

## TOWN OF DERRY NH

Town Council Meeting  
Derry Municipal Center

June 19, 2007  
Tuesday 7: 30 pm

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

Staff Present:  
Frank Childs, CFO  
Mike Fowler, Dir.PW  
Tom Carrier  
Janice Mobsby, Controller  
Capt Feole

Acting Town Administrator, John Moody  
Town Clerk Recording, Denise Neale

Called to Order at 7:30 pm

Salute to Flag led by Councilor Fairbanks, Notice of Fire Exits & Handicap Access

Roll Call-Present: Fairbanks, Ferrante, Bulkley, Chirichiello, Carney, Coyle, and Metts

### Consent Agenda

- 07-60** Acceptance of Non-Public Minutes – June 5, 2007
- 07-55** Acceptance of Minutes – June 5, 2007
- 07-56** Schedule Public Hearing – July 10, 2007 – Justice Assistance Grant (2007) – Police Department

### Consent Agenda- Approved

### Chairman's Report

#### **07-59 Approval of Town Administrators Contract**

**Motion by Councilor Chirichiello; Approve the Town Administrators Contract for Gary Stenhouse to begin on July 9, 2007. Seconded by Councilor Ferrante. Vote: 6-1-0 (Fairbanks, stated she does not agree with a part of the contract)**

**Motion by Councilor Chirichiello: to authorize Acting Town Administrator Moody to extend his duties for up to 18 hours, as needed at \$56.00 per hr, after June 29, 2007, Seconded by Councilor Fairbanks. Vote: 7-0-0**

#### **07-63 Approve July Summer Schedule**

**Motion by Councilor Chirichiello; approve the summer schedule for July 10 & 17 for Council meetings. Seconded by Councilor Metts. Vote: 7-0-0**

### Administrator's Report

- Appointment of Town Counsel

ATA Moody explained the information that he had been requested to obtain in regards to this item from prior Town Council minutes. Councilors asked question pertaining to this information.

ATA Moody made the following recommendation:

In accordance with the Derry Town Charter, Section 8.8 Appointive Officers, I have appointed, subject to confirmation of the Town Council, the firm of Boutin and Altieri, P.L.L.C., One Buttrick Road, PO Box 1107, Londonderry, NH 03053 as Town Counsel for municipal matters and the firm of Divine Millimet, 111 Amherst Street, Manchester, NH 03101 counsel for collective bargaining and personnel matters.

These appointments will remain in effect until such time as an RFP for Legal Services has been developed, advertised, reviewed and a final selection made by the Town Administrator, subject to confirmation by vote of the Town Council.

Councilor Metts motioned to accept the recommendation as noted in the memorandum of June 19, 2007 from ATA Moody. Seconded by Councilor Ferrante. Vote: none

Councilor Carney motioned to amend the following of the part of the recommendation  
These appointments will remain in effect for three months until an RFP for Legal Services has been developed, advertised, reviewed and a final selection made by the Town Administrator, subject to confirmation by vote of the Town Council. Seconded by Councilor Metts. Vote: 4-3-0  
(Fairbanks, Chirichiello, Bulkley) for approval of Amendment

On the Motion as amended: Vote: 4-3-0 (Coyle, Fairbanks, Carney)

### **Public Hearing**

#### **07-57 Sewer Installation Agreement – Tropic Star Development and the Town of Derry.**

Mike Fowler gave background information and an overview of the agreement.

**Motion to open Public Hearing by Councilor Chirichiello, Seconded by Councilor Metts**

**Vote: 7-0-0**

#### **No Public Input**

**Motion to close Public Hearing by Councilor Chirichiello, Seconded by Councilor Metts**

**Vote: 7-0-0**

Councilors asked various questions regarding agreement and recommendations.

**Councilor Coyle motioned: 1. Approve the Rockingham Rd. Sewer Installation Agreement with Tropic Star Dev. Subject to funding approval. 2. Schedule a public hearing for a supplemental appropriation of \$45,000 for the purpose of installing the sewer service laterals to 9 abutting properties (the source of funds to be determined) and 3. Schedule a public hearing on a resolution to lay out the sewer and assess the abutting properties a betterment assessment in the amount of \$5,000 (financing terms and conditions to be determined). Seconded by Council Ferrante Vote: 7-0-0**

Note: Supplemental appropriation public hearing possibility schedule for July 10<sup>th</sup> Town Council Meeting.

