

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

May 19, 2009
Tuesday 7:30 p.m.

Non-Public Session RSA 91A:3 II (c)

Staff Present: Chief Garone, Chief Klauber, Janice Mobsby, Pat Milone, Mike Fowler

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

- 09-66** Acceptance of Non-Public Workshop Minutes – April 30, 2009
- 09-67** Acceptance of Budget Workshop Minutes – April 30, 2009
- 09-68** Acceptance of Non-Public Minutes – May 5, 2009
- 09-69** Acceptance of Minutes – May 5, 2009
- 09-70** Acceptance of CIP & FY 2010 Budget Public Hearing Minutes – May 7, 2009
- 09-71** Schedule Public Hearing – June 2, 2009 – The Assistance to Firefighters Grants (AFG) for the purpose of installing fire Protection sprinklers in fire stations
- 09-72** Schedule Public Hearing – June 2, 2009 – ELI Online Dog Licensing
- 09-38** Schedule Public Hearing – June 2, 2009 – Public Comment on Neighborhood Stabilization Program Application and Adoption of the Housing and Community Development Plan
- 09-73** Schedule Public Hearing – June 2, 2009 – FY 2009 Snow Removal - Use of Capital Reserve Funds
- 09-74** Veterans' Credits & Elderly Exemption

Councilor Chirichiello would like it noted that in regards to 09-69 May 5, 2009 minutes that he disagrees with Ms. Rose's statement regarding their conversation.

**Addition: of 09-75 Schedule a Public Hearing to add \$900,000 to TIF Rte 28 bond.
Withdrawn (Councilor Wetherbee was asked to do a Staff Report)**

Consent agenda approved as noted.

Chairman's Report –

- Hazardous Waste Day held last Saturday there will be another in the Fall by the Town of Londonderry.
- Recreation Summer Program book is available.
- Monday May 25, 2009 is the Memorial Day Parade @ 11 a.m. with a Memorial Day Service at MacGregor Park.
- The DEDC has withdrawn their request for funds.
- The Town Council has voted to ask the Public Integrity Office of the Attorney General's Office to conduct an investigation of misconduct allegation that was brought up a few weeks ago.

Administrator's Report –

Energy Conservation Update

He is particularly pleased with the results shown by the Fire Department. They have spent a good deal of time not only on the physical improvements necessary to control energy usage, but have also made a concerted effort to modify behaviors. They have also put in an extra effort in getting participation and buy in from the staff. Both Public Works and Police have made progress. Much of the effort in Public Works is related to weather related events. It still needs work. Town Council may want to consider having an Energy Conservation Committee.

Councilor Carney – asked to have this report given to members of the public and newspapers. There is a section of this ordinance that was written: "The Town of Derry will work with business owners as well as local, town, state and federal agencies to promote, assist and encourage business owners build in an environmentally way in order to provide a healthy environment for employees and the public. In addition each year the Town Administrator will exam ways to incorporate and deploy environmentally friendly technology throughout the town in order to decrease long term costs for Derry as well as decrease carbon emissions." He handed out a handbook on Energy Efficiency and Climate Change. He would like this put on an agenda for discussion

Public Forum – Non Agenda Items

Open Public Forum 7-0-0

Sara Arccardo, Lorri Rd – Stated she is a teacher in another Town, that there is a code of ethics that should be followed and the two councilors have broken the code. She asked that the two councilors step down and do what's best for the town.

Al Dimmock, High St – He does not think the AG's office is the place to go. They have hurt her mentally. The Councilors involved should step down.

Maureen Rose, Windham Rd – She just wanted it stated for the record "*I find it strange that Mr. Chirichiello had nothing to say the night I made my statement but two weeks later he remembers differently. If he had something to say and he objected to my statement he could have been said that night.*" I will say to Mr. Benson that I think it was nice that you admitted what you did and that you were a man to do that. Mr. Chirichiello I know what you said to me, I am not going to get into an argument tonight and I did not make this up."

Rita Correria, Town Treasurer, Jones St – She read from the Town Charter regarding the Town Administrator responsibilities. The Charter also states the Town Administrator shall fix compensation of all Town Employees and Officers appointed by the Administrator within the limits established by existing appropriations. It appears to me that the only thing the Council cares about in the Charter is Section 6.6. Derry pays all their department heads and administrator well; however, the council seems to turn a deaf ear when these professionals try to advise the council on budget matters and what is best for the town of Derry. She is extremely disappointed in the direction that the FY10 budget has taken. Why are we downsizing our Building Department? What kind of message are we sending to businesses that want to relocate to Derry?

