

TOWN OF DERRY

**Town Council Meeting
Derry Municipal Center**

**December 7, 2010
Tuesday - 6:30 p.m.**

Motion to move into Non-Public Session – RSA 91A:3 II (d) by Councilor Coyle, Seconded by Councilor Wetherbee. Vote: 6-0-0 (Fairbanks-absent) 7:45 p.m.

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 Chairman Benson Meeting called to Order at 8:20 p.m.

Consent Agenda - Accepted

- 10-153** Acceptance of Minutes – November 16 2010
- 10-154** Schedule Public Hearing – January 4, 2011 – Mundy Lane – Layout RSA 231:8
- 10-155** Schedule Public Hearing – January 4, 2011 – Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article II, Section 150-10 – Brook Street at Fordway

Chairman's Report – Brad Benson

Next farmer's market is on December 19th. The Parade was a huge a huge success. Congratulations from the Town Council to all the Fall Sports teams who had a successful fall program in all our schools. Mr. Benson wanted to thank the Legislators, School Board Administration and Pinkerton Academy Officials for the workshop tonight, it was a goal session. The joint petition to reconstitute the Charter Commission has been filed with the court system and is in process.

Councilor Milz wanted to remind everyone that it is commemorative "Pearl Harbor Day".

Administrator's Report – John P. Anderson

The Employee Recognition Luncheon is Thursday, 12/9 from 11:30 – 1:30, at the First Parish Church to recognize the longevity of the Town's Staff. The Municipal Center will be closed during those hours on Thursday. The Town Council is invited.

In addition there has been positive movement this week downtown. Mr. Anderson thanked the Public Works Department for addressing the lighting issues downtown which has been an issue for the Downtown businesses. Every fixture has been re-clamped with new bulbs with the exception of a few lights, which require balusters. The Derry Downtown Merchants Association has had a meeting with Highway Supt. Alan Cote and Police Chief Ed Garone last week regarding security measures at the Abbott Court parking lot, lights and signage.

Councilor Fairbanks stated the Abbott Court parking lot has had a long-standing problem. Chairman Benson congratulated Public Works for the job well done landscaping at the Birch & Broadway parking lot.

******* 1st Quarter Financial Report – FY2011**

Frank Childs, CFO gave an update on the FY10 audit, which is being finalized with the auditors. There are no major issues to the best of our knowledge and only minor recommendations. An area of ongoing interest is the undesignated general fund balance. At June 30th 2009 the fund balance was \$11.2M, while at June 30th 2010 the fund balance is \$9.7M. This is due to the \$1.8M of supplemental appropriations that the Town Council passed during the year as follows: Fordway Bridge project, Drew Road Bridge replacement, Charter Commission and an increase

for the Revolving Loan Fund for Economic Development. In response to Council questions, Mr. Childs explained the status of Bridge projects, reimbursement for these projects, and that there would be a delay in reimbursement for some of the bridge projects. He stated that by the end of FY11, he anticipated that approximately \$750,000 to \$1,000,000 would be returned to fund balance from these completed projects, while still maintaining funding for yet-to-be-completed projects.

Mr. Childs gave an overview of the 1st Quarter Financial Statement on Revenue & Expenditures. There are no surprises after the 1st quarter; however the Interest rates remain low. The amount budgeted will not be achieved; with the expectation interest income will be \$60,000 below budget for this year. Mr. Childs noted that the Code Enforcement revenues are running behind for building permits, but believe that this will likely be caught up by year end based on prospective projects out there..

Janice Mobsby, Controller gave an overview of the Town's cash position is stable and strong. Cash balances total \$27.7M as of September 30th. Tax receivables have increased by \$83,700 from the prior year comparable period, though assessed taxes have increased. Payments on old tax liens are being processed due to the Tax Collector's diligence on working to set up payment plans on some of the past due liens and staying on top of those payment arrangements. The activity in re-assessments is paying off in the fact that the abatements are less annually. Gross general billing receivables are declining, which is attributed to focused collection efforts on ambulance service receivables. In terms of capital assets, the Fordway Bridge project comprised the majority of expense incurred in the first quarter of this year.

Compensated absences liability of \$3.9M grew by 3% over the prior year, affected by a 2% increase in hours overall. During the summer an intern researched all the easements dating back to 1980 that the Town had acquired and a valuation was assigned to them in our financial system based on a new requirement for financial reporting. The effect of the change in financial reporting of (GASB-45) required an additional \$777,000 in long-term liabilities. The total OPEB liability will be phased in over the next 28 years. The Unrestricted Fund Balance is \$1.7M lower than September 30th, 2009 due to the supplemental appropriations approved in FY10 and reported on by the CFO.

Mr. Childs explained for Councilor Fairbanks the extended contract with hauler and that a new trailer was not purchased. Councilor Wetherbee asked what the plans were for the sale of the Emerson Heights property lots. Mr. Childs stated the goal right now is to roll that in with other property to be sold for auction in the spring. Those lots are part of the FY11 budgeted revenue.

