

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

March 16, 2010
Tuesday 7:30 p.m.

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

Call to order

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

Roll Call: Councilors: Fairbanks, Coyle, Benson, Milz, Olbricht, Wetherbee and Chair pro-tem Chirichiello

10-37 Election of Officers

Council Chair – **Brad Benson**

Council Chair Pro Tem – **Neil Wetherbee**

Conservation Commission Council Representative – **Neil Wetherbee**

Planning Board Council Representative – **Brian Chirichiello**

Heritage Commission Council Representative – **Janet Fairbanks**

Southern NH Hazardous Materials Mutual Aid District Council

Representative 1) **Brian Chirichiello**

2)

Legislative Delegation Council Representative – **Brad Benson**

Human Services Council Representative – **Janet Fairbanks**

Derry Housing & Redevelopment Authority Council Representative – **David Milz**

Finance Committee Council Representative – **Joel Olbricht**

Safety Departments Council Representative – **Neil Wetherbee**

Public Works Council Representative – **Kevin Coyle**

School Board Council Representative – **Joel Olbricht**

Taylor Library Council Representative – **David Milz**

Derry Public Library Council Representative – **Neil Wetherbee**

Energy/Environmental Advisory Committee Council Representative – **David Milz**

Derry Downtown Committee – **Brian Chirichiello**

7:40 p.m.

Consent Agenda

10-38 Acceptance of Non-Public Minutes – March 2, 2010

10-39 Acceptance of Minutes – March 2, 2010

10-40 Veterans' Credits and Elderly Exemptions

10-41 Tax Deferral

10-42 **Water Commissioners** - Schedule Public Hearing –
April 6, 2010 – Meadowbrook/East Derry Municipal Water
System Extension – Pennichuck Water Works Water System
Interconnection Agreement and Budget Transfer

10-43 Schedule Public Hearing – April 6, 2010 - Renew Public Health
Network Grant

Accepted as written

Chairman's Report – n/a

Administrator's Report –

Goals update received by Town Council members

Zoning Board – Use alternates no vote

Discussed extending the appointments date for Town Boards and Committees; however in accordance with the Town Charter, Section 4.4, this cannot be done. Alternate members of Boards and Commissions must attend meetings to temporarily fill these positions if meetings are held prior to the new appointments on April 6th.

***** Presentation by Downtown Committee on parking

Michael Gendron – Old Auburn Rd - Trustee Greater Derry Arts Council and member of the Derry Downtown Committee gave an update on the committee's progress. There will be another Civic Profile Meeting held on Saturday, 4/24/10, at the Derry Municipal Center. The theme is "Dream Big". There is a need for additional parking in the downtown area. There are two properties the committee is interested which they feel are critical to the success of downtown. One is next to the Opera House and the other is a property directly adjacent to the Derry Public Library.

Move to non-public, 91-A: 3(d) 6-0-0 (Coyle)

Place on Agenda as non-public at next meeting. Discussion on properties

Public Forum – Non Agenda Items

Open Public Forum 7-0-0

Phyllis Katsakorias – Asked if CTV 17 during emergencies there be audio for those that unable to see. Please check into this.

Al Dimmock, High St – He congratulated the elected members. He also wanted to let two of the Town Councilors know he was willing to let go regarding a personal matter between them.

Tom Cardon, Cunningham Dr – Also congratulated the new members. He was questioned about time table for Exit 4A, \$5M owed. There must be a contract for this somewhere. Hyrax of Derry has taken over Boston North; there must be a contract with them. Both should be available under "Right to Know". He also stated that SNPC was now estimating the cost of exit 4a at \$189 million.

Councilor Chirichiello stated that if Mr. Cardon had questions on matters discussed by SNPC he should call the SNPC and ask for David Preece.

Andy Carbone and Andy Destefano - spoke in regards to the Woodland Community Water System and its substantial water issues. They have had a meeting with Tom Carrier and would like to make the Town Council aware of their issue with the water. There are 59 homes on WCWS. The issues are the quality of the water, (i.e. water pressure, manganese, water hardness, sediment, rust, odor and taste). It costs the homeowners extra money to maintain their appliances due to the quality.

