

TOWN OF DERRY

Town Council
Derry Municipal Center

June 18, 2013
Tuesday - 7:30 PM

6:45 PM Non-Public Session under RSA 91A:3 II (a)

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 (via telephone) and Chairman Fairbanks

Consent Agenda

- 13-66 Approve Non-Public Minutes – June 4, 2013
- 13-67 Approve Minutes – June 4, 2013
- 13-68 Schedule Public Hearing – July 9, 2013 – Approve and fund Round #3 of Chloride Reduction I-93 Watersheds Municipal Program Grant
- 13-69 Schedule Public Hearing – July 9, 2013 – Authorize the Town Administrator to accept 2013 Justice Assistance Grant (JAG)

Approved as written

Chairman's Report – Michael Fairbanks

Included in the councilors packet is the schedule of meetings for the remainder of the year. Chairman Fairbanks asked the Council if they would like to add any workshops this summer. Consensus was to wait until September.

Town Administrator's Report – John Anderson

Mr. Anderson announced the passing of Roland "Root" Routhier, Supervisor of the Checklist and Florence Ouellette, Retired Dog Officer.

Gallien's Town Beach will be open this weekend.

All departments are busy with the closing of fiscal year 2013 and gearing up for July 1st. School District Voting will take place Tuesday, June 25th at Gilbert H Hood Middle School. Polls will be open from 7am until 8pm.

Mike Fowler, Public Works Director, gave an update on the Tsienneto Rd project as well as the Beaver Meadow Dam replacement. Due to the amount of rain received, the dam area needs at least 10 days to dry out before resuming work on it.

Public Forum –

Councilor Wetherbee requested to move the Public Forum to the end of the meeting in order for the Council to conduct Town Business.

Chairman Fairbanks polled the board: Councilors Cardon, Osborne, Dimmock stated “No” and Councilors Benson, Wetherbee and Katsakiores stated “Yes”. Chairman Fairbanks, “No”.

Councilor Dimmock instructed the public to limit speaking to three minutes, speak only once, and on Non-Agenda items only.

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

Mike Gill, Gill Rd – Submitted a petition for the town to establish an “Alcohol and Drug free” workplace policy for all town employees.

Mark Flattes, Linlew Dr – Recently Sophia Christine, a 15 year old girl, was struck and killed by a car on Manchester Rd. He would like the town to provide a positive solution by creating an ordinance requiring big venues to have traffic control in memory of Sophia Christine.

Steve Trefethen, Mulberry Rd, Windham – Would like to see more Town Council representation at Planning Board meetings. He handed Town Council a list of properties the town owns and suggested they sell them to lower taxes.

Joel Olbricht, Colony Brook Lane – Spoke on Economic Development and suggested the Town hire a part-time Economic Development person. In doing so, he would volunteer his time to help participate. He stated, “If you do nothing you get nothing”. Downtown should be the next area to develop. He highlighted an article from NHBR on Claremont’s downtown redevelopment.

Close Public Forum 7-0-0

Public Hearings –

13-61 Release of Public Servitude – Lawrence Street
(Paper Street)

Mike Fowler gave an overview of this request and the area. This does require a vote in accordance with RSA 231:52. The original request has been downsized to keep peace in the neighborhood. For the record, this request is coming from a Town Employee.

Open Public Hearing – Wetherbee/Benson 7-0-0

Steve Robichaud, Lawrence St. – He is the requestor and he gave an explanation of what he had requested as opposed to what is before them and why.

Nancy Trow, Lawrence St – Is an abutter and she has concerns in the positioning of the line. She does not care about the paper road after the telephone pole.

Close Public Hearing – Wetherbee/Benson 7-0-0

Discussion:

Councilors asked questions regarding the area. Councilor Benson stated that it is not the Town Council who manages this process, it should be the residents. Councilors felt that they could not make an informed decision at this time and tabled.

Motion by Councilor Benson to table, seconded by Councilor Wetherbee

Vote: 7-0-0

Old Business -

- 13-57** Commercial District Revisions - Zoning Ordinance – to amend Article VI, District Provisions, Section 165-32.A through B, General Commercial District; and to amend Article VI, District Provisions, Section 165- 35.B.4, Office Medical Business District

George Sioras and Liz Robidoux- George gave a review for the Town Council.

