

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**August 4, 2015
Tuesday - 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 Tripp, Fischer, Osborne, Dimmock, Katsakiores and Chairman Cardon, Councilor Bourdon via telephone

Present: Susan Hickey Acting Town Administrator & Denise Neale, Town Clerk

Motion to go into Non-public under RSA 91-A:3 II (a) by Chairman Cardon, seconded by Councilor Fischer. Vote: 7-0-0

Consent Agenda –

- 15-91** Approve Non-Public Minutes – **minutes sealed** - July 7, 2015
- 15-92** Approve Minutes – July 7, 2015
- 15-93** Approve Minutes Special Meeting – July 16, 2015
- 15-94** Approve Minutes Non-Public Special Meeting – **minutes sealed** – July 22, 2015

Amend the sealed non-public minutes item #15-91 July 7, 2015

Vote: 5-2-0 (Councilor Tripp & Bourdon)

Amend the sealed non-public minutes item #15-94 July 22, 2015

Vote:7-0-0

Item #15-92 & 15-93 Accepted as written.

Chairman's Report – Tom Cardon

Presented a Certificate of Appreciation for Marlene Bishop, ACO, for her outstanding job on taking care of abandoned animals on a foreclosed property, both while on duty and off duty.

The Economic Development Committee is meeting regularly; they have discussed updating the website and some goals; and they are working on a brochure to have ready for September. The Derry Chamber of Commerce will market Derry on their web page. Mr. Cardon thanked the committee members for many good ideas.

Ms. Hickey will set up a RSA91-training in September.

Town Administrator's Report – Susan Hickey

Thanked members of Town Council for their support and realizes the concerns. She appreciates the concerns but the transition has gone smoothly. We are moving forward due to the professionalism of the staff and department heads. She would like to thank the Finance Department, Executive and Human Resource staff for their assistance.

******* Substance Misuse Prevention**

Pam SantaFe – Gave an overview to the Council of the Derry Health Network. They have worked on finding the needs of the community and have collected & used data from schools. There are six high schools in the area and only two participated in the surveys. Pinkerton Academy does not participate in the survey as they conduct their own version of data and it is analyzed in house. The DHN has opened up forums to collect data for this area. Pinkerton and the Derry Public Library have hosted a heroin forum. Forums open up the needs of the

communities to see where help is needed. Derry & Salem are in top 10 for narcam use in the state.

Chief Garone gave some statistics as overdoses have more than doubled from January -June 2014 vs. January - June 2015. However loss of life from overdoses is down.

Councilors asked various questions regarding Pinkerton's non participation.

Public Forum - *30

Minutes* (45 minutes)

Jim Morgan, East Gate Rd – Spoke regarding what he has been seeing in the meetings; everybody on both sides of this issue has been disrespected. Moving Derry forward is important to the Town. Everyone needs to take a step back because you cannot govern by petitions but you can govern at the polls in March. He suggested forming a budget committee with two people from opposing sides.

Steve Trefethen, Windham NH – spoke on actions of citizens against council.

Mark Flattes, Linlew Dr. – he would like for Council to form an exploratory committee to see if it is feasible to put the school budget under the Town. He had requested at the last meeting the Town Administrator to look into employee ethics of the Fire Department and has not had a response. He gave the Council a free petition under Section 3.3 of the Town Charter.

Robert Johnson, Sunview Dr. – The Sunview Co-op is having some issues with Pinkerton Academy. The baseball field that abuts their townhouses are being hit by baseballs. They have tried to address the issue with Pinkerton to no avail.

Chairman Cardon directed Ms. Hickey to review the situation with Pinkerton.

Janet Fairbanks, Rose Ave. – read a newspaper article regarding Manchester's Code of Ethics. It was well laid out and it would prevent some of the things that have happened in Derry with Council votes to increase or receive benefits where family members of Councilors may benefit. People lose faith in public officials.

