

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**July 17, 2012
Tuesday - 7:30 PM**

Non-Public Session under RSA 91A:3 II (c) – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting

Non-Public Session under 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

Call to order 7:30 PM

Pledge of Allegiance, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones

Roll Call: Councilors Milz, Olbricht, Wetherbee, Fairbanks, Katsakiores, Chirichiello and Chairman Benson

Consent Agenda

- 12-82** Approve Non-Public Minutes – June 18, 2012
- 12-83** Approve Minutes – June 18, 2012
- 12-84** Approve Non-Public Minutes – June 19, 2012
- 12-85** Approve Minutes – June 19, 2012
- 12-86** Approve Disabled Veteran Credits

Consent Agenda - Accepted

Chairman's Report – Non-public minutes sealed

Town Administrator's Report

Fiscal Year 2012 closed smoothly. Auditors will arrive shortly. FY 2013 budget for fuel was \$3.50 per gallon but quote has come in at \$3.049 per gallon.
Mr. Anderson welcomed newspaper correspondent Kathleen Bailey who will cover for Nutfield News.

******* Adams Memorial Opera House Update**

David Nelson presented an update of the Adams Opera House. They have been working under the new business model now for one year. Accomplishments to date are: Spring concert series consisted of four concerts and hosted several events under the venue rental business model. During the 2nd quarter, the Opera House was in used for 24 days, resulting in 12 separate performances. An average of 150 patrons at each event would have made the Spring Concert Series break-even; however, actual average attendance was about 50 patrons, so the events did not meet quota of guests. It may take up to two full years to achieve a loyal customer base and recognition. For the fall season, we will build upon momentum created in the Spring with concert events and partnership productions working with local arts groups. To further assist this effort, GDAC will be launching a Program Development Fund fundraising campaign. The purpose of this fund is to supplement cash allocation for sponsoring programs during the 2012-2013 season.

Councilor Katsakiores questioned the parking situation along Broadway. Mr. Nelson replied that there are sometimes complaints from downtown merchants about parking when events occur at the Opera House.

Chairman Benson suggested scheduling a workshop either in August or September with the Greater Derry Arts Council. **See Report – Attachment "A"**

- Route 28 Manchester Rd. Update – Super Wal-Mart will open their doors on 9/12/12. Drainage construction continues at Ashleigh Drive, roadway widening between Ashleigh Drive and Derry Meadows. Some ledge has been found in front of where Pinkerton Tavern and where the Allen Motors buildings were.
- New Superintendent of Schools, Laura Nelson is onboard and looking forward to the upcoming school year.
- There has been good feedback on the Police Department Bike Patrols in the downtown area, bike path, and parks. There are 14 officers who volunteered on bike patrol.
- Public Works Crew has been very active.
- Building next to Veteran's Hall has been taken down and hopes of a new parking lot in the future.
- The 2006 ambulance is out of service with a blown engine. The cost of repair is \$14,000.
- A question was asked about traffic light @ A Street. The traffic does not meet the warrants for a traffic light at the intersection of A Street and Manchester Road. However all conduits have been installed if, in the future, it meets the warrant. This is a state road.

There was a discussion in regards to Route 93, which is now funded by the Federal Government Reauthorization. However, from Exit 3 to Exit 5 is still waiting on funds.

Public Forum – Non Agenda Items
Open Public Forum 7-0-0

Tony Bruno, Oak St – Continental paved Oak Street in 1998 and when it rains, water goes into his driveway and has been a recurring problem. Has spoken with Alan Cote, Mr. Anderson, Councilor Chirichiello and Mike Fowler and is concerned that no one from the town will address the problem.

Al Dimmock, High St – He had a question in regards to an ordinance and is looking for an answer. He believes there is a sign ordinance and that at one time the town had a committee. Has there been anything done? He questioned Code Enforcement.

Chairman Benson stated we will get back to both people by the next meeting.

