

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**January 7, 2014  
Tuesday - 7:30 PM**

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**6:30 PM                      Collective Bargaining Strategy**

Call to order 7:30 p.m.

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

**Roll Call: Councilors Cardon, Osborne, Dimmock, Benson, Wetherbee,  
Katsakiores and Chairman Fairbanks**

**Consent Agenda**

- 14-01**     Approve Non-Public Minutes – December 17, 2013
- 14-02**     Approve Minutes Meeting – December 17, 2013
- 14-03**     Approve Special Meeting Minutes – December 18, 2013
- 14-04**     Schedule 3 Consecutive Public Hearings –  
January 21, 2014 relative to the following:
  - 1) A proposed Community Development Block Grant application to the New Hampshire Community Development Finance Authority for up to \$500,000. The funds will finance water system improvements at Centennial Estates Manufactured Housing Cooperative, a 57 unit manufactured housing park located at 211ByPass Rte. 28 in Derry
  - 2) The Housing and Community Development Plan
  - 3) The Residential Anti-displacement and Relocation Assistance Plan

Consent Agenda: 14-01 Council Wetherbee was absent from non-public minutes dated December 17 that reflect him in a vote. The minutes will have to be reviewed and amended.

**Chairman's Report –**

Chairman Fairbanks has received comments from citizens that chatter amongst councilors can be heard on TV.

Councilor Wetherbee stated the January 21<sup>st</sup> Town Council meeting conflicts with the School Board's public meeting on their budget. Discussion ensued regarding postponing or rescheduling the next meeting so that public can attend School Board Meeting.

**Chairman Fairbanks motioned to move the next meeting to January 22<sup>nd</sup>,  
seconded by Councilor Wetherbee**

**Vote: 7-0-0**

## Goal Setting Update:

Chairman Fairbanks provided the Council and press correspondents a summarization of the Town Councils goals in writing

- Review prior reports from NHMA & Charter Commission
- Reinstate regular meetings with the School District
- Identify person/organization to head up downtown redevelopment
- Schedule workshop for all stakeholders in downtown redevelopment
- Review 'Moving Derry Forward' report for additional insight
- Review of all Town services
- Identify key data points from department heads to get more info on Town operations

There will be a Monthly or bi-monthly update by Chairman on these goals

Board and Commission workshop to be held January 22<sup>nd</sup> - Chair Fairbanks will notify respective chairperson of date change.

Melanson and Heath Audit presentation moved to February 4<sup>th</sup> (Larry Budreau will contact them)

Review list Town Properties

Review Sawyer & Abbott Court properties – January 22<sup>nd</sup>

Economic Development discussion & presentation – February 4<sup>th</sup>

## Town Administrator's Report –

\*\*\*\*\* Adams Memorial Building update

Mike Fowler – A structural review was done on September 2013. Engineers report over stressing of beams within structure. Balcony cannot be used. Looked at what it would take to repair. The structural presentation is 95% complete. To reduce load on roof which is causing stress, need to remove existing roof and replace. The trusses and beams must be brought up to modern code. Stage floor needs reinforcing. Makes sense to install roof ridge insulation as currently there is none while re-roofing. Cost would be \$125,000- \$150,000. He will bring forward in FY15 budget. There is \$30,000 in FY15 & Fy16 that can be used toward these repairs.

\*\*\*\*\* Transfer Station update

Mike Fowler – Stated they are trying to come up with feasible plan. The struggle with design team is the new location, size and cost. The building size had been reduced from 17,000 sq. ft. to 10,000 sq. ft. The cost is becoming expensive. He is trying to be fiscally conservative and that is the main reason why it is taking so long.

Chairman Fairbanks asked permission from the Council to move to Item #13-130 next. All was in agreement

## Old Business      13-130    Release of Public Servitude – Schurman Drive

Larry Budreau read the letter from the direct abutters, Jonathan and Melissa Turcotte, that the Council requested at the last meeting.

