

## TOWN OF DERRY

**Town Council Meeting**  
Derry Municipal Center

**September 16, 2008**  
Tuesday 7:30 p.m.

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### **Non-Public Session RSA 91-A:2 I (b)**

Staff Present: Chief Klauber, Larry Budreau

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**

**08-123** Acceptance of Non-Public Minutes – September 2, 2008

**08-124** Acceptance of Minutes – September 2, 2008

**Amend Non-Public: Respectfully submitted Brad Benson**  
**Accepted with amendment to Non- public Vote: 7-0-0**

### **Chairman's Report**

Chief Garone explained the situation today at the Marion Gerrish Community Center.  
Chairman Metts thanked the Police Department and Chief Klauber for their immediate action.

### **Administrator's Report**

On Saturday September 27<sup>th</sup> the Town Surplus Auction will take place at the Derry Police Garage.

The General Election will take place on November 4<sup>th</sup> which is a scheduled Town Council Meeting the following Tuesday November 11<sup>th</sup> is a Town Holiday.

The Councilors should email Chairman Metts with a new date for this meeting.

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

#### **Motion to Open the Public Forum Vote: 7-0-0**

Carl Accardo, Olsen Rd – A year ago offered his 5 acres of land which abuts the Town Forest to the Conservation Commission. Follow up has been poor. He has still not received an answer.

Al Dimmock, High St – Spoke regarding the Benson Company fence being on Town Property. Mr. Benson has agreed to remove it if the Town asks. Mr. Dimmock is asking the Town Council to request the fence be removed.

#### **Motion to Close the Public Forum Vote: 7-0-0**

### **Old Business**

**08-99** Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-10 Yield Signs to read – Sunset Cir (cul de sac portion) @ Sunset Circle

**Move to re-open the Public Hearing on this matter for a period of 10 minutes. Motion by: Councilor Coyle, Seconded by Chirichiello. Vote: 7-0-0**

David Mulcahey, Sunset Circle – Wished to correct overview map provided as the streets are labeled incorrectly. He provided a MapQuest Map & Google Map to Town Council and for the record. (See attached) He explained an incident last evening where a car hit his fence. This is a hazardous intersection.

**Move to close the re-opened portion of the Public Hearing. Motion by: Councilor Coyle, Seconded by Councilor Wetherbee. Vote: 7-0-0**

Councilor Wetherbee asked Chief Garone to review the opinion of the Highway Safety Committee's recommendation.

**Move to 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. Motion by Councilor Wetherbee, Seconded by Councilor Benson  
Original motion failed 3-4-0 (Fairbanks, Carney, Coyle, and Chirichiello)**

Council discussion

**Move to amend the Code of the Town of Derry, Chapter 150 Article II, Section 150-10 Traffic Ordinance to add one STOP sign as shown on aerial view on the easterly sign. Motion by: Councilor Coyle, Seconded by Councilor Carney.**

Chief Garone requested that two signs be placed because of a safety hazard.  
**Motion and second withdrawn.**

**Move to amend the Code of the Town of Derry, Chapter 150 Article II, Section 150-10 Traffic Ordinance to add two STOP signs as shown on aerial view. Motion by: Councilor Coyle, Seconded by Councilor Carney. Vote: 7-0-0**

**08-100** 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

**Move to re-open the Public Hearing on this matter for a period of 10 minutes. Motion by: Councilor Carney, Seconded by Coyle. Vote: 7-0-0**

Francis Salomone, Fenway & Grove – She has lived on Grove for over 60 years. These STOP signs have been in place for 35 years. People use Fenway and Grove as a short cut to avoid the lights at Broadway and Birch. She is against removing the STOP signs.

Brenda Borders, Fenway St – Has lived on Fenway St for over 20 years. It was decided not to make it a one way, the school buses pick up our children due to the hazard of no sidewalks. The STOP signs are a deterrent as they make people slow down. She is against removing the STOP signs.

Lisa Connolly, Grove St – Agrees that the STOP signs should not be removed.

Gerry Salomone, Fenway & Grove – Since the STOP signs have been there and have been some close calls but everyone does slow down. Please don't take down the STOP signs.

Al Dimmock, Highway Safety Committee- According to Municipal Guidelines for placement of STOP signs these STOP signs do not meet the guidelines. We felt they be removed and replaced with a Chevron.

**Move to close the re-opened portion of the Public Hearing. Motion by: Councilor Coyle, Seconded by Councilor Fairbanks. Vote: 7-0-0**

**Councilor Coyle moved to table, seconded by Councilor Chirichiello.**

Town Administrator Stenhouse suggested that they make the motion and not second it.

**Motion and seconded withdrawn.**

Council Discussion

Chief Garone stated although the STOP signs do not meet the guidelines. They are not unlawful since if someone goes through it the PD can issue a ticket.

**Move to amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article II, Section 150-10 Stop Signs to read: Remove Stop Sign – Fenway St @ Grove St and Remove Stop Sign – Grove St @ Fenway St. Motion by: Councilor Coyle, Seconded by Councilor Fairbanks. Vote: 0-7-0 Original motion failed. Stop signs will not be removed**

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

Town Administrator Stenhouse explained that there would be two streets with the same name. One of the street names should be changed. The original name of Manning St area was Manningville. Both residential and business will be affected either way. Residents were notified.

