

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**March 26, 2013  
Tuesday - 7:30 PM**

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**Non-Public Session under RSA 91A:3 II (d)**

**7:30 PM                      Swearing in of newly elected officials**

Call to order:

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

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

Chairman Benson announced he would not be seeking re-election as chair due to personal reasons; he wished the new chair good luck.

Nomination for Chair: Michael Fairbanks and Neil Wetherbee – Vote: 4 for Michael Fairbanks and 3 for Neil Wetherbee

Nomination for Chair Pro Tem: Al Dimmock Vote: 6-1-0 (Benson)

**13-21      Election of Officers**

Council Chair – Michael Fairbanks

Council Chair Pro-Tem – Al Dimmock

Conservation Commission Council Representative - Neil Wetherbee

Planning Board Council Representative - Al Dimmock

Heritage Commission Council Representative - Phyllis Katsakiores

Finance Committee Council Representative - Brad Benson

Audit Committee Council Representatives -

1) Mark Osborne

2) Michael Fairbanks

Derry Housing & Redevelopment Authority Council Representative - Tom Cardon

Derry Downtown Committee Council Representative - Brad Benson

Human Services Council Representative – Michael Fairbanks

Public Works Council Representative – Al Dimmock

Safety Departments Council Representative – Neil Wetherbee

Derry Public Library Council Representative – Mark Osborne

Taylor Library Council Representative – Tom Cardon

Energy / Environmental Advisory Committee Council Representative –Tom Cardon

Legislative Delegation Council Representative – Phyllis Katsakiores

Southern NH Hazardous Materials Mutual Aid District

1) Phyllis Katsakiores

2) Chief Klauber

School Board Council Representative – Neil Wetherbee (Wetherbee 4/Osborne 3)

Pinkerton Council Representative – Brad Benson (If approved by Pinkerton)

## Consent Agenda

- 13-22 Approve Non-Public Minutes – March 5, 2013  
13-23 Approve Minutes – March 5, 2013  
13-24 Schedule Public Hearing – April 16, 2013 – Sign Ordinance - To amend Article II, Word Usage and Definitions, Section 165-5, Definitions, to amend the definitions for Flashing Signs, Projecting Signs and Window Signs and to add definitions to define the following: 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, Off Premise Sign, Residential Neighborhood Identification Sign, Sandwich Board Sign, Special Event Sign, Unsafe Sign, Wall Sign and Warning 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 Special Exceptions; Section 165-45.1.C.2.f, Medium High Density Residential II Special Exceptions; Section 165-46B.2.f, Medium 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 the 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)

- 13-25 Schedule Public Hearing – April 16, 2013 – Authorize the Refunding of the 2001 Municipal Center Bond

Approved as written

## **Chairman's Report – Michael Fairbanks**

Welcomed the three new councilors and thanked the three former councilors for their many years of service.

## **Town Administrator's Report – John Anderson**

The Town has received notification from the Insurance Services Office, Inc. (ISO) on the recently completed Public Protection Classification Survey. They came and did an evaluation of our Public Fire Protection Classification. The Town has now moved up in the rating from prior designation. This will assist citizens on their homeowners insurance rates.

Mr. Anderson read for the public an email he received from Sandra Rowe of Interware regarding Jason Morrow's motor vehicle issue. This issue was brought before the Town Council at their last meeting. (See Attachment)

\*\*\*\*\* Set budget calendar and meeting schedule for remainder of fiscal year

**7:30PM - April 2<sup>nd</sup> - Regular Town Council Meeting**  
**6:30PM - April 16<sup>th</sup> - Regular Town Council Meeting – Begin Budget Workshop**  
**7:00PM - April 18<sup>th</sup> - Budget Workshop**  
**7:00PM - April 25<sup>th</sup> - Budget Workshop**  
**7:00PM - April 30<sup>th</sup> - Budget Workshop**  
**7:00PM - May 1<sup>st</sup> - Budget Workshop**  
**7:00PM - May 2<sup>nd</sup> - Public Hearing Budget and CIP**  
**7:30PM - May 14<sup>th</sup> - Regular Town Council Meeting - Approve Budget & CIP**  
**7:30PM - May 21<sup>th</sup> - Regular Town Council Meeting**

There was some discussion on meeting conflicts in regards to the use of the Town Council Meeting room.

Chairman Fairbanks polled the board regarding the Zoning Board of Adjustment meeting on April 18<sup>th</sup> and moving the ZBA meeting to the Cable room. Councilor Dimmock was opposed.

Mr. Anderson stated there has been a bit of discussion on the gift of the IPAD for Councilor Chirichiello. Mr. Anderson gave some background on prior Council gifts from Town. He would be more than happy to take input from the Council going forward regarding the gifts for retiring Town Councilors. Councilor Osborne, Katsakiores, Fairbanks, Cardon gave their input on the current situation regarding the gift. Discussion continued with additional input from Councilor Dimmock and Wetherbee. Councilor Osborn made a motion that the IPAD be returned as Town Property (no second). Councilor Benson suggested to the Chair to table this until the proper documentation and information is provided to the Council and to take action at the next meeting.

