

TOWN OF DERRY

Town Council
Derry Municipal Center

August 14, 2012
Tuesday - 7:30 PM

7:30 PM Call to order

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

Roll Call: Councilor, Fairbanks, Katsakiores, Chirichiello, Milz, Wetherbee and
Chairman Benson (absent-Councilor Olbricht)

Consent Agenda

- 12-92 Approve Non-Public Minutes, Sessions I & II –
July 17, 2012
- 12-93 Approve Minutes – July 17, 2012

Accepted as written

Chairman's Report

Meeting Schedules – Starting in September, Council will resume meeting twice a month. September meetings are scheduled for the 4th and 18th however depending on the workload, Council may only meet on September 18th. Councilor Benson will reach out to other members to get everyone's input before a decision is made.

Mr. Bruno came to discuss the apron of his driveway at 19 Oak Street. Council did receive correspondence from Public Works Director, Mike Fowler explain what has been done regarding the driveway. A copy of that report will be forwarded to Mr. Bruno and Mr. Fowler will follow-up with him.

Town Administrator's Report

- Marion Gerrish Community Center will celebrate 40 years of service on Wednesday, September 12, 2012 with an open house
- Mr. Dimmock raised an issue regarding a sign. Mr. Anderson read memo from Mr. Mackey, Code Enforcement Director, regarding this sign. (*see attachment "A"*)
- Preliminary designs for Rte. 28 South - replacement culvert, sewer and water. A public meeting will be held in October of 2012. Project will commence in May or June 2013 and completion in November of 2013.
- Kleinfelder Northeast, Inc. was selected last week for the engineering services and transfer station design. Preliminary design will be October 2012. Construction will begin on May of 2013.
- Paving to begin on the Rte. 28 North project.
(The electric and gas project at Wal-Mart on Ashleigh Drive is almost completed.)
- New traffic signals will be in place by October.

***** Sign Regulations (Current)

Sign Regulations are found in the Town of Derry Zoning Ordinance in Article II, VI, and XII. Mr. Anderson suggested taking the work that the committee did and have staff review with recommendations. Complete recommendations due by the end of 2012. Council agreed to move forward with this suggestion.

***** E-911 Presentation

Kenny-Lynn Dempsey, E9-1-1 Field Representative for the State of NH Bureau of Emergency Communications, gave a PowerPoint presentation along with Chief Klauber. Derry has not signed up for mapping as of yet. The following is the process to get started: request assistance, alert citizens, collect addressable structures, answer a list of questions, and review draft of

addressing map for accuracy and sign acceptance package. Town will be mapped as it presently exists.

(No vote taken)

There was a newspaper article on the Rte. 93 mitigation watershed grant. There is property in West Derry eligible for grants funding.

Don Ball Park was listed as a great tourist spot in New Hampshire for its Splash Park. It was ranked in the top #10 in a recent article.

Public Forum – Non Agenda Items

Open Public Forum 7-0-0

Al Dimmock, High St - He disagrees with the attorney's opinion regarding the sign situation.

Ron Goldthwaite, Scenic Dr – Road renumbering, his street was renumbered in 1970's. His concern is that deeds will need to be updated regarding change of address.

Chairman Benson – Reviewed what the presentation entailed. We are just interested in mapping. It will be a process which they will follow down the road. Mapping is at least one year away.

Al Dimmock- asked if any changing of street names will there be public hearings?

Close Public Forum 7-0-0

Old Business

- 12-94** Resolution – Tax Acquired Property – 415 Chases Grove
Order pursuant to RSA 155-B Resolution

Frank Childs reviewed the process and the time it took for the attorneys to develop this resolution. All steps have been followed for a correct process.

Motion by Councilor Milz, seconded by Councilor Wetherbee

Vote: 6-0-0

Amend page 1 last typographical error 155: B-2 should be 155-B:2.

(See attachment "B")

New Business

- 12-95** Appointment – Acting Town Administrator

Mr. Anderson explained that this is a housekeeping issue in accordance with the Town Charter.

Move that the Derry Town Council appoint Larry Budreau to be Acting Town Administrator, when called upon pursuant to Section 8.5 of the Derry Town Charter, until said appointment is rescinded.

