

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

October 6, 2009
Tuesday 7:30 p.m.

Non-Public Session – RSA 91-A:11 (b)

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

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

Consent Agenda

09-124 Acceptance of Minutes September 15, 2009
09-125 Acceptance of Non-Public Minutes – September 15, 2009
09-114 Reschedule Public Hearing – October 27, 2009 – Sale of
Upper Village Hall

Consent Agenda: accepted

Chairman's Report

Chairman Metts

- Presentation of Boston Post Cane to Catherine Dion. 108 yrs, 2mos, 2days old
- Energy/Environmental Advisory Committee

Councilor Carney – stated there has been a great turn out of applicants. It was initially thought that there would be 5 permanent members. His question is- should there be an increase in members. Recommendation: 5 permanent members, 3 alternates and an additional 2 temporary alternates for the first year plus a Town Councilor and Town appointee. Appoint on October 27th application deadline is October 16th.

- Derry Fire Open House October 10, 2009
- Liaison reports due October 27, 2009
- Schedule a meeting with boards and commissions. Email chair with preference in December.
- Gerry Cox passed away 9/25/09. Parks & Recreation Director for 28 years. Memorial Service Sunday at 2:00 pm St Lukes Church

Administrator's Report

Town Administrator Gary Stenhouse:

- **Russia Trip (Sister City of Cherepovets) Presentation – Tony Carnovale**

Tony Carnovale spoke on the Sister City Program –Cherepovets-Derry regarding Russian Exchange Program. He urged town leaders to accept the invitation and to travel to Cherepovets November 2 – 5 for the day of Cherepovets Festivities.

Councilor Carney asked Mr. Stenhouse to contact Dawn Wivell, NH International Trade Resource Center.

- **Presentation Government Finance Officers Association CAFR Award 2008**

Derry is the only town in NH who has received this award 11 years in a row. Frank Childs and Janet Mobsby accepted for the Finance Department.

Public Forum – Non Agenda Items

Move to open Public Forum – Councilor Coyle, seconded by Councilor Carney

Vote: 7-0-0

Al Dimmock, High St – Spoke of the Presentation of Boston Cane and that Chairman Metts had done a great job. University of NH meeting at DMC with Town Councilors and State Representatives attendance, he was happy to see. Suggested Representatives should attend a Town Council meeting at least once a month to report on House Bills from Concord.

Tom Cardon, Cunningham Dr – Directed to Councilor Fairbanks in regards to her changing her vote on the TIF District. Thank you.

**Move to Close the Public Forum – Councilor Coyle, seconded by Councilor Chirichiello
Vote: 7-0-0**

Public Hearing

09-115 Collette's Grove Road and Sanborn Road; Petition filed in Accordance with Article 3, Section 3.1 (B) of the Derry Town Charter seeking to "Acknowledge and accept the existing status of Collette's Grove Rd and Sanborn Rd as Town Roads/Class V Highways"

Move to open the Public Hearing 7-0-0

Arnold Patrick –Mr. Patrick gave a presentation on reasons for acceptance of Sanborn Road and Collette's Grove Road. Total length of both roads is 2200 feet.

Daniel Abate –Collette's Grove Rd - Has been living on Collette's Grove Rd for 30 years. He is looking for acknowledgement that these roads are class V highways. He stated facts from information received from minutes of Selectman and Town Council over the years.

Ed Goyette, Hampstead – Lives on Collette's Drive in Hampstead. His only access is from Derry. He is worried about access for Hampstead Public Assistance if Derry's Roads were not plowed.

Sam Chakarian, Sanborn Rd – He stated Sanborn Rd is only 710 ft long and always thought the road was public. Time and time again he has to debate this issue.

Abe Abrahms, Hampstead – Sanborn Rd needs to be fixed for Emergency Reasons in itself.

Al Dimmock High St – When a case is presented to a group of people you watch their faces. He commended Town Council for listening to these people intently.

Dave Moalli – Statements were made via minutes for voting to remain plowing these roads. A precedence has been set.

Steve Arnold, Collette's Grove Rd – Asked Town Council to look at this carefully and reiterated that town has set precedence.