Dennis Toombs – Gervaise Dr. - Please consider asking the Water Department to add this area to the Pennichuck water line.

Councilor Chirichiello asked if there was a health hazard with the water. Mr. Toombs replied no, Primary is fine/ it's the secondary issues of destruction done by hard water.

Roberta Robie, Chester Rd –Spoke on the proposed Senior Center. The Senior Center at the Boys Club is not what they want. They want something downtown where they all live. They need their own space for recreation. The Town provides recreation for the children and has contributed to the Bike Path. The Town needs to provide for their seniors.

Close Public Forum 7-0-0

Public Hearing

10-17 Revision of Town of Derry General Code, Section 118, Second Hand Dealers

Councilor Chirichiello asked if the Second Hand Dealers were notified.
Chief Garone answered, no.

Reschedule Public Hearing for 4/6/10 and notify Second Hand Dealers. Motion by: Councilor Wetherbee, seconded by Councilor Coyle. Vote: 7-0-0

10-25 Supplemental Appropriation of \$50,000 for possible litigation regarding school funding

Councilor Coyle – Gave the overview regarding the YR 2012 \$7.1M. The state will be removing from the School District's appropriation at a cost \$2.30 add to the Derry tax rate.

OPH 7-0-0

David Nelson, Old Chester Rd – What is the basis of the argument that the Town would use to take legal action against the State of NH?.

CPH 7-0-0

Councilor Wetherbee - asked if we have a legal opinion whether we can do this or not. The School Board hasn't come to the town to ask for assistance. The School Board should take the initial action.

Councilor Chirichiello – Stated the Town Council could raise the supplemental appropriation anytime. He agrees with Councilor Wetherbee.

Chairman Benson- Should the Town Council wait for the school district to ask for help before we get involved?.

Councilor Coyle - wanted everyone to understand the Town should be taking a proactive approach and sending the State a message.

Councilor Olbricht - likes motion. He felt the Council should meet with School Board

Councilor Milz – would like to get the consensus of the School Board.

Councilor Wetherbee – asked to have the Town Attorney look into legal side and meet with School Board.

Move to table until a legal opinion is obtained and Council Chair and Town Administrator meet with School Board Chair and School superintendent.

Motion by Councilor Wetherbee, seconded by Councilor Milz Vote: 7-0-0

10-28 Intermunicipal Agreements to provide Transport Ambulance Services to Auburn and Chester

Chuck Hemeon, EMS Director – Gave an overview of the ambulance service contract for Auburn and Chester -Transport Ambulance Services.

Chairman Benson asked if Derry didn't provide service to these towns where would they get service from.

Chuck Hemeon replied; they would have to establish on themselves or hire a private contractor.

Open Public Hearing 7-0-0

Doug Newell English Range Rd – has read the report and it is very good. He is concerned about the cost plus strategy. Derry is subsidizing towns around us. He gave an example.

Close Public Hearing 7-0-0

Councilors discussed issues and concerns with the contract and the cost incurred by Derry including mutual aid.

Councilor Milz –questioned if the contract had as much value as possible.

Councilor Olbricht –asked if there was an increase in Derry over the next five years, if the contracts would receive an increase also.

Councilor Fairbanks – would like to check with Rockingham and other private service providers to make sure the town in is line with their costs.

Chairman Benson requested there be a vote taken when a councilor asks to move the vote to the next meeting. He is hopeful that everyone will be respectful to each other's view.

Motion by Councilor Coyle to move this vote on item 10-28 to the 4/6/2010 meeting, seconded by Councilor Fairbanks Vote: 6-1-0 (Milz)

New Business

10-44 Budget Workshop(s) Schedule

Because of school vacation the last three meeting dates were changed to:

May 6 Budget & CIP Public Hearing

May 11 Final Budget Review workshop (if necessary)

May 18 Adoption of Budget & CIP

Councilor Coyle asked if each Councilor could take a department and review that department's budget with the Dept Head and Frank Childs. Each Councilor would volunteer for a department. Town Council would like to be provided with a list of departments.

Council Requests / Open Discussion

Councilor Coyle – asked how many lots the Town was selling at Emerson Heights? His concern is there are 9 lots that will have single family homes.

Adjournment 9:30 p.m.

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

Town Clerk

Date