends 4) Councilor Coyle then asked what the Chief's recommendation would be on consolidating the fire stations? (Chief Klauber's recommendation would be to keep all 5 stations opened for another 5-7 years then combine the English Range station with the Central Station and close the English Range station, or would be to build a large enough station to combine the Central Station with the new and make the new station the Central station and move the ladder truck closer to downtown, or if forced to keeping with four stations close the English Range station.) Councilor Coyle then asked questions regarding staffing and response times from different stations.

Councilor Reisdorf, what is the acreage of the Central Fire station? (.9 acres)
He has a long response to his home also. The MAA studies suggest most of our stations should be moved. Taxes go up but there is a tax cap. Explained the budget where money goes. If budget becomes a voting issue like the schools the town will have to start cutting employees and the services of the town would go down. (Inaudible) It's all a balance. (Inaudible)

Councilor Bulkley, answered Councilor Fairbanks comment on the prior council and the building of the Barka School, the council has tried to work with the School District in the sense of trying not to bond at the same time as the school district so there would not be a large increase to the taxes. It might make more sense to build a larger station on Birch St, but we won't know that until the consultants come back with some costs. Council should move forward on the P&S for the land.

Councilor Bulkley motioned that the Derry Town Council approve the purchasing of property from Ralph S. Bonner (\$270,000), William L. & Deborahanne McLaughlin (\$296,830) and Mead Commercial Properties, LLC (\$65,000) in the aggregate amount of \$631,830 and approving the establishment and appropriation of funds to a Fire Station Capital Project Fund for such purposes, including any related pre-construction costs, with (\$256,830 amended amount) from the remaining Unrestricted Fire Department Fund Balance at June 30, 2005 and \$375,000 from Unrestricted General Fund Balance, this amount being the proceeds from the sale of the former fire station on West Broadway. (Second by Councilor Ferrante)

Vote: 3-3-0 (Councilors Coyle, Fairbanks & Reisdorf) Failed

Councilor Bulkley will bring this back at the next meeting for reconsideration.

Amend the code of the Town of Derry, Chapter 150, Section 150-4

Prohibited Parking-West Broadway-North-for a distance of 70 feet from Maple St in an easterly direction in front of 29 West Broadway

West Broadway-North-from Maple St heading east for 110 feet

West Broadway-South-within a distance of 18 feet of Central St in a westerly direction.

Grant Benson, Chairman Highway Safety Committee-FireHall Pub & Grille needed more parking spaces on Broadway. The committee looked at the crosswalk that is now 14 feet wide and decided it could be cut back to 7 feet wide. This would allow for two parking spaces in front of the FireHall Pub & Grille and also another additional two parking space across the street. The Highway Safety Committee gave it a unanimous vote. So now it is before the Council.

Councilor Bulkley, had concerns on impact of sight from Central St. turning onto Broadway and in front of the Adams Memorial building backing up to pull from the space closest to the cross walk.

Councilor Ferrante also had concerns for safety due to the number of events that take place in that area.

Councilor Fairbanks is comfortable with the decision made by Chief Garone and Mr. Benson after meeting with them.

Motion to open the Public Hearing by Councilor Reisdorf, second by Councilor Fairbanks.

Bill Cooper gave pictures to Council for review of Central Street. Gave a recap of prior Highway Safety Committee meetings and the votes taken to ban parking on Central Street. No curbing in front of FireHall Pub & Grille is a safety issue and this area of the road is under the town not the state. He's opposed to the change of parking in this area. Requested the issue

of no curbing be entered into the minutes, as it is a safety issue.

Raigh Paradis, Sawyer Ct. – Gave a photograph of cars parked in front of the FireHall Pub & Grille, there is enough room to park there. People park longer than two hours on Central Street. (Abbott Court parking lot lighting has problems)

Motion to close the Public Hearing by Councilor Bulkley, second by Councilor Coyle.

Councilor Coyle suggested to look at making Central St a one way.

Councilor Bulkley would be logical to study not coming onto Broadway from side streets.

Councilor Reisdorf thinks that the lack of courtesy is the problem.

Councilor Fairbanks would like the Highway Safety Committee to study one way streets.

Administrator Marcoux suggested that the whole area downtown needs to be looked at.

Councilor Coyle motioned to amend the Code of the Town of Derry, Chapter 150, 150-4 Prohibited Parking.

Be it ordained by the Derry Town Council as follows:

Article 150-4 Prohibited Parking (Amendment)

West Broadway - North For a distance of 70 feet from Maple Street in an easterly direction in front of 29 West Broadway.

Article 150-4 (Remove)

West Broadway – North From Maple Street heading east for 110 feet. (Duplicate)

Article 150-4 Prohibited Parking (Amendment)

West Broadway – South Within a distance of 18 feet of Central Street in a westerly direction.

Second by Councilor Fairbanks Vote:6-0-0

(Councilor Bulkley would like to see a review at the January 2, 2007 meeting)

New Business

06-112 Approve appointment of Ruth Robinson as Deputy Town Clerk

Town Administrator Marcoux explained that in accordance with RSA 41:18 the Town Clerk appoints a Deputy Town Clerk, which Town Council has to approve.

