

TOWN OF DERRY

Town Council Special Meeting
Derry Municipal Center

June 15, 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 Milz, Olbricht, Wetherbee, Coyle, Fairbanks, Chirichiello and

Public Hearing

10-87 Amend the Code of the Town of Derry – Add new Chapter; Fireworks – Sale, Display and Possession

Chief Garone stated that this Code had been adopted at some time in the past but a search of Town records did not yield any record of the adoption of this addition to the Code .. Captain Vern Thomas explained the State Fire Marshall's website containing information regarding the permitting of fireworks. It includes a list of towns that allow different types of fireworks or prohibited fireworks. Captain Thomas believes, that due to the compactness of Derry's Community, this ordinance is necessary. Allowing fireworks to be displayed by citizens causes an undue burden on the Police Department especially during the Summer Holidays. They receive many noise complaints and the Fire Department responds to fires and damage due to fireworks by private citizens.

Open Public Hearing Vote: 7-0-0

Chief Klauber supports this ordinance. He explained the incident at Barka School and would recommended the Town Council to vote to make fireworks display by private citizens not permissible.

Ellie Sarcione- has racing pigeons which hawks attack. She uses fireworks to scare away the hawks. Will this still be permitted as well as for the farmers who use them?

Chief Garone stated he would be willing to add an amendment to an exception in regards to the RSA.

Captain Thomas read RSA 160B-12 exceptions; Agriculture, railroad or military purposes must first receive approval from appropriate local official.

Close Public Hearing Vote: 7-0-0

Councilor Coyle – questioned crossing the town line with fireworks purchases as Londonderry has three companies that sell fireworks

Chief Klauber explained that the firework store is obligated by law to inform customers whether or not they are illegal to use in their town.

Councilor Wetherbee – was not comfortable with voting on this tonight. His hopes the public would call and weigh in on this ordinance.

Councilor Olbricht – stated this should be a strong signal to press that fireworks cause problems among neighbors.

Chairman Benson – asked what do towns of Londonderry or Windham do.

Captain Thomas stated they used Nashua and Manchester for comparisons.

Councilor Wetherbee moved to table, until the next meeting, seconded by Councilor Coyle
Vote: 7-0-0

New Business

10-98 Taylor Library Windows

(Chairman Benson stepped down as Chair and Councilor Wetherbee took over as Chair Pro Tem.)

Council Wetherbee stated that Town Administrator Stenhouse has presented Town Council with a report on this matter. The report is self explanatory; Mr. Stenhouse did an investigation with the Trustees of the Taylor Library and Brent Carney.

Councilor Fairbanks doesn't feel this report is line with Section of the Town Charter 7.4. Mr. Stenhouse does not have the authority to conduct an investigation based on the Town Charter. She also had read in the newspaper that Mr. Stenhouse would be investigating the issue and was not notified by Town Council this was happening.

Chairman Benson stated he took the minutes that were handed to him without recollection of this matter or involvement at all. He asked Mr. Stenhouse to look into this sine he as Council Chair was named in the complaint and thus couldn't be involved in this investigation. He also was not too sure how best to proceed with these allegations.

Councilor Wetherbee stated that if anyone was dissatisfied with the report that they are well within their rights to make a motion and act on it.

Councilor Coyle stated the Town Charter lays out a way to investigate things. It states the Town Council has a right to investigate. As a board the entire Town Council should have acted to ask Mr. Stenhouse to investigate, not just the Chairman.

Councilor Chirichiello asked for the memorandum report to be released to the press. Mr. Stenhouse stated he had already released it to the Union Leader and would release the report to all who wished to view the report. .

Councilor Olbricht feels that this type of investigation should not be done by the Town Council as two Councilors were involved. The Town Council should ask someone else to investigate. The Taylor Library minutes were stated correctly; however, everything that was said was did not state the whole situation. He was satisfied with the results and conclusion of the investigation.

Councilor Coyle read Section 7.4 of the Town Charter and stated this report doesn't change the fact of what was stated in the minutes. This also required the Taylor Library Trustees to call a special meeting that needs to be clarified.

Councilor Coyle moved that the Town Council investigate this matter, seconded by Councilor Fairbanks Vote: 3-2-2 (Chirichiello, Olbricht, Wetherbee) (Milz & Benson)

Councilor Fairbanks requested a copy of the lawsuit against the Boys & Girls Club when the Bingo Hall was being built. Mr. Stenhouse would try to get a copy.

Adjournment 8:10P.M.

Town Clerk

Date