

TOWN OF DERRY

Town Council Meeting
Derry Municipal Center

April 6, 2010
Tuesday 7:30 p.m.

Non-Public Sessions - RSA 91A:3 II (c) and RSA 91A:2 II (b)

Call to order

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

Roll Call: Chairman Benson, Councilors: Milz, Olbricht, Wetherbee, Coyle, Fairbanks & Chirichiello

Consent Agenda

- 10-45** Acceptance of Non-Public Minutes, Sessions I & II – March 16, 2010
- 10-46** Acceptance of Minutes – March 16, 2010
- 10-59** Acceptance of Non-Public Minutes – March 30, 2010
- 10-47** Tax Interest Adjustment
- 10-48** Approve Veterans' Credits/Disabled Veterans' Credits/Elderly Exemptions & Blind Exemption
- 10-49** Schedule Public Hearing – April 20, 2010 – Accept \$5,000 Grant from the Derry Community Fund
- 10-50** Schedule Public Hearing – April 20, 2010 – Amend the Code of the Town of Derry, Section 165-30 Zoning Map by rezoning certain parcels from Medium High Density Residential District Zone to Medium High Density Residential District II – Purpose of Amendment: to rezone 68 properties that lie within the corner of Birch Street and East Broadway to include Oak Street, Park Avenue, Fenway Street, Grove Street & Wilson Avenue from Medium High Density Residential to Medium High Density Residential II. If amendment is adopted, these properties will be subject to the Medium High Density District II zoning requirements contained in Section 165-45.1 of the Derry Zoning Ordinance. An amendment to the zoning map delineating the lots in the Medium High Density Residential II District is being adopted to reflect these changes. For the lots affected, this amendment is COMPREHENSIVE IN NATURE. **(See attached list of the 68 properties)**
- 10-51** Schedule Public Hearing – April 20, 2010 – Acceptance of Field Road, Kenro Way, and Worthley Road as Class V Roads
- 10-52** Schedule Public Hearing – April 20, 2010 – Supplemental Appropriation of \$450,000 from General Fund Balance to the Drew Road Bridge Capital Project Fund
- 10-53** Schedule Public Hearing – May 18, 2010 – Layout and Condemnation of Route 28 Properties (Manchester Road and Crystal Avenue in accordance with RSA 498-A – 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

Changes: Remove Item #10-50.

Councilor Coyle asked to vote on Item # 10-59 separately

Councilor Coyle asked to have Attorney Boutin present for the Public Hearing on Item # 10-51 & 10-53.

Motion to accept the Non-Public Minutes of March 30, 2010, by Councilor Wetherbee, Seconded by Councilor Olbricht. Vote: 5-1-1 (Fairbanks) (Abstained Coyle)

Approved: with changes.

Chairman's Report – Chairman Benson

***** Woodlands Community Water System –
Water Quality Issues

Tom Carrier addressed the issues brought forth to the Town Council. The DPW will evaluate the cost estimates and prepare recommendations to the Council as part of the FY2011 budget.

***** Cable 17 – Emergency Information

The same audio message from the 1610 AM radio station will be the audio for Derry Cable 17 in sync with broadcasting.

***** Exit 4-A

Chairman Benson has a report that will be made public. He read part of the report to the public.

***** Senior Center

The Town Council is awaiting Dr. Moody's return with reports he is preparing.

***** Downtown Civic Profile Meeting – April 24, 2010

The meeting will be held at the DMC, 3rd flr meeting room. Coffee 8 - 9am; Event 9am – 1pm.

Administrator's Report – Larry Budreau Acting Town Administrator

***** Emerson Heights

FY2010 budget anticipated the sale of tax deeded properties @ \$700,000; \$350,000 was to be used to offset the present budget and the remainder \$350,000 to go to Land and Building Capital Reserve Fund. To date the amount collected was \$91,500 through auction. To increase the marketability of the Emerson Heights properties the Town needed to improve the septic plans. The plans should be ready by May 2010. This means that the properties will unlikely be sold before the end of this fiscal year.

***** Meeting with School Department

Chairman Benson, Town Administrator Stenhouse, Kevin Gordon & Brenda Willis of the School Board, and Mary Ellen Hannon, Superintendent of Schools, met recently to discuss possible legal action that the schools may take against the State of New Hampshire regarding school funding. All agreed that it would be in the best interest of the Town Government to support the schools if a

decision to take legal action is made by the School Board. The Town and Schools will work together to do what is right for Derry's school children and the Derry taxpayers.

Public Forum – Non Agenda Items

Open the Public Forum 7-0-0

Tom Cardon, Cunningham Dr – Mr. Cardon thanked Chairman Benson for obtaining the information on Exit 4A. When will the report be available?

