

TOWN OF DERRY**Town Council Meeting
Derry Municipal Center****October 17, 2006
Tuesday 7: 30 pm**Member Present:

Chairman Chirichiello
Councilor Reisdorf
Councilor Ferrante
Councilor Bulkley
Councilor Fairbanks
Councilor Coyle
Councilor Dowling (present @ 7:35 p.m.)

Staff Present:

Frank Childs, CFO

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

Chairman Chirichiello asked for a "Moment of Silence" in remembrance of Police Officer Briggs from Manchester who had passed away.

Consent Agenda

- 06-118** Acceptance of Non Public Minutes – September 19, 2006
- 06-119** Acceptance of Minutes – September 19, 2006 (with responses)
- 06-120** Schedule Public Hearing – November 7, 2006 – Willow Bend Community Water Well System
- 06-121** Schedule Public Hearing – November 7, 2006 – Supplemental Appropriation for Engineering Services related to Exit 4-A
- 06-123** Schedule Public Hearing – November 7, 2006 –Accept Shilah Drive, Stone Fence Drive, & Cardinal Circle as Class V Roadways as recommended by the Planning Board per the contents of the approved subdivision plan for each road

Consent Agenda Discussion

Councilor Bulkley wanted clarification on 06-121 in regards to the cost and what was appropriated and what has been used.

Town Administrator Marcoux explained how the monies where broken out, why there was an increase from the original pricing, and that all the information and Addendums were included in the Council packets.

Consent Agenda approved vote 6-0-0

Councilor Dowling - present @ 7:35 p.m.

Chairman's Report

Discussion with Charter Commission on Proposed Changes to the Town of Derry's Charter.

Paul Hopfgarten (Charter Commission Secretary) – Gave information on the Commission proposed Charter change regarding the Town moving the election date from March to May. They will be taking their proposals to the Secretary of State, Department of Revenue Administration and the Attorney General's office for review. Vice Chair Sapareto brought the same information to the School Board last week for informational purpose but the School Board has made no decision thus far.

Councilor Ferrante mentioned that she had a discussion with Chairperson Brenda Willis and it has been eighteen months since there was a joint workshop between the Council and the School Board.

Chairman Chirichiello asked that Town Administrator Marcoux contact the School Board to set up this workshop. *[Administrator spoke to the Superintendent on Oct. 18th, about some possible dates for a joint meeting.]*

Administrator's Report

Reminders:

10/19 Zoning Boarding Meeting (Appeal-Rehearing of Cell Tower) Administrator Marcoux gave a brief explanation of Council's decision to appeal this item to the Zoning Board, for public information, as requested by Chairman Chirichiello

10/22 Bus Tour of Private Roads with Private Roads Sub-Committee has invited the Council starting at 8:00am from the DMC.

10/25 Regional Infrastructure Summit meeting in Manchester.

10/23 Work Session: Taylor Library, Upstone Lane Sewer, Economic Development recommendation & strategies

10/28 Derry Downtown Trick or Treat 11am – 7pm

On Consent Agenda for the Environmental Impact Study for 4-A - that project is finally coming to fruition.

Last week we had our third training session on CPR /AED. We will have the equipment in the back of the room. Several board members and employees have been trained thus far. The training is being conducted by Chuck Hemeon, EMS Coordinator.

We had planned on having a demonstration on E-Reg, but due to issues we had indicated previously, Ms. Milone has decided to wait until a decision has been made.

Metro Center Region has 14 communities working together on transportation & economic development. Proclamation at the November 7 meeting.

The two Derry Rotaries held their joint meeting this evening and George Klauber was named "Rotarian of the Year" by the Derry Village Rotary. *[Town Assessor David Gomez received a*

Paul Harris Fellowship from the Derry Rotary Club.]

Preliminary Financials are in, which are the compilation of funds ending June 30, 2006. Fund balance is \$8.9M. We fall into a 10% range of retainage.

Rockingham Community Action is consolidating their offices. To reach Fuel Assistance, call 1-800-639-3896. CLM is doing a similar consolidation, and currently building a new consolidated facility on Tsienneto Rd.

Councilor Bulkley commended Chuck Hemeon on his professionalism for the amount of training he does in the CPR/AED in the community.

Old Business

06-102 Vote-Request for Recession of Right of First Refusal-FireHall Pub & Grill

Administrator Marcoux gave a description of the Resolution contents before the Council took a vote.

Motion by Councilor Bulkley and reading of the Resolution, second by Councilor Ferrante Vote: 7-0-0 (Resolution attached on page 7)

New Business

06-122 Approval of 2006 Winter Road Maintenance Program

Administrator Marcoux gave a description of the roads that need to be approved for Winter Maintenance, as has been done in the past.

Motion: The Town Council declares the following roads as “Winter Maintenance Roads”, for winter 2006-2007 which will permit DPW to perform winter operations limited to plowing, sanding and salting consistent with operations on Town accepted roads:

Brewster Rd, Chase St, Collette Grove Rd/Sanborn Rd, Country Rd (east), Escumbuit Rd (emergency lane), Field Rd/Kenro Way, Jenny Dickey Way, Julian Rd, Lake Ave, Rockey Rd, McKinley Ave, Lake Shore Ave, Mundy Ln, Sharon Ave, Worthly Rd.

Motion by Councilor Fairbanks, second by Councilor Bulkley, Vote: 7-0-0

Public Forum

Paul Hopfgarten, Hampstead Rd – Asked regarding the workshop for the DEDC funding for FY07 and if public input would be allowed before the vote.

There was discussion between Councilors regarding the procedures for meetings after this workshop with regards to the DEDC, public input and voting. Who should attend the workshop for questions & answer session?

Chairman Chirichiello clarified that there would not be public input.