Move to Close Public Hearing 7-0-0

Councilor Coyle felt Public Works should have been present for this hearing. He also asked the residents if they had ever maintained their roads. They replied yes.

Mr. Stenhouse intervened with Town Council for questions and answers on behalf of the Town.

Arnie Patrick – spoke on the width of roads based on standards. He is looking for a long range repair.

Councilor Coyle asked if Legal Counsel was informed of this. He feels uncomfortable voting on the issue this evening.

Councilor Wetherbee understands that there is concern and feels there is enough information.

Motion by Councilor Wetherbee to accept Collette's Grove Rd and Sanborn Rd as is, a class V, seconded by Councilor Benson. (Motion/second rescinded)

There was discussion on the motion.

Charter objection by Councilor Coyle, seconded by Councilor Carney.

Councilor Fairbanks asked for a recess so that she may provide the Attorney's memo regarding the private roads.

Town Council recessed for five minutes. Copies were made of the memo for all council members to review.

Chairman Metts requested to Schedule a "Special Meeting for the vote for October 15, 2009 @ 7:00 p.m.

Chairman Metts asked to move onto the next item to give Town Council a chance to review the Attorney's Memo and review item #09-115 later this evening

09-119 Comcast Franchise Agreement

Chris Martin, Derry CTV17 and Bryan Christiansen, Comcast Representative, gave an overview of the new agreement. This agreement has been in negotiation for 2 ½ years with Councilor Chirichiello, former Town Administrator Russ Marcoux, and Town Administrator Gary Stenhouse. Fiscal Impact will be: zero on the Tax rate, a 1% increase in the franchise fee to the cable subscriber. And add a new PEG channel for the town. This contract is for 10 years and is non-exclusive.

Move to open the Public Hearing 7-0-0

Mike Gill – requested a copy of the contract to read.

Move to close the Public Hearing 7-0-0

Motion by Councilor Carney: The Derry Town Council moves to accept the new franchise agreement, between The Town of Derry and Comcast as presented. Seconded by Councilor Benson Vote: 7-0-0

Review # 09-115

Charter objection withdrawn by Councilor Coyle/Councilor Carney

Town Council declared it would vote on the two roads separately.

Motion by Councilor Wetherbee to accept Collette's Grove Rd in the Town of Derry, as a Class V Road, excluding the lanes and as it currently exists and as laid out on the ground on this day, Seconded by Councilor Benson. Vote: 7-0-0

Motion by Councilor Wetherbee to accept Sanborn Rd in the Town of Derry as a Class V Road, as it currently exists and as laid out on the ground on this day, Seconded by Councilor Benson Vote: 7-0-0

09-120 Charter Commission Funding

Move to Open Public Hearing 7-0-0

Move to Close Public Hearing 7-0-0

Councilor Chirichiello, question what direction the Charter Commission was going in he understands they had a vote.

Mr. Coyle replied that they are moving forward as a Town and they will review the Charter section by section also a Town Administrator vs. Manager.

Jim MacEachern, Charter Commission Chair explained the decision last night to remain a town. But inclusive of that they would like to review charter fully and Administrator vs. Manager. \$20,000 is a good number. And a majority of members agree.

Councilor Wetherbee would like to see this done right as this is the second Charter Commission in two years.

Councilor Coyle- the Town Council is financially responsible for the town and are required to provide charter commission for money. Not comfortable with \$20,000. Personally he's comfortable with \$10,000. The Charter Commission can come back. The statute requires \$100 be given.

Discussion continued regarding the reasoning for total amount of \$20,000.

Motion by Councilor Coyle, seconded by Councilor Carney Vote: 3-4-0 (Wetherbee, Chirichiello, Benson and Metts) *motion failed*

- (1) Move that a Special Revenue Fund entitled "Charter Commission" be established for the Commission, that the amount of \$10,000 be appropriated for use by the Commission in that fund and that general fund balance be utilized for funding such appropriation.**
- (2) Further Move that once the Commission completes its work and all expenses have been paid, any unutilized appropriation be returned to general fund balance and that the Special Revenue Fund be closed.**

Motion by Councilor Benson, seconded by Councilor Wetherbee Vote: 5-2-0 (Coyle, Fairbanks)

