

**TOWN OF DERRY**

**Town Council Meeting**  
**Derry Municipal Center**

**October 2, 2007**  
**Tuesday 7:30 p.m.**

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

Staff Present: Tom Carrier & Bob Mackey

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

**Consent Agenda: 07-87** Acceptance of Minutes – September 18, 2007  
**Consent Agenda Accepted**

**Chairman's Report: Nothing to report**

**Administrator's Report: Presentation of Gifts to Council from Sister City of Cherepovets**

Tony Carnovale presented gifts of the Russian Flag, DVD of the City and a Book about the City to the Town Council from the Sister City he recently visited. They have extended and open invitation for the Town Council to come visit Cherepovets.

Filing for Presidential Primary is open from October 15 – November 2, 2007 at the Secretary of States Office. Supervisors of the Checklist will be available on October 12, 2007 from 7:00 – 7:30 pm for registered voters to change parties. This will be the last time you may change your party prior to the Presidential Primary election.

Regards to the Purchase of 7 Orchard Drive he spoke to all three people involved and everyone was cordial and cooperative.

**Public Hearing: 07-84** Accept Corporate Park Drive as Class V Roadway as recommended by the Planning Board

**Motion to Open the Public Hearing by Councilor Metts, seconded by Councilor Ferrante**  
**Vote: 7-0-0**

No Public Input

**Motion to Close the Public Hearing by Councilor Chirichiello, seconded by Councilor Coyle.**  
**Vote: 7-0-0**

**Motion: The Town Council moves to accept Corporate Park Drive as a Class V roadway as recommended by the Planning Board, Councilor Chirichiello, seconded by Councilor Carney.**  
**Vote: 7-0-0**

**New Business: 07-88** Large Animal Regulation

Town Council has had a number of situations brought to their attention regarding this subject. Chairman Bulkley thanked everyone who sent emails information for this.

Town Administrator Stenhouse submitted a draft put together in 2002 on this ordinance. He also received a draft ordinance from Ginny Roach, Planning Board Chair, similar to the draft council has.

Bob Mackey gave a brief history of where this draft may have come from in the late 1980's. Bob has checked with Londonderry, Salem, Auburn, Bow and Windham and they have an ordinance in place. The common way other Towns have made their ordinances are through the Zoning Boards using acreage restrictions.

The only time Code Enforcement would get involved is when there is a problem with manure and then it becomes a health issue. Marlene Bishop, Animal Control Officer, feels that this should not only be for large animals but also chickens and fowl. Bob asked if the Town Council would like to move forward on this issue.

Chairman Bulkley questioned if animal cruelty would be in line due to small confinements for the large animals.

Councilor Carney felt there were two issues, first the quality of life and safety of the animals and secondly disturbance to the neighbors. He would not be in favor of a 2 acre minimum for fowl. He has researched info from the NH Horse Council and there is no requirement for acreage, it is the regulation of the towns to put forward specifics; i.e. pen sizes and set backs. This should be incorporated through the Planning Board.

Bob Mackey asked if Council would like a stand-alone ordinance or something incorporated into the Zoning laws. It is typically done by Zoning.

Councilor Fairbanks asked if fees will be issued for non-compliance. (Bob Mackey, yes) She then questioned a "Grandfather Clause". (Bob Mackey, yes, however if an animal passes away the property may not have the right for replacement.)

Chairman Bulkley stated Council cannot legally remove an animal from its present condition.

Councilor Chirichiello, noted there is nothing about Exotic animals, could this be put in? (Bob Mackey, we could look into this)

Chairman Bulkley agreed it was the Council's consensus to send this to the Planning Board.

Councilor Chirichiello would like to see the surrounding towns information that Bob Mackey has obtained.

Town Administrator Stenhouse will make a folder for Council to review.

Chairman Bulkley stated for the Public, this will go to the Planning Board and then will come back to Town Council for a public hearing at which time they will take public input.

## **Public Forum**

Al Dimmock, High St –Regulations should restrict animals altogether in certain areas of town.

Wayne Curto, Lakeshore Dr- Concerned about hygiene, rats, and odors. There should be proper guidelines to maintain and clean the area for animals, neighbors and environmental impact to waterways.

## **Council Requests/open discussion**

Councilor Carney gave an update on the Private Roads it was to be discussed this evening however it has not come back from Legal Counsel. Also would like to know where RFP for Legal Counsel.

Town Administrator Stenhouse answered that the RFP for Labor Counsel is already out with a closing date in October.

Councilor Carney believes the Boutin firm's legal representation to the Town ends this month. And there is a three-month limit. Carney would also like to know where the RFP for Legal Counsel stands.

Town Administrator Stenhouse explained that the resolution states that until which time an RFP were put out. He has reviewed the minutes and there is no time limit. He will review the resolution again.

Chairman Bulkley asked for an email confirmation on this.

Councilor Coyle questioned the RFP being for Labor. When would the RFP come out for Counsel to the Town?

Town Administrator Stenhouse replied that he would be reporting to Town Council at their next meeting.

Councilor Coyle referred to the Town Administrator's report regarding the RFP for the Prosecutors position?

Town Administrator Stenhouse stated it would be ready for the 16<sup>th</sup> of October or the 2<sup>nd</sup> of November, as he would be out of town next week.

Councilor Coyle state he had a 91-A request that hasn't been replied to yet, from John Burtis.

Town Administrator Stenhouse emailed Mr. Burtis that it would take 5-7 days to retrieve this information.

Council Coyle was looking for input from the Council regarding an organization in Derry for the Bike Path. He supports this. But the cost will be somewhere between \$400,000 - \$500,000.

Chairman Bulkley stated that when Paul Doolittle was on the Council he had gotten some monies budgeted to extend the Bike Path until it is completed. He doesn't see this as a problem and we should look for matching funds or this would be a large amount of money.

Councilor Ferrante would like to get a team together to work on this.

Chairman Bulkley asked if someone from Windham could come and give a brief synopsis of how they got together to do this.

Councilor Coyle most of Windham's funds were private. There maybe a proposal brought before soon.

Councilor Ferrante asked when Town Council would be setting their goals. Councilors replied sometime in the winter before budget sessions.

Councilor Metts spoke on the donations for Hood Park from the Rotary Club. He would like to see something done with help from the contractors. He's in.

Councilor Chirichiello stated that he would like to see all the details first.

Councilor Carney thinks that there does need to be private help as well as from the town.

Councilor Fairbanks is 100% on board.

Councilor Ferrante state that the Senior Center is another group that is going to need dollars. The dollars are important and should not be all coming out of the taxpayers.

Councilor Metts questioned the Abbott St parking lot lights. There are three out.

Chairman Bulkley asked if the Town could take the lights over.

Councilor Chirichiello stated that if PSNH owns the lights they need to own up to them.

Councilor Fairbanks stated that from her District meeting last evening she has questions she will give to Town Administrator Stenhouse to get answers to.

**Adjourned 8:20 p.m.**

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**Town Clerk**

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**Date**