### **Public Hearing**

#### **06-92 Supplemental Appropriation and Budget Transfer – Upstone Lane/Brookview Drive Sewer Installation**

Tom Carrier gave overview of votes needed for the following: 1. Upstone Lane & Brookview Drive Sewer Installation, 2. Supplemental Appropriation of Budget Transfer and 3. Derry Municipal Sewer Betterment Assessment Policy.

**Motion to open the Public Hearing by Councilor Metts, Seconded by Councilor Chirichiello. 7-0-0**

Judy St Lauren, Brookview Dr – Concerned over cost of installation since this is taking place after it's first recommended timeframe.

**Motion to close the Public Hearing by Councilor Coyle, Seconded by Councilor Fairbanks. 7-0-0**

Councilors asked questions regarding effect of using the fund balance revenues, the amount of required hook-ups and the possible increase of water & sewer rate for FY09.

**Motion to recess as Town Council and convene as Sewer Commissioners. Coyle/Fairbanks Vote: 7-0-0**

**Councilor Coyle motioned to accept 07-111 Upstone Lane Sewer, Seconded by Councilor Metts. Vote: 7-0-0**

**Councilor Ferrante motioned to accept 07-110 Brookview Drive Sewer, Seconded by Councilor Metts. Vote: 4-2-0 (Carney, Coyle) (Fairbanks Absent left at 8:35 p.m.)**

**Councilor Metts motioned to adjourn as Sewer Commissioners and convene as Town Council, seconded**

**by Councilor Chirichiello. Vote 4-2-0**

**Note: Resolutions are shown on pages 4 and 5 following the above actions taken.**

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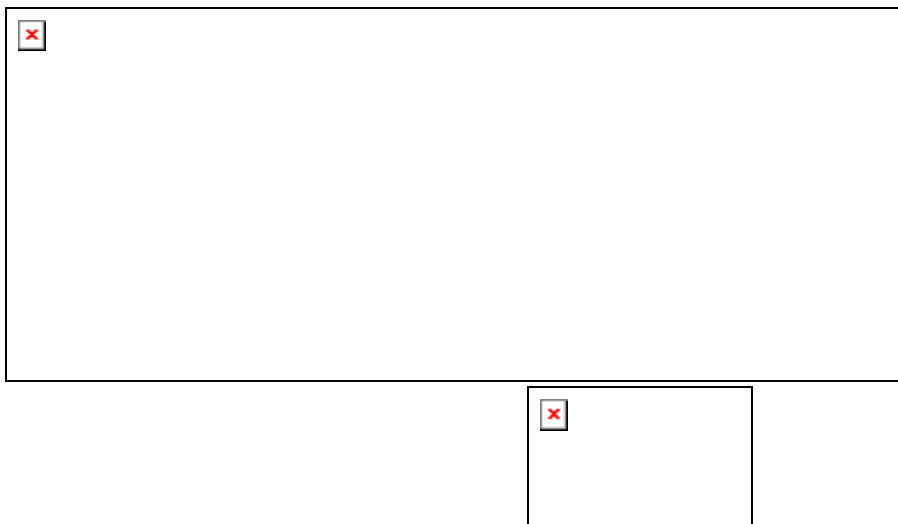
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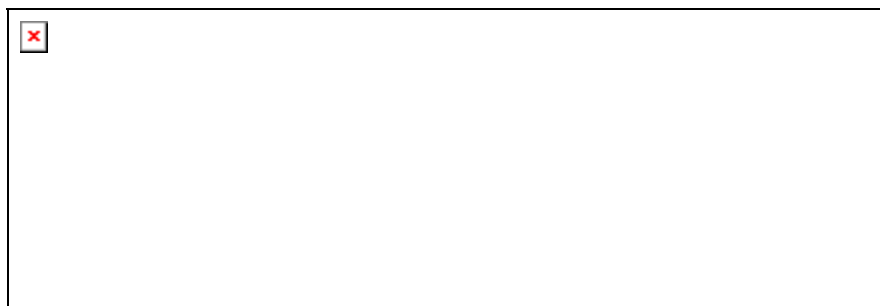
Kevin Coyle, Councilor at Large

Rick Metts, Councilor at Large

Received and recorded June 20, 2007

Denise E. Neale, Town Clerk

**TOWN OF DERRY—RESOLUTION**  
**UPSTONE LANE**



Beverly Ferrante, Councilor District #3

07-111

The Derry Town Council acting in the capacity of Sewer Commissioners hereby adopts the following capital cost recovery method for the Upstone Lane Sewer Project. This vote supercedes any previously approved method of capital cost recovery pertaining to sewer construction projects at Sunset Acres.