Al Dimmock, High St – Disappointed about what he has read in the newspapers regarding councilors. Suggested that an Ethics Committee be formed.

Roberta Robie, Chester Rd - Questioned appropriation for Exit 4A and her understanding of

what appropriations had been made already.

Town Administrator Marcoux clarified payments already made and appropriations made in Fiscal 2005 and 2006; however, these additional costs (amounting to \$153,000 for Derry) is for additional requests for the EIS that the resource agencies requested be completed. There are copies available for the public. There will be packets available at the Public Hearing on November 7th.

Joel Olbricht, Colony Brook Lane & Barry Cahoon, Field Rd – DEDC – Would like to attend workshop regarding Economic Development. Gave an example of the revenue that has been brought back to town from the allotment of town funds used by the DEDC.

Roberta Robie, Chester Rd -Clarification on the presence of the DEDC workshop and the fact that public would not have input. Would like accountability from the DEDC.

Marge Bisson, Cole Rd – Shared information on Disability Act of 1999 that was passed. Anybody that is handicapped or disabled has to have their gas pumped at a filling station even if it self-service.

Joseph Dichiaro, Humphrey Rd – Expressed his concerns regarding the DEDC and the Council's handling of past issues in this regard.

Al Dimmock, High St – Commented on the DEDC regarding how his tax dollars are spent.

Chairman Chirichiello stated to the public that the DEDC has allowed each Councilor in to look at their books at a meeting.

Councilor Requests

Councilor Reisdorf – Gave an update on Wal-Mart. They have added an additional \$100,000 toward the contribution and will work with us on an easement on B Street. On 10/19 CART will kick off their transportation system.

Councilor Fairbanks – Questioned the meeting that was previously scheduled on September 19th regarding the DEDC - was that a public hearing? Perhaps the public should have input. Suggested to the DEDC that maybe they should disclose to the public how the money was spent. She also agrees that the Town would be served well by an Ethics Committee and the Town could set precedence.

Chairman Chirichiello suggested that an Ethics Commission could be discussed when the Council meets to set its goals.

Town Administrator Marcoux gave a synopsis of his view of the August meeting in which he was asked to look into how to fund Economic Development and to report back to the Council with his recommendation. He saw that recommendation as part of his regular Meeting Report. After speaking to each Council Member, Board Members of the DEDC, other Managers, and other communities, there are a variety of options that should be considered for Economic Development by the Council. As a result, he has recommended to the Council that it would be best discussed in a workshop before a recommendation be made. *[a further review of the July 11 minutes, indicates that once there is a recommendation made, that it be agendaized for future Council Meeting. There was a vote taken in that regard. As a result, the chair has se*

out a memorandum to Council outlining that process.] In regards to the Ethics Commission John Frederick, who was an intern here during his graduate studies for Public Management drafted a report on how to set up an Ethics Commission and the proper way to do it. He will make a copy for the Council.

Councilor Bulkley – gave his understanding of a workshop and how key people are brought in just in case questions need to be answered for the Council.

Councilor Coyle – answered Roberta Robie's question directly about Exit 4A – that the bottom line is that there were no current funds available to finish the project. He also agreed with Councilor Bulkley's understanding of a workshop. Didn't agree that one side should be there to speak at workshop and public not be able to speak.

Chairman Chirichiello clarified he wanted the DEDC there to answer questions only.

Councilor Bulkley reiterated the need for question and answers from the DEDC and the feels the public will make their disconcerts known one way or another.

Councilor Coyle disagrees with Councilor Bulkley.

Councilor Ferrante stated that if the public had questions they would like asked by their Councilor that they should call or email their Councilor, so that each Councilor could have their questions answered during the workshop.

Discussion ensued between the Chair and Councilors. The disagreement escalated and Councilor Coyle removed himself from the meeting.

Councilor Fairbanks questioned the Chairman in regards to public input.

Chairman Chirichiello called Councilor Fairbanks "Out of Order" and asked that the cameras be turned off. Discussion ensued for a short period.

Motion to Adjourn by Councilor Bulkley, second by Councilor Fairbanks.

Adjourned 8:55 p.m.

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Denise E. Neale, Town Clerk	Date
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RESOLUTION

RESOLVED that,

WHEREAS, the Town of Derry has deeded the former Central Street fire station to Hall Business Restorations, LLC, subject to certain covenants and restrictions; and

WHEREAS, certain of the covenants and restrictions have been satisfied and other covenants and restrictions should continue to run with the land; and

WHEREAS, one of the covenants was a right of first refusal to the Town to repurchase the property in the event it is offered for sale or refinanced for an amount greater than \$490,000.00; and

WHEREAS, the Council now deems that this right of first refusal has served its intended purpose and is no longer useful in protecting the Town's interests, due to the fact that the property has been substantially redeveloped in conformance with the redevelopment plan, approved by the Council prior to the sale; and

WHEREAS, the owners of the property now desire to put in place more permanent and comprehensive financing to enable the continued operation of the property as a restaurant.

NOW, THEREFORE, the Council, deems it expedient that

IT BE RESOLVED, that the Derry Town Council amend the covenants and restrictions in the deed of conveyance of the former Central Street fire station to Hall Business Restorations, LLC to the effect that the right of first refusal is hereby rescinded and of no further force and effect, but preserving certain other covenants and restrictions regarding the use of the property in the event of foreclosure, or proceedings in lieu of foreclosure; and that it hereby does authorize, by this vote, the Town Administrator to execute such documents of amendment as shall be required to effectuate this Resolution, including an Amendment & Restatement of the Covenants & Restrictions affecting the property in substantially the form as attached as Exhibit A.

This Resolution shall remain in effect until rescinded by recorded vote of the Derry Town Council and the Town Administrator is hereby authorized to certify, from time to time, as to whether this Resolution has been amended.