

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

January 5, 2010
Tuesday 7:30 p.m.

Call to order

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

- 10-01** Acceptance of Non-Public Minutes - December 1, 2009
- 10-02** Acceptance of Minutes – December 1, 2009
- 10-03** Acceptance of Workshop Minutes – December 15, 2009

Additions: 10-07 Schedule a Public Hearing – January 19, 2010 – Energy & Environmental Community Block Grant

Councilor Carney – Energy & Environmental Committee is applying for these grants for:

1. To conduct an Energy audit of all Town facilities
2. Install solar panels on the roof of the DMC

Both these grants, if approved, are paid at 100% so there will be no cost to the Town.

Approved with addition.

Chairman's Report – Metts

- Happy New Year
- Frost Festival 2/13 – 2/14/2010
- 12/12 Derry Village Rotary Club free Senior Citizen Spaghetti Dinner@ Hood School
- ***Presentation by Downtown Study Group***

Derry Downtown Study Committee member Mike Gendron - gave an overview of the improvements made to the downtown area over the past 10 – 15 years. He then reviewed the committees report on future projects for the downtown area. The Derry Downtown Committee would like to be a permanent committee to oversee that the future projects and proposals are carried out downtown. After discussion Council Chair Metts directed that the item "Establish and Appoint a Downtown Development Committee" be placed on the next Council Agenda. Council will also have to appoint council and staff liaisons to that committee.

Administrator's Report –

Chief Klauber and Battalion Chief Doyle reviewed the Fire Departments Strategic Plan which was presented at a prior meeting in November. They asked the Town Council to recognize and accept the Derry Fire Department Strategic Plan.

Councilors asked if the plan had been presented to the public. Chief Klauber answered that copies were available at the Libraries, fire stations and Town Hall. They did have a public meeting. Not many attended.

Councilor Carney requested that a public hearing be held on January 19, 2010 before accepting the plan.

****10-08 Schedule a Public Hearing – January 19, 2010 - Derry Fire Department Strategic Plan***

Motion by Councilor Coyle to move to Non-Public under RSA 91-3:2 (a) seconded by Councilor Fairbanks. Vote: 7-0-0

Public Forum – Non Agenda Items

Open Public Forum 7-0-0

Al Dimmock, High St – Spoke regarding the stamping of the brick downtown sidewalk and what he considered its high cost. Questioned why Birch Street is not considered part of the downtown.
Barry Cohoon, Field Rd – Requested that Field Rd be plowed.

Mike Duval, Field Rd – Requested that Field Rd be plowed.

John Burtis, Lorri Rd – Concerned as he has heard that if four additional firefighters are not hired that the department would close fire stations. Stated he was told that the examination of the Fire Department study was too expensive. This unit needs to be looked at.

Barry Cohoon, Field Rd – Explained that he was told to speak at the public forum to ask to have his road plowed which was not on the agenda this evening only sending the petition to the Planning Board.

John Burtis, Lorri Rd – Derry residents should not have to pay for Ambulance Service.

Close Public Forum 7-0-0

Public Hearing

09-147 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

Mike Fowler was present to answer questions.

Open Public Hearing 7-0-0

Al Dimmock, High St – Asked if there was a map of these locations.
Mike Fowler explained the above properties

John Lyons, 22 Manchester Rd – Asked questions pertaining to the new layout.

Doug Newell, English Range Rd – Asked if monies were budgeted for these acquisitions of land.
Mike Fowler stated \$1.8M

Al Dimmock, High St – Stated that this area was zoned heavy industrial

Ryan Driscoll, 22 Manchester Rd – concerned if the lot at his business is opened up, it would become a speedway cut through and would inconvenience the customers of these establishments.

Mike Fowler stated from Folsom Rd looking up Manchester Rd toward Londonderry the right side would be widened and the left side would have sidewalks.

Close Public Hearing 7-0-0

Councilor Coyle moved The Derry Town Council has determined there is an occasion for layout and necessity to acquire land by eminent domain for public use on Manchester Road and Crystal Avenue. The impacted parcels are listed as:

**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. Seconded by Councilor Carney
Vote: 6-1-0 (Fairbanks)**

09-154 Salt Reduction Resolution – NHDOT

Mike Fowler and Alan Cote – The Town Council is being asked to review and approve a salt reduction resolution which is essentially a commitment that Town Government is supportive of NHDOT's endeavor.

