

TOWN OF DERRY

Town Council
Derry Municipal Center

October 16, 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

Call to order 7:30 P.M.

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

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

Consent Agenda

- 12-109** Approve Non-Public Minutes – October 2, 2012
- 12-110** Approve Minutes – October 2, 2012
- 12-111** Schedule Public Hearing – November 20, 2012 –
Apply for and accept grant from the NH Highway
Safety Agency for Operation Safe Commute for \$5,400

Accepted

Chairman's Report – Chairman Benson

Set meeting for November 20th, December 4th & 18th meeting & possibly a workshop. Chairman Benson polled the Town Council to see if they would like to change the format for the Public Forum and Public Hearings to a Q&A format. Councilors Milz, Olbricht, Wetherbee and Fairbanks agreed to no change, Councilor Katsakiores wanted change and Councilor Chirichiello stated, "It didn't matter to him because he wouldn't be there after March."

Town Administrator's Report – Acting Town Administrator Larry Budreau

Tax Collector / Municipal Agent, Nancy Watson will be retiring on October 31st. An offer was made today to an external candidate and Mr. Budreau is preserving the anonymity until confirmation is accepted and candidate's current employer is informed. The candidate would like to give present employer a three week notice therefore would not start until November 7th. Because the November 6th meeting has been cancelled due to elections, a brief special meeting would be in order to confirm the appointment prior to November 7th.

Scott Dellisola sent an email requesting the Town Council create an ordinance on prohibiting standing water to assist in the control of mosquito borne illnesses. As a citizen, there are three types of petitions he could file if the Town Council does not create an ordinance. Mr. Budreau reviewed the types of petitions and gave an overview of statistics regarding mosquitos in NH 2012. He conveyed that the Health Department believed that voluntary compliance is effective and do not recommend a new ordinance.

Terrance Toland, Brook Street, emailed the Council asking the Town to revise the Town Ordinance, Chapter 20 Animals, Article 1 "dogs running at large" and suggest Derry create an ordinance similar to the one Manchester has that reads in part "Notwithstanding any definition to the contrary, a dog shall be deemed 'at large' if that dog is on or being walked upon a public street, parking lot facility, sidewalk or right-of-way adjacent to a street and is not on a leash or chain or within a carrier which is in the possession of a person of sufficient strength and age to effectively restrain the dog". Derry's current ordinance is state statute. Recommendation from both Police Chief Garone and Town Administrator Anderson feel that our ordinance is sufficient.

Town Clerk Denise Neale is asking for Town Councilors be present for the signing of the ballot seals on November 6th at 8:00PM. She needs 2 Councilors at Pinkerton, 1 Councilor at Hood Middle School and 1 Councilor at Calvary Bible Church. Councilor Milz will assist at Calvary, Councilor Fairbanks at Hood and Councilors Wetherbee and Katsakiores at Pinkerton.

Mr. Budreau stated that three new businesses would be opening soon in town. They are Cask & Vine Drinkery on East Broadway, Billy's Frozen Yogurt at Citizen's Plaza, and Carina's Cakes on Crystal Avenue

Mike Fowler gave an update on the RTE 28 construction.

Reminder Voting on November 6th: Districts #1 & #3 at Pinkerton, District #2 at Calvary Bible Church and District #4 at Hood Middle School. Polls will be open from 7:00AM to 8:00PM. Voter registration will be held at St. Thomas Church this weekend.

Public Forum – Non Agenda Items

Open Public Forum 7-0-0

Al Dimmock, High St – He believes the Town Council should give answers to questions asked during the Public Forum and Public Hearing.

Ellie Sarcione, Chester Rd- gave information on what she thought was required for ID of voters.

Janet Fairbanks, Rose Ave- asked if people will be allowed to speak regarding the Adams Pond Dam.

Chairman Benson stated the discussion would be for Town Council only regarding the dam.

She would like to know what the cost for private roads as well as legal fees have been thus far.

Kelly Martin, Bayberry Lane – stated not one book that Richard Holmes has written ever mentions the Adams Pond Dam. Chairman Benson stated this segment is for non-agenda items only.

