

TOWN OF DERRY

Town Council
Derry Municipal Center

May 2 2017
Tuesday - 7:30 PM

6:30 PM	Consultation with legal counsel – not open to the public
7:00 PM	Non-Public Session RSA 91A:3 II (c)
7:30 PM	Call to order

Councilor Foote moves to leave non-public session, seconded by Councilor Katsakories – all agreed

Councilor Morgan moves to seal RSA 91A:3 II (c), seconded by Councilor Wetherbee
Roll Call Vote 7-0-0

Pledge of Allegiance, warning of fire exits, handicap access, & turn off all cell phones

Roll Call: Councilors Chirichiello, Foote, Tripp, Wetherbee, Katsakiores, Morgan and Chairman Bourdon

Present: TA David Caron, Town Clerk Daniel Healey

Consent Agenda

17-43 Approve Budget Review Workshop Minutes – April 11, 2017

17-44 Approve Budget Review Workshop Minutes – April 13, 2017

17-45 Approve Budget Review Workshop Minutes & Meeting Minutes – April 18, 2017

Chairman Bourdon moves to approve 17-43, 17-44, & 17-45, seconded by Councilor Morgan

Roll Call Vote: 7-0-0

17-46 Elderly & Disabled Tax Deferral Applications

Councilor Morgan moves to approve 17-46, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-1 (Councilor Katsakories)

17-47 Approve Veterans' Credit / Elderly Exemptions / Blind Exemptions

Chairman Bourdon moves to approve 17-47, seconded by Councilor Morgan

Roll Call Vote: 5-0-2 (Councilors Katsakories and Morgan)

17-48 Schedule Public Hearing – May 16, 2017 – Round 4 Implementation – Chloride
Reduction I-93 Watershed Municipal Grant Agreement

Chairman Bourdon moves to approve 17-48, seconded by Councilor Foote

Roll Call Vote: 7-0-0

17-49 Schedule Public Hearing – May 16, 2017 – Cellular Town Lease – Kendall Pond
Road

Chairman Bourdon moves to approve 17-49, seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Chairman's Report – Joshua Bourdon

There was a non-meeting earlier on the 343 Island Pond Road storage units. There will be time at the next meeting for liaisons to speak on their committees. Sunday was loyalty day and Councilor Richard Tripp was presented with the Commanders Award.

Economic Development Coordinator Anne Struthers introduced Matt Tate from Buxton Marketing who updated the Council on Economic Development. Derry's objective is to understand its retail economic condition and seek an actionable program to recruit new retailers. Buxton's retail recruitment solution identifies specific retailers who seek a market with household purchasing habits and provides custom pursuit packages for up to 20 of these retailers. This solution enables community leaders to implement a retail development program targeting new retail growth as well as retaining existing businesses.

Town Administrator's Report – David Caron

Governor Sununu has signed HB329 into law which ratifies all election results. Mike Fowler has completed and recently distributed an RFP for the electronic sign at the Opera House. Upon receipt and review of proposals, staff will then proceed to obtain Planning Board input.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Neil Hiter: Island Pond Rd – Said that he was grateful for the Town Council appealing the Zoning Boards decision on the storage units. Would have liked more of a chance to speak at the zoning board meetings on that issue.

Eleanor Sarcione: Chester Rd – Asked if the Opera house sign has been approved and if the town has a purchasing agent. Questioned the bond rating.

Gordon Graham: Drake Ln – Said that Derry has a history of ignoring the zoning ordinances and that having commercial property in residential zones is a real problem.

Marc Flattes: Linlew Dr – Does not want the new Opera house sign.

Motion by Councilor Morgan to close public forum, seconded by Councilor Wetherbee – all agreed

Public Hearings

17-41 Amend Article II, Section 165-5, Definitions, to add a definition for Display Sign and to amend Article XII, Section 165-100 through Section 165-103, Signs, to change the requirement for church signs, signs in residential districts, signs in commercial and business districts, campground signs, political signs, and electronic message center signs.

Planning Director George Sioras and Code Enforcement Director Bob Mackey presented the revisions to the Derry Zoning Ordinance. The purpose of the amendments is to ensure compliance with recent Federal Supreme Court case law.

Motion by Councilor Morgan to open public hearing, seconded by Councilor Foote
Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Morgan
Roll Call Vote: 7-0-0

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-002, which reads as follows [*Read the Ordinance*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Ordinance attached

New Business

17-50 Appoint Alternate Member to Derry Public Library Board of Trustees

Chairman Bourdon moves to appoint Erin Matlin as an alternate member of the Derry Public Library Board of Trustees for a 1-year term to expire March 31, 2018, seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

17-51 Order #2017-001 – Hazardous Building – 148 Goodhue Road

Code Enforcement Director Bob Mackey and Assistant Building Inspector Bob Wentworth presented the Hazardous Building at 148 Goodhue Road. This property was brought to their attention by a complaint in November of 2016 regarding both the condition of the building and the refuse being dumped on the site. Since November, the structure has rapidly deteriorated as a result of being abandoned. There have been telephone calls and emails sent to the mortgage holder's agent with little or no response. The Town Council can pursue RSA 155-B: Hazardous and Dilapidated Buildings to have the building removed.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Order #2017-001, which reads as follows [*Read the Order*], seconded by Councilor Katsakories

Roll Call Vote: 6-1-0 (Councilor Chirichiello)

Order attached

Council Requests / Open Discussion

Councilor Wetherbee – May 13th the Go Green Committee will be doing a walk at the Cole Marsh property entering from the Damren Rd entrance. The Conservation Commission will be doing a walk at the Sawyer property Thursday May 4th at 6pm. He requests that residents speak up referencing the Island Pond storage units.

