

**TOWN OF DERRY**

**Town Council Meeting**  
Derry Municipal Center

**September 4, 2007**  
Tuesday 7:30 p.m.

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Call to order

Salute to Flag led by Councilor Chirichiello, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones and Pagers.

**Roll Call:** Fairbanks, Carney, Metts, Coyle, Chirichiello, Ferrante, and Chair Bulkley

**Staff Present:** Town Administrator Stenhouse, Town Clerk Neale, Alan Cote, and Conservation Chair Paul Dionne

There was no Non-Public meeting this evening

Consent Agenda:

**07-80** Acceptance of Non-Public Minutes – I & II -  
August 14, 2007

**07-81** Acceptance of Minutes – August 14, 2007

**07-74** Schedule Public Hearing – September 18, 2007 – Supplemental  
Appropriation of \$147,116 for Engineering Services related to Exit 4A

Councilor Carney amended the Non-Public minutes Session – Part I third section under Discussion would like to remove the following sentence “Move to spend up to \$900 for asset check”. All agreed

**Consent Agenda approved with amendment to Non-Public Session – Part I**

**Chairman’s Report**

Congratulations to Councilor Carney on the birth of his daughter. He also Alerted the Public there will be a joint Public Hearing chaired by Executive Councilors, Ray Weiczorck, Debra Pignatelli and John Shea on issues related to the I-93 Expansion on September 12, 2007 at the DMC. There was confusion on the Manning St Ext discussion it will be held on September 19<sup>th</sup> at regular Town Council Meeting.

**Council Liaison Updates**

Councilor Coyle - Finance Committee has not met recently

Councilor Chirichiello - Legislative designee, Ash St and Hazmat have nothing new to report

Councilor Ferrante - The Planning Board sub committees are out working on several different projects and there are no reports at this time. *Reminder: Derryfest is Saturday, September 15<sup>th</sup> and the Spaghetti Supper is Friday, September 14<sup>th</sup>.*

Councilor Fairbanks – There are no reports from the Libraries. The Heritage commission is interested in the Upper Village Hall.

Councilor Carney – Housing and Redevelopment has received their draft audit for 2006 and came out with a “No Findings”. Also they are still working on the Vintage Grace property. Taylor Library’s summer reading program was an enormous success. They are also in the process of developing the Building Committee. Conservation-Cold Marsh dam has received approval from FEMA.

Councilor Metts- Has been unable to attend the Hazmat meeting. School is now open. Two schools are still in need of improvement. Pinkerton will have a new Freshmen Academy, which should be online sometime in 2009.

Chairman Bulkley – DEDC they are continuing to work on various projects.

**Administrator’s Report – nothing at this time**

**Public Hearing**

**07-75 Progress of the Running Brook Cooperative CDBG Community Septic System**

## **Replacement – 100 Rockingham Road**

Chairman Bulkley read a statement from Donna Lane the grant administrator as required by statute. On behalf of Running Brook Cooperative, the Town applied for, and was awarded an \$84,000 Emergency CDBG to replace the system. The new community system has been installed. The project is complete.

### **Motion: Open Public Hearing 7-0-0**

Mike Gill, Warner Hill Rd – asked for clarification of the address of this project.

Sandy Drohen, Rockingham Rd – Wanted to thank the council and the Town for helping with this project.

### **Motion: Close the Public Hearing 7-0-0**

No Council Discussion

**07-76 Amend the Code of the Town of Derry, Chapter 150, Section 150-4 Prohibited Parking, to add Mt. Pleasant Street –East Side – for a distance of 180' in the northerly direction from East Broadway and Mt. Pleasant Street – West Side – for a distance of 130' in the northerly direction from East Broadway**

Alan Cote, Super intent of Operations – gave review of issues on Mt Pleasant Street in regards to parking from the corner of Broadway and up the street.

### **Motion to Open the Public Hearing 7-0-0**

Mike Gill, Warner Hill Rd – member of Highway Safety Committee was only member who did not vote for this motion. He doesn't believe no parking on this street at this time is necessary and there should be a study done on all of downtown streets.

Bruce Brown, Hood Rd – disagrees with research. Supports no parking

Sylvia Booty, Lenox Rd – Supports no parking

Al Dimmock, High St – Supports no parking

Alan Cote, Supt of Operations stated his feeling that an overall study is not necessary as there are not a lot of requests and streets are done on a case-by-case basis.

### **Motion to Close the Public Hearing 7-0-0**

Discussion: Councilors question PD ticketing, different bus routes, no parking on the entire street, and the effects of putting the no parking signs only half way.