Chairman Benson replied, as soon as Town Administrator Stenhouse returns.

Close the Public Forum 7-0-0

Chairman Benson asked Town Council to move item #10-52 before the Public Hearings. All agreed.

10-54 Appointments to Boards, Commissions & Committees

Highway Safety:	Member – Randall Chase	7-0-0
	Member – Tom Caron	7-0-0
	Member – Mike Houghton	7-0-0
	Member – Steve Wallack	7-0-0
	Member – Vacant 1-yr term	
	Member – Vacant 1-yr term	

Application process by 4/23/2010 for openings/Appointment 5/4/10

Zoning Board:	Member – Jim Webb	7-0-0
	Member – Ernest Osborn	7-0-0
	Alternate – Vacant 3-yr term	
	Alternate – Vacant 3-yr term	

Housing & Redevelopment:	Member – Tom Hosey	7-0-0
	Member – Vacant 2-yr term	

Heritage:	Member – Frank Santiago	7-0-0
	Member – Elaine Connors	7-0-0
	Alternate – Marion Pounder	7-0-0
	Alternate – Donald Kirkland	7-0-0

Conservation:	Member – Margaret Ives	6-0-1	(Fairbanks)
	Member – Vacant 3-yr term		
	Alternate – Vacant 3-yr term		

Planning Board:	Member – Jim MacEachern	6-0-1	(Chirichiello abstained)
	Member – David Granese	6-0-1	(Chirichiello abstained)
	Member – Dave McPherson	4-2-1	(Fairbanks, Coyle)
	Alternate – Vacant 3- yr term		(Chirichiello abstained)

Public Hearing

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

Chief Garone reviewed the changes to the Code. The Code did not include many items that are now the target of theft and trade. It also did not include "Pawn Dealers" as Second Hand Dealers.

Open Public Hearing 7-0-0

Paul Dionne, Worthley Rd – He is a property adjuster and supports the changes.

Jim Ganeso, Derry Coin – These show a change in times. He approves changes.

Greg Germaine, Gem Jewelers – He questioned use of photocopies of items. Asked why in Section 118-2 trade-in jewelry was taken out of exemption and articles of \$50 or more was removed all must now be reported.

Chief Garone – stated photocopies would be used as an investigative tool. Trade-in jewelry could be exempt. The articles of any value that must now be recorded he requested not be removed.

Debbie Mackey, Once a Pawn in Time – She is in agreement with this Code. It's the not the items as much as the people going from place to place the paperwork will show this. She questioned licenses for local business what about insurance companies "we buy gold" or GameStop.

Close Public Hearing 7-0-0

Council discussion: Asked the Chief if he was in agreement with exempting jewelry trade-in. (Chief Garone is in agreement)

Councilor Olbricht asked for clarification on 12 times a year.

Chief Garone stated he would change to 12 day in a year.

Councilor Wetherbee asked Chief Garone to clean up the Code and make the revisions and the vote would take place a next meeting.

10-42 Water Commissioners - Meadowbrook/East Derry Municipal Water System Extension – Pennichuck Water Works Water System Interconnection Agreement and Budget Transfer

Tom Carrier & John Bovair PWW – Tom gave an overview of this venture for the new Town Councilors.

PWW is applying for SRF money. The sooner they have a vote it will make it easier. Tom stated they would complete project by summer.

Open Public Hearing 7-0-0

No Public Input

Close Public Hearing 7-0-0

Motion: The Derry Town Council approves the Derry – Pennichuck Water Works Water System Interconnection Agreement as presented.

The Derry Town Council moves to rename the "Scobie Pond Water High Service Area Improvements Fund" to Water System Capital Improvement Fund" and establish a \$400,000 budget for the purpose of East Derry Water System expansion, extending the Derry Municipal Water System in accordance with the Derry – Pennichuck Water Works Municipal Water System Interconnection Agreement – The source of the funding of the project shall be from a transfer of \$200,000 from FY 2010 Water Division Other Improvements (99032003 730000) and \$200,000 from the Scobie Pond Water High Service

Area Project (90023200 730000). Any remaining funds at the completion of the Scobie Pond Water High Service Area Project shall be returned to the Water Division Fund Balance. Wetherbee/Coyle Vote: 7-0-0

10-43 Renew Public Health Network Grant

Garret Simonsen – Funding the Public Health Network provides the financial support for the Public Health Network Coordinator's regional activities.

Open Public Hearing 7-0-0

No Public Input

Close Public Hearing 7-0-0

Motion: Move the Derry Town Council approve the renewal of the Public Health Network grant in the amount of \$70,000 (SFY2011) and \$70,000 (SFY2012), and authorize the Town Administrator to accept and expend these funds on behalf of the regional planning collaborative. Wetherbee/Chirichiello Vote: 7-0-0

Old Business

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

Chuck Hemeon Ems Director – available for comment

Councilors asked various questions of Mr. Hemeon regarding the cost per resident of each community. The Councilors reviewed revenue points or loss of revenue.