Councilor Katsakories – Congratulated Blanche Garone for her national recognition on the garden club at the Boys and Girls club. Monday May 8th, the Derry Senior advisory committee will be meeting from 10am-12pm at the Marion Gerrish Community Center. There will be light refreshments. Connie Young will be there to answer questions and EMS Director Chuck Hemeon will discuss slip and falls.

Councilor Morgan – Framing has begun and donations have been collected for the Veteran. July 4th is still the anticipated completion date. Recently met with State senators regarding the budget and retirement and he received positive feedback. Met with Chris Scott who works for Jeanne Shaheen and he was impressed with the work with veterans and is willing to help.

Chairman Bourdon – Recognized Ernie St. Pierre for getting Carol Shea-Porter to visit the veteran's home.

Adjournment: 8:45 p.m.



Town Clerk

5-20-17

Date

Recording & Transcription by: Daniel Healey, Town Clerk



ORDINANCE

Number 2017-002

Amending Article II Section 165-5 Definitions and

Article XII, Sections 165-100 through 165-103 Signs

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, recent Federal Supreme Court case law has providing further clarity and direction regarding sign regulations; and


WHEREAS, the Planning Board has reviewed the Supreme Court ruling and its application to the Derry Zoning Ordinance, and has held the requisite public hearing and voted to recommend this amendment to the Town Council;

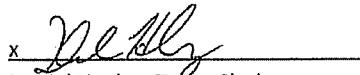
NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows: Article II, Section 165-5, Definitions (Display Sign) and Article XII, Sections 165-100 through 165-103 Signs, to change the requirement for church signs, signs in residential districts, signs in commercial and business districts, campground signs, political signs, and electronic message center signs.

This Ordinance shall take effect thirty days after its adoption.

Adopted: May 2, 2017.

Attest:

x 
Joshua Bourdon, Council Chair
Date: 5/2/2017

x 
Daniel Healey, Town Clerk
Date: 5/2/17

Archival Ref: Agenda Item #17-41



ORDER

Number 2017-001

Hazardous Building Pursuant to RSA 155-B

Located at 148 Goodhue Road

WHEREAS, the building at 148 Goodhue Road is vacant and in a severe state of disrepair;
and

WHEREAS, having received evidence from the Code Enforcement Officer that damage
caused by neglect has left the house in a dilapidated condition; and

WHEREAS, It is the opinion of the Code Enforcement Officer that the physical condition of
the building constitutes a safety hazard; and

WHEREAS, the Code Enforcement Officer has provided this body with evidence of
communications since November 2016 with the former owner that the building constituted
a safety hazard and had to be demolished and removed; and

WHEREAS, over five months 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,

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that pursuant to authority set forth in RSA
155-B:2, the Town Council as the governing body has determined that the building at 148
Goodhue Road constitutes a hazardous building;

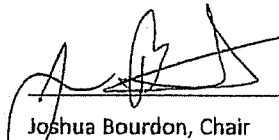
BE IT FURTHER RESOLVED, that said property is a hazardous and dilapidated building within the definition set forth in RSA 155-B:1, II, that in its present condition it be removed rather than rehabilitated;

BE IT FURTHER RESOLVED, that the owner of the building has until May 12, 2017, to remove said building and restore the property to a safe and sanitary condition;

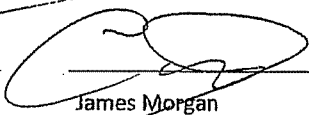
BE IT FURTHER RESOLVED, that if said owner of 148 Goodhue Road does not remove said building within the time set in this order, the Town Administrator or his designee is hereby authorized to file a summary enforcement of this order with the Derry District Court or unless an answer is filed within the time set forth in RSA 155-B:6; 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.

Adopted: May 2, 2017

Derry Town Council:



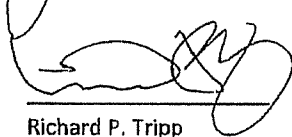
Joshua Bourdon, Chair



James Morgan



Phyllis Katsakiores



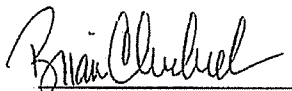
Richard P. Tripp



Charles Foote



Neil Wetherbee



Brian Chirichiello

Archival Ref: Agenda Item #17-51