

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

November 17, 2009
Tuesday 7:30 p.m.

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

Call to order

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

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

Consent Agenda

- 09-148** Acceptance of Minutes – November 3, 2009
- 09-149** Acceptance of Minutes – Special Meeting – November 10, 2009
- 09-150** Acceptance of Non-Public Minutes – Special Meeting –
November 10, 2009
- 09-147** Schedule Public Hearing – January 5, 2010 –
Petition under RSA 231:8 for layout of a portion of
Manchester Road (Route 28) by expansion of the Right of Way
on the following parcels:
 - 28 Manchester Road, #08285
 - 22 Manchester Road, #08286
 - 10 Ashleigh Drive, #08280
 - 4 Ashleigh Drive, #08280-003
 - 2 Ashleigh Drive, #08280-001
 - 35 Manchester Road, # 08280-002
 - 19 Manchester Road, #08276
 - 17 Manchester Road, #08275
 - 13 Manchester Road, #08274
 - 11 Manchester Road, #08273
 - 7 Manchester Road, #08272
 - 3 Manchester Road, #08269
 - 61 Crystal Avenue, #36018
 - 57 Crystal Avenue, #36017-001
 - 1 Municipal Drive, #35014-002
 - 55 Crystal Avenue, #36017
 - 72 Crystal Avenue, #35016

Approved

Chairman's Report – Chairman Metts

- Happy Thanksgiving
- Reminder the Tax Collector & Town Clerk's office will be open 7am – 4pm on
Wednesday November 25, 2009 there will be no evening hours.
- All Town Offices will be closed Thanksgiving Day and the day after. However the
Transfer Station will be open on Friday, November 27th.
- Holiday Parade is Saturday, November 28th Route is Downtown to Hood Plaza 1:00 pm

- Derry Parks & Recreation will begin activities at 2:00 pm Saturday and end with a visit from Santa Claus at 5:30 p.m.
- Meeting reminder: December 15th Workshop with Boards & Committee Chairs, Presentation by RKG on the downtown study and session with Stuart Arnett for Economic Development
- There are 2 Zoning Board Openings, apply by November 25th for appointment on December 1st.

Town Administrator Report – Gary Stenhouse

- Every few weeks Stuart Arnett will have an Economic Development update included in the Town Administrator's report.

Public Forum

Open Public Forum 6-0-0

Al Dimmock spoke on behalf of Brian Whitcher of 7B Peabody Rd. The American Legion had placed a ramp at the front door of Mr. Whitcher at The Derry Housing Building. The DHA removed the ramp. Mr. Dimmock spoke to Councilor Coyle and he has spoken to the DHA. The ramp has not been put back up as of yet.

Al Dimmock, High St – Spoke in regards to the ADA Committee that the Town has had in the past. When it was requested that another committee be formed he was told that the Code Enforcement Officer would handle these requests. As the Code Enforcement Office is now alone, the Town Council should institute an ADA Committee.

Close Public Forum 6-0-0

Public Hearings

09-132 Amend the Code of the Town of Derry – Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map and Section 165-31, District Boundaries, to repeal and replace these sections of the Ordinance. The purpose of the amendments is to clarify location of boundaries of the Zoning Districts and to repeal the listing of tax map and parcel identification numbers by zoning district

Open Public Hearing 6-0-0

No public input

Close Public Hearing 6-0-0

George Sioras - this amendment is to repeal and replace these sections of the ordinance. The purpose is to clarify the location of the boundaries of the Zoning Districts and to repeal the listing of tax map and parcel ID numbers by zoning district. Request from Councilor Fairbanks.

Move to Amend the Code of the Town of Derry – Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map and Section 165-31, District Boundaries, to repeal and replace these sections of the Ordinance. The purpose of the amendments is to clarify location of boundaries of the Zoning Districts and to repeal the listing of tax map and parcel identification numbers by zoning district. Motion by: Coyle/Chirichiello Vote: 6-0-0

09-133 Amend the Code of the Town of Derry – Article V, Section O, Medium Density Residential to remove the following parcels:

37111, 2 South Main Street 37112, 4 South Main Street, 37084-001, 2 East Derry Road

Open Public Hearing 6-0-0

No public input

Close Public Hearing 6-0-0

George Sioras - this request was made by the owner of 4 South Main St to change the zoning of his parcel from MDR to General Commercial keeping with the nature of the area. The Planning Board agreed.

