

## TOWN OF DERRY

**Town Council Meeting**  
Derry Municipal Center

**July 15, 2008**  
Tuesday 7:30 p.m.

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### **Non-Public Session RSA 91 A:II (c)**

**Staff Present:** Janice Mobsby, Frank Childs, Alan Cote, Mike Fowler, and Jill McLaughlin

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

**Roll Call:** Councilors Wetherbee, Fairbanks, Carney, Coyle, Chirichiello, Benson and  
Chairman Metts

### **Consent Agenda**

- 08-95** Acceptance of Minutes – June 17, 2008
- 08-96** Acceptance of Special Meeting Minutes – June 21, 2008
- 08-97** Acceptance of Joint Workshop with Library Trustees –  
June 24, 2008
- 08-98** Schedule Public Hearing – August 19, 2008 – Amend the Code  
of the Town of Derry, Chapter 150, Traffic Ordinance Article I,  
Section 150-10 Stop Signs to read: Gervaise Dr at Stark Rd
- 08-99** Schedule Public Hearing – August 19, 2008 – Amend the Code  
of the Town of Derry, Chapter 150, Traffic Ordinance Article I,  
Section 150-10 Yield Signs to read – Sunset Circle (cul de sac  
portion) @ Sunset Circle
- 08-100** Schedule Public Hearing – August 19, 2008 – Amend the Code  
of the Town of Derry, Chapter 150, Traffic Ordinance Article II,  
Section 150-10 Stop Signs to read – Remove Stop Signs –  
Fenway St @ Grove St and Grove St @ Fenway St
- 08-101** Schedule Public Hearing – August 19, 2008 – 2008 Justice  
Assistance Grant (JAG) – Police Department
- 08-102** Schedule Public Hearing – August 19, 2008 - Request to  
Approve Cities Readiness Initiative (CRI) Phase IV Grant
- 08-103** Approval of Elderly Exemption

**Motion to recess as Town Council and convene as Water Commissioners Vote: 7-0-0**

**08-104 Water Commissioners** – Approval of Water Abatement

**Move to approve Water Abatement – Vote 7-0-0**

**Motion to reconvene as Town Council Vote: 7-0-0**

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

Chairman Metts – School Board had appealed the designation of Grinnell School to come off the  
“Need Improvement” list. Therefore there are two schools still on the list.

Councilor Wetherbee – Heritage: Commission recently microfilmed the newspaper “The  
Serviceman” ran from 1940 – 1946 it is now available at the Derry Public Library. Rick Holmes  
will speak Sunday 7/20 at the Robert Frost Farm on the “Tales of Old Derry”. Sunday 7/27 the  
Heritage Commission will hold its “Heritage Day” at the First Parish Church. 7/21 is the 10<sup>th</sup>  
Anniversary of the death of Alan Shepard there is a room dedicated to him at the museum. The  
Derry History Museum has a new website – [www.derrymuseum.org](http://www.derrymuseum.org)

Derry Public Library: Children's summer readings are in full swing. The Library will close August 22<sup>nd</sup> – August 26<sup>th</sup>. They will be updating their system.

Conservation Commission: The community garden at Broadview Farm is a huge success all 22 lots have been taken.

On 7/30 the Beaver Lake Improvement Association will hold a forum at the Marion Gerrish building on the new State Shoreline Protection Act it went into effect July 1st.

On April 21<sup>st</sup> the Conservation Commission voted to donate their yearend balance to the "Derry Rail Trail Alliance". The total amounted is \$4,252.72.

Councilor Benson asked what the Rail Trail balance was at.

Councilor Coyle replied with that donation it is over \$275,000. Their goal is \$380,000.

Council Carney Taylor Library: They have developed a check sheet of all points and changes to work with the Derry Public Library. They are waiting for the DPL Chair to come up with meeting dates. They have also developed some plans and ideas for one library card for both libraries.

Councilor Fairbanks offered to take a liaison position if someone would like to take a break

### **Administrator's Report**

Conservation Commission Land Appropriations & Acquisitions – reviewed the report for Council regarding monies spent and acres owned.

2008 State Primary and General Elections – reviewed the Town Attorney's opinion regarding questions asked by Town Council regarding the Elections. He commented to Town Council that since this could be a litigious situation that you should not release the Attorney – Client privilege letter as it could be used against the Town and you might be waiving your right to keep other legal correspondence on this issue privileged.

**Councilor Chirichiello motioned to release the Attorney Client privilege letter, seconded by Councilor Coyle. Vote: 7-0-0**

Councilor Fairbank suggested that there be one voting place for Town Elections and would like to discuss this at a later date.

Councilor Chirichiello agreed there should be discussion with the public.

Councilor Carney feels this discussion will cause more confusion.

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

Town Administrator Stenhouse stated there is a mortgage on it. He has had a subordination agreement drawn up he will give it to Mr. Dionne.

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

Ray Paradis, Sawyer Court - Parking lot lights are still not working but Dig Safe is working down there. Without lights there has been vandalism. Secondly the Pathway there was a sign "No motorized vehicles". There have been motorcycles and motorized bikes up and down it. Lastly, the drainage issues by his home.