**The Derry Town Council moves to release a 42' wide right-of-way on Schurman Drive between Parcel 38024 (15 Schurman Drive) and Parcel 38023 (17 Schurman Drive (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 Katsakiores**  
**Vote: 7-0-0**

**Councilor Benson made a motion for reconsideration of the vote taken on item #13-131, dated December 17, 2013, for the Authorization of EMS equipment grant, seconded by Councilor Katsakiores**  
**Vote: 4-3-0 (Councilors Cardon, Osborne, Dimmock)**

**Move that the Town of Derry accept four (4) HT- 70 Portable Transport Ventilators as part of the Federal Fiscal Year 2008 U.S. Homeland Security Grant awarded to New Hampshire Department of Health and Human Services (DHHS) for a Critical Care and Supplemental Oxygen Program, and authorize the Town Administrator to execute the agreement with DHHS.**  
**Motion by Councilor Benson, seconded by Councilor Katsakiores**

The question was asked how Councilor Wetherbee could vote for reconsideration when he was not there for the original vote. It was also brought up that Councilor Katsakiores in the past has recused herself from Fire Department votes but did not in this case.

**Vote: 4-3-0 (Councilors Cardon, Osborne, Dimmock)**

Councilor Wetherbee asked for clarification on the three (3) minute public forum rule. Chairman Fairbanks does not have a hard three (3) minute rule; therefore, it may be permissible for someone to continue after the allotted time.

#### **Public Forum –**

##### **Open Public Forum 7-0-0**

Donald Weymouth, High St - Expressed Issues and concerns he has had with the Town regarding his tax bill and a problem his wife encountered voting at the November 2012 presidential election

After hearing Mr. Weymouth's explanation regarding his tax bill issue, the Town Council asked to reschedule a nonpublic meeting for review of their prior decision.

Marc Flattes, Linlew Dr – Stated the Town Council was in violation of Section 5.6 of Town Charter and Town Council rules in reference to the reconsideration of the vote for item #13-131. He also questioned the protection of children at carnivals and wanted to ensure there was going to be a traffic pattern in place during any upcoming carnivals. He also questioned where things stood with a smoking ordinance.

##### **Close Public Forum 7-0-0**

#### **Public Hearings –**

**13-137** Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-4 Prohibited Parking – South Avenue

Mike Fowler – gave an overview of the Highway Safety Committee review of this area and agrees with this recommendation

**Move to open the Public Hearing - Councilor Wetherbee/Councilor Katsakiores  
7-0-0**

No input

**Move to Close the Public Hearing – Councilor Wetherbee/Councilor Katsakiores  
7-0-0**

**Move to amend the Code of the Town of Derry, Chapter 159, Traffic Ordinance  
Article I, Section §150-4 Prohibited Parking to read:**

**South Ave    Both                    For a distance of 125 feet from Birch St in a westerly  
Direction**

**Motion by Councilor Wetherbee, seconded by Councilor Benson**

**Vote: 7-0-0**

**13-138    New Hampshire Department of Environmental Services  
Household Hazardous Waste Agreement**

Mike Fowler – Stated that for the past 20 years, the Town of Derry has participated with Londonderry and permits a special household hazardous waste day for residents to dispose hazardous items on a certain day twice per year. The Town is eligible for up to \$15,000 for this event in spring of which covers the cost..

**Move to Open the Public Hearing- Councilor Wetherbee/Councilor Katsakiores  
7-0-0**

Kelly Martin Bayberry Lane – Asked if voluntary donations could be sought from participants to help offset the cost of the household hazardous waste day.

**Move to Close the Public Hearing – Councilor Benson/Councilor Katsakiores  
7-0-0**

**The Derry Town Council moves to authorize the Town Administrator to enter into  
a grant agreement with the State of New Hampshire Department of Environmental  
to hold a Household Hazardous Waste Collection event in FY15.**

**Motion by Councilor Wetherbee, seconded by Councilor Benson**

**Vote: 7-0-0**

**13-24    Proposed Amendments to the Town of Derry Zoning  
Ordinance, specifically relating to signs**

George Sioras, Planning Director, gave a review of the onset of this direction, workshops and input from businesses regarding the changes.

Bob Mackey from Code Enforcement reviewed for the Council the many changes to this ordinance.

**Open Public Hearing – Councilor Wetherbee/Councilor Katsakiores  
7-0-0**

No input

**Close Public Hearing – Councilor Katsakiores/Councilor Osborne  
7-0-0**

Move the Derry Town Council to amend the Zoning Ordinance of the Town of Derry as follows:

Amend Article II, Word Usage and Definitions, Section 165-5, Definitions

To ADD definitions for Advertising Device, Billboard, Marquee, Sign Permit, Abandoned Sign, Awning Sign, Directional Sign, Digital Sign, Electronic Message Center Sign, Government Sign, Ground Sign, Interactive Digital Sign, Non-Conforming Sign, Official Sign, Ground Sign, Off Premise Sign, Political Sign, Residential Neighborhood Identification Sign, Sandwich Board Sign, Special Event Sign, Temporary Sign, Unsafe Sign, Wall Sign, and Warning Sign.