Move to amend Derry Zoning Ordinance as follows:

- 1. To Amend Article VI district provisions, Section 165-32A through B General Commercial District.**
- 2. To Amend Article VI, district provisions, Section 165-35.B.4, Office Medical Business District.**

Motion by: Councilor Wetherbee, seconded by Councilor Benson

Discussion

Councilor Wetherbee stated that it is his hope is the Planning Board will work on the overlay district.

Councilor Cardon questioned water and sewer hook-ups and questioned the architectural design for this area

Councilor Osborne questioned buffers.

Mr. Sioras explained this would be up to the Planning Board guidelines as developers come before the Planning Board. Mr. Fowler would have to answer questions regarding water / sewer questions. (He was not in attendance)

Vote 7-0-0

- 13-58** Wal-Mart Grant - \$1,000 – Human Services Food Pantry

Janice Mobsby explained this grant to the Town Council. This revenue is included in the budget.

In accordance with the provisions of RSA31.*5-b, move that the Derry Town Council authorize the application and potential acceptance of a \$1,000 grant from Wal-Mart to be used to defer the cost of providing food and hygiene supplies to Human Service Clients.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

13-62 Online Vehicle Registration Renewal (E-Reg) Certified Mailing Fee

Mr. Anderson reminded the Council of an incident with a citizen losing their registration via mail. Council had asked for the town to come forward with sending registrations out via certified mail and pay a certified fee.

Janice Mobsby explained this is an added option for the citizen when they register their motor vehicles online.

Move that the Tax Collector's recommendation to provide an additional security option to the customers by granting permission to charge a fee for an optional service of certified mailing of E-Reg renewal documentation be accepted.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

13-63 Approve Revision to Investment Policy

Mr. Anderson, as Chairman of Finance Committee, recommended that the Council approve this revision. Moves attachment A into its own section 19 and make a few changes to Section 20.

Janice Mobsby in reference to the attachment it explains what the Finance Committee would or could do. Ms. Mobsby stated that what this has done is it has been brought into the body of the document.

Move that the Town Council approve the proposed changes to the Town's Investment Policy as recommended by the Finance Committee on May 21, 2013 and as outlined in this staff report dated May 30, 2013.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

13-64 Approve Fund Balance Policy

Mr. Anderson explained this is a new policy for the Town and was recommended by the auditors in last year's audit report. Janice and Frank have worked with the auditors and other communities that have existing policies.

Move that the Derry Town Council approve the Town's Fund Balance Policy as reviewed and recommended by the Finance Committee and as set forth in this Staff Report dated May 29, 2013.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

New Business --

13-70 Preservation of Town Records

Mr. Anderson stated this is a joint effort between the Town Clerk and CFO who have provided a staff report. The Record Retention Committee has been doing a great job with the volumes of records in our basement. This request is for records used by the public and staff.

Denise Neale explained that this one of the responsibilities of the Town Clerk. She explained how these records are bound and their disrepair. Funds are no longer

available through this granting process and she would like to stabilize these records for further use.

Janice Mobsby said that records have been looked at by the Municipal Records Committee over the past few years and it has been discovered that we have permanent records that are in disrepair. We have had consultations with vendors and it appears the cost to be about \$65,000. The Town Clerk has put out an RFP to get competitive bids which are due by Friday, June 21st. Because the money has already been raised through taxation and this is such a sizeable number it's not capital or get the funding for. Once this has been completed, the expenditure going forward will be completed through Town Clerk's budget. She will then be able to maintain the current records going forward.

Move that the Derry Town Council transfer \$65,000 from Executive Department Benefits (290) to the Town Clerk Department Printing (550) for preservation of the Town of Derry's Historical 7 Vital records as required in accordance with RSA 41:59.

Motion by Councilor Wetherbee, seconded by Council Benson

Councilor Benson asked to make a friendly amendment of "up to" \$65,000, accepted by Councilor Wetherbee.

Ms. Mobsby spoke to that amendment stating that she has been instructed by the DRA not to use "up to" in a motion. She further explained that what will happen is this amount will be transferred into the budget; but if the RFP comes in less, it will revert to Fund Balance.

**Councilor Benson withdrew his amendment and Councilor Wetherbee accepted.
Discussion:**

Councilor Benson was surprised in regards to this request.

