

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**January 22, 2014
Wednesday - 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: Councilors Cardon, Osborne, Dimmock, Benson, Wetherbee,
Katsakiores and Chairman Fairbanks**

Consent Agenda

14-06 Approve Meeting Minutes – January 7, 2014

Approved as written

Chairman's Report – Michael Fairbanks

#1 - Regarding the special meeting scheduled on 1/28/14 to address Item #13-122 - Town Administrator Search and Selection, Chairman Fairbanks addressed a concern previously expressed by Councilor Wetherbee that when he called, texted and spoke to councilors to ascertain that all seven members could attend, those conversations were in violation of RSA 91-A. The Chairman observed that he was extending a courtesy to his fellow members by providing as much advance notice as possible of a meeting for which the Council had previously determined that full attendance was important. If he had erred he'd accept the consequences and learn from it, and asked Acting Town Administrator Larry Budreau to help determine if a violation had occurred.

Subsequently all councilors confirmed their availability for the 1/28/14 special meeting.

#2 - February 4, 2014 meeting agenda will include:

- Economic development workshop
- Review of Town-owned properties
- Abbott Ct, Sawyer Ct properties

#3 - Filing period 1/22 – 1/31/14 opening for Town Officers and other relevant Election dates. Election to be held on March 11, 2014

Town Administrator's Report – Larry Budreau

No Smoking Please

The Council had been approached at a past meeting by a citizen who was offended by cigarette smoking in a playground. Town councilors have discussed the subject, Mr. Budreau has met with the Public Works and Parks and Recreation Directors. Unless the Council acts otherwise Mr. Budreau is going to post "No Smoking Please" signs at select locations where children may congregate at the Town's parks and recreation facilities.

We are not creating a legally binding ordinance. We have already found it very effective to simply post "No Smoking within 25 ft." signs adjacent to the doors of our public

buildings and have successfully relied upon voluntary compliance. Smokers tend to be very courteous in this day and age. The signs will be posted in the spring.

Mr. Budreau announced that he was pleased that the Professional, Administrative and Technical employees and the Town of Derry have reached a tentative agreement. They have been out of contract since June 2011. He will put the matter on the 2/4/14 agenda and will place the new contract on the Town's website. He'll recommend that the Council table the matter until February 18, so that councilors and members of the public may review the contract before it is acted upon.

Public Hearings –

- 14-04** 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 211 ByPass Rte. 28 in Derry

George Sioras gave an overview of this grant, the process and other projects in town that have utilized these grants. Under this program the Centennial Estates Mobile Home Park can apply for grant money to help the co-op to replace the well system. Donna Lane, CDBG administrator and Angela Romeo, NH Community Loan Fund are present to answer questions. Donna Lane explained to the Council that only a municipality can ask to compete for the funds which are available through the NH Community Finance Authority. Up to \$500,000 annually is available for economic development, up to \$500,000 for a public facility, and up to \$300,000 for emergency funds. All projects have to directly benefit low – moderate income persons. There is no cost to the Town.

Open Public Hearing - Wetherbee/ Katsakiores 7-0-0

John O'Connor Arrowhead Rd – questioned funding process and what the commitment of Town of Derry is through grant.

Donna Lane – replied first we need to see if there will be a grant process. In regards to the liability there is a lien placed on the property. If there is a payback fund would be paid back on the lien not Town funds. The Town is only the administrator of the funds for the project. The project pays for the Finance Department's time and audit for these funds.

Angela Romeo - stated the NH Community Finance Loan fund holds a second mortgage on the property with a 20 yr. term and Bank of NH holds a second mortgage on the property also with a 20 yr. term. It's in both of the loan agreements that the property remains for intended for low and moderate income households for the duration of the loans.

John Regal, Vice President of Centennial Estates Co-op – doesn't understand all of finance. However the water system is at breaking point. He gave some examples of the difficulties they incur with the present water system.

Mark Flattes, Linlew Dr – asked who pays the consultant fee.

Donna Lane – stated it comes from the grant.

Close Public Hearing - Wetherbee/Katsakiores 7-0-0

- 2) The Housing and Community Development Plan

Donna Lane – the Housing Community Development Plan was last readopted in 2006. It talks about goals for Housing and Community Development. Donna listed some of the goals. The goal you are addressing is “encourage private and public water and wastewater systems that are safe and sanitary and meet DES regulations.” There are two new additional policy statements that are required to be added to your existing Housing and Community Development Plans for compliance reasons. Also the council needs to readopt the plan every 3 years.

