

## TOWN OF DERRY

**Town Council Meeting**  
Derry Municipal Center

**June 17, 2008**  
Tuesday 7:30 p.m.

Corrected July 29, 2008

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Salute to Flag, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones and Pagers

Staff Present: Mike Fowler, Tom Carrier, George Sioras and Frank Childs

Roll Call: Councilors – Fairbanks, Carney, Coyle, Chirichiello, Benson and Chairman Metts  
Councilor Wetherbee absent

### **Consent Agenda**

**08-91** Acceptance of Non-Public Minutes Part I & II – June 3, 2008

**08-92** Acceptance of Minutes – June 3, 2008

**Consent agenda approved Vote: 6-0-0**

### **Chairman's Report** – Council Liaison Reports

Councilor Carney – Taylor Library: summer programs are underway and September 3<sup>rd</sup> registrations for fall programs will begin. The library has hired a professional fund raiser to defray cost of building the addition.

Housing Authority: Board members of the Housing Authority were recently asked to be new members of the Nutfield Housing Development Corporation. This will help the housing authority apply for grants under this corporation.

Councilor Coyle – Finance Committee: The report was given at the last meeting.

DRTA: Alexander Eastman Foundation just gave them \$25,000 which puts them over \$270,000 towards the total to reach of \$350,000. Disappointed with Conservation Commission.

Councilor Chirichiello – Planning Board is working on the "Open Space" Ordinance. They are also working on an "Animal Control" Ordinance and LDCR's.

Councilor Benson – nothing to report at this time

Chairman Metts - Southern NH Hazemat - no report

School Board - Pinkerton held its graduation on 6/13 there were 690 graduates. The freshman academy construction will be held off for one year. Two middle school graduations are 6/18. There are presently three schools tagged by the State as "in need of improvement".

### **Administrator's Report**

- July and August meetings are 7/15 and 8/19.
- Taylor Library was asked to supply information there is co-operative programs between the Library and the Recreation department. The reading program has 90 people signed up.
- Human Services – the economy is beginning to slow. Appointments are up. Spending in this department is stable as they use the resources in the community.  
Council will be receiving the Community Service guidelines shortly. They need to be reviewed and approved.

- Town Clerk – Dog renewal licensing is at 50%. Regarding where to vote - Election Officers are campaigning to get people to register to vote to try to alleviate some of the problems that occur with same day registration.
- Gary Stenhouse will be at the NHMMA Conference from 4pm Wednesday until Friday. He has asked Larry Budreau to be Acting Town Administrator.

Chairman Metts - Mentioned as a reminder, there will be a joint meeting of the Libraries and Council and Trustees on 6/24/08. Public is invited; however, there will not be any public input.  
Councilor Coyle and Fairbanks will be unable to attend.

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

Chris Wolfe, Martha Dr – Bipartisan Citizens Group – spoke regarding the general election polling place in November. His group feels there would be voter disenfranchisement by having three polling places. The group feels that there is a solution to the past issues at Pinkerton Academy; i.e. 2004 Presidential election. He requested that the Town Council hold a public hearing on this issue of three polling place.

Jim Foley, Hampstead Rd Chairman of GOP – Has discussed the matter with the Secretary of State's Office (Ed Scanlon and Bill Gardner) and they thought this matter should have been discussed in an open forum. He would like a public hearing on the issue of three polling place.

Jim McEachern – stated sections from The Derry Town Charter 2.5b.regarding polling places and times for town elections.

Chairman Metts asked TA Stenhouse to check with legal counsel regarding the charter. Town Administrator Stenhouse advised Town Council that the State of NH sets the dates and many of the particulars for State and National elections and primaries and further he would seek the advice of Attorney Boutin.

Margaret Ives, Field Rd – Town Moderator reiterated that the Election Team unanimously still supports three polling places. There were many factors in making this recommendation.

### **Motion to Close the Public Forum**

### **Public Hearing**

**08-81** Amend Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-5 Limited Parking – Two Hour Parking – Franklin St East – Entire length between East Broadway and Pearl St

**Motion to Open the Public Hearing Vote: 6-0-0**

**No Public input**

**Motion to Close the Public Hearing Vote: 6-0-0**

Mike Fowler answered question of the Town Councilors regarding this amendment to the Code.