Mr. Anderson explained that the Record Retention Committee has talked about this and the Town Clerk had included this in her budget; however, it was removed because of the recommendations in zero increase. There is now an opportunity to do this.

Councilor Benson was dismayed at spending this amount on preserving records even though it is required and not putting funds toward Economic Development.

Councilor Cardon questioned how far back records go.

Ms. Mobsby explained the records were not properly preserved in the past and there were shortcuts done. We are following the recommendations that the state uses for preservation.

Councilor Osborne reiterated that this required of the Town by RSA.

Vote: 7-0-0

13-71 2013 Justice Assistance Grant (JAG) Interlocal Agreement

Mr. Anderson recommended this grant be approved. There is a public hearing scheduled for the July meeting to accept and apply for the funds. This is the agreement between the Town and Rockingham County as the fiscal agent.

Move to grant authority to Town Administrator John Anderson to execute the 2013 Justice Assistance Grant Agreement between the Town and Rockingham County and further Authorize the Town Administrator to execute any and all documents or electronic fillings associated with the 2013 Justice Assistance Grant Process.

Motion by Councilor Wetherbee, seconded by Councilor Osborne

Discussion:

Councilor Osborne stated that it seems the money would go toward paying for cameras in cruisers. He feels by accepting this grant the Town has an opportunity to save money in prosecuting DWI cases and that prosecuting DWI cases are costly.

Vote: 7-0-0

13-72 Planning Board Appointment

Move to appoint Ann Marie Alongi as a member of the Planning Board effective July 1, 2013 for a three year term to expire on March 2016.

Motion by Councilor Fairbanks, seconded by Councilor Wetherbee

Vote: 7-0-0

**13-73 Lease Renewal – Greater Derry Arts Council,
Chamber of Commerce, Derry Housing &
Redevelopment Authority**

Mr. Anderson gave a review of how long this contract has been in review and how he has been trying to clean up the loose ends.

Discussion:

There were concerns with the length of the lease for the Arts Council lease, downtown parking, the goals of the GDAC, utilization of the building, and the upgrades needed to the building.

Mr. Anderson explained the Derry Arts Council is finding it difficult to keep their performance vendors without the lease contract. The GDAC had asked for a five year lease; however, this contract is for a three year lease for all tenants. The upgrades are being addressed. Mr. Anderson recommended change the term to July 1, 2013 – June 30, 2016.

Move to approve the Lease Agreement at the Adams Memorial Building between the Town of Derry and the Derry Arts Council, Chamber of Commerce and Derry Housing and Redevelopment Authority moving the term to July 1, 2013 – June 30, 2016.

Motion by Councilor Wetherbee, seconded by Councilor Benson

Vote: 7-0-0

Council Requests / Open Discussion

Councilor Wetherbee spoke about Mr. Gill's petition and he is not sure if it is within the Council's purview to handle this.

Mr. Anderson suggested giving this to the HR Director. He also stated that our Police Department does have screening for this and he doesn't.

Councilor Cardon stated that after reviewing the documents on Exit 4A, he is all set – no need to meet with attorney on this at this time.

Councilor Fairbanks – questioned Adams Pond Dam and Mr. Gagnon. He asked if the town knows his decision.

Mr. Anderson will do some fact finding; however, he does know that Margie Ives has had discussions with Mr. Gagnon.

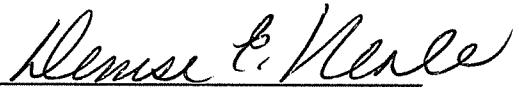
Councilor Fairbanks asked about Upper Village Hall and where they are with their contractual obligations?

Mr. Anderson will get update.

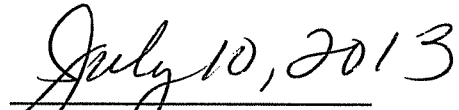
Councilor Cardon – stated that he has had discussions with McPherson and that everything has been completed but painting.

Move to into Non-Public Session under RSA 91A:3 II (a)
Motion by Councilor Wetherbee/ Councilor Dimmock
Vote: 7-0-0

Adjournment 9:45PM



Town Clerk



DATE

Recording & Transcription by Denise Neale, Town Clerk 06/21/2013
Reviewed & Updated by John P Anderson, Town Administrator