Mike Gill, Gill Rd – Three questions asked how to get on the agenda, public forum is for non-agenda items and what if I want to speak to about an agenda item and third DEDC funding. He was the original treasurer of DEDC. He gave his support for the DEDC.

Paul Valorand, South Ave- He spoke in regards to FY10 budget he doesn't agree with the elimination of the position of the Building/Electrical Inspector.

Chris Niland, Mundy Lane – He was the one of the first residents to file a petition for a public road. This week they received a bill from the Planning Department for \$709.10, for title research fees for 15 homes. He has a petition to amend the ordinance to have the Town of Derry pick up the title fees. He's not happy with the schedule for the public hearing date with the Planning Board. Why should they pay a fee if the Town may not approve the road?

Al Garon, Scenic Dr – he is not against DEDC and he has reason to believe high on the DEDC's agenda is Exit 4A.

Stephanie Houghton, Windham Depot Rd – gave a statement regarding the Town taking someone to small claims court over a \$50 ambulance balance. It was her bill. The Court dismissed the case due to the statute of limitations of three years.

Matt Cassidy, Nutfield Ct – spoke on the elimination of the Building/Electrical Inspector. He feels it's a move back in time.

Steve Langelier, True Ave – he is an Electrical Manufacturer has known Building/Electrical Inspector and his dismissal is unfortunate for this town.

Mike O'Dell, North Shore Rd – The biggest mistake is to not have an Electrical Inspector in this town.

Rod Trolley, Business Owner – he voiced that having an Electrical Building Inspector in this town is fool hardy and a real problem.

George Chaloux, Karen Ave – spoke in regards to this public forum and should be able to speak on anything. Concerned and dismayed regarding the two councilors involved if discussing something in jest then you are still wrong and asked them to step down for the good of the town.

Al Dimmock, High St – He wanted to give a compliment to the Highway Department. He noticed the "one way" sign on High St was missing. As of 4:00 pm today the sign was back.

Close Public Forum 7-0-0

Public Hearing

09-23A Amend the Code of the Town of Derry – Sub-Chapter 36 of Chapter 30-2
(H) Miscellaneous Requirements – Monitoring Fire Alarm Systems

Open Public Hearing Chirichiello/Carney 7-0-0

Ed Ciano, E. Derry Rd & Treasurer Taylor Library - Asked if this ordinance included Town owned building and churches. (Chief Klauber replied, yes). Mr. Ciano asked if these entities should be waived as budgets have not included these fees.

Kevin Rosencrantz, Rockingham Rd business owner – Has an outside contractor that monitors his fire alarm calls - why does the town have to also.

Mike Gill, Gill Rd – Asked if any statistics had been provided to the Town Council regarding amount of calls vs. the amount of fire alarms.

Konstantino Gekas, C&K Restaurant Owner – Questioned why our taxes don't pay for this. They pay taxes for Fire Department, and taxes have gone up.

Steve Scuito, Corporate Park Dr – this is just another tax to abide by to give the town a bigger revenue. He had no choice in hooking up to the town's alarm system.

Close Public Hearing Coyle/Fairbanks 7-0-0

Motion: Moved by Council Carney to table indefinitely, seconded by Councilor Chirichiello
Vote: 7-0-0

09-59 Adoption of the "Residential Anti-Displacement and Relocation Assistance Plan"

Gary Stenhouse gave a review of the plan. This has to be adopted every year.

Open Public Hearing Coyle/Carney 7-0-0

Mike Gill, Gill Rd – questioned where the property was.
Town Administrator Stenhouse gave the address of 38 Maple St and stated no town funds would be used to demolish the building.

Al Dimmock, High St – wanted the Council to know that the property went to auction and was sold for \$80,000 and the asking price from the bank is \$100,000.

Maureen Rose, Windham Rd- asked if there was something going to be built on the property.

George Chaloux, Karen Ave – Once happens to the property is demolished what happens to it.
Town Administrator Stenhouse stated that would be a decision of the Town Council.

Close Public Hearing Coyle/Fairbanks 7-0-0

09-65 Justice Assistance Grant (JAG) Program

Open Public Hearing Benson/Chirichiello 7-0-0

Mike Gill, Gill Rd – asked how long the videos would be kept in the event that the attorney representing the defendant would like to review the pictures and how are the DVD's being paid for have they been account for in the budget.