**Move to amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-5 Limited parking – Two hour parking, to read:**

**Franklin Street                      East      Entire length between East Broadway and Pearl St.**

**Motion by: Councilor Benson, seconded by Councilor Coyle Vote: 3-3-0 motion failed**

**\*08-84** Three (3) Consecutive Public Hearings on a Community Development Block Grant application proposal for – (1) Proposed application to Community Development Finance Authority for up to \$250,000 in Community Development Block Grant funds toward the cost of rehabilitation of the Vintage Grace Facility:

Donna Lane of CDBG gave an overview of the grant and the proceedings of voting on this item and the purpose of the grant. (Also present Robert Fleig of DHA)

**Motion to Open the Public Hearing Vote: 6-0-0**

**No Public input**

**Motion to Close the Public Hearing Vote: 6-0-0**

**(1) Move to approve the submittal of the application and votes to authorize the Chairman to sign and submit the application, and upon approval of the CDBG application, authorizes the Chairman to execute any documents which may be necessary to effectuate the CDBG contract. Motion by: Councilor Coyle, seconded by Councilor Carney. Vote: 6-0-0**

**(2) The Housing & Community Development Plan  
Motion to Open the Public Hearing Vote: 6-0-0  
No Public input  
Motion to Close the Public Hearing Vote: 6-0-0**

**Move to adopt the Housing and Community Development Plan. Motion by: Councilor Benson, seconded by Councilor Carney. Vote: 5-1-0 (Coyle)**

**(3) Residential Anti-displacement & Relocation Assistance Plan  
Motion to Open the Public Hearing Vote: 6-0-0  
No Public input  
Motion to Close the Public Hearing Vote: 6-0-0**

**Move to adopt the Residential Antidisplacement and Relocation Assistance Plan. Motion by: Councilor Benson, seconded by Councilor Carney. Vote: 6-0-0**

**08-86** Supplemental Appropriation of \$8,700 from Taylor Library Capital Reserve Fund Balance for engineering and consulting services related to Taylor Library Building Expansion Project incurred in FY08

Frank Childs gave the background information from the staff report on the Taylor Library Capital Reserve Fund.

**Motion to Open the Public Hearing**

**No Public Input**

**Motion to Close the Public Hearing**

Councilor Benson asked if there would be anymore engineering costs incurred.

Councilor Carney suggested that would depend on a discussion that will be started at the workshop. They are looking for direction.

Candy Andrews, Sub-Chair of Taylor Library Trustees – the costs were incurred because they thought they were going to be building in this next Fiscal Yr. There would not be anymore fees incurred unless directed by the Town Council that they were on track for FY10 CIP.

**Move to raise \$8,700 in fiscal year 2008 from the Taylor Library Capital Reserve fund (#4000) held by the Town of Derry Trustees of the Trust funds and appropriate \$8,700 for engineering costs (310) incurred related to the building expansion in the Taylor Library Special Revenue Fund (#3001). Motion by: Councilor Carney, seconded by Councilor Coyle. Vote: 6-0-0**

**08-90** Establish a Capital Project Fund entitled "Manning Street Extension" for the purpose of designing and building an extension of Manning Street and to establish a budget of \$80,000 in the Manning Street Capital Project funded by the following transfer from Public Works Department-Highway Division.

Mike Fowler – stated this is a housekeeping item. The Town Council appropriated \$80,000 in the FY 08 budget for the purpose of constructing a road between Rollins St and Pearl St. Further the appropriation would construct a section of the bike path. However due to the winter, the Engineering Department was unable to perform survey work and therefore the engineering design has not been completed and the bid will not go out until July. Therefore they request to transfer the monies to the FY09 budget.

**Move to Open the Public Hearing Vote: 6-0-0**

Janet Conroy, High St – questioned how long this has been on the Capital Improvement Plan. She is concerned that there is no plan to widen Rollins St. The project may cost more.

George Chaloux, Karen Ave – Questioned if there would be another study done.

Albert Dimmock, High St – There has already been monies spent on a design and some subgrade work completed for Manning Street. However over the years it has not been maintained.

Edie McGillian, Rollins St – Feels the Bike Path would be wonderful but feels that there is not enough money in the budget for this project. She does not advocate this road.

Margaret Ives, Field Rd - wanted to make sure that this was just to transfer the \$80,000 and plans would be unchanged allowing for the Bike Path and the sidewalk. (Mike Fowler, that is correct.)

John O'Connor, Arrowhead Rd – Would like to see the \$80,000 put toward the present Bike Path and not an extension of Manning St. The project needs to be reviewed.

**Move to Close the Public Hearing Vote: 6-0-0**

**Councilor Chirichiello raised a "Charter Objection".**

Councilor Coyle asked to hold a Special Meeting on Friday night on this issue only. He asked to poll the board for a day to hold the meeting.

Chairman Metts suggested Saturday, June 21 at 9:00 a.m.

Councilor Fairbanks supported the Special Meeting and second and requested Councilor Benson recue himself as a direct abutter of Manning St and asked for a legal opinion.

Councilor Carney supported the Special Meeting as a third.

Chairman Metts requested the Town Administrator Stenhouse post this "Special Meeting".