Maureen Rose, Windham Rd. – reported that fireworks were becoming a nuisance on the Rail Trail and wondered if it could be posted no access after dark. She asked when the Cable contract was up and if there was competition available for Comcast. She thanked Council for cutting the budget.

Marion Schnitzlein, Bayberry Lane – thanked the Council for fighting to keep taxes down.

Michael Layon, Lee Circle – spoke in regards to the impact of data presented on substance abuse.

Gordon Graham, Drake Lane - agreed it is time to turn down the volume in Derry. The Town Charter is specific that an action on the petitions has been finally determined. He doesn't believe that the Council has the authority to choose what part of charter they do not want to follow. They are supposed to defend not ignore the Charter. He asked Council to reconsider the vote to take no action.

Steven Barry, Kendall Pond Rd. – feels the most disrespected part of this issue is the disregard of the Charter & its stipulations. Regarding Councilor Tripp voting for Veterans benefit he equated it to there is no difference between voting for all the Veterans of the Town as it is to vote on property issues for all property owners. He spoke regarding the rumors around town as well as within Town Hall.

Charles Foote, Drew Rd. – echoed other speakers regarding the petitions and special election. People have the right to have their voices heard. Have the special election, we need the services the Town originally had.

John Harhold, 12 Berry Rd. – has heard the discourse the room. He asked for the special election. He asked what the purpose of a referendum petition is.

Brian Chirichiello, Rollins St. – asked if the Devine Millimet opinions would be released to the public.

Chairman Cardon replied the attorney has advised us not to release it.

Brian Chirichiello asked who was signing the manifests because the three signatures required are the Town Administrator, CFO and Council Chair.

Ms. Hickey replied she as the Town Administrator and Janice Mobsby, Controller.

Public Hearings –

15-85 Acquire a conservation easement on approximately 110 acres of land, tax map 4, lot 67 and tax map 6, lot 37, at 189 and 194 Island Pond Road and along Gulf Road and Ballard Pond

Open Public Hearing Councilors Cardon & Katsakiores 7-0-0

Margaret Ives, Conservation Commission Chair – two land owners are offering an opportunity to preserve these parcels. This land meets conservation criteria. Southeast Land Trust spoke with the owners. This will prevent 24 homes from being developed on this land.

David Viale, Southeast Land Trust Project Manager – the landowner has asked for the land to be referred to as Buttonwood Farm. This land is a source in the water protection area.

Janet Fairbanks, Rose Ave. – is frustrated about West Derry and how much congestion there is. No land has ever been purchased in her area of Town; however apartments are being built on small lots in this area that could have been preserved. It no longer makes financial sense to buy land in East Derry.

Maureen Rose, Windham Rd. – handed out a map, a list of abutters within 150 feet of this land. She also obtained a wish list of conservation land the Conservation Commission has; however this property was not on the list. She listed conservation properties presently owned by the Town and the fact there is no signage for these parcels. We need to purchase open space downtown.

Steve Trefethen - there is a 4.5 acre lot in West Derry which borders Pleasant Street and the pond that is available. There should be a moratorium on building in West Derry. School enrollment is down, the Town could get tax dollars from building on this property without overburdening the schools.

Mike Layon – questioned loss of revenue for the Town from these pieces of land. Also for all purchases of land these parcels should not be restricted from use.

Brian Chirichiello – by putting up a house, the taxes do not equal the educational cost.

Brenda Regan – doesn't call it favoritism when relatives want to help the Town.

Ron Goldthwaite, Scenic Dr. – questioned the easement and the restrictions on hunting.

David Viale, SELT, stated he believes the landowner will give the opportunity for hiking and horseback riding on the easement. There are going to be funds from the DES which restrict motorized use except for snowmobiles. Public access for use is up to landowner.

Janet Fairbanks, Rose Ave. - the taxes collected on apartments with two children isn't enough to support the cost for schools. If the Town never buys land in West Derry, how will there ever be a wildlife corridor over there.

