

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

March 20, 2007
Tuesday 7: 30 pm

Member Present:
Chairman Chirichiello
Councilor Carney
Councilor Ferrante
Councilor Bulkley
Councilor Fairbanks
Councilor Coyle
Councilor Metts

Staff Present:
Frank Childs, CFO
Pat Milone, Tax Collector
Kerran Vigroux, Public Health

Acting Town Administrator, John Moody
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, Carney, Coyle, Metts

Consent Agenda

07-23 Election of Officers

a.) Elect Council Chair

Councilor Chirichiello nominated Councilor Ferrante as Chair. *Councilor Ferrante Declined.*
Councilor Fairbanks nominated Councilor Coyle as Council Chair, Councilor Metts nominated Councilor Bulkley. Each nominee gave a brief statement as why they would like to be chairman.

Motion by Councilor Fairbanks for nomination of Councilor Coyle as Chairman, second by Councilor Carney. Vote: 3-4-0 (Metts, Bulkley, Ferrante, Chirichiello)

Motion by Councilor Ferrante for nomination of Councilor Bulkley as Council Chair, second by Councilor Metts. Vote: 4-3-0 (Coyle, Fairbanks, Carney)

Council Chair elected: Councilor Bulkley

b.) Elect Council Chair Pro Tem

Councilor Metts nominated Councilor Coyle as Chair Pro Tem, Councilor Fairbanks, second.
Councilor Chirichiello nominated Councilor Ferrante.

Vote for Councilor Coyle as Chair Pro Tem: 4-3-0 (Chirichiello, Ferrante, Bulkley)

Council Chair Pro Tem elected: Councilor Coyle

Election of Officers – March 20, 2007

c.) Planning Board Council Representative – **Beverly Ferrante**

d.) DEDC Council Representative – **Craig Bulkley**

e.) Heritage Commission Council Representative – **Janet Fairbanks**

f.) So. NH Hazardous Materials Mutual Aid District Council Representative – **Rick Metts**
Alternate/Brian Chirichiello

g.) Legislative Delegation Council Representative – **Brian Chirichiello**

- h.) Human Services Council Representative – **Janet Fairbanks**
- i.) Housing Authority Council Representative – **Brent Carney**
- j.) Conservation Commission Council Representative – **Brent Carney**
- k.) Safety Departments Liaison – **Beverly Ferrante**
- l.) Finance Committee Council Representative – **Kevin Coyle**
- m.) School Board Liaison – **Rick Metts**
- n.) Ash Street Corporate Park Advisory Board Council Representative – **Brian Chirichiello**
- o.) Taylor Library Liaison – **Brent Carney**
- p.) Derry Public Library Liaison – **Janet Fairbanks**
- q.) Public Works Liaison – **Brian Chirichiello**
- r.) Exit 4-A Liaison – **Craig Bulkley**

Motion to accept Election of Officers by Councilor Metts, second by Councilor Coyle. Vote: 7-0-0

Consent Agenda

- 07-24** Acceptance of Non-Public Session Minutes – February 20, 2007
- 07-25** Acceptance of Minutes – February 20, 2007 – with responses
- 07-21** Schedule Public Hearing – April 3, 2007 – Amend the Code of the Town of Derry, Chapter 150, Section 150-10, Stop & Yield intersection to add a Yield Sign at Peabody Road Annex @ Peabody Road
- 07-26** Schedule Public Hearing – April 3, 2007 – Release of Public Servitude – 17-19 Steven Avenue
- 07-27** Schedule Public Hearing – April 3, 2007 – Amend the Code of the Town of Derry, Chapter 104, Public Gatherings, Section 104-12, Contents of License to add a provision requiring a Certificate of Insurance
- 07-28** Schedule Public Hearing – April 3, 2007 – Supplemental Appropriation from Restricted Fire General Fund Balance \$159,832.35 for Compensated Absences & Consolidation of Town & Fire Compensated Absence Expendable Trusts
- 07-29** Schedule Public Hearing – April 3, 2007 – Amend the Code of the Town of Derry, Zoning Ordinance Article VI – Office/Medical/Business District (OMB), Section 165-35 B – Permitted Uses – add #6, Congregate Care & Assisted Living Facilities as permitted uses in the Office Medical Business District
- 07-30** Schedule Public Hearing – April 3, 2007 – Amend the Code of The Town of Derry, Zoning Ordinance Article II, Section 165-5 Definitions – add Congregate Care Facility & Assisted Living Facility

Consent Agenda - Approved

Chairman's Report

– Thanked the Council for vote of confidence as elected Chair. Congratulated the new Councilors Rick Metts and Brent Carney on their election and Brian Chirichiello on his re-election.