Motion to approve Ruth Robinson as Deputy Town Clerk by Councilor Bulkley, Second by Councilor Ferrante Vote 6-0-0

06-113 Acceptance of Summary Inventory Valuation DRA Form MS-1 &

Revaluation Report.

Dave Gomez gave an overview of the process of the re-evaluations done by Vision and the new software program his office has for the appraisals. The Summary of Inventory of Valuation, Form MS-1 for 2006 is required for the Council to sign the form is due to the DRA by September 8, 2006. Overall the Town evaluation in 2005 was 75% in 2006 it should be around 100%.

Town Administrator Marcoux wanted to commend the Assessor and his staff. This has been a two year project and the office has worked hard and it has been done professionally.

Councilor Reisdorf explained that this an equalization of tax rates between properties. It is a fairness issue. It's not an increase or decrease of taxes.

Motion: That the Town Council accept the 2006 Re-assessment Project. I also recommend that the retainage value of the Contract be withheld until all the information the Town is waiting for is received, i.e. information for the Documentation volume and completion of the value setting process for the two exempt parcels is provided. Motion by Councilor Bulkley, Second by Councilor Fairbanks. Vote 6-0-0

06-114 Appointment of Members to Private Road Sub-Committee

Town Administrator Marcoux explained the Private Roads Sub-Committee is a committee of the Council therefore it is recommended that the Council appoint the members.

Paul Kimball, McKinley Ave made a brief statement regarding the Sub-Committee members and requested two more appointments be made for citizens as the Town members hold a larger portion of the committee.

He is requesting from the Council to answer the McKinley Ave petition as soon as possible.

Councilor Ferrante suggested to bring the issue to the sub-committee's first meeting.

Chairman Chirichiello asked the Councilors if everyone was in favor of authorizing the additional two citizen members. (Yes)

Motion: That the Town Council formally appoint the Private Roads Sub-Committee members mentioned to study the Issue and report back to the town council with recommendation. Members to include:

Chris Reisdorf, Beverly Ferrante, Virginia Roach, Neal Ochs, Paul Kimball, Ron Goldthwaite, Alan Cote, Fred Tompkins-AdHoc member and two members to be appointed by the Town Administrator. Motion by Councilor Coyle, Second by Councilor Ferrante.

Vote 6-0-0

**Councilor Coyle motioned to extending for 15 minutes, second by Councilor Bulkley
Vote 6-0-0**

Public Forum

George Chaloux, Karen Ave read the Rainbow Lake court order decision to council in regards

to road maintenance on private roads. He concluded with his interpretation of the document towards other private roads. He feels his roads maintenance has not been adequate.

Maureen Rose, Windham Rd gave opinion on members of sub-committee.

Does not feel the comments made in the newspaper recently regarding the public Forum at Town Council meetings. Question another vote on Fire Station.

Concerned with the Windham Rd drainage ditches being done by Public Works.

Al Dimmock, High St agrees with Maureen Rose regarding comments in the newspaper and the Public Forum.

Councilor Coyle motioned to extend 5 minutes, second by Councilor Ferrante Vote 6-0-0

Wayne Curto, Lake Shore Ave expressed his discern with Vision Appraisals and their handling of the meetings.

Raigh Paradis, Sawyer Ct spoke about Abbott St parking lot and its maintenance

Bill Cooper, wanted it on the record that the motion on the amendment to change the Town Code (06-99), was approved without curbing to the area in front of the FireHall Pub & Grille.

Council Requests/Open discussion

Councilor Bulkley wanted to make sure Transfer Station hours were posted on the Web-site from now until Christmas

Councilor Fairbanks wanted the council to be aware that the ZBA approved the construction of a 90 Ft tower on Dollar Bill's land and was looking for council interest in, appealing that decision to court. She had attended the meeting and did not feel that they had proved a hardship. Referenced that Councilor Bulkley and Jim MacEachern had fought to get an ordinance in place and it appeared to her that the ordinance was laid aside that evening.

Councilor Bulkley asked if it was in the allowable area? (Councilor Fairbanks answered, no)

Councilor Fairbanks stated that the person before the board was looking for other viable parcels of land because he could not get approval in the approved districts and yet he did not prove to the Zoning Board that he had not contacted the land owners in the area.

Councilor Bulkley that if it is not in the district area designated, he would be delighted to join anybody else challenging that. Of course he would like additional information.

Councilor Coyle has no problem supporting this but the council is facing time issues and it should be done quickly. We need to approve tonight, so the attorney can do a motion to reconsider.

Motion for Emergency Preamble by Councilor Bulkley, Second Councilor Coyle Vote 5-0-1 (Councilor Reisdorf abstained) Due to the time frame of 30 days of which 15 have passed.

Councilor Bulkley motioned that the council requests the Zoning Board to reconsider

its decision regarding the Telecommunications tower on Bill Burke's property on Rte 28. To have the Town's Attorney file for reconsideration of Zoning Board decision. Second by Councilor Coyle. Vote 5-0-1 (Councilor Reisdorf abstained Planning Board member)

Administrator Marcoux asked for clarification on the request of the Town's Attorney as stated above.

Motion to Adjourn. 10:30 p.m.