**Motion: Move to amend the Code of the Town of Derry, Chapter 150, 150-4 Prohibited Parking, to add the following information:**

**Be it ordained by the Derry Town Council as follows:**

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| <b>MT Pleasant St</b> | <b>East Side</b> | <b>For a distance of 180 ft in the northerly direction from East Broadway.</b> |
|-----------------------|------------------|--|

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| <b>MT Pleasant St</b> | <b>West Side</b> | <b>For a distance of 130 ft in the northerly direction East Broadway</b> |
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Motion made by Councilor Coyle, Seconded by Councilor Carney Vote: 5-2-0 (Fairbanks, Chirichiello)

07-78 Purchase 25 +/- acres – 7 Orchard Drive, Tax ID #56/019/011

Conservation Commission Chair Paul Dionne gave an overview of the purchase and sale at a cost of \$120,000. There will also be a Wellhead grant available in the amount of \$30,000 for this purchase. The

stipulation is that the governing body of the Municipality approves the application. Expressed the need to tie this parcel with the Karas parcel for conservation and watershed protection. Funds are in the Conservation Land Fund account.

#### **Motion to Open the Public Hearing 7-0-0**

Mike Gill, Warner Hill Rd – P&S agreement does it have any hunting restrictions? Requested Council find out if this would be restricted.

Maureen Rose, Windham Rd – Question the \$100,000 from Wal-Mart that was to be put toward this purchase. Wellhead Grant can it be used for other parcels. (Dionne, the money would fund this project) Questioned first right of refusal instead of purchase.

Steve Falconer, Buttonwood Dr – gave an explanation of a first right of refusal.

Donna Thompson, Towne Dr – asked various questions regarding the prime wetlands.

Margaret Ives, Field Rd – The land is not in current use. There is a stream that goes through the property, Marshland 2.98 acres approx and 2.98 Acres of wetland, as stated on the property card. Read an email from Judy Brooks Conservation Commission member regarding the importance of the purchase of this land.

Mike Gill, Warner Hill Rd – Referred to GIS Map.

Mary Eisner, Derryfield Rd – Spoke in favor of this proposal. Need to preserve this land.

Arthur Karas, N Shore Rd – Supports purchase. Spoke about the clear water quality of Beaver Lake.

Tim Pellegrino, Beaver Lake – Agrees with approval of this purchase. Spoke on the quantity of the water.

John Dooney, Faith Dr – Conservation Commission member. The price was derived from a certified appraisal. Urged Council to support project.

Bill Hoyt, Bartlett Rd – Conservation Commission member asked the Council if they had any doubt to take a walk on the property.

Steve Falconer, Buttonwood Dr – gave a math example of the cost of put houses on the land and school children.

Donna Thompson, Towne Dr – Spoke on watershed all over the town not just Beaver Lake.

Maureen Rose, Windham Rd – any grant money that is used for this parcel is less money for other parts of town.

#### **Motion to Close the Public Hearing 7-0-0**

Discussion: Council discussed looking over the P & S, easement protection, lot line adjustment and taking a site walk.

**Chairman Bulkley reminded the Councilor in an explanation of their duties to the entire Town not just their districts.**

**Motion: To authorize the Derry Conservation Commission to purchase 25 +/- acres of land from Gary & Heather Johnston. Tax ID #56/019/01, 7 Orchard Drive. The cost of the land purchase is \$120,000, and will come from the Derry Conservation Commission Land Conservation Fund, established per RDSA 36-A: 5, I**

**Motion made by Councilor Ferrante, Seconded by Councilor Chirichiello   Vote: n/a**

Councilor Coyle pursuant to the Derry Town Charter raised a Charter objection and asked for this to be scheduled for the next Town Council meeting. He would like to review the P&S before voting.

**Motion: To Authorize the Conservation Commission to apply for the Well Head Protection Grant.**

**Motion made by Councilor Coyle, Seconded by Councilor Metts. Vote: 7-0-0**

Chairman Bulkley asked Town Administrator Stenhouse to have Counsel review the P&S and comment, and then refers this information to the Town Councilors in advance of the meeting.

Councilor Carney takes exception to Chairman Bulkley's remark regarding stalling the vote. It has nothing to do with stalling he would like to take a site walk with the other Councilors and maybe they may change their minds. He doesn't feel that calling for a site walk is stalling and he takes exception to that.

Councilor Metts suggested that the Conservation Commission should apprise, the Councilors when they are having site walks on land for purchase.

Conservation Chair Paul Dionne set the site walk for this parcel at 8:00 am on Saturday, September 8, 2007.

Chairman Bulkley apologized for his remarks.

