

## TOWN OF DERRY

Town Council  
Derry Municipal Center

October 2, 2012  
Tuesday - 7:30 PM

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**7:30 PM** Call to order

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

Roll Call: Councilors Milz, Olbricht, Benson, Katsakories, Chirichiello and Chair Pro tem Wetherbee

Absent: Councilor Fairbanks

### **Consent Agenda**

**12-105** Approve Non-Public Minutes – September 18, 2012

**12-106** Approve Minutes – September 18, 2012

**12-107** Schedule Public Hearing – October 16, 2012 –

Acceptance of Portable Radios from the State of NH

**12-108** Schedule Public Hearing – October 16, 2012 – Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Section 150-13 – Speed Limit Reduction – Young Road & Old Chester Road

**Accepted: Non Public October 2, 2012 minutes sealed. Amended Non-Public September 18, 2012.**

### **Chairman's Report –**

\*\*\*\*\* Chamber of Commerce

Councilor Olbricht introduced Stacey Bruzzese, Derry/Londonderry Chamber of Commerce new full-time executive director.

Ms. Bruzzese talked about the Chamber's two upcoming events for October. The board's regular meeting which will be held on October 10<sup>th</sup> @ Panera Bread and on Thursday, October 25<sup>th</sup> their Annual Dinner and Silent Auction @ Promises to Keep. Citizens and Business of the Year Awards will be presented at the annual dinner.

### **Town Administrator's Report –**

\*\*\*\*\* Firefighters – Unit Citation Fire Service Awards given on September 24, 2012

Lt. James Richardson

FF Robert Degroot

FF Jonathan Robertson

FF Greg Laro

FF Keith Munroe

Mosquito Spraying took place last Thursday with no negative reactions.

Derry's Downtown Trick or Treat will be October 20<sup>th</sup> beginning with a costume parade at Veterans Hall. Hours of downtown trick or treating will be from 12 – 3pm. Participating merchants will have orange pumpkin posters in their windows. A map is also available at the

Recreation office.

Town wide Trick or Treat will be Wednesday, October 31<sup>st</sup> from 6- 7:30pm

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

Scott Dellisola spoke regarding the mosquitos and spraying

- Mike Fowler gave an update on the Route 28 progress. Paving on Linlew Drive should begin on 10/3
- Concrete median work to begin week of October 8th
- Permanent signal foundation installation at Ashleigh Drive and Folsom intersections
- Final paving will take place week of November 5<sup>th</sup>  
stripping and cleanup will take place as weather permits

### **Public Hearings –**

#### **12-98 Accept Middleridge Road as a Class V Roadway**

Mike Fowler said that this is a new 900ft subdivision road off of Windham Depot Rd. The Derry portion is complete and the Planning Board has asked for acceptance

#### **Open Public Hearing**

No Public Input

#### **Close Public Hearing**

Councilor Chirichiello questioned the update of the widening near Kilrea Rd on Rte. 28.

Mike Fowler stated this is the State of NH Department of DOT project.

Mr. Anderson suggested contacting State Legislators and Representatives to try moving this project forward.

**The Town Council moves to accept Middleridge Road as a Class V roadway as recommended by the Planning Board.**

**Motion by: Councilor Benson, seconded by Councilor Olbricht**

**Vote: 6-0-0**

#### **12-99 Accept ownership of Birch Street Parking Lot**

Mike Fowler stated that the State of NH would like to give the Birch Street Parking Lot to the Town of Derry. This property has been deeded to the Town of Derry.

#### **Open Public Hearing**

No Input

#### **Close Public Hearing**

**The Town Council moves to accept ownership of 2 Birch Street to be deeded by the State of NH to the Town of Derry.**

**Motion by: Councilor Benson, seconded by Council Milz**

**Vote: 6-0-0**

*Council moved 12-101 next on the agenda.*

## **12-101 Derry Public Library - Procurement of Laptops**

Doug Rathburn IT Manager, stated that in the approved FY13 budget the Derry Public Library had approved funding for the purchase of laptops for the computer lab. In further review by the IT Department, it was determined that it would be in the best interest of keeping technology current to lease these computers rather than purchasing them and asked the Council to approve the transfer funds from the Capital line to the Lease line in the Derry Public Library budget.

### **Open Public Hearing**

No Input

### **Close Public Hearing.**

Elizabeth Ives, Trustee of the Derry Public Library gave an overview of what these laptops would be used for.

