

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

July 10, 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
Capt. Feole
Tom Carrier
Janice Mobsby, Controller

Town Administrator, Gary Stenhouse
Town Clerk Recording, Denise Neale, Deputy Town Clerk Ruth Robinson

Called to Order at 7:30 pm

Salute to Flag led by Maureen Rose, Notice of Fire Exits & Handicap Access, Turn of all Cell Phone and Pagers.

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

Consent Agenda

07-66 Acceptance of Minutes – June 19, 2007

07-67 Schedule Public Hearing – August 7, 2007 – ATM for the DMC

Chairman Bulkley requested that before a Public Hearing is set for an ATM at the DMC an RFP be sent out for other companies for this service. Chairman Bulkley directed Town Administrator Stenhouse to meet with Tax Collector regarding an RFP.

Consent Agenda- Approved (07-67 Removed from Consent Agenda)

Chairman's Report

Chairman Bulkley presented our former Interim Town Administrator, Dr. John Moody with an inscribed cigar box for his term as ATA.

07-68 August Schedule of Town Council Meeting. Chairman Bulkley asked the Council if the date of August 7, 2007 was available for the regular Town Council Meeting. Councilor Coyle would not be able to attend. The meeting was re-scheduled for August 14, 2007.

Public Hearing

07-69 Supplemental Appropriation of \$45,000 to construct sewer service and authorize betterment assessment to each abutting property along Rockingham Road.

Tom Carrier gave an overview of the appropriation and 9 sewer service laterals and assessments to the properties. Letters were sent to all abutters regarding this evening's meeting.

Motion: to recess as Town Council and convene as Water Sewer Commissioners by Councilor Ferrante, Seconded by Council Metts. Vote: 7-0-0

Motion: to open public hearing by Councilor Metts, Seconded by Councilor Ferrante. Vote: 7-0-0

Maureen Rose, Windham Rd- Concerned about effects of lateral being put in and requiring abutters to hook-up.

Steven Murray, Rockingham Rd – is one of the abutters affected and feels assessment is too high and feels he is being forced to pay.

Al Dimmock, High St – questioned if sewer is not extended would there still be assessments?
(Tom Carrier, No)

Motion: Close the public hearing by Councilor Chirichiello, Seconded by Councilor Fairbanks.

Councilors asked various questions regarding the cost of the assessment, whether the letters were sent certified, status of present septic systems involved, how many would need to hook-up immediately, and how the developer came to the \$45,000 agreement with the Town. Other discussion was lowering the amount of the assessment and the implications if the laterals were not installed at this time.

Frank Childs clarified that there are two issues here. 1. Supplemental appropriation of \$45,000 and 2. Service laterals to these properties. The first issue has to be done by obligation due to contract with developer.

Councilor Coyle on the Motion: that the Council approve the attached Resolution authorizing a supplemental appropriation of \$45,000 for the purpose of installing the sewer service laterals to the 9 abutting properties and assess the abutting properties a betterment assessment in the amount of \$5,000 which may be paid in full or financed in accordance with the Derry Municipal Sewer Betterment Policy. Seconded by Councilor Metts. With amendment to Resolution Rockingham Rd (Bradford St to Birch St) Schedule A, cost of Sewer Construction Betterment Assessments for the following Parcel Ids: 05042-003, 05043, 28033, 28033-001, 28034, 28035, 28036, 28037 reduce the assessment from \$5000 each to \$4000 and Parcel Id 28038L and 28038R reduce the assessment from \$2500 each to \$2000 each and the Town will supplement the difference. Vote: 7-0-0

Motion: to adjourn as Water and Sewer Commissioners and re-convene as Town Council by Councilor Metts, seconded by Councilor Chirichiello. Vote 7-0-0

07-62 2007 Justice Assistance Grant – Police Department \$36,650

Captain Feole gave an overview of the program. DOJ requires prior to expenditure a notice be given to the Council and an opportunity provided for public review. The Council requires no action.

Motion: to open the Public Hearing by Councilor Metts, Seconded by Councilor Fairbanks

No Public input

Motion: to close the Public Hearing by Councilor Chirichiello, Seconded by Councilor Metts.

New Business

07-69 Approval of Revised Special Detail Rates for Police & Fire

Captain Feole and Janice Mobsby stated the staff report was done to increase the Detailed Billing Rates for Police & Fire that may require overtime to be charged. The increase is 3%.

Questions were asked if we were inline with other communities and if special detail officers would be used or regular time officers. Chairman Bulkley requested that a detail rate survey be done with other communities and brought back to Council at a later date.