Move to Amend the Code of the Town of Derry – Article V, Section O, Medium Density Residential to remove the following parcels:

37111, 2 South Main Street 37112, 4 South Main Street 37084-001, 2 East Derry Road

Motion by Coyle/Chirichiello Vote: 6-0-0

09-134 Amend the Code of the Town of Derry – Article V, Section N, Medium High Density Residential to remove the following parcels:

37118, 133 East Broadway 37118-001, East Broadway 37119, 131 East Broadway 37119A, 131 East Broadway

Open Public Hearing 6-0-0

No public input

Close Public Hearing 6-0-0

George Sioras - this is a request similar to 09-133 to change zoning classification from MHDR.

Move to Amend the Code of the Town of Derry – Article V, Section N, Medium High Density Residential to remove the following parcels:***37118, 133 East Broadway 37118-001, East Broadway 37119, 131 East Broadway 37119A, 131 East Broadway***

Motion by: Coyle/Chirichiello 6-0-0

09-135 Amend the Code of the Town of Derry – Article V, Section A, General Commercial District to add the following parcels:

37111, 2 South Main Street 37112, 4 South Main Street 37084-001, 2 East Derry Road 37118, 133 East Broadway 37118-001, East Broadway 37119, 131 East Broadway 37119A, 131A East Broadway

Open Public Hearing 6-0-0

No Public Input

Close Public Hearing 6-0-0

George Sioras - this request is for the reclassification of zoning as stated in 09-133 & 09-134.

Move to Amend the Code of the Town of Derry – Article V, Section A, General Commercial District to add the following parcels:

37111, 2 South Main Street 37112, 4 South Main Street 37084-001, 2 East Derry Road 37118, 133 East Broadway 37118-001, East Broadway 37119, 131 East Broadway 37119A, 131A East Broadway. Motion by: Coyle/Wetherbee 6-0-0

09-137 Amend the Code of the Town of Derry – Article V, Section B, Central Business District to remove the following parcels:

30008, 2 South Avenue 30009, 4 South Avenue 30010, 6 South Avenue 30012, 17 South Avenue 30013, 15 South Avenue 27091, 10 South Avenue 27093, 1 Nutfield Court 27137, 19 South Avenue

Open Public Hearing 6-0-0

No Public Input

Close Public Hearing 6-0-0

George Sioras - request of owner of 10, 15, 17 and 19 South Ave to change zoning of his parcel from CBD to MHDR. The Planning Board determined that 20008, 30009, 30010, and 27093 also be changed.

Move to Amend the Code of the Town of Derry – Article V, Section B, Central Business District to remove the following parcels:
30008, 2 South Avenue 30009, 4 South Avenue 30010, 6 South Avenue 30012, 17 South Avenue 30013, 15 South Avenue 27091, 10 South Avenue 27093, 1 Nutfield Court 27137, 19 South Avenue Coyle/Chirichiello Vote: 6-0-0

09-136 Amend the Code of the Town of Derry – Article V, Section N, Medium High Residential District to add the following parcels:
30008, 2 South Avenue 30009, 4 South Avenue 30010, 6 South Avenue 30012, 17 South Avenue 30013, 15 South Avenue 27091, 10 South Avenue 27093, 1 Nutfield Court 27137, 19 South Avenue

Open Public Hearing 6-0-0
No Public Input
Close Public Hearing 6-0-0

George Sioras - this request is for the reclassification of Zoning for 09-137 above to MHDR

Move to Amend the Code of the Town of Derry – Article V, Section N, Medium High Residential District to add the following parcels:
30008, 2 South Avenue 30009, 4 South Avenue 30010, 6 South Avenue 30012, 17 South Avenue 30013, 15 South Avenue 27091, 10 South Avenue 27093, 1 Nutfield Court 27137, 19 South Avenue Coyle/Wetherbee Vote: 6-0-0

09-138 Supplemental Appropriation to Fund Derry Economic Development Revolving Loan Fund in the amount of \$136,772.52

Open Public Hearing 6-0-0
No Public input
Close Public Hearing 6-0-0

Town Administrator Stenhouse stated that several years ago the Derry Town Council set up a revolving loan fund aimed at encouraging business expansion and job creation within the Town of Derry. This program was administered by the DEDC. Since the town has severed its financial relationship with the DEDC, the Town Administrator has been working with the Rockingham Economic Development Corporation to reinstitute the loan program. Action requested of the Council is two-fold. First the Council is being asked to authorize the Town Administrator to contract with REDC to allow REDC to administer the loan program. In addition Council is asked to make a supplemental appropriation in the amount of \$136,772.52 to augment the \$113,227.48 that the Town already maintains in its existing loan fund. Bob McDonald of the REDC is present to answer any questions concerning their administration of loan programs. REDC has 15 years of successful experience in these programs and have not had a loan go to default during this period.

