

## TOWN OF DERRY

Town Council Meeting  
Derry Municipal Center

July 12, 2011  
Tuesday - 7:30 p.m.

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Call to order Pledge of Allegiance, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones & Pagers

**Roll Call:** Councilors Milz, Olbricht, Wetherbee, Coyle, Fairbanks and Chairman Benson (Chirichiello absent)

### Consent Agenda – Accepted

- 11-73 Acceptance of Minutes – June 21, 2011
- 11-74 Schedule Public Hearing – August 16, 2011 – Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-8, One Way Street (McAllister Court)
- 11-75 Schedule Public Hearing – August 16, 2011 – Worthley Road Layout, RSA 231:8 and Acceptance, RSA 674:40
- 11-76 Approve Elderly & Disabled Tax Deferral Applications
- Added: 11-78 Schedule a Public Hearing – August 16, 2011 – Authorize Town Administrator to accept grant funds associated with the Enforcement of Underage Drinking Laws Grant from the Department of Justice

Councilor Coyle requested Town Counsel be present for the Public Hearing on item #11-75. Chair Benson said he would review the request.

### Chairman's Report

Mr. Benson has received positive comments on the landscaping around town.  
Reminder - Conservation and Go Green will host a joint walk at the Caras Property off of Faith Drive @ 8 a.m. on Saturday, July 16<sup>th</sup>.  
Councilor Coyle asked if it was our (town's) responsibility to clean up Hood School field after the fireworks.

### Administrator's Report

- \*\*\*\*\* Fireworks display was successful and enjoyed by all.
- \*\*\*\*\* Farmers Market Wednesdays 3 – 6 p.m. It opened last week and was very busy
- \*\*\*\*\* Drew Road project is finished a week early.
- \*\*\*\*\* Legislative Changes (NHRS) Retirement – Frank Childs has a memo attached.
- \*\*\*\*\* Derry dispatch for Londonderry Fire Department - Town Council tabled this issue for further study. We stand by ready to help them move forward.
- \*\*\*\*\* Pinkerton Tavern RFP for moving, relocating or salvage proposals has been received.
- \*\*\*\*\* Formal award: the Finance Department has been given the Certification of Achievement, for the 13<sup>th</sup> year (CAFRA).
- \*\*\*\*\* New building and businesses: Mariners Inn renovation, Rockingham Community Action will occupy the old CVS, Gwishern machine growing. Magpie Restaurant on Manchester Rd and there is a potential new tenant on Main St and a new Consignment shop.

## **Public Forum – Non Agenda Items**

### **Open Public Forum 6-0-0**

Al Dimmock, High St – feels it is a disgrace the way NH Veterans are treated. NH needs our own Veterans Hospital so the wounded NH Veterans can come home to heal.

### **Close Public Forum 6-0-0**

## **Public Hearings**

### **11-67 1<sup>st</sup> Public Hearing – Sale of 3 Town**

Owned Parcels of Land:

- 1) 1 Beacon Hill Road – Parcel ID #02001
- 2) 37 Gaita Drive – Parcel ID #03160
- 3) 30 Brook Street – Parcel ID #23016

Frank Childs gave an overview of the staff report on these parcels and procedures needed to be followed. Seconded Public Hearing to be held on July 25, 2011 @ 5:00 pm and the vote to take place on August 5, 2011 @ 5:30 pm

**Move to open the first public hearing, pursuant to RSA 41:14-a (Sale of Town Owned Land) to authorize the Town Administrator to transfer the following properties:**

<b><u>Location</u></b>	<b><u>GIS ID</u></b>
<b>1 Beacon Hill Rd.</b>	<b>02001</b>
<b>37 Gaita Dr.</b>	<b>03160</b>
<b>30 Brook St.</b>	<b>23016</b>

**all of which sold at auction to the successful bidders, and to execute any and all deeds or other documents and to accept any funds for the account of the Town of Derry as shall be required to execute these transfers.**

**Open Public Hearing Wetherbee/Milz**

**Vote: 6-0-0**

No public input

**Close Public Hearing Wetherbee/ Milz**

**Vote: 6-0-0**

### **11-69 Justice Assistance Grant (JAG) Program Award FY 2011**

Chief Garone gave the following explanation of the how this grant would be spent:

\$491.00	2% Administration Fee for Rockingham County Sheriff's Office
\$7000.00	Laptop and mounting system
\$6000.00	Watch Guard Digital In-Car Video System
\$1300.00	TrackStar AVL System
\$565.00	Prisoner Barrier for prisoner transports.
\$480.00	Verizon wireless card (cost per year)
\$100.00	Trackstar maintenance fees (cost per year)
\$8000.00	Communication System Upgrade
\$584.55	9 – headphones for shooting range protections

**Move that the Town Council accept the FY2011 Justice Assistance Grant of \$24,542.00.  
Motion by: Wetherbee, seconded by Milz  
Vote: 6-0-0**

**11-70 NH Highway Safety Agency Grant for Speed Enforcement**

Chief Garone referred to this as selective enforcement of speed issues for overtime for additional officers.

**Move to grant authority to Town Administrator John Anderson to apply for and accept on behalf of the Town, grant funds associated with the NH Highway Safety project titled, "Derry Enforcement Patrols", project number 11-03, 02 and to execute on behalf of the Town all contracts or documents associated. Motion by: Wetherbee, seconded Milz  
Vote: 6-0-0**

**New Business**

**11-77 Appointment to Heritage Commission**

**Chairman Benson moved to appoint Roger Konstant as an Alternate Member of the Heritage Commission to expire on 3/31/2014 seconded Wetherbee.  
Vote: 6-0-0**

**Council Requests / Open Discussion**

Councilor Fairbanks is still being besieged by dog complaints about barking dogs and dogs defecating.

Chief Garone stated an ordinance could be created where a lease could be required.

Ms. Fairbanks would like to educate the public on these laws. She would like Animal Control to address the Town Council on this issue.

Chairman Benson suggested an Educational Community piece be done on CTV17.

Chief Garone explained that if the PD is called when the incident is happening and the PD responds and views the incident they can act.

Mr. Anderson introduced Jeremy Bourgeois, our NHMMA Intern for the summer and then asked the Town Clerk to explain the Civil Forfeitures.

Ms. Neale, Town Clerk reviewed for the public the laws which apply and procedures of licensing a dog, late fees, and the Civil Forfeitures (fine) which were recently mailed out due to non-licensing. New dog owners receive postcards. The notification on the civil fine states to notify the Town Clerk if the dog has moved or is deceased.

**Motion to move into Non-Public Session RSA 91A:3 II (d) – Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community Motion by Wetherbee, seconded by Milz 8:10 pm  
Vote: 6-0-0**

**Moved to Non Public**

**Adjourned 8:55 p.m.**

Denise E. Neale  
Denise E. Neale, Town Clerk

8/23/11  
Date

Recording Clerk: Denise Neale, Town Clerk  
Review by: John P. Anderson, Town Administrator