Administrator's Report

Richard Holmes of the Heritage Commission requested that an announcement be made that Donald Houston, a founding member of the Heritage Commission, passed away on Sunday, March 18, 2007. He had lived in Derry for over 90 years.

- Budget Review - recommended schedule of budget workshop.

Motion by Councilor Chirichiello to accept the schedule as presented, second by Councilor

Fairbanks. (Discussion: Councilor Coyle will not be able to attend the April 19th.) Vote: 7-0-0

- Schedule Work Session – Private Roads Report

Schedule separate meeting Private Roads Sub-Committee and Public Hearing on Monday, May 7, 2007 @ 6:30 p.m. (abutters need to be notified website, CTV 17, newspapers and list private roads)

- Tax Collectors Hours (Wednesdays)

ATA Moody reviewed the revised staff report dated 3/16/2007 from Pat Milone, Tax Collector. Hours would be 10 am. – 7pm. on Wednesdays only. Change will be reviewed on December 1, 2007. This change is essential to this department.

Pat Milone and Frank Childs answered questions regarding the change of hours for the Council.

Motion by Councilor Coyle to change the Tax Collectors office hours to 10am – 7pm on Wednesdays and to be reviewed on December 1, 2007, second by Councilor Ferrante. Vote: 7-0-0

- Boards and Committees Openings

Conservation Commission – 3 openings & 1 alternate/

Applicants: 2-reappointment/1 alternate

Heritage Commission – 2 openings & 1 alternate/

Applicants: 2-reappointment/1 alternate

Highway Safety Committee – 6 openings – 5-reappointments/2 new applied

Housing & Redevelopment Authority – 1 opening/ Applicant: 1 reappointment

Planning Board – 3 openings/1-2 alternate/ Applicants: 2-reappointments/2 to move from alternate to member

Zoning Board - 2 openings/2- 3 alternates / Applicants: 2 reappointments/2 to move from alternate to member

Chairman Bulkley wanted to make the public aware of openings that need to be filled. Councilor Fairbanks asked if reappointments would be in public or non-public? ATA Moody recommend that it be clarified that appointed or reappointed applicant interviews would need to be made in public. Councilor Coyle looked at RSA 91-A in regards to these appointments. He concluded that under RSA 91-3 the Town Council cannot meet in non-public because they are not employees of the town. ATA Moody was confirming that these appointments would take place on April 3rd. Also, are all the applicants going to be interviewed? Chairman Bulkley stated that anyone may interview whether they have requested either appointment or reappointment. Councilor Carney questioned why there are no reasons in the letters for wanting to be on the board. ATA Moody suggested in the future there be a form for request to be on the board that will answer Council Questions.

April 3, 2007 Town Council meeting will begin at 6:30 pm in public session for interviews of Boards and Committees.

Councilor Metts requested that tapes of these board & committee meeting be available through the Cable department for review to the new Councilors before the April meeting.

- Town Administrator Search Process

In consultation with the Council Chair, Bennett-Yarger has extended the deadline for receipt of applications until April 6, 2007.

ATA Moody asked the Council if they were going to appoint a committee to review the applicants for the Town Administrator position.

Chairman Bulkley called for a discussion with Council and the consensus was until they know the number of applicants they would not make a decision on appointing a committee at this time.

Councilor Coyle questioned the brochure from Bennett Yarger under Schedule and Salary that "Residency is Required". He stated that it is not in the Town Charter and wondered where this statement came from.

Council discussion ensued with questions and options.

Motion by Councilor Metts to change the guidelines to read: Residency in Derry may be required as a term of the contract, second by Councilor Carney.

