

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

October 21, 2008
Tuesday 7:30 p.m.

Staff present: Mike Fowler, Tom Carrier, Frank Childs, David Gomez and Larry Budreau

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

Roll Call: Chairman Metts, Councilors: Wetherbee, Fairbanks, Coyle, Chirichiello, Benson
Absent: Councilor Carney (Brent Carney arrived at 7:40 p.m.)

Consent Agenda

08-132 Acceptance of Non-Public Minutes – October 7, 2008

08-133 Acceptance of Minutes – October 7, 2008

08-134 Schedule Public Hearing – November 18, 2008 – Storm Water Ordinance

Accepted as written

Chairman's Report

NH Historical Society has accepted the Upper Village Hall as one of the sites listed on their registry of historic places.

Hazardous Waste Day is 11/15/08 on Nelson Rd in Londonderry

Schedule November & December Meetings -November 11/18. December 12/2 Tentative 12/16

Announced General Polling Places Polling Hours: 7am – 8pm 11/4 - Dist 1 & 3 Pinkerton

Academy, Dist 2 Calvary Bible School & Dist 4 Gilbert H Hood School.

Reverse 911 to begin 10/24/08.

Administrator's Report

Would like to have a 5 minute Non-Public after meeting discuss sale of Property

Derry Rail Trail Alliance Update - Eric Whitney gave an update on progress of the Trail and Financial activities.

Councilor Benson suggested letting the public know what goal has to be met in order to obtain Grant funds.

Public Forum – non agenda items

Open PF 7-0-0

Jim Foley, Hampstead Rd and Republican Committee Chair – He doesn't believe that there has been enough information given regarding this election. There is potential for voter fraud and disenfranchisement.

He stated It has been the observation of the Republican Party that the Town Moderator has run the past elections in a partisan way. He asked the Town Council to closely monitor the Moderator.

Marge Bisson, Cole Rd - Discussed disservice by Town Council on Fire Union Contract

Close PF 7-0-0

Public Hearing

08-128

Veterans Credit Increase from \$250 to \$350

Open PH 7-0-0

Marge Bisson, Cole Rd – Spoke on increase of Credit and it should be \$500.

Richard Tripp, Windham Rd – asked how many people are qualified for this credit. He was a serviceman.

Close PH 7-0-0

Motion by: Councilor Benson to move to table this item, seconded by Councilor Wetherbee.

Councilor Benson explained his position on this item. He is in support of this credit. He felt this should be discussed during budget season.

Councilors discussed whether this is the time or not due to the budget and when it would take effect.

Chairman Metts stated that he had broken the rules as a motion to table is not discussable.

Motion to table: 5-2-0 (Carney and Coyle) Tabled until 1/6/2009 Meeting for vote

08-129 Medical Reserve Corp Grant for \$8,000

Larry Budreau gave an overview of the grant and the mission of the Medical Reserve Corp.

Move that the Derry Town Council approve the application for, and authorize the Town Administrator to accept and expend the Medical Reserve Corps Grant, in the amount of \$8,000. Motion by: Councilor Carney, Seconded by Councilor Wetherbee Vote: 7-0-0

08-130 Water/Sewer Commissioners – Water/Sewer Rate Adjustments

Move to convene as Town Council and reconvene as Water/Sewer Commissioners.

Tom Carrier gave a PowerPoint presentation showing shortfalls and reasons for the increase.

Open PH 7-0-0

No Public Input

Close PH 7-0-0

Councilors asked various questions regarding the need increase rates at this time and whether the deficit was not known during the budget session. They would like to see percentages for partial, and full and no increase and its effect on the Water/Sewer budget.

Motion 1: The Derry town Council acting as water commissioners move to amend the Code of the Town of Derry Water Use Ordinance by increasing the minimum quarterly base charge from \$20.69 to \$22.88 per living unit per billing quarter.

Motion by: Councilor Coyle, seconded by Council Carney Vote: 4-3-0 (Wetherbee, Chirichiello, Benson)

Motion 2: The Derry Town Council acting as Sewer Commissioners move to amend the Code of the Town of Derry Sewer Use Ordinance by increasing the minimum quarterly base charge from \$22.38 to \$35.66 per living unit per billing quarter and increasing the flat charge for unmetered customers from \$96.88 per living unit per quarter to \$107.16. Motion by: Councilor Coyle, seconded by Councilor Fairbanks. Vote: 3-4-0 (Chirichiello, Benson, Wetherbee and Carney) Failed

Tom Carrier was asked to bring back more info regarding financial models with effect of not raising the rates and ½ percentage of raising the rates.

Old Business

08-131 Fifteen (15) Minute Parking Designation – East Broadway

Mike Fowler gave a report from the Highway Safety Committee. No recommendation from the Highway Safety Committee. When the Rte 102/28 construction is completed there will be 20 new parking spaces right across the street from this location in a Town owned lot.