WHEREAS: the Derry Town Council has approved the extension of municipal sewer to South Range Elementary School due to problems with the on-site sewerage disposal system including sewer backups in the Spring of 2003 and;

WHEREAS: the Sunset Acres/Upstone Lane area is shown to have groupings of lots 1 acre or less with soils classified as having moderate limitations or unsuitable to support on-site sewage disposal system replacements and;

WHEREAS: the Adopted Derry Wastewater Facilities Plan includes the extension of municipal sewer to the Sunset Acres area and that the extension of municipal sewer service to Upstone Lane is consistent with this plan and;

WHEREAS: the Derry Wastewater Division has sufficient funds to fund the estimated \$260,000 Upstone Lane project cost including a \$135,000 remaining appropriation in the Bradford St./South Range School Sewer Project Fund and \$125,000 in WW fund balance received from the NHDES Sewer State Aid Grant Reimbursement for the Bradford St./South Range School Project:

Be it RESOLVED by the Derry Town Council, acting as the Sewer Commissioners, that it is in the interest of public convenience and health that common sewers be constructed on Upstone Lane as shown on the preliminary sewer plans of the area dated August 1998 as prepared by Dufresne-Henry, Inc.

RESOLVED that pursuant to Article 8 of the Derry Sewer Use Ordinance and Section 7 of Chapter 149-I of the New Hampshire Revised Statutes Annotated, and the Derry Municipal Sewer Betterment policy dated June 5, 2007 and any amendments made thereto, upon the completion of construction of said sewers and issuance of a Notice of Availability to each serviceable property and following the connection

Council

Coyle motioned to approve the revised Derry Municipal Sewer Betterment Assessment Policy dated 6/5/2007, as amended on 6/19/2007, seconded by Councilor Ferrante. Vote: 6-0-0

### New Business

#### 07-65 Approval of Year – End Budget Transfers

Janice Mobsby, Controller gave a review of the Budget Transfers & Capital Project Actions recommendation. Councilors Carney questioned #2 review fees being paid by developers for this service are not covering current contract rates that the town pays for this service. Asked when we are going to update these fees. Requested the Chair has this issue be agendaized to get this issue addressed.

Chairman Bulkley asked Janice to address this with the new Town Administrator and have it put on the agenda.

Councilor Coyle questioned the winter maintenance snow/ice capital reserve fund transfer \$50,000. **Motioned to move the amount of \$50,000 toward the Highway Garage Bond, seconded by Councilor Metts. Motioned withdrawn.**

Frank Childs explained that this Bond stated \$600,000 not up to, so this cannot be done.

**Councilor Coyle motioned to apply the \$50,000 toward the TIF Project, seconded by Councilor Metts. Vote: 6-0-0**

**Motion to accept the Budget Transfers & Capital Project Actions and as amended that #4 be changed to: Fund winter maintenance (snow/ice) reserve**

Highway	Transfer to Capital Project fund	960	\$50,000
Highway	Snow Removal Service	490	\$50,000

**Also items 1 – 12 & 14 as presented, by Councilor Metts, seconded by Council Chirichiello.**

**Vote: 6-0-0**



**Move to recess as Councilor and convene as WW Commissioners. Metts/ Chirichiello Vote 6-0-0**

**Councilor Coyle motioned approve item #13 to be renamed the Bradford Street Sewer project to the**



**Sunset Acres Sewer Project and expand the purpose of the fund to include the area within Sunset Acres including Upstone Lane. Seconded by Metts. Vote 6-0-0**

**Motion to adjourn as WW Commissioners and convene as Town Council. Metts/Chirichiello Vote: 6-0-0**

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#### **Old Business**

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**07-26 VOTE – Release of Public Servitude; 17-19 Steven Avenue**

ATA Moody explained the documents before the Town Council as requested.

**Councilor Metts motioned: That the Town Council accept the Petition for the Release of Public Servitude as outlined, seconded by Ferrante. Vote: 6-0-0**

#### **Public Forum**

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Joel Albricht, Colony Brook Lane – requested that a workshop be agendize with the DEDC and the new Town Administrator. Thanked ATA Dr. Moody for his service to the Town of Derry.

#### **Council Request**

Councilors Chirichiello, Ferrante, Metts thanked ATA Dr. Moody for all he had done in his interim position.

ATA Dr. Moody read a memo to the council since this would be his last meeting. He pointed out to the Council that he had made

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Chairman Bulkley thanked Dr. Moody for volunteering to step up to this position after retiring. He has filled this position professionally, expert and calibrated to get the job done.

**Motion to Adjourn 9:10 p.m.**

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**Denise E. Neale, Town Clerk**

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**Date**