Margaret Ives – Zoning tells us how areas of the Town are developed. Parcels are zoned industrial, commercial, HDR and follow water and sewer. Connectivity is important. As you all know there is a grant that Council is dealing with.

Mark Flattes, Linlew Dr. – urged the Council not do this easement. Let the course of nature take over if single family homes are meant to be there.

Brian Chirichiello – he's done the math and looks like the Town expends \$386,000 or new homes with two children brings the cost to the Town \$586,000.

Steven Trefethen – rebutted Mr. Chirichiello's statement regarding the cost of schooling children in Derry.

Close Public Hearing Councilors Katsakiores & Tripp 7-0-0

Move to extend 10 minutes Councilors Cardon & Tripp – all agreed

Councilor Tripp agrees with zoning. He's concerned that no public use agreement has been made yet.

Councilor Fischer concern was about equity for open space. He's in favor of conservation and asked why there has not been more effort to conserve open space in West Derry.

Councilor Osborne questioned if the property had wetlands?

David Viale stated there has been an appraisal done on the land and the actual buildable area can be developed for 24 homes.

Councilor Osborne asked if during the vote at the Conservation Commission level if anyone recused themselves?

Chairman Cardon replied, "No".

Councilor Katsakiores – asked Ms. Ives why they have not bought property in West Derry and why money has not been allocate in this area.

Ms. Ives replied the Commission looks for parcels that are 10+ acres. There will be discussion within Council regarding West Derry. There was a non-public vote by Council to go forward with Gunther-Nelson project.

Councilor Osborne stated it was his understanding Council voted to pursue the grant.

Councilor Dimmock asked where the Conservation Commission gets their money.

Ms. Ives replied from the "Land Use Tax". When properties are taken out of current use, 10% is given. The \$100,000 from Walmart is in the fund and gifts are given. Current use property owners get a reduced tax and when the property is sold they pay tax. The Town doesn't own the property with easements, the landowner still pays taxes.

Councilor Bourdon asked what the criteria is for these parcels.

Ms. Ives stated, wildlife habitat, agriculture, wetland, ponds, lakes, esthetics and historical. In this instant SELT did this.

Councilor Bourdon stated the website should be promoting conservation lands.

Ms. Ives said the new GIS map shows these locations.

Move to extend and additional 10 minutes Councilors Dimmock & Osborne –agreed

Move to accept the Conservation Commission’s plan to acquire an easement with Southern NH Land Trust for the Gunther-Nelson Conservation Easement; Map 6 Lot 37 and Map 4 Lot 67 understand the expenditure of up to \$386,000 from the Conservation Commission special revenue fund will incurred as authorized by RSA 36-A:5(II).

Motion by Councilor Cardon, seconded by Councilor Tripp

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

Note: Email received from David Viale, SELT on 8/7/15 for clarification of these minutes:

- 1) Southeast Land Trust of NH (SELT) will be holding the Primary Interest in the Conservation Easement.*
- 2) SELT will have primary responsibility to monitor and enforce the easement and the Town of Derry will have the ability to monitor & enforce the easement through an “Executory Interest”.*

Motion to adjourn by Chairman Cardon, second by Fischer all agreed

Adjournment 10:20p.m.

Postponed

15-86 Amend Zoning Ordinance Article VI, District Provisions, Section 165-44.B.2.e, Multi-Family Residential District and Section 165-45.B.2.e, Medium High Density Residential District **-postponed**

New Business –

15-95 Derry Survey Committee Appointment - **postponed**

15-96 Highway Safety Committee Appointment - **postponed**


15-97 I-93 (14633B) Construction – Municipal Work Zone Agreement - **rescheduled**

15-98 Calvary Bible Church Gift – Discussion - **postponed**

Council Requests / Open Discussion

N/A


Town Clerk


Date

Recording & Transcription by: Denise E Neale, Town Clerk