- (1) Move that a Special Revenue Fund entitled "Charter Commission" be established for the Commission, that the amount of \$20,000 be appropriated for use by the Commission in that fund and that general fund balance be utilized for funding such appropriation.**
- (2) Further Move that once the Commission completes its work and all expenses have been paid, any unutilized appropriation be returned to general fund balance and that the Special Revenue Fund be closed.**

09-121 Fire Alarm Monitoring Fees for Non-Derry Customers

Chief Klauber and Brett Scholbe – The Town of Derry provides Fire Communications for Radio Box Fire Alarm monitoring services to commercial and municipal occupancies in Auburn, Chester, Hampstead and Windham also, Derry. Monitoring fees are outlined in 3616.2.2 – 3616.2.3 of the Ordinance to become effective December 1, 2009.

Move to open the Public Hearing 6-0-0 (Coyle absent)

Move to close the Public Hearing 6-0-0 (Coyle absent)

Councilor Benson asked if other town charged for these services.
Mr. Scholbe replied yes.

Motion by Councilor Chirichiello that the Town Council adopt the Ordinance, as proposed for monitoring fees of non-Derry occupancies, seconded by Councilor Benson. Vote: 6-0-0 (Coyle absent)

09-126 Wal-Mart Grant – Human Services Food Pantry

Jill McLaughlin explained the grant would be used to supplement the internal food pantry for emergency overnight food.

In accordance with the provisions of RSA 31.95-b, move that the Derry Town council authorize the application and acceptance of a \$1,500 grant from Wal-Mart to be used to defer the cost of providing food and cleaning supplies to Human Service clients.

Motion by Councilor Wetherbee, seconded by Councilor Carney Vote: 6-0-1 (abstained Coyle)

09-129 Consideration of Increasing Human Service Hours

Jill McLaughlin spoke in regards to the present reduction in hours and this is not working for the residents in need. She is asking for an increase to 35 hours for the Secretary position so that the office hours may be open 8:00 – 4:00 p.m. The funding will come from the Finance Department budget.

Motion by Councilor Wetherbee that the Derry Town Council authorize increasing the Human Services Secretary position from a part-time position of 28 hours per week to a full-time position at 35 hours per week, effective November 1, 2009, seconded by Councilor Coyle Vote: 7-0-0.

(Motion to extend 10 minutes 7-0-0)

09-130 Ashleigh Drive Cross Country Scobie Pond Water Line Extension Easement

Tom Carrier explained why the extension easement is necessary and the landowner agreement for the purpose of ensuring uninterrupted water service and increase fire flow availability and overall system water pressures to the area. The easement would be recorded.

Motion by Councilor Benson that the Derry Town Council accepts the Utility and Access Easement Deed as shown on the plan entitled “Easement Plan Parcel ID 08017, 37 Scobie Pond Road, Derry, NH prepared for Yvon Cormier Construction Corp. and the Town of Derry” dated May 8, 2009 and authorizes the Town Administrator to review, approve and execute the Joint Use Agreement with Public Service Co. of NH for the aforementioned easement, seconded by Councilor Wetherbee. Vote: 7-0-0

09-128 Authorize the Town Administrator to apply to participate in the Economic Revitalization Zone Tax Credit Program

George Sioras explained five areas in town that are being requisitioned for the ERZ designation. Mr. Stenhouse fielded questions from the Town Council.

(Motion to extend 10 minutes 6-1-0, Coyle)

Councilor Carney asked where the Town was with the hiring on Economic Development. Mr. Stenhouse stated he signed a contract today with Arnet Development Corporation and Hawk Development Corporation as a joint venture.

Motion by Councilor Benson that Town Council, authorize the Town Administrator to apply to participate in the New Hampshire Division of Economic Development, Economic Revitalization Zone Tax Credits (ERZ) program, seconded by Councilor Wetherbee. Vote: 5-0-2 (abstained Coyle and Benson)

09-127 Exit 4-A EIS Funding-Authorize Issuance of Bond Anticipation Note(s)

**Motion to Suspend the Rules, by Councilor Wetherbee, seconded by Councilor Benson
Vote: 4-3-0 (Coyle, Fairbanks and Carney) meeting adjourned.**

Adjourned 10:25 p.m.

Town Clerk

Date

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