Chairman Metts asked to hear from any residents of Manning St.

Peter Doyle, Manning St – Stated it is an emotional issue and inconvenient to the retirees who live on this street.

Al Dimmock, High St – Why not call it Municipal Lane

Councilor Chirichiello stated that the residents did not want the extension it was the businesses that did. Therefore the businesses should bear the burden.

Ed Garone stated that the least disruption would be to name the new section. It is unlikely there is going to be any other development on that street. The courthouse would be the only affected party.

Council discussed changing the name with residents or businesses.

Councilor Fairbanks suggested the new section it should be called Courthouse Way or Lane.

Councilor Carney asked Chief Klauber if this proposal would be sufficient for the FD.

Councilor Coyle suggested naming the residential area Manningville St - the cost would be less.

**Move to make the new section of Manning Street name Courthouse Lane between Pearl St and Rollins St effective January 1, 2009. Motion by: Councilor Benson, seconded by Councilor Fairbanks. Vote: 4-3-0 (Coyle, Carney, Chirichiello)**

#### **New Business**

**08-125** Approval of IAFF Local 4392 Firefighters and IAFF Local 4392 Fire Officers Labor Contracts

**Councilor Coyle - Pursuant to Section 3.4 of the Derry Town Charter moves that this proposed measure be put to a vote of the Town at a "Special Election" at the November 4<sup>th</sup> General Election. Seconded by: Councilor Fairbanks. \*\***

Councilor Chirichiello asked what it would cost.

Town Administrator Stenhouse suggested that the Town Council get counsel opinion on this matter prior to moving forward with a public referendum on this contract or any other Collective Bargaining Agreement.

Council Discussion.

**Councilor Chirichiello asked to move to Non-Public under RSA 91A: 2E, seconded by Councilor Wetherbee. Vote: 6-1-0 (Fairbanks) 10 Minutes.**

There is question if a vote by the public would be legally binding.  
Council continued discussion.

Councilor Fairbanks asked if the public would be given a chance to weigh in on the contract. Councilor Coyle read the Town Charter section 3.4. We could get a legal opinion on whether the vote would be legally binding or not.

**\*\*Vote: 3-4-0 (Wetherbee, Chirichiello, Benson, Metts) Motion failed**

**Motion by Councilor Fairbanks to hold a Public Hearing on the two Fire Fighters contracts, to be held at the 10/7 meeting, Seconded by Councilor Coyle. Vote: 3-4-0 (Wetherbee, Chirichiello, Benson, Metts) Motion failed.**

Councilor Fairbanks asked what % of the tax rate consists of employee contract. She would like to set a precedence going forward for all contracts to go to a Public Hearing.

Councilor Chirichiello stated that these monies are already in the budget and do not affect the Tax Cap.

Council continued discussion on this subject.

Councilor Fairbanks asked that in the future all legal opinions be forwarded to Town Council.

**Move that the Derry Town Council approve the collective bargaining agreement between the Town and the International Association of Firefighters Local 4392 Firefighters Unit from July 1, 2007 to June 30, 2011 and authorize the Town Administrator to sign the Agreement on behalf of the Town of Derry. Motion by: Councilor Wetherbee, Seconded by Councilor Benson. *No vote taken due to Charter Objection below.***

**Council Coyle raised a Charter Objection section 6.6 on both contracts - vote shall be postponed Coyle/Fairbanks/Carney**

**Council Coyle asked that the Public Forum be open to agenda items, Seconded by Council Fairbanks. Vote: 6-1-0 (Chirichiello)**

#### **Public Forum**

Ellie Sarcione, Chester Rd – she looked up her notes regarding Mr. Accardo's property. He was sent a letter and it was announced at a conservation meeting that the Conservation Commission was not interested.

She thanked Councilor Coyle and Fairbanks regarding the firefighter's contracts.

**(Councilor Chirichiello excused himself at 9:40 p.m.)**

Tom Cardon – Thanked Councilors Coyle and Fairbanks regarding the firefighter's contracts. Voters need to have input on their tax dollars.

Al Dimmock, High St – Questioned who to approach regarding a building located on corner of High Street. It's an eyesore and dangerous.

**Motion to close the Public Forum. Vote: 6-0-0**

#### **Council Requests/open discussion**

**Move to reconsider vote to hold a Public Hearing on the firefighters contracts. Motion by: Councilor Wetherbee, Seconded by Councilor Coyle. Vote: 4-1-1 (Benson) (Abstained Metts)**

**Move to hold a Public Hearing on the firefighters contracts to be scheduled for the next meeting 10/7/08. Motion by: Councilor Fairbanks, Seconded by Councilor Wetherbee. Vote: 4-2-0 (Benson, Metts)**

Councilor Carney - Would like to increase the Veteran's Credit by \$100.00. He asked for a staff report on the impact of raising the Veterans Credit to \$350. He would like to move forward to agenda under New Business for 10/21.

Councilor Fairbanks – questioned location of bike path on Courthouse Lane in regards to which side of street the path would be on.

Al Dimmock would like to know who to contact on regarding the house on the corner of High St that is in shambles. Town Administrator Stenhouse stated he would get an answer for him.

**Adjournment 9:50 PM**

Recording Clerk: Denise Neale – Town Clerk  
Reviewed by: Gary Stenhouse – Town Administrator

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**Town Clerk**

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**Date**