Open Public Hearing 7-0-0

No public input

Close Public Hearing 7-0-0

Councilor Fairbanks moved 1) The Town Council moves to authorize the Town Administrator to generate the Salt Management Plan for the purpose of supporting chloride reduction in the I-93 corridor. 2.) Resolution (see attachment) Seconded by Councilor Coyle Vote: 7-0-0

09-155 Fordway Bridge – Supplemental Appropriation of \$1,230,000 from General Fund to the Fordway Bridge Capital Project

Mike Fowler –NHDOT is reimbursing the Town of Derry 80% of total project costs under the NHDOT bridge aid program. The town has also been awarded through DOT funds to complete 100% of construction costs. Thus the Town's share will be \$51,140. All excess reimbursement from the Florence St and Fordway Bridge projects will be earmarked for the South Ave Bridge construction, which is scheduled for 2011 construction.

Open Public Hearing 7-0-0

Al Dimmock, High Street – questioned the life expectancy of the repairs.

Close Public Hearing 7-0-0

Councilor Carney moved a supplemental appropriation of \$1,230,000 from the General Fund to the Fordway Bridge Capital Project increasing said capital project's appropriated budget to \$1,500,000. Unexpended funds at the completion of the project will transfer to the South Ave Bridge Capital Project. Seconded by Council Wetherbee Vote: 7-0-0

Old Business

09-146 Declaratory Judgment – Exit 4A

Motion to table by Councilor Coyle, Seconded by Council Carney Vote: 7-0-0

New Business

10-04 Private Road Petition – Field Road

Councilor Coyle moved that the Derry Town Council moves to refer the Field Rd Road Ordinance Petition to the Planning Board for review as required in Section II.3 of the Road Ordinance and that Field Rd and in addition be plowed by the DPW until May 2010 only, Seconded by Councilor Wetherbee Vote: 6-1-0 (Fairbanks)

10-05 Sewer Commissioners – Waiver and Extension Request from the Derry Sewer Use Ordinance, Article 2, "Use of Public Sewers Required" – Upstone Lane and Rockingham Road

Tom Carrier – There are 13 properties on Upstone Lane eligible to connect to the new sewer, 7 properties have connected, 6 properties have requested a waiver to the connection requirement based on repairs to their septic systems made after 1/1/85 and that their systems are in good working order. There are 9 properties on Rockingham Road eligible to connect to the new sewer, 2 properties have connected, 4 have requested waivers and 2 have requested extensions to connection required based on financial considerations, and 1 property has not responded to our letters but would be eligible for a waiver based on the repaired to and condition of their septic system. The Town Council acting as sewer commissioners has the authority to grant such waivers and extensions to the Sewer User Ordinance. The granting of the waivers defers the collection of sewer betterment assessments and connection fees.

Town Council discussed time frames for waivers and how other areas of sewer projects were handled.

**Motion 1: The Derry Town Council acting as Sewer Commissioners move, in accordance with NH RSA 147:8, that properties abutting the recently constructed municipal sewer mains along Upstone Land and Rockingham Road whose onsite septic disposal system have been improved by a licensed designer/installer and approved for construction by NHDES after 1/1/1985 as shown on the attached schedule "A" are exempt from Article 2 Section 122-7 of the Code of the Town of Derry Sewer Use Ordinance until such time as the Derry Code Enforcement Officer determines that the existing private septic disposal system has failed or is in imminent failure or may otherwise be in need of repair or replacement. Such waiver shall become void upon any increase in building size, decrease in gross lot area or change in use of the property.
Moved by Councilor Benson, seconded by Councilor Wetherbee Vote; 6-1-0 (Fairbanks)**

Motion 2: Moved by Councilor Coyle to Table and refer to Town Attorney for time frame, seconded by Councilor Wetherbee. Vote: 5-1-0 (Benson) (Chirichiello not present for vote)

10-06 Appointments to Derry Economic Development Fund Loan Review Committee

Gary Stenhouse recommended the following appointments of Carl Accardo, Robert Gorham and Cathy Taylor to the DEDF Loan Review Committee.

Move by Councilor Coyle that Carl Arccardo, Robert Gorham and Cathy Taylor be appointed as member of the Derry Economic Development Loan Committee for a period of one year. Seconded by Councilor Carney Vote: 3-4-0 (Chirichiello, Benson, Wetherbee & Fairbanks) motion failed

Motion to extend 10 minutes Benson/Wetherbee Vote: 5-2-0 (Carney, Coyle)

Council discussed that they did not know the qualifications of these nominees and would like to see some information on each.

Gary Stenhouse stated he would obtain this information in writing from the recommended appointees. If Town Council has any suggestions for the other two appointee positions they can email Chairman Metts.

Council Requests / Open Discussion

Councilor Coyle requested that the Town Administrator inform the Town Council when long time employees retire.

Adjourned @10:20 p.m.

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

Town Clerk

Date