Stuart Arnett – gave the Town Council his thoughts on the REDC and their reputation for loan originating experience which has been excellent.

Councilor Coyle - stated the loss from the DEDC was \$36,000. He stated he doesn't think the town should be in the lending business.

Councilor Benson – inquired in regards to the loans outstanding was there any chance the town might recover some of these funds. Mr. Stenhouse stated that was highly unlikely

Chairman Metts called for vote or motion to table as Councilor Carney was absent.

Councilor Benson – asked what other communities have loan funds. That information will be obtained for the next meeting. .

Bob MacDonald defined some the project areas where loans are being made as mostly in Rockingham County. In addition many of the cities in NH such have Economic Development Revolving Loan Programs..

Motion to Table by Councilor Wetherbee until 12/1/09 Town Council Meeting seconded by Councilor Coyle. Vote: 6-0-0

09-151 School Funding Resolution

Chairman Metts has spoken with Councilor Carney on this Resolution and he stated it was okay to go ahead and move to approve the School Fund Resolution.

Councilor Fairbanks asked questions regarding this funding resolution. She questioned if a similar document had come from school board. She wondered if it would behoove the Town Council to make its presence at the State House by asking the Governor to meet with the Derry Town Council.

Move that the Derry Town Council accept the School Funding Resolution as follows;

SCHOOL FUNDING RESOLUTION

#09-151

- WHEREAS:** The Town of Derry's children are set to lose \$7.5 million in funding to the Derry School District from the State of New Hampshire for the Fiscal Year beginning July 1, 2011; and,
- WHEREAS:** The Derry Town Council recognizes the importance of maintaining and enhancing quality educational opportunities for all of Derry's children; and,
- WHEREAS:** The Derry Town Council recognizes that it is a right, not a privilege, in New Hampshire to receive a quality education and that minimum funding for that education be provided by the State of New Hampshire under the guidance and direction of the State's Constitution; and,
- WHEREAS:** The Derry Town Council, on the behalf of the families of Derry, New Hampshire, request that current funding allocation equations be revised by the New Hampshire General Court and Governor John H. Lynch; and,
- WHEREAS:** Furthermore, it is unacceptable for the State of New Hampshire to place this undue burden on the Town of Derry, in the form of a reduction of funding to the school district in a manner that will be destructive to our educational system, to our children's educational opportunities, to our tax base, to all those who call Derry home including our business community and to the very future of our community.

NOW, THEREFORE, we call on our State Legislature and Governor John H. Lynch to immediately address and correct this critical error.

Motion by Councilor Coyle, seconded by Councilor Wetherbee Vote: 6-0-0

Councilor Requests/Open Discussion

Councilor Fairbanks mentioned that St. Matthew's Church in Londonderry is hosting a bone marrow drive for a 14 yr old Derry girl (Janelle James) who has Leukemia on Thursday November 19,2009 @ St Matthews Parish Center, 2 Searle's Rd, Windham from 4 – 9 pm.

Councilor Coyle requested a short presentation by the Derry Trail Rail to present the Town of Derry with a check for \$5.000 at the next meeting. To be placed under the Chairman's Report on 12/1/09.

Councilor Benson – It had been discussed before that if there were a surplus there would be a discussion on the amount and the use in the accounts of the Town before year end. He now understands that the year end close has taken place. He inquired as to the status of the "snow removal" reserve. The T.A. stated he would get that information to council. Councilor Benson stated that he would like in future years for Council to have a year end discussion before the formal close of the books. .

There has been no resolution to the "big sign" issue around town. He would like a letter drafted to be sent to the Planning Board to handle this. He would also like to discuss the parking lots next to the Adams Memorial Building.

Motion by Councilor Coyle to move to Non-Public under RSA 91-A: 3 (e), seconded by Councilor Benson Vote: 4-2-0 (Fairbanks, Chirichiello)

Recess to Non-Public

Move to Adjourn @ 8:50 p.m.

Denise E. Neale, Town Clerk

Date

Recording: Town Clerk
Review: Town Administrator, Stenhouse