**The Derry Town Council moves to approve the Transfer of \$3000, from the Capital Assets line in the Derry Public Library budget to a Lease line for these laptops.**

**Motion by: Councilor Benson, seconded by Councilor Milz**

**Vote: 6-0-0**

## **12-100 Adams Pond Dam Lot 119-010 – Deed Transfer**

Mike Fowler provided the Council information on the Adams Pond Dam and the land for which a parking lot for access to the Adams Pond for the Town of Derry. This was initiated through subdivision plan approved by the Planning Board.

There are three options to address the NHDES Letter of Deficiency:

1. A full replacement of the dam only estimated at \$150,000.
2. Dam removal estimated at \$20,000.
3. Remove and rebuild the structure on a smaller scale to a height lower than six feet, removing it from NHDES jurisdiction. The pond would be permanently lower, resembling a dry summer condition similar to this year but not left completely dry. The estimated cost to undertake this effort is between \$75,000 - \$150,000.

### **Open Public Hearing**

Al Smith, Mulberry Lane – Mr. Gagnon would be the only one who would gain.

Al Dimmock, High St – asked what kind of legal situation would the Town be in if deed is accepted. He also stated that the town should not be picking up after a private citizen deficiency.

Margaret Ives, Field Rd – the options need to be studied more. She is in favor of options 1 & 3 but not 2. The Town already owns two dams and they provide good recreational resources. This dam has historical value.

John O'Connor, Arrowhead Rd. – questioned the letter of deficiency and time frame.

Rick Holmes, Hillside Ave – The dam was built in 1720 by the McMurphy's. The dam is older than the Town. The Adams family acquired it in 1820 and until 2006 still owned it.

Les Seaboyer Scobie Pond Rd – Mr. Gagnon will benefit but the trade-off is the how the Town will benefit; \$150,000 is a nominal cost in exchange for the benefit the town will reap.

Janet Wetherbee, Redfield Circle – Redfield development has a similar situation to Adams Pond. The condo association pays for the dam and maintenance. Taxpayers should not have to.

Kelly Martin, Bayberry Lane – this is the landowner's personal responsibility. The town is taking on the fiscal responsibility and public safety. What expert report does the town have on effect or removing the dam? Values of homes would be diminished if they were overlooking a "mud puddle" and taxpayers aren't able to help. The owner has options. This is a private matter. The state is holding the owner responsible. Why are we trying to resolve his problem.

Arthur Caras, North Shore Rd – Adams Pond is a treasure and it would be a major asset for the town.

Ellie Sarcione, Chester Rd – She knows a person who has fixed this dam before and he is willing to do the repairs at a discounted price.

Harry Caves, Old Auburn Rd – doesn't want town to take over because of the cost and liability.

Bruce Kling, Village Brook Lane – questioned the true cost for repairs. Doesn't feel the Town Council should make a decision without enough information.

Kelly Martin Bayberry Lane – maybe someone should give Mr. Gagnon the phone number of the person who did previous repairs.

Les Seaboyer, Scobie Pond Rd – stated the council should just do it.

Janet Wetherbee, Redfield Circle – gave a synopsis of the Adam Pond Marsh when their dam had to be repaired.

Marion Schnitzlein, Bayberry Lane – has concerns with traffic on new road and having a parking lot on the new road. She doesn't want to pay for the dam.

Margaret Ives, Field Rd – wants town to keep and accept the dam.

Motion to Close the Public Hearing 6-0-0

Town Administrator Anderson gave an overview of how the Town got to this point for the Town Council to vote on the deed and taking the dam.

Councilor Milz stated there is no option and the vote is on acceptance of the deed to the Town. It is not costing the Town anything at this time. Mr. Gagnon will take down the dam. Chair Pro Tem Wetherbee asked Mike Fowler about the dam bureau and changes to administrative regulations.

Councilor Benson asked to table the vote on this item until Councilor Fairbanks returns as he may have some questions. Chair Pro Tem Wetherbee; also stated he would like more information.

### **Council Requests / Open Discussion**

Councilor Chirichiello asked about the lights at Wal-Mart. Mr. Anderson stated they are still temporary lights. Roughly the middle of October to the first of November the sensors will be working.

**Adjournment 9:27 PM**

*Denise E Neale, Town Clerk 10/17/12*

Recorded by Mark Jesionowski, Clerk

Transcribed by Denise E. Neale, Town Administrator

Reviewed by Larry Budreau, Acting Town Administrator