**07-79 Purchase of development rights – 112 English Range Road, Tax ID #11/097, 75 +/- acres and 121 Chester Road, Tax ID #12/021, 16.50 +/- acre**

Conservation Commission Chair Paul Dionne gave an overview of the two parcels and it's agreement with Phil Ferdinando to purchase the development rights to these properties at \$250,000. In addition there is a very strong possibility that they will receive as much as 50% of the cost, from the Farm Protection Program, which is a federally funded program. Funds are in the Conservation Land Fund.

**Motion to Open Public Hearing 7-0-0**

Mike Gill, Warner Hill Rd – spoke in regards to 112 English Range Rd and land values. He is opposed to the purchase rights. Please instruct Doug Rathburn to include current use and easements on the GIS map.

Al Dimmock, High St – questioned current use taxes on building and land.

Chairman Bulkley asked Town Administrator Stenhouse to discuss with Doug Rathburn concerning the easements being put on the GIS map.

Donna Thompson, Town Dr – questioned how many acres are prime agricultural soils. (*Dionne, 50 acres on 112 English Range and 10 acres on 121 Chester Rd*). Concerned that someone could break the agricultural easements.

Bill Hoyt, Bartlett Rd – Looking at Master Plan there is a section on dedication of local farmland. In favor of preservation of this land.

Maureen Rose, Windham Rd – implied that Mr. Hoyt did not take input for the Master Plan. Chairman Bulkley asked Ms. Rose not to make implied statements. She continued and the Chair requested a five-minute recess.

Chairman Bulkley Reminded the Public that at his first meeting as Chair he stated he did not want personal attacks on individuals by anyone who speaks at the podium. He did not feel that remarks that were made were appropriate and he will ask that person to step down.

Maureen Rose, Windham Rd – was there an easement on the Zarba property broken? (*Dionne, replied yes*) Was there an easement on the Wal-Mart property? (*Dionne, there was a purchase price to the*

*Town for this easement) Is fertilizer used in his farming practice that can inhibit the water? (Dionne, he has won awards for his farm management and there has been no phosphorus found in the lakes it is being monitored.)*

**Margaret Ives, Field Rd – Conservation member. This acquisition should be considered positively.**

Mary Eisner, Derryfield Rd – Speak for citizens in Town who feel that the Conservation members work hard and apologize for some of these comments of self-interest and they are appreciated.

#### **Motion to Close Public Hearing 7-0-0**

Chairman Bulkley stated that a P&S will be made available for Council and a Site walk also will be made on Saturday, September 8<sup>th</sup> for this property. Vote shall be agenzized for September 18<sup>th</sup> meeting.

Discussion: Councilors asked questions regarding the parcels, how many potential homes could be built, questioned recuse of member who live near these parcel.

*(Dionne replied, he firmly believes, that people should not recuse themselves because of where they geographically live. He is following the Land Trust Alliance Standards. If you are a direct abutter you should recuse yourself.)*

Conservation Chair Dionne, Farm Protection program wants to give Derry monies for this land. P&S has not been written yet but it must be executed by 9/14/07. He will email it to Town Administrator Stenhouse and it will forward it to the Council.

#### **Councilor Coyle motioned to Extend 10 minutes, Seconded by Councilor Metts 7-0-0**

#### **New Business**

#### **07-82 2007-2008 Private Roads Winter Maintenance**

Alan Cote requested, "Winter Maintenance for Private Roads" continue until this issue is resolved.

Chairman Bulkley, we need to get this on the agenda again, First meeting in October. They have the proposal from Councilor Carney and if there are questions or concerns to get them to the Chair or Councilor Carney. (PD prosecutor is scheduled for First October meeting also)

Alan Cote even if this was resolved in October it is not enough time to get ready for these roads before winter. Money is in the budget.

Motion: The Town Council declares the following roads as "Winter Maintenance Roads" for winter 2007-2008 which will permit DPW to perform winter operations limited to plowing and 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 Lane, Sharon Ave, Wortherly Rd.**  
**Motion by Councilor Metts, Seconded by Councilor Carney Vote: 5-1-0 (Coyle, Ferrante-absent)**

**(Councilor Ferrante excused herself at 10PM)**

#### **Public Forum – non-agenda items**

Al Dimmock, High St – dissatisfied with Chairman Bulkley handling of meeting.

Maureen Rose, Windham Rd – Supports a Town Council Ethics Committee for proper ethics.

Carl Accardo, Olsen Rd – Encouraged and upset over Conservation Land and Councilors questioning ulterior motives, agrees with an ethics committee, asked for Wal-Mart update and where Economic development stands.

Motion to extend 10 minutes by Councilor Metts, Second Councilor Coyle Vote 3 – 3 – 0  
**Revote -2-4-0 (Fairbanks, Carney, Chirichiello, Metts)**

**Meeting adjourned 10:15 p.m.**

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Town Clerk

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Date