Councilor Fairbanks Motioned: that the Town Council adopts the revised outside detail billing rates as set forth in the attached schedules for Police and Fire effective July 11, 2007, Seconded by Councilor Carney. Vote: 7-0-0

Janice Mobsby clarified that these rates will not go into effect until August 1, 2007.

07-70 East Derry Fire Precinct – J Nadeau

Brenda Keith, of Attorney Boutin & Altieri Law Office gave a synopsis of the court findings to date.

A demand letter was issued for \$71,000 + this includes interest. The funds, when collected, will be placed into Fire Department Vehicle Replacement Capital Reserve Fund. Further discussion will take place in non-public if further action needs to be taken regarding legal strategy.

Old Business

07-17 VOTE – Derry Water Supply and Well installation Regulations – Amendment

Tom Carrier present for questions. Councilor Carney asked questions concerning well yields. Tom asked the Council for feedback on the different options. He would then amend the ordinance and bring it back to Council for vote.

- I. Applicability: No change: 7-0-0 polled
- II. Water Supply- A: Pump Test Requirement: No Change 4–3 -0 polled
B: Well Yield – No Change
C: Aquifer Yield – No Change
- III. Water Quality – A: Testing Parameters Required: No Change 4-3-0 polled
B: When testing is Required: No Change 4-3 – 0 polled
C: Required compliance with EPA maximum contaminant levels:
Option 3 – 4- 2 - 1 polled
- IV. Permit Fees – B: Option 1. – 7-0-0 polled

Town Administrator Report

Town Administrator Stenhouse has spent the last two days being briefed by Dr. Moody and he has been doing a lot reading to get up to speed.

Public Forum

Grant Benson, East Derry Rd - requested that Manning St not be opened. The Highway Safety Committee has discussed many times putting a traffic light at W. Broadway and Maple St. they feel that this is a very difficult traffic area getting onto Broadway from Maple.

Al Dimmock, High St – is in favor of Manning St being opened.

Maureen Rose, Windham Rd – does not want the new Recreation Center placed on Alexander-Carr land. Stated there is not enough Conservation Land in that part of town as is.

Sheila Doyle, Newell Rd – questioned if the Town had a Noise Ordinance seem to be receiving conflicting information. *(Council Chirichiello will meet with her after tonight's meeting)*

Bill Cooper, Central St – in favor of opening Manning St. Would like an air quality study done in the area of Manning St and Broadway.

Raigh Paradis, Sawyer Ct – discussed speeding through Abbott Ct. parking lot onto Sawyer Ct. Need to have a stop sign located at end of the lot.

Council Request

Councilor Metts asked if there would be an update on negotiations forthcoming? Thanked Mike Fowler for his assistance with a resident on site clearance.

Chairman Bulkley asked to schedule a non-public for the first meeting in August.

Councilor Coyle would like an update on the PD morale issue.

Chairman Bulkley replied that he received the information yesterday and will forward it to the rest of the Council.

Councilor Chirichiello asked if the downtown could be street swept as there are new businesses coming into the downtown and the sidewalks are not clean. Can we use seasonal employees for this?

Councilor Metts suggested that individual business owners take care of in front of their businesses. Councilor Chirichiello replied it is not being done.

Councilor Fairbanks asked about the Police Prosecutor position?

Chairman Bulkley stated that PD position was to be discussed in at a later date after the Administrator has a chance to review the issues.

Councilor Fairbanks- Questioned if Grubb and Ellis are used for the sale of town properties, is anyone else given an opportunity? Also would like to give the TA information for grants for the Bike Path and has had 5 requests on this subject.

Councilor Metts has also had requests on the Bike Path.

Councilor Ferrante – requested the Conservation Liaison (Councilor Carney) to set up a workshop with the Council and Conservation.

Councilor Chirichiello stated that in his research of the Bike Path it was suggested not to pave it due to the graffiti that would be put on it in unsupervised areas.

Councilor Coyle spoke about Windham's Bike Path and ours looks like a dump. We need to get up to Windham's standards. He would also like to get a committee together to work on the Bike Path. Chairman Bulkley would like TA Stenhouse to get up to speed before put this on him.

Councilor Carney agrees it can be looked at from an economic standpoint as well.

Councilor Fairbanks questioned the Conservation Committee not coming to the Council after negotiating for land.

Chairman Bulkley replied that they have been before the Council in non-public. They have Public meetings.

Councilor Fairbanks gave her feeling on this statement. Chairman Bulkley replied with an explanation of the Conservation procedures.

The meeting was adjourned.

Motion to Adjourn 9:10 p.m.

Denise E. Neale, Town Clerk

Date