More discuss ensued and Councilor Metts and Carney withdrew the motion and second.

Motion by Councilor Fairbanks that it is a requirement that the Town Administrator reside in

the Town of Derry during his/her employment, second by Councilor Ferrante. Vote: 6-1-0 (Coyle)

- Economic Development Summit

Will take place at the DMC on March 31, 8:30 – 11:30 am. The workshop is designed to inform those interested in Economic Development in Derry to hear directly from key resources available at the local and state level.

New Business

07-31 Transfer of \$55,290.00 related to Mosquito Program

Kerran Vigroux gave a presentation of the Mosquito Control Program over the past year as stated in the Bureau of Public Health Staff Report dated March 16, 2007.

Councilors asked questions pertaining to mosquito management and chemicals used for control. Kerran explained that the area most prevalent to the mosquito population and pools have already been identified in the Town. Funding has been requested in the FY08 budget but there had been no funding for FY07.

Motion by Councilor Coyle to move a budget transfer to fund Mosquito Control activities in FY07 of \$55,290 from Human Services Direct Payment (810) to Health: Full Time Wages (110) \$2,212, Overtime (140) \$205, Benefits \$1,112, Printing \$86, Other Professional Services (390) \$1,750, and Other Property Related Services (490) \$49,925, second by Councilor Ferrante. Vote: 7-0-0

Public Forum

Al Dimmock, High St – Congratulated Councilors Metts, Carney and Chirichiello on their elections.

Bill Cooper, Central St – Congratulated the Councilors as well. He referred to the articles recently in the Nutfield News and commended Janet Fairbanks for her work with issues related to her district. He made a recommendation that Manning Street be reopened, as a through way even if it would be a one way.

Donna Thompson, Towne Dr – Read a letter to Council voicing her commendations for Janet Fairbanks as her District Councilor.

Maureen Rose, Windham Rd – Thanked Councilor Fairbanks for her job as District #1 Councilor. Welcome all elected members. Has concern on mosquito control. Requested a postponement of 7-29 & 7-30 Congregate Care public hearing. Doesn't want all zoning uses in their district on Shute's Corner, as this is a heavy populated area. There will be a meeting with the developer on Wednesday March 21, 2007 at the Marion Gerrish for residents.

Councilor Fairbanks asked Maureen Rose for the research she's done on Congregate Care Housing. Councilor Fairbanks will make copies for Council.

Chairman Bulkley asked ATA Moody to have Planning & Zoning members available at the Meeting on April 3, 2007.

Steve Falconer, Buttonwood Dr. – Requested that the goals published on the internet be updated quarterly. Suggested that maps of Rte 93 and 4-A should be placed on the wall in the meeting room.

Joseph Dichiario, Humphrey Rd – Congratulated everyone elected. Asked for an explanation of the Ash St Corporate Park Advisory Board. (*Chairman Bulkley gave an explanation*). Questioned the monies from the sale of Ash St Lots and why more of this money is not given back to the town as

there is a \$330,000 deficit in the budget.

Chairman Bulkley gave a brief overview of how this agreement was put forth back in 2004.

Council Request

Councilor Chirichiello – Thanked Joe Dichiaro for running a great campaign.

Councilor Fairbanks- Thanked Mike Kalil, Union Leader, for not requesting a 91-A on the emails as she had asked him to give ATA Moody and herself time to work the email situation out internally.
(Collection of emails may be viewed in Town Clerk's Office)

Councilor Ferrante – Veteran's Monument Committee invites everyone to Applebee's Restaurant from 8am – 10 am for a Pancake Breakfast fundraiser

Councilor Coyle- Gave Maureen Rose an opening to join the Conservation Commission for her passion on the environment. TIF-Ash St gave a brief overview of his attendance at meetings.

Doesn't believe that the Town should enter into these agreements with the DEDC in the future. The money has been put into the building on Broadway in which the DEDC gets the benefits.

Councilor Ferrante – asked what the assessed value of the building on Broadway is? Stated that this building is bringing more money into the town coffers. (Councilor Coyle stated it's about a \$3000 increase)

Motion to Adjourn at 9:30 pm

Recorded: Town Clerk, Denise E. Neale

Date