**Motion to table by Councilor Benson, seconded by Councilor Cardon.**  
**Vote: 7-0-0**

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

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

John O'Connor Planning Board – Asked the Council when the proposed budget could be viewed online. Frank Childs replied next Tuesday, April 1<sup>st</sup>.

Kelly Martin, Bayberry Lane – gave suggestions of how to format Public Forum and Town Council actions during meetings, along with online access to items.

Jason Morrow – gave his rebuttal on the motor vehicle issue and requested a copy of the email from Sandy Rowe of Interware. Mr. Anderson provided Mr. Morrow with a copy of the email.

Joseph DiChiaro, Humphrey Rd – gave his thoughts regarding the iPad issue for ex-Councilor, Brian Chirichiello

Kevin Coyle, North Shore Rd – feels the iPad was an inappropriate gift and could not be compared with the bench he requested that is on the bike path.

Janet Fairbanks, Rose Ave – asked the Council if the iPad had been returned to the Town. It is Town property and needs to be brought back.

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

#### **Public Hearings**

- 13-19** Amend the Code of the Town of Derry, Chapter 150, Traffic Ordinance Article I, Section 150-10a Stop Sign - eliminate stop sign at Hillside Avenue @ Jefferson St

Mr. Anderson provided additional information on this ordinance and asked that this be sent back to the Highway Safety Committee for review.

#### **Open Public Hearing 7-0-0**

No public input

#### **Close Public Hearing 7-0-0**

Councilor Dimmock disagrees with this amendment as he was a member of the committee at the time the request was reviewed by the Highway Safety Committee. He state that there was another intersection involved in the original request and stated that it should have been included.

Chief Garone, member of the Highway Safety Committee, was asked to the podium for his input on the matter. Chief Garone has served on the Highway Safety Committee and has never remembered a negative recommendation coming forward to the Council.

**Move to send back to the Highway Safety Committee for further review**

**Motion by: Councilor Wetherbee, seconded by Councilor Osborne**

**Vote: 7-0-0**

**13-20 Water Commissioners – Approve Wholesale Water Agreement with Manchester Water Works**

**Open Public Hearing 7-0-0**

**No public input**

**Close Public Hearing 7-0-0**

Tom Carrier gave a review of the Wholesale Water Agreement for the new Council members.

**The Derry Town Council, acting as the Water Commissioners, moved to approve the proposed Derry Wholesale Water Agreement as presented.**

**Motion by: Councilor Wetherbee, seconded by Councilor Osborne**

**Vote: 7-0-0**

**New Business**

**13-26 Lease Renewal – Marion Gerrish Community Center**

Mr. Anderson highlighted the lease agreement for the Town Council.

**Move that the Town Council authorize the Town Administrator to sign a ten year lease renewal with the Marion Gerrish Community Center, Inc.**

**Motion by: Councilor Wetherbee, seconded by Councilor Katsakiores**

**Vote: 7-0-0**

**13-27 Approve grant from the NH Highway Safety Agency for seat belt enforcement**

Chief Garone presented the background on this annual grant provided by the NH Highway Safety Agency. There was discussion on additional cost to the Town.

**Move to grant authority to the Town Administrator John Anderson to apply for and accept on behalf of the Town, grant funds associated with the “NH Highway Safety project titled Derry “Join the New Hampshire Clique” Seat Belt Campaign and to execute on behalf of the Town all contracts or documents associated.**

**Motion by: Councilor Wetherbee, seconded by Councilor Katsakiores**

**Vote: 6-1-0 (Osborne)**

**Council Requests / Open Discussion**

Councilor Wetherbee welcomed the new Councilors and thanked the past Councilors for their service

Councilor Cardon also thanked the past Councilors as well as Councilor Benson for their service. He also requested to see a copy of the contract for Exit 4A.

Councilor Benson suggested that the Council have a non-public meeting with the attorneys on Exit 4A as this would be helpful to the new councilors to bring them up to speed on the project and any concerns they may have.

Councilor Osborne stated he would be open to the suggestion of a citizen to explore open conversation during the public forum.

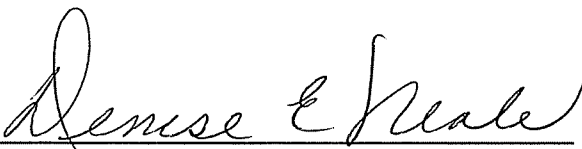
Councilor Dimmock thanked the past Councilors and also Councilor Benson for his service as chair of the Council. He added that he feels the public warrants an answer to questions at the time they are asked during public forum.

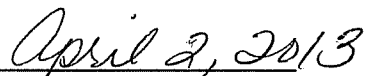
Chairman Fairbanks thanked Councilor Benson for his service as Chair. He also believes that the public forum needs to be changed.

Councilor Dimmock feels that three minutes is not enough time.

Councilor Benson stated it is up to the chair's discretion regarding the public forum but cautioned the Council that this is the Town Council business meeting and not a public meeting, and there seems to be some misconception on that.

**Adjournment 9:20 p.m.**

  
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Town Clerk

  
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Date

Recording & Transcription by Denise Neale, Town Clerk  
Reviewed by John P Anderson, Town Administrator