

TOWN OF DERRY

Special Town Council Meeting
Derry Municipal Center
Cable Room

October 14, 2009
Wednesday 7:00 p.m.

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

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

AGENDA

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

Special Meeting called by: Councilors Benson, Chirichiello and Wetherbee.

Councilor Wetherbee asked why they are voting on a bond that was authorized twelve years ago.

Chairman Metts explained that the vote is to release \$600,000 of the \$5M to fund the EIS.

Mr. Stenhouse explained the reason for the vote was that Bond Counsel would want to know that the funds were approved by the Town Council.

Councilor Benson, I Move to utilize \$600,000 of the previously authorized \$5 million appropriation and bonding for Exit 4A, initially through the issuance of a Bond Anticipation Note, for additional Exit 4A EIS and related consulting services as discussed in this report. An amount of \$1,247,205 of the \$5 million bond authorization has been expended through July 2009, reducing the amount remaining to be bonded to \$3,752,795 prior to this motion, seconded by Councilor Wetherbee.

Councilor Carney moved to amend the motion with: Move that as recommended to the Town Council in the CLD report, that the financial feasibility of the exit 4A project start immediately and take place in an expedited fashion between Boston North, the Town of Derry, the Town of Londonderry, and CLD. If it is determined that the project is no longer feasible due to the escalation of costs, all funding for the project will stop immediately. In addition, if any party is unable or unwilling to take part in these talks and provide all the necessary documented information to determine the feasibility of this project within 90 days, all funding will stop.

I further move to create a citizen oversight committee to monitor this project and provide regular feedback to the Council. The committee will consist of 7 members, with each Councilor appointing one member who must reside in their district, seconded by Councilor Coyle.

Discussion

Councilor Chirichiello asked in regards to the amended motion what the legal ramifications, are to Derry.

Councilor Carney stated that they had met with legal counsel and this was one of the options given to them.

Councilor Coyle doesn't feel comfortable without a legal agreement with Londonderry, Boston North and Derry. The town could be held liable for a larger amount of funds or a 1/3rd share down the road.

Councilor Chirichiello has seen the documents that the town has misplaced which are held by Boston North. All of the councilors had the opportunity to review these documents however only Councilors Chirichiello, Benson, Wetherbee and Metts have done so. Councilors Coyle and Fairbanks stated they do not feel comfortable going to view the documents from someone who has already threatened to sue the town.

Debated discussion continued with all Councilors voicing their own opinion on the subject of Boston North's statements and if this project's EIS would stand up when the application and information provided is finally sent for determination. Project construction is slated for 2013. Some were concerned with there being a checklist as this project progresses. There was split agreement on the 90 day timeline in the amended motion.

Vote on the amended motion: 3-4-0 (Wetherbee, Chirichiello, Benson, Metts) Motion failed

Charter objection by Councilor Coyle under section 6.6, seconded by Councilor Fairbanks and Carney.

Motion by: Councilor Chirichiello to "Over Rule the Chair", seconded by Councilor Wetherbee. Vote: 4-3-0 Motion failed (Wetherbee, Chirichiello and Benson)
Vote to be held on October 27, 2009 at the regular Town Council Meeting.

Adjourned @ 7:55 p.m.

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

Denise Neale, Town Clerk

Date