Motion: Move that the Town Council Authorize the Town Administrator to enter into agreements with both the Town of Auburn and the Town of Chester to provide ambulance transport services as outlined in the agreements. Wetherbee/Olbricht Vote: 5-2-0 (Coyle, Fairbanks)

New Business

10-55 Solid Waste Disposal Contract Extension 2011-2016

Mike Fowler & Joan Cornetta – Mr. Fowler gave an overview of the contract. Scott Hagermier MERC Rep is in audience for questioning. The staff recommends that the Town Council waive Charter Section 9.10 in lieu of soliciting proposals/quotes for trash disposal at the end of 2011 given the favorable terms of the existing contract.

Motion: The Derry Town Council hereby waives the provisions of the Town Charter Section 9.10 for the purpose of extending the trash disposal contract with Maine Energy Recovery Corporation for five years to expire in 2016. Wetherbee/ Vote: 6-0-1 (Coyle)

10-56 Authorization to Fill Cable 17 Administrator Position

Larry Budreau stated the Town Council has required the Town Administrator to seek approval before hiring. The Station cannot be sustained by one person.

Councilor Coyle questioned why hire now; they will look at situation during the budget. Council requested to see a job description.

Motion to table: Chirichiello /Coyle Vote: 7-0-0

10-57 Public Hearings on Union Contracts

Councilor Wetherbee had wanted hearings held for union contracts. He now feels his decision was incorrect.

Council discussed town budget and union contracts which are 80% of budget.
Schedule Larry Budreau at next meeting to bring back requested information.

Extend 10 Minutes 6-2-0 (Coyle/Fairbanks)

10-58 Select Executive Search Firm to Replace Town Administrator

Larry Budreau gave review of process he followed for choice of acceptable firms.
Councilor Coyle wants to interview firms before picking one just 3 or 4 out of the 7, including LGC.

Council discussed different aspects of the firms and requirements they are looking for.

Motion: Move that the Derry Town Council approves the hiring of Municipal Resources, Inc of Meredith, NH at an amount not to exceed \$12,500 plus expense to conduct the search for a Town Administrator. Wetherbee/Milz Vote: 5-1-1 (Coyle) (abstained Fairbanks)

Move to extend 6-1-0 (Coyle)

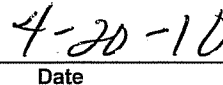
Council Requests / Open Discussion

Councilor Wetherbee- Derry clean up day 4/17/2010.
Councilor Coyle- disappointed in appointments to Planning Board.
Chairman Benson -Change is good

Adjournment 10:20 p.m.



Town Clerk



Date

Recording Clerk: Denise E. Neale, Town Clerk
Reviewed by: Larry Budreau, Acting Town Administrator

Attachment: page 7 & 8 Item # 10-50

#10-50**PID****Address**

05044	121 East Broadway
30166	13 Oak
30167	11 Oak
30168	7 Oak
30169	5 Oak
30170	3 Oak
30171	1 Oak
30188	4 Wilson
30189	23 Oak
30190	21 Oak
30191	19.5 Oak
30192	19 Oak
30193	4 Oak
30194	6 Oak
30195	8 oak
30196	10 Oak
30197	12 Oak
30198	14 Oak
30199	8 Grove
30200	19 Park
30201	17 Park
30202	15 Park
30203	9 Park
30204	5 Park
30209	71 E. Broadway
30210	69 E. Broadway
30211	67 E. Broadway
30212	4 Park
30213	6 Park
30214	8 Park
30215	10 Park
30216	14 Park Ave
30217	16 Park
30218	12 Grove
30219	14 Grove
30220	9 Fenway
30221	5 Fenway
30222	3 Fenway
30223	1 Fenway
30226	4 Fenway
30227	6 Fenway
30228	8 Fenway
30229	10 Fenway
30230	12 Fenway
30231	14 Fenway
30232	16 Fenway
30233	15 Grove Street
30234	13 Grove S

#10-50

30235	11 Grove Street
30236	9 Grove Street
30237	7 Grove Street
30238	5 Grove Street
30239	3 Grove Street
30240	16 Oak
30241	18 Oak
30242	20 Oak
30243	10 Wilson
30244	12 Wilson
30245	14 Wilson
30246	16 Wilson
30247	11 Wilson
30248	9 Wilson
30249	7 Wilson
30250	5 Wilson
30251	3 Wilson
30192-001	1 Grove
30204-001	7 Park
30218-001	11 Fenway