John O'Connor, Arrowhead Rd – questioned the technology of the project #2. Discussed the GIS system on the website and questioned its accuracy.

Close Public Hearing Carney/Coyle 7-0-0

Old Business

09-20 Appointments to Charter Study Committee

Move to appoint Brenda Willis, Mark Grabowski, Neil Wetherbee, Rick Metts, Virginia Roach, Janis Del Pozzo, and Denise Neale Motion by: Chairman Metts seconded by Councilor Wetherbee. 5-2-0 (Fairbanks & Coyle)
Post Public meeting for June 1 @ 7 pm RM 207

New Business

09-75 Approve State of NH Fish & Game Department OHRV Grant

Move to grant authority to Town Administrator Gary Stenhouse, to accept on behalf of the Town, grant funds associated with the State of New Hampshire, OHRV enforcement Grant, for the period July 1, 2009 through June 30, 2010, and to execute on behalf of the Town all contracts or documents associated. Motion by Councilor Benson, seconded by Councilor Wetherbee Vote: 7-0-0

09-76 Discontinuance of Easement – Rose Avenue

Mike Fowler explained the easement by the Town of Derry and the Owner of 3 Rose Ave wishes to have a quitclaim done on this easement.

Move the Derry Town Council moves to discontinue the temporary turnaround noted on Plan B-1591 for 3 Rose Ave. The Derry Town Council further moves to authorize the Town Administrator to execute a quit claim deed releasing interest in said specified area.

Motion by: Councilor Benson seconded by Councilor Wetherbee.

Amend to include the costs that are incurred be paid by the grantee.

Councilor Fairbanks stated she would be abstaining from this vote.

Motion withdrawn, tabled until June 2nd Coyle/Carney Vote: 5-1-1 (Metts) (Fairbanks)

09-77 Authorization to Fill Deputy Tax Collector/Municipal Agent Position

Move that the Town Administrator be authorized to fill the position of the Deputy Tax Collector/Municipal Agent position effective July 1, 2009. Motion by: Councilor Benson, seconded by Councilor Wetherbee Vote: 7-0-0

09-78 Derry Rail Trail Alliance – Phase I Funding

DRTA has obtained necessary funding for the project and would like the town to begin to release the \$225,000 agreement funds. (Agenda Item 08-27 March 4, 2008)

Move that the Town Administrator is authorized to contract for Phase I of the Derry Rail Trail project from Kendall Pond Rd to Bowers Rd and as the work progresses the Derry Rail Trail allowance will reimburse the Town of Derry bases on Town invoice costs and the sum of a minimum of \$25,000 with an additional \$10,000 to come from the grant "Bikes Belong Coalition". Motion by: Councilor Benson, seconded by Councilor Fairbanks. Vote: 5-2-0

09-79 Meadowbrook Community Water System Loan

Move to Waste/Wastewater Sewer Commissioner motion by Councilor Chirichiello, Seconded by Councilor Wetherbee. 7-0-0

Mike Fowler gave an overview of the State Revolving Loan Fund Application, American Recovery and Reinvestment Act authorization.

The Derry Town Council enter into a loan and grant agreement with the State of New Hampshire Department of Environmental Services to receive funds through the State Revolving Loan Fund program and the Federal American Recovery and Reinvestment Act and authorizes the Town Administrator to execute such loan and grant applications and agreements in an amount not to exceed \$40,000 and approve the attached resolutions.

Motion by: Councilor Fairbanks in which she read the "Loan Resolution" and seconded by Councilor Coyle. Vote: 7-0-0

Motion by: Councilor Fairbanks in which she read the "Authority to File and Designation of Authorized Representative" and seconded by Councilor Coyle Vote: 7-0-0

Resolutions attached

Council Requests / Open Discussion

Councilor Carney asked Mike Fowler for update on the States Bridge Program.

Mike Fowler stated the State awarded that the Town of Derry 100% of the cost of the Fordway Bridge.

Councilor Coyle asked for a status update on the TIF 28 District.

Mike Fowler stated he had spoken with Hoyle & Tanner 97-98% of the Engineering is completed the Environmental all-terrain permit has been done but not the Wetlands permit. The construction estimate is still \$6.5M but of that 1/2M has already been spent on the Engineering. The only other major process that has not taken place is the land takings.

Wal-Mart had represented \$1M; however, the \$700,000 is still available from the State.

Birch St/Crystal Ave intersection – 60% of overhead work is done, the next major phase has to be done by Fairpoint sometime in June.

Motion to Adjourn 10:10 pm

Town Clerk

Date