And to AMEND the definitions for Flashing Signs, Projecting Sign and Window Sign.

To amend Article VI, District Provisions, to repeal the following sections of the Article and to renumber them accordingly: Section 165-32.2.E, General Commercial III; Section 165-34L, Office Business District; Section 165-37G.3, Neighborhood Commercial District; Section 165-45D.2.f, Medium High Density Residential II Special Exceptions; Section 164-45.1.C.2.f Medium High Density Residential II Special Exception; Section 165-46B.2.f, Medium High Density Residential Special Exceptions; Section 165-46E.5, Medium Density Residential Campgrounds; and Section 165-49H, Traditional Business Overlay District Signs.

To repeal: Article XII, Signs and Billboards in its entirety and replace it with the following:

Article XII, Signs, Section 165-100, Purpose; Section 165-101, General Provisions; Section 165-101.1, Signs in Residential Districts; Section 165-101.2, Signs in Neighborhood Commercial Districts; Section 165-101.3, signs in Business, Commercial and Industrial Districts; Section 165-101.4, signs in the General Commercial III District; Section 165-101.5, Signs in Traditional Business Overlay District; Section 165-101.6, Campground Signs; Section 165-101.7, Political Signs; Section 165-101.8, Off Premise Signs; Section 165-101.9, Nuisance Signs; Section 165-101.10 Interactive Digital Signs; Section 165-101.11, Electronic Message Center Signs, Section 165-102, Non-Conforming Use Signs, and Section 165-103, (Reserved for Future Use)

Motion by Councilor Benson, seconded by Councilor Wetherbee

Vote: 7-0-0

- 13-122 Initiate Search for new Town Administrator  
(The Town Council may, during this discussion, elect to move in to a non-public meeting in compliance with RSA 91A:3 Section II (b) The hiring of any person as a public employee or RSA 91A:3 Section II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.)

No action taken – This item will be moved to 2/4/14 meeting

**New Business –**

**14-05** AT&T Cell Tower Site Lease Proposal:

Tom Carrier, Deputy Public Works Director – Gave the Council an overview of the proposal stating that Mr. John Nestor, VP from Nanepashemet Project Management, Inc. and a representative from AT&T contacted the Public Works Department with a request to lease area on the Rider Property for the purpose of constructing a telecommunications tower and associated facilities. This property is zoned MDR. They would have to apply to the Zoning Board to change the use of land and then Planning Board with a design.

There was further discussion on understanding the process for this request. George Sioras gave an explanation of prior tower installations by other companies.

**Motion to extend meeting another 10 minutes was made by Councilor Dimmock, seconded by Councilor Katsakiores**

Councilors had many questions and were trying to understand the process. Acting Town Administrator Larry Budreau suggested having it reviewed by the Town Counsel and getting their questions answered before making a decision.

**Item #14-05 was postponed for further review.**

**Councilor Requests / Open Discussion**


Councilor Wetherbee- Said there is a need to get the Smoking Ordinance item on the agenda as this is a major discussion.

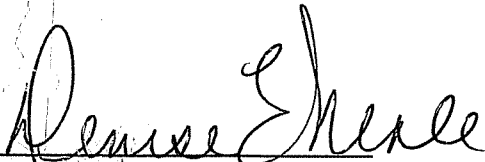
Councilor Katsakiores – Announced that the Derry Police Department Blood Drive will be held on January 24<sup>th</sup> from 11:00 to 6:00 PM at Promises to Keep.

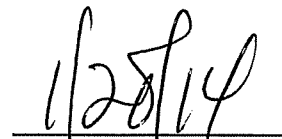
Councilor Wetherbee – Said that meeting with the School Board is a good idea but the Council should also involve Pinkerton Academy.

**Move to adjourn. 7-0-0**

**Adjournment 10:10pm**



  
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Town Clerk

  
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Date

Transcribed by Denise E. Neale, Town Clerk  
Reviewed by Larry Budreau, Acting Town Administrator