Public Forum – Non-Agenda Items

Motion to Open the Public Forum by Wetherbee, seconded by Milz 7-0-0

Al Dimmock, High St – felt impressed watching the joint meeting that was held. A week ago he had seen in the newspaper that Auburn is sending students to Pinkerton for \$8000 per yr. Pinkerton built a freshman building and Derry's higher tuition is going to end up paying for it. Someone needs to do something about Pinkerton charging Derry exorbitant prices and the tuition should be distributed fairly.

Jennifer Lutzen, Co-owner of the Pinkerton Tavern was joined by 6 employees and their families. She thanked the Town for the possible movement and looked forward to the opportunity to remain in Derry.

Motion to Close the Public Forum by Wetherbee, seconded by Milz 7-0-0

Public Hearing –

10-141 Amend the Code of the Town of Derry Zoning Ordinance,

Article II, Section 165-5 to add the definition of Professional Office
To amend the Town of Derry Zoning Ordinance Article IV, Districts, Section 165-29, Enumeration of Districts, to add Subpart 22, General Commercial III
To amend the Town of Derry Zoning Ordinance Section 165-30 Zoning Map by rezoning certain parcels from Office Research Development and Medium Density Residential to General Commercial III
To amend the Town of Derry Zoning Ordinance to add Section 165-32.2, General Commercial III

George Sioras, Community Development Director – In June 2009 the Planning Board began workshops to review the zoning along Route 28 in the vicinity of the Robert Frost Farm and Museum. Before the Town Council is a Zoning Amendment to create a new district III.

Motion to Open the Public Hearing by Wetherbee, seconded by Fairbanks 7-0-0

David Granese Planning Board Chair – the request to rezone was brought forth by two business owners in the area.

Al Dimmock High St – commended the Planning Board who worked on this. He urged the Town Council to approve what planning board has done

Chairman Benson read into minutes a letter from the State of NH DRED Bureau of Historic Sites. (See attached "A")

Motion to Close the Public Hearing by Coyle, seconded by Fairbanks 7-0-0

Councilor Olbricht questioned the colors on map for the area to understand its location.

Move to Amend the Town of Derry Zoning Ordinance, Article II, Section 165-5, to add the following for definition: Professional Office. To Amend the Town of Derry Zoning Ordinance Article IV, District, Section 165-29, Enumeration of Districts, to add subpart 22, General commercial III. To Amend the Town of Derry Zoning Ordinance Article V, Zoning Map, Section 165-30, by rezoning certain parcels from Office Research & Development and Medium Density Residential to General Commercial III. To Amend the Town of Derry Zoning Ordinance, Article VI, District Provisions, by adding new Section 165-32-2, General Commercial District III. Motion by Wetherbee, seconded by Chirichiello Vote 7-0-0

10-149 Re-Naming the Lanes in Whispering Pines Mobile Home Park to conform with E911 Addressing Standards

Chief Klauber, FD – The Town of Londonderry held a public hearing on November 4, 2010 and road name and number changes were approved for this area. The State of NH E-911 for public safety brought the change forth. Less than 20% of this area is located in Derry. In order for the Town of Derry to be consistent with the naming and numbering of all properties the street names must be in effect.

Motion to Open the Public Hearing by Wetherbee, seconded by Coyle Vote 7-0-0

John O Connor, Arrowhead Rd – concurs with this change. It is a great help for future census takers, the area is currently very confusing.

Motion to Close the Public Hearing by Fairbanks, seconded by Wetherbee Vote 7-0-0

In order that the town of Derry is consistent with the naming and numbering of all properties within the Whispering Pines Mobile Home Park the following street names shall be effective January 4, 2011:

Atlas Place	formerly Lane 1	(Derry)
Balsam Place	formerly Lane 2	(Derry)
Colorado Place	formerly 2A	(Derry)
Douglas Place	formerly 3	(Derry)
Conifer Place	formerly Lane 3A	(Derry/Londonderry)
Eldarcia Place	formerly Unnamed Connecting Rd 3A and 3C	
Longleaf Place	formerly Lane 3B (Westerly Access)	
Noble Place	formerly Lane 3B (Easterly Access)	
Norwich Place	formerly Lane 3C	(Derry/Londonderry)
Pinyon Place	formerly Lane 4	(Derry/Londonderry)
Scots Place	formerly Lane 4A (Westerly lane 4)	
Singleleaf Place	formerly Lane 4A (Easterly Extension)	

Motion by Wetherbee, seconded by Coyle Vote: 7-0-0

10-150 Acceptance of Homeland Security Grants

Chuck Hemeon, EOC – The Derry Fire Department submitted an application to the NH Grants Management Office in September. In November the department was notified that the Town of Derry was eligible for three separate grants. The EOC is requesting authorization of expenditures for these grants as follows:

- Maintenance Contracts and Warranties – equipment purchases from a different fiscal year and further maintenance warranties
- Repair and Replacement Costs – repair and replacement parts may only be purchased for equipment that has been purchased using FEMA grants
- Upgrades – upgrade previously allowable equipment and software upgrades

Motion to Open the Public Hearing by Coyle, seconded by Wetherbee Vote 7-0-0

No public input

Motion to Close the Public Hearing by Fairbanks, seconded by

Move that the Town Council allow the Town Administrator to receive State of New Hampshire Department of Safety State homeland Security Program (SHSP) and Law Enforcement Terrorism Prevention-Oriented grants as outlined in this report for the purpose of maintaining, repairing, upgrading or purchasing user fees for the equipment that was previously received through the State of New Hampshire Department of Safety State Homeland Security Program.