Al Dimmock, High St –Council stated that the public would not speak on dam; however, the vote was delayed because Councilor Fairbanks was not present. Councilor Fairbanks should be allowed to hear from public.

Close Public Forum 7-0-0

Public Hearings

12-107 Acceptance of Portable Radios from the State of NH

The grant is the amount of \$97,574.96 for 29 Police Radios and reimbursement for programming will be reimbursed.

Open Public Hearing 7-0-0

John O'Connor Arrowhead Rd – asked if they dual ban to converse with Fire Dept.

Close Public Hearing 7-0-0

Move to accept the grant of 29 Portable Radios and associated programming to the Police Department from the State of New Hampshire

Motion by Councilor Wetherbee, seconded by Councilor Milz

Vote: 7-0-0

12-108 Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Section 150-13 – Speed Limit Reduction Young Road & Old Chester Road

Chief Garone – attended the Highway Safety meeting when this was discussed in light of the six new homes on Old Chester Rd the change is agreed to.

Open Public Hearing 7-0-0

David Estes – He is agreement with the recommendation of the Highway Safety Committee.

Close Public Hearing 7-0-0

Move to amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Section §150-13 Speed Limits to read:

The speed limit on Young Road will be posted as 30 miles per hour

The speed limit on Old Chester Road from Young Road to East Derry Road will be posted as 30 miles per hour.

Motion by Councilor Wetherbee, seconded by Councilor Milz

Vote: 7-0-0

Old Business

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

Councilor Chirichiello is stepping down from this item.

Chairman Benson had asked Councilor Fairbanks to review the prior meeting tapes and he has.

Mr. Budreau reviewed the tapes and has a list of questions that were asked by the public. He also reviewed answers that were given by Mike Fowler. There are two remaining open questions which are "What situation is this going to put the town in?" and "How high was the dam originally?" Councilor Fairbanks has researched and found that whatever happens downstream is the owner's responsibility. Mr. Fowler gave explanation of the liabilities and town coverage. This information is listed on the DES website. According to data Mr. Fowler obtained the dam is 8-9ft. It is classified by the DES at 8ft. Mr. Fowler also gave costs that would need to be incurred above the \$25,000. Councilor Fairbanks wondered if the residents could form an association and take over the dam.

The Town Council moves to accept ownership of Lot 119-010 to be deeded by Jean Gagnon to the Town of Derry.
Motion by Councilor Wetherbee, seconded by Councilor Milz
Vote: 3-3-1 Wetherbee, Katsakiores and Benson (Milz, Olbricht, and Fairbanks) (Chirichiello abstained) Motion failed

New Business

12-112 Appointment of Town Treasurer
Town Treasurer Rita Correia has resigned as of October 12, 2012

Move that, in accordance with Section 9.16 of the Town Charter, Robert L. Gorham be appointed Town Treasurer effective today to fill the remainder of Rita Correia's term which expires March 2013.

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

12-113 Approval of Town Treasurer's Appointment of
Deputy Treasurer

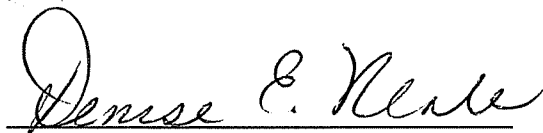
Move that, in accordance with Section 9.16 of the Town Chart, the Derry Town Council approves Town Treasurer Robert L Gorham's appointment of Frank Childs as Deputy Town Treasurer effective today until the March 2013 Town Election.

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

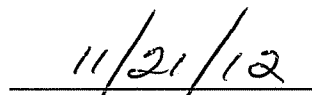
Council Requests / Open Discussion

Schedule a special meeting November 6th @ 7pm for the appointment of the Tax Collector.

Adjournment 9:03 p.m.



Town Clerk



Date

Recording Clerk: Mark Jesionkowski
Transcription: Denise E Neale, Town Clerk
Reviewed by: Larry Budreau, Acting Town Administrator