Close public forum 7-0-0

Public Hearings

12-63 Release of Public Servitude – Section of Exeter Street between Crystal Avenue and Claremont Avenue pursuant to RSA 231:52

Alan Cote gave an overview of this right of way and has been in existence since 1968.

Open Public Hearing 7-0-0

Al Dimmock – the release of public servitude has no value to the town.

Close Public Hearing 7-0-0

Council Discussion – questioned if there was a process of notifying all the abutters. All abutters were notified there was no response. Council also questioned if there should be a timeframe and it was suggested a three month window. Council decided it would be out of their hands if they included a timeframe for recording.

The Derry Town Council moves to release a section of Exeter Street between Crystal Avenue and Claremont Avenue from public servitude pursuant to RSA 231:52. The underlying land shall be released to the abutting property owners with property owners responsible for all survey and legal costs required to prepare the required deeds to be recorded.

Motion by: Councilor Wetherbee, seconded by Councilor Milz

Vote: 6-1-0 (Chirichiello)

- 12-87** Authorize to accept Enforcement of Underage Drinking Laws (EUDL) Grant in the amount of \$15,000 from the NH Attorney General's Office

Chief Garone stated this grant allows for the enforcement and education of store owners regarding sale of alcohol to minors.

Open public hearing 7-0-0

No public input

Close public hearing 7-0-0

Move to grant authority to Town Administrator John Anderson to accept on behalf of the Town, grant funds associated with the EUDL Grant, #2012CD42, from the NH Department of Justice and execute any contracts or documents associated.

Motion by Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 7-0-0

Old Business

- 12-65** Charter Amendments

Move to place the six (6) Charter Amendments, as presented with edits by the New Hampshire Secretary of State, Attorney General and Department of Revenue Administration on the September 11, 2012 Town Ballot.

Motion by: Councilor Wetherbee, seconded by Councilor Milz

Vote: 7-0-0

New Business

- 12-88** Energy/Environmental Advisory Committee Appointment

Chairman Benson Moved to appoint Catherine Barlette as an Alternate member of the Energy/Environmental Advisory Committee for a 2-year term to expire March 2014, seconded by Councilor Wetherbee

Vote: 7-0-0

- 12-89** Taylor Library Trustee Appointment

Chairman Benson Moved to appoint Ed Cianco as a Trustee of the Taylor Library for a 1-year term to expire March 2013, seconded by Councilor Milz

Vote: 7-0-0

- 12-90** Authorization to apply for OHRV Grant for \$2,160 with the State of NH Fish & Game Department

This is a grant which has been received by the Police department before.

Move that the town Council authorize the Town Administrator, John Anderson, to apply for and accept the NH Fish and Game grant and execute the contract specified.

Motion by Councilor Wetherbee, seconded by Councilor Milz

Vote: 7-0-0

- 12-91** Approve receipt of \$500 LGC Health & Safety Grant

The Town of Derry is committed to continuing to raise awareness and the importance of employees' physical activity and health.

Move that the Town Council approve the receipt and expenditure of the award from the New Hampshire Local Government Center in the amount of \$500.00.

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

Council Requests / Open Discussion

Councilor Katsakiores was invited to attend a CERT meeting and they are looking for additional volunteers as there are only 8 members. Meetings are held at the East Derry Fire Station. This is run by the EMMC.

Councilor Olbricht stated there is a lot going on downtown, a new bike store, Sabatino's new location, concerts at MacGregor Park, and Panera Bread is now open for business. There have been reports of land being sold in the Wal-Mart area.

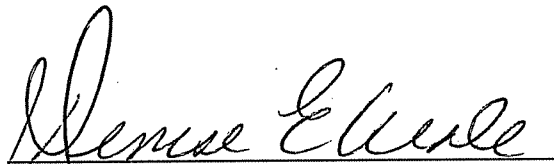
Councilor Wetherbee gave an update on the Go Green Committee and Conservation Commission's summer walks. On Saturday, July 21st it will be at J&F farm.