Motion by: Councilor Wetherbee, seconded by Councilor Milz

Vote: 6-0-0

Council Requests / Open Discussion

N/A

Move to go 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 to adjourn the public meeting and not reconvene

Motion by: Councilor Wetherbee seconded by Councilor Milz

Vote: 6-0-0

Public Meeting Adjourned: 8:55 p.m.

Denise E. Neale
Town Clerk

9/19/12
Date

Recording & Transcription Clerk, Denise E. Neale, Town Clerk

Memorandum

MM12-104

To: John Anderson, Town Administrator
From: Robert Mackey, Code Enforcement Director *R.M.*
Date: August 3, 2012
Re: Hidden Valley sign – 53 South Main Street

In August of 2008, this office received a complaint regarding the "Hidden Valley" sign that had been reinstalled on the above referenced property.

At the time, it was determined that as an "off premise sign" it was not allowed under our regulations. It was also determined that the sign had apparently existed seasonally on the property for many years, had been removed at some point, and then reinstalled. As a pre-existing, non-conforming use, the question was whether the sign had been removed for a period of more than 12 months, at which point the "grandfathering" rights would be extinguished. We suspected that the sign had been removed for more than 12 months and attempted to have the sign removed or require the owner to obtain a variance. After pursuing the issue, we consulted with legal counsel who advised that as we did not have specific dates for when the sign was actually removed and barring further evidence it would be a very difficult case to prosecute. At that point, no additional action was taken. After a recent discussion with Attorney J. Boutin regarding the facts of the case, that opinion has remained unchanged.

ATTACHMENT "B"

ORDER PURSUANT TO RSA 155-B
RESOLUTION

Whereas, the building at 415 Chase's Grove is vacant and was damaged by a tree in February 25, 2010;

Whereas, the former owner of the property failed to pay property taxes on the 415 Chase's Grove property since 2007;

Whereas, the Town took the property by tax deed in February 2012;

Whereas, having received evidence from the Code Enforcement Officer that damage caused by the falling tree has left the house in a dilapidated condition;

Whereas, it is the opinion of the Code Enforcement Officer that the physical condition of the building constitutes a safety hazard;

Whereas, the Code Enforcement Officer has provided this body with evidence of communications since April 2010 with the former owner that the building constituted a safety hazard and had to be demolished and removed;

Whereas, over two years have passed without the former owner having rehabilitated or removed the building; and,

Whereas, it is the opinion of the Code Enforcement Officer and this body that said building will remain unless action is taken to remove the building,

Whereas, RSA 80:89 authorizes the former owner to repurchase the property, the Town seeks to file this petition under the powers granted in RSA 155-B:2 to protect its interest and ability to recover costs of demolition should the former owner repurchase the property

RESOLVED that pursuant to authority set forth in RSA 155-B:2, the Town Council as the governing body has determined that the building at 415 Chase's Grove constitutes a hazardous building;

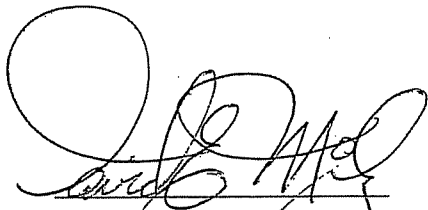
AND BE IT FURTHER RESOLVED, that said property is a hazardous and dilapidated building within the definition set forth in RSA 155-B:1, II, that in its present condition is that it be removed rather than rehabilitated;

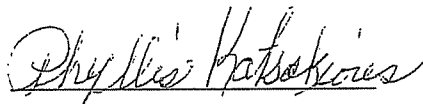
AND BE IT FURTHER RESOLVED, that the former owner of the building has until September 15, 2012 to remove said building and restore the property to a safe and sanitary condition;

AND BE IT FURTHER RESOLVED, that if said former owner of 415 Chase's Grove does not remove said building within the time set in this order, then we authorize the Town Administrator or his designee to file a summary enforcement of this order with the Derry District Court or unless an answer is filed within the time set forth in RSA 155-B:6; or unless an answer is filed within the time specified in RSA 155-B:6 and that any costs, attorney's fees, and expenses incurred by the municipality in bringing the property into compliance may be enforced as a lien against the subject property and any other property owned by the same owner in the state pursuant to RSA 155-B:9, II.

DATED: 8/14, 2012


Derry Town Council:



David Milz



Phyllis Katsakiores


Michael Fairbanks


Brian Chirichiello


Joel Olbricht


Brad Benson


Neil Wetherbee