**Councilor Coyle made a motion to schedule a "Special Town Council Meeting" on Saturday 6/21/08 at 9 a.m. for the purpose of voting on establishing a Capital Project Fund Manning Street Extension item # 08-90. Second Councilor Carney, third Councilor Fairbanks.**

## **New Business**

### **08-93    Matteuzzi Farm Easement**

Town Administrator Stenhouse gave an overview of the importance of this land. The owner Ron Mead has agreed to provide a Conservation Easement the DCC has reviewed and voted to accept the easement. There is no financial consideration involved.

Town Council is voting to approve the DCC accept and hold the easement for 9+/-acres bordering Manter Brook at 2 Beaver Lake Rd, Tax ID #09/045/ as mitigation for a wetland disturbance at 255 Hampstead Rd.

Councilor Coyle asked who would hold the conservation easement. TA Stenhouse replied the DCC would.

Councilor Carney asked about the wetland disturbed on Hampstead Rd if it was done with approval that the town would receive the 9+/-acres or through remediation for doing this.

George Sioras stated that part of this was for the remediation of the disturbance on the Hampstead Road project. The developer was fined by the DES and this is part of the settlement.

Councilor Coyle asked if the property was subject to any mortgages. TA Stenhouse stated that it has been reviewed by legal counsel but the T.A. did not know if a title and mortgage review was completed by Counsel.

Councilor Coyle feels uncomfortable that if this property has a mortgage on it and if the easement is accepted that if the mortgage holder forecloses, this easement would be null and void.

Councilor Coyle asked the vote be delayed until there is confirmation that there is no mortgage on this property and see the easement itself.

**Move to vote and approve the DCC accept and hold the easement for the 9+/-acres bordering Manter Brook, at 2 Beaver Lake Rd, Derry NH, Tax ID #09/045, as mitigation for wetlands disturbance at 255 Hampstead Rd, Derry NH. Motion by: Councilor Benson, seconded by Councilor Carney. Vote: Tabled**

**Moved to: Table until July 15, 2008 by Councilor Coyle, seconded by Councilor Chirichiello. Vote: 6-0-0**

**Move to convene at Town Council and re-convene as Water Commissioners**

### **08-94    Water Commissioners - Meadowbrook Community Water System Water Supply**

Tom Carrier looking to get direction from the Town Council regarding future Capital Improvements in the Water Division regarding the Meadowbrook Community Water System. The NHDES has issued a Letter of Deficiency requiring the Town by 6/18/08 to assess the present and future demands of the Meadowbrook system and to submit a long term plan to address the water supply shortages. The Water Department is recommending that Town Council issue a request for proposals for an Engineering Study to evaluate options favored by the Town Council and to develop preliminary cost estimates.

Town Council asked a question regarding the NHDES request, resident's compliance with usage and evaluations of this system.

**Move that the Derry Town Council acting as the Water Commissioners authorize the Department of Public Works to issue a Request for Proposals to conduct a Meadowbrook System Water supply engineering assessment and feasibility study to include the rehabilitation of existing wells, the construction of additional ground water supply sources and the extension of the municipal water system to East Derry and to present options and associated cost estimates to the Council at a subsequent meeting for evaluation. The costs of said study not to exceed \$42,000 without Council approval and to be paid via a transfer of funds within the FY09 Water Division budget Purchased Water – MSD charges. With an addendum to address letters to the residents re-informing them of the bands and penalties for not complying with conserving water usage. The Town Council will meet on 7/15/08 and may impose fines for violations if compliance is not met.**

**Motion by: Councilor Carney, seconded by Councilor Benson. Vote: 5-0-0 (Chirichiello absent from vote)**

**Move to Open the Public Forum Vote: 6-0-0**

**Public Forum – non agenda items**

Al Dimmock, High St – wanted to recognize George Sioras for his 20 years of service to the Town. He was disappointed by the forum on Manning St and requested that Councilor Benson recuses himself from voting on this matter.

**Motion to Close the Public Forum Vote: 6-0-0**

**Council Requests/open discussion**

Councilor Fairbanks had a request of Mike Fowler and Frank Childs, “Could Manning Street still be paved without the funds?” Mike Fowler stated “Yes” but if that were done then another project already scheduled for this year would have to be delayed, Councilor Fairbanks requested TA Stenhouse to provide an accounting regarding land purchase and administrative funds that have been expended for the last ten years by the DCC. She would also like to know how much money the Town of Derry has spent for preservation and open space at the DCC’s request.

Councilor Coyle asked if Councilor Chirichiello would kindly withdraw his Charter Objection to avoid the Special Meeting. (Councilor Chirichiello replied, no he has some questions he needs to think about.)

Chairman Metts questioned to Ms. Ives if the DCC had pledged the remainder of their funds this fiscal year to the DRTA. She replied yes.

**Motion to Adjourn 9:30 p.m.**

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Town Clerk

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Date

Recording/Denise Neale  
Review/Gary Stenhouse