Non-Public Session under 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 Councilor Wetherbee, seconded by Councilor Milz

Vote: 7-0-0

Adjournment 9:15 p.m.


Town Clerk


Date

Recording Clerk & Transcription: Denise E. Neale Town Clerk
Reviewed by: John P. Anderson, Town Administrator

Greater Derry Arts Council, Inc.
Interim Update to the Derry Town Administrator on
Operations of the Derry Opera House
July 17, 2012

The Greater Derry Arts Council has now been operating the Derry Opera House (at the Adams Memorial Building) under the "new business model" for a full fiscal quarter, ending June 30. The "new business model" is that of arts presenter, in which GDAC actively books and promotes concerts and other arts events. This report is a brief summary of accomplishments to date, and plans for the rest of the Fiscal Year, ending December 31. A more in depth discussion should be held later in the summer, perhaps in a workshop format.

Our Spring Concert Series consisted of four concerts, two in the folk genre and two in the classic rock genre. In addition to the GDAC-produced events, we hosted several events under the venue rental business model. We accomplished this using our volunteer Board of Trustees plus two part-time employees, an Office Administrator and an Event Producer, and one contractor, a marketing consultant. During Q2, the Opera House was in use for 24 days, resulting in 12 separate performance events, some of them multi-day. We think this is a good start, in a positive direction.

In order to reach break-even on our direct costs for staffing, artist fees and media advertising, we would have needed an average attendance of 150 patrons at each event in our Spring Concert Series. Our actual average attendance was about 50. We had not planned to reach break even cash flow until the end of the fiscal year, so this is not a surprise. The patrons in attendance were uniformly complementary about the quality of the performances and the attractiveness of the venue. As we continue to build our audience base and to fine tune our product offering, we are mindful of our cash position.

In starting any new line of business, building brand recognition and a loyal customer base takes time. Arts and entertainment is a discretionary spend, and in a soft economy often takes on a lowered priority. We have seen a softening of audience numbers for some of our key presenters, such as Kids Coop Theatre, who would routinely sell out two evening performances. In the past two years, they've been playing to roughly three-quarter full houses. Most recently, the Miss Greater Derry Scholarship Pageant played to approximately a one third capacity crowd. We expect that it may take a full two years to build the level of audience support that will be needed for a fully-occupied venue. Arts groups and venues in other New Hampshire communities have seen similar trends. It's not just in Derry.

For the Fall Season, we'll be looking at a mix of GDAC-produced concert events and partnership productions, working with local arts groups. We'll be hosting a Programming Partners Workshop meeting later this month. We're looking to build upon the momentum we created in the Spring Season, using the "leverage" effect of program partners to increase programming levels, while carefully managing cash flow. We need to be in the game for the long term. To assist in this effort, we'll be launching a Program Development Fund fundraising campaign. The purpose of this fund will be to supplement our cash allocation for sponsoring programs in the 2012-2013 season. Most non-profit arts venues obtain a majority of their operating budget from sources other than ticket sales, such as program ads, grants, corporate sponsorships and individual donors. Corporate sponsors, in particular, tend to view sponsorship as a tax advantaged form of advertising. For that reason, potential sponsors as well as potential grantors, will be looking for an established track record and an audience base in their target demographic.

We're looking to engage with the Derry Downtown Committee, the Derry Downtown Merchants Association and individual downtown businesses to create cooperative marketing promotions, offers and events. A vibrant downtown shopping and dining experience goes hand in hand with an arts and entertainment experience, to build a downtown customer base. If you look at most other successful downtown arts venues, arts patrons leverage business patrons, and business patrons leverage arts patrons.

When we engage in deeper discussion, later this summer, we're eager to receive an updated calibration of the town's expectations for utilization of the Opera House, in order for us to set more concrete goals. We think that an appropriate benchmark might be the utilization of similar town and city owned opera houses in New Hampshire. We'll be prepared to present that data during our follow on discussions.

Thank you.

Respectfully submitted,

Dave Nelson
President
Greater Derry Arts Council, Inc.