Motion by Wetherbee, seconded by Milz 7-0-0

New Business

10-156 Appointment – Alternate Member to Planning Board

Chairman Benson moved to appoint Anne Arsenault as an Alternate member of the Planning Board term to expire March 31, 2012, seconded by Wetherbee 7-0-0

Alternate Member to Energy/Environmental Advisory Committee

Chairman Benson moved to appoint Andrew Barrie as an Alternate Member of the EEAC term to expire March 31, 2011, seconded by Milz 7-0-0

Old Business

10-151 Goals – Follow Up

Mr. Anderson reviewed the tabulation of scores submitted by the Town Council from the goals listed at the last meeting. The top five in the order of the scores were: 1. To complete the TIF District by October 2011 and revenue neutral. 2. Propose the Economic Development team and describe purpose by February for consideration in the 2012 budget. 3. Define the next Economic Development project after the TIF. 4. Long term goals of union contracts being uniform. 5. Meet

with Downtown Committee and Business Association and recommend specific goals related to downtown improvements as we move forward.

Councilor Wetherbee asked Mr. Anderson if he was comfortable with these goals. Mr. Anderson replied, "Absolutely".

The Town Council accepted these goals for Mr. Anderson to use in the one year review of his performance based on these goals.

Council Requests / Open Discussion

Councilor Fairbanks had recently visited Meals on Wheels and encourages others to stop in and see what they do. These Senior citizens are adamant about being able to stay downtown. There will be a special meeting at 11:30 AM next Wednesday and the senior citizens would appreciate it if any of the Town Council to attend and she encourages any seniors to participate. Seniors can call Sharon Foster to participate in the program.

Councilor Olbricht reviewed the letter from Pennichuck and Nashua has taken that over. He would like for them to come to a public meeting so that the citizens will know how it is going to effect.

Mr. Anderson explained that they have had several discussions with Nashua on the phone, and that Tom Carrier has been attending the meetings with them. Nashua is tentatively scheduled to meet with Derry publicly in the beginning of 2011.

Councilor Wetherbee wanted to commend the Derry Police Department and Chief Garone for their work on the Pawn Brokers Ordinance. There have been a number of positive comments in the papers. It's clear that the Chief and Police Personnel Department worked very closely with pawn dealers. They put together a nice package that was agreeable to everyone.

Meeting Adjourned 9:35 p.m.

Town Council moved into a meeting with Counsel.

Denise E. Neale, Town Clerk

Date

**Recording Clerk Denise E. Neale, Town Clerk
Reviewed by John P. Anderson, Town Administrator
Frank Childs & Janice Mobsby**

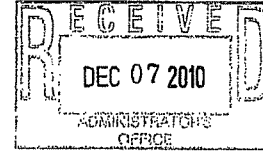


STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of PARKS and RECREATION
BUREAU OF HISTORIC SITES

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December 7, 2010

Derry Town Council
C/o Mr. Brad Benson, Chair.
Town of Derry
14 Manning St.
Derry, NH. 03038



RE: Re-zoning of Rte. 28, Derry N.H.

Dear Chairman Benson,

As the Director of the New Hampshire Bureau of Historic Sites and the one charged with the stewardship and advocacy for the National Historic Landmark, Robert Frost Farm, I want to express my appreciation and gratitude for the Derry Planning Boards work with regards to the rezoning of Route 28.

Over the last year, the planning board made every effort to welcome comments both pro and con and reached out to the greater community to better understand the sensitivities and importance of this issue as it related to the Farm. The Board was pro active and forthright in its desire to reach a fair and reasonable outcome for all stakeholders and their constituents. Because of this effort, I believe the Planning Board created an environment of open communication which furthered the public trust in their institution.

As I testified publicly at Planning Board work shops, I believe the process carried out by the Board should be a model for other municipalities when dealing with sensitive issues that have the possibility of polarizing a community.

I am in favor of the proposed zoning change as written, as long as the future development of this section of Route 28 adheres to the strict requirements it sets forth. The Bureau of Historic Sites, The Trustees of the Robert Frost Farm and the Farms advocates both regional and national will be diligent in monitoring future development and will continue to protect this treasured site held in the public trust for perpetuity.

Sincerely,

Benjamin H. Wilson, Director, Bureau of Historic Sites.

Cc: George M. Bald, Commissioner
Gail A. Wolek, Interim Director, Division of Parks & Recreation

TDD ACCESS: RELAY NH 1-800-735-2964