Steve Nottonson, Worthley Rd – The residents of Worthley Rd has been maintaining their road. The rains cause an erosion problem. The residents have a request, would like to know if they could purchase road material through the DPW and piggyback the bulk rate obtained when the town buys.

Chairman Metts stated they can look into this.

### **New Business**

Councilor Coyle suggested to discuss 08-105 before 08-104. Agreed.

**08-105 Manning Street Extension Reconstruction & Possible Action.**

Mike Fowler gave an overview of the Bid Requests and increased costs of the project.

There was input from Alan Cote on ways to cut costs on this project.

Council discussed options and expectations and roads not done last year and road ratings.

Chairman Metts gave the three options as outlined:

- a. Postpone the project indefinitely (*Motion required*)
- b. Vote to create a supplemental appropriation in the amount of \$45,000. (*Vote required*)
- c. Authorize the Town Administrator to utilize \$45,000 from the Pavement Maintenance account in Highway 18422001 430014.

In response to a question from Councilor Benson who inquired if no action on the part of Council for either option a or b meant that the project would automatically move forward the Chair responded that was the case. The Chair then asked if anyone wished to make a motion. None was forthcoming.

**08-104 Manning Street – Possible Name Change**

Town Administrator Stenhouse displayed on a map the issues involved with having two streets named Manning being in close proximity to each other. He suggested that one of them needs to be changed. It creates a confusing issue with the public.

Council discussed options and the problems involved with changing the name of the streets.

Either way there's a cost involved for either residents or businesses.

Discussed having the residents and businesses give input to the new name.

Chairman Metts asked if there has been any input from the Police, Fire or Highway Safety.

Town Administrator Stenhouse has had discussion with Police and Fire.

**Councilor Fairbanks asked to table this and invite all the residents and businesses to attend a meeting in September. She also asked for a recommendation from the Fire Department. Second by Brent Carney. Vote: 7-0-0**

Schedule a Public hearing for the second meeting in September.

**08-106 Review & Approval of Updated Human Services Guidelines**

Jill McLaughlin gave an overview of the Updated Human Service Guidelines. These guidelines have not been updated since 2005.

Councilors asked questions regarding the updated costs, fuel assistance allotment from the State of NH, clarification on basic needs, and rental/mortgage guidelines.

**Move to adopt the written guidelines entitled "Town of Derry, New Hampshire Human Services Guidelines (2008-2009)" relative to general assistance in accordance with RSA 165.1.I as presented this 15<sup>th</sup> day of July 2008. Motion by: Councilor Coyle, seconded by Councilor Chirichiello. Vote: 7-0-0**

**08-107 Authorize Town Administrator to Sign Documents Relative to Town's Participation in Self-Insured Program LGC Health Trust**

Town Administrator explained the Resolution from LGC required to be updated every several years.

**Motion:**

**RESOLVED: That the Town of Derry shall participate in the following self-funded, reinsurance pool operated by subsidiaries of Local Government Center, Inc.: HealthTrust, for the provision of health and other benefits as may be selected for its employees.**

Further:

**RESOLVED:** That Gary Stenhouse, Town Administrator is hereby authorized and directed to execute and deliver to the applicable Trusts on behalf of the Town of Derry the "Application and Participation Agreement," including any applicable Schedules thereto, in substantially the form presented to this meeting, together with any related documentation necessary to effect and complete the Application and Participation for the above-authorized protection of benefits.

Further:

**RESOLVED:** That Gary Stenhouse, Town Administrator is hereby authorized and directed to execute and deliver the applicable Trust the "Certificate of Authorizing Resolution."

**Motion by: Councilor Benson, Seconded by Councilor Chirichiello.**

**Councilor Coyle moved to amend strike "Gary Stenhouse" and use only Town Administrator in the Resolution. Amendment accepted by Councilor Benson.**

**Vote: 7-0-0**

**Public Forum – non agenda item**

**No Public Input**

**Council Requests/open discussion**

Councilor Fairbanks requested that the Conservation map include addresses to find these areas.

Town Administrator Stenhouse stated he would make it each piece of open space and school properties to show their address.

Councilor Carney asked to add to the report of Department recommendation for the fall if it is feasible to have the Ambulance Service self-funded.

Councilor Wetherbee would like to meet with his constituents of his district on Saturday, 7/26/08 @ 9:00 am at the Broadview Farm rain date on 7/27/08 Sunday.

Councilor Coyle thanked Animal Control for their assistance in finding their dog. In reviewing the PD Union's website they are critical of the Town Council and state that the PD has lost 20% of the PD in this past year the Town Council is doing nothing about it. He would like the council to look into this.

Councilor Fairbanks feels it would behoove the Town to look into outside organization that would come in and assess the Town Fire and PD and save us money.

Town Administrator Stenhouse solicited proposals on the Fire Dept several months ago. He was dissatisfied as they did not answer the questions he had asked. He has another RFP ready. He plans to get the RFP out again this summer.

**Motion to Adjourn by Councilor Chirichiello moved by Councilor Fairbanks all in favor.**

**Adjourned: 9:20 p.m.**

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**Town Clerk**

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**Date**

Recording Clerk/Denise Neale, Town Clerk  
Review/Gary Stenhouse, Town Administrator