Chairman Metts read into the record a letter from Leon H. Lampes, Kastorian Realty Trust that stated his opposition to adding the 15 minute space.
See attached.

Councilor Chirichiello asked if public could speak. Everyone agreed.

Ron Darios, Daren's Music – not for or against parking limited. Believes a time limit could be put in effect but be a review every two years would be reasonable.

Al Dimmock, High St – reasonable request however should be 30 min.

Council discussed when State would go forward with intersection with Mike Fowler.

**Councilor Chirichiello Motioned to table indefinitely, seconded by Councilor Wetherbee.
Vote: 6-1-0 (Metts)**

New Business

08-135 Winter Maintenance – Private Roads

Mike Fowler reviewed private roads and winter maintenance such as plowing, sanding and salting.

Councilor Fairbanks felt that it should be all or no private roads gets plowed and salted during the winter.

Councilor Coyle stated that there is no statutory authority to plow these roads and feels that if the Town continues to plow it will be considered that the Town is declaring these to be public ways.

Councilor Benson would like to revisit Councilor Carney's ordinance proposal for the private roads.

Councilor Chirichiello would like to notify the residents of these roads if the consensus is not to plow these roads.

Move The Town Council declares the following roads as “Winter Maintenance Roads” for winter 2008 which will permit DPW to perform winter operations limited to plowing, sanding and salting consistent with operations on town accepted roads until December 31, 2008. Motion by: Councilor Carney, Seconded by Councilor Benson. Vote: 1 – 5 – 1 (Fairbanks, Coyle, Chirichiello, Benson, Metts) (Wetherbee)

**Move The Town Council declares the following roads as “Winter Maintenance Roads” for winter 2008 - 2009 which will permit DPW to perform winter operations limited to plowing, sanding and salting consistent with operations on town accepted roads.
Motion by: Councilor Chirichiello, Seconded by Councilor Benson. Vote: 4-2-1 (Fairbanks & Carney) (Wetherbee)**

Councilor Carney suggested to Schedule Private Roads Ordinance for 11/18 Agenda. He asked Town Administrator Stenhouse to re-email ordinance draft to Council.

08-136 Chain Link Fence Adjacent to Courthouse Lane

Mike Fowler stated that the design of Courthouse Lane plan did not require relocation/removal of the fence in question. PW maintains the opinion that moving the fence will not enhance public safety or convenience in the use of Courthouse Lane.

Councilor Fairbanks questioned the bike path being moved to the east side of the road. Mike Fowler explained that there was a 4ft high difference on that other side and it would have to have retaining walls and fill. Thus putting the path on the west side of the road was not cost effective.

Chairman Metts asked if there was a way to put reflector posts on the east side of the road as the new bike path and walkway are at street level.

Councilor Fairbanks asked about liability of the fence.

Town Administrator Stenhouse explained that the location of the fence did not increase the town's exposure any more than if there were a tree or bench in the right of way. He stated that in this instance the Town did not own this right of way but maintained an easement for road purposes.

Councilor Benson gave the history of the area. The Benson's got together DPW and the Town Manager to remove some of the old railroad beds, stages, etc. and with Town approval put up the fence however the Bensons were required to do work for the town.

No motion

Motion to extend 10 min 7-0-0

08-137 Private Road Maintenance Materials

Town Administrator Stenhouse explained that the group of residents requested to buy materials through the DPW to maintain their private road. DPW believes that this would create a precedent even with resident reimbursement of all costs.

Councilor Carney applauded the residents for wanting to maintain their roads; however this would cause providing a service for a private road.

Mike Fowler does not want to put his department in the public eye as they are delivering to a private road.

Move the Town should supply private road residents with materials at cost plus.

Motion by: Councilor Coyle, Seconded by Councilor Fairbanks. Vote: 0-6-1 (Wetherbee)

Motion to extend another 10 minutes Vote: 7-0-0

08-138 FY-09 Network Infrastructure \$46,000 Budget Transfer

Motion: Move to add \$46,000 to the Network Infrastructure Capital Project fund budget by the following transfer within the Information Technology division:

	<u>Increase</u>	<u>Decrease</u>
Acct 930 Transfer to Capital Project	\$46,000	
Acct 740 Capital Equipment		\$46,000

Motion by: Councilor Coyle, Seconded by Councilor Benson Vote: 7-0-0

Open Public Forum Vote: 7-0-0

Public Forum – non agenda item

Marge Bisson, Coles Rd – discussed issues with handicapped parking at Peabody Rd complex. Derry Housing Authority controls this building.

Al Dimmock, High St – informed the Town Council he was going to set up a petition to demand the Town Council to remove the Benson fence off Town property.

Tom Souhlaris – Asked the Town Council for permission to return to the transfer station with his sausage cart.

10:20 p.m. Adjournment

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

Town Clerk

Date