Open Public Hearing - Wetherbee/Katsakiores 7-0-0

John O'Connor Arrowhead Dr – agrees with goals however he has two concerns and referenced documents and stated in the plan.

Donna Lane- These goals have been adopted by previous Councils; the only change is the two policy statements that need to be added before re-adoption.

George Sioras will have Elizabeth Robidoux put a link on the town webpage and link them.

Close Public Forum - Wetherbee/Katsakiores 7-0-0

- 3) The Residential Anti-displacement and Relocation Assistance Plan

Donna Lane – this is a Plan that must be adopted every time you are asking for CDBG funds whether you are displacing someone or not; it's a regulation. There is no displacement for this project. You must adopt this. It is project specific and nobody will be displaced by this project.

Open Public Hearing - Wetherbee/Katsakiores 7-0-0

John O'Connor Arrowhead Rd – if something happens within so many years then the Town must adopt tax assessment policies.

Donna Lane reiterated it is being adopted even though it is not relevant to this project.

Sandra Abbott?, Chester Rd – what if accident occurs during construction?

Donna Lane – the contractor's insurance policy would pay.

Close Public Hearing - Wetherbee/Katsakiores 7-0-0

Angela Romeo stated that if the Mobile Home Park does not receive this grant they will have to make the repairs over time.

Move that the Derry Town Council adopt the Derry Housing and Community Development Plan, as updated in January 2014.

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

Move that the Derry Town Council adopt the Residential Anti-Displacement and Relocation Plan, as reviewed in January 2014.

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

Move that the Derry Town Council approve the submittal of the application and authorize the Town Administrator to sign and submit the application, and upon approval of the CDBG application, authorize the Town Administrator to execute any documents which may be necessary to effectuate the CDBG contract on behalf of the Centennial Estates Manufactured Housing Cooperative without further action of the Council

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

Old Business –

13-136 Request for Refund – Renewal of Motion

Dawn Enwright, Tax Collector – this is for reconsideration of Mr. Weymouth's request of interest paid on his 2013 tax bill. After thorough review of state statutes, this governing body has the authority to refund up to \$25 of interest under RSA76:13.

Councilors asked various questions of Ms. Enwright. Ms. Enwright explained that the tax bill file went to print in mid-May. It was after that date that Mr. Weymouth's change of address was received in Assessing. There was a postal forwarding error done by the USPS. There were two USPS stickers on his returned bill. The top sticker stated undeliverable as addressed; the covered sticker displayed his forwarding address. Ms. Enwright feels that in this instance as he is a new taxpayer and since we do have the returned tax bill in our hand, a reasonable refund could be considered. Each future request will have to be evaluated on a case-by-case basis.

Mr. Budreau recommended refunding \$25 interest, and pointed out that the responsibility should be shared. It is true that Mr. Weymouth did not receive the bill, however it was nearly four months after the bill was mailed that he inquired as to its whereabouts.

Move to refund a portion of interest on unpaid property taxes paid on September 27, 2013 in the amount of \$25.00 to Donald and Pamela Weymouth.

Motion by: Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 5-2-0 (Cardon Osborne)

New Business –

14-07 Wal-Mart Grant – Human Services Food Pantry

Jill McLaughlin, Human Services – Human Services has been receiving the Wal-Mart Community grant for 10 years. Ms. McLaughlin stated the purchases from this grant are for immediate relief to clients in urgent need.

Move that the Derry Town Council authorize the Human Services to apply for, accept, and expend a \$1,000 grant from Wal-Mart to defer the cost of providing food and hygiene supplies to clients.

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

Public Forum

Open Public Forum 5-2-0 (Benson, Wetherbee)

Brenda Wilson – Is seeking information regarding the following; what is the current status of the Dumpster Depot Application and why was another attorney hired for the Planning Board?

Mr. Budreau explained that the Planning Board's decision was overturned by the Zoning Board. The Town's counsel informed the Town that it could not represent both the Planning and Zoning Board at this time because there is an adversarial situation due to possible pending litigation with Dumpster Depot regarding the Zoning Board's decision. The Planning Board sought advice because they did not believe their original decision was wrong and having their decision remanded back to them was unusual.