

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**September 16, 2014  
Tuesday - 7:30 PM**

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**6:30 PM Non-Public under RSA 91A:II (c) \* RSA 91A:II (d) & RSA 91A:II (b)**

**7:30 PM Call to order**

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

**Roll Call: Councilors Fischer, Fairbanks, Bourdon, Dimmock, Katsakiores,  
Chairman Osborne and Councilor Cardon via telephone**

**Consent Agenda**

- 14-119** Approve Minutes Special Non-Public Session – August 26, 2014
- 14-120** Approve Minutes Special Non-Public Session – August 28, 2014
- 14-121** Approve Minutes – September 2, 2014
- 14-122** Approve Workshop Minutes with Planning Board – September 2, 2014
- 14-123** Approve Minutes Special Non-Public Session – September 4, 2014
- 14-124** Approve Minutes Special Non-Public Session – September 8, 2014

**All Above Approved as written 7-0-0**

- 14-125** Approve Tax Collector's Deeds

**Approved 6-0-1 (Councilor Fairbanks abstained)**

**Chairman's Report –**

\*\*\*\*\* Child Passenger Safety Proclamation

**Chairman Osborne read the proclamation (attached)**

Chief Garone stated Derry PD has inspected 165 car seats since 2010 when the program started.

Sue Centner – stated the Transfer Station will accept car seats for recycling..

**Town Administrator's Report –**

Chief Klauber introduced Xavier Anthony. Xavier approached the Derry Fire Department about creating a walk/bike path behind the Central Fire Station. Xavier was presented with a Certificate of Appreciation.

Councilor Dimmock asked to address Chief Klauber to commend the men of the Derry FD for their efforts on Monday, September 15<sup>th</sup> at a fire near his home. Chief Klauber stated the thanks go to Battalion Chief Mike Gagnon and his crew.

Mr. Budreau:

Friday Sept 19 from 5-7pm at Gilbert H Hood a free spaghetti dinner will be hosted by the Derry Village Rotary.

Saturday October 4<sup>th</sup> is the Derry FD Open House from 11a.m. – 2 p.m. at the Central Fire Station.

October 3<sup>rd</sup> the property at 2 Abbott St will be auctioned at 3 p.m. & 20 Pond Rd at 4 p.m. Sealed bids for the 5 additional properties will be opened on Friday October 3<sup>rd</sup>. Please see the Town's website for details

The Towns surplus property auction will be held on October 18<sup>th</sup> at 9 a.m.

\*\*\*\* E911 Mapping

Chief Klauber gave a report on the Derry Fire Department and its equipment. He explained the importance of calling 911. This is the universal number to call, and the most efficient way to contact help for emergencies. E-911 mapping will be within two years. There are two towns ahead of Derry.

**Public Forum**

**Open public forum 7-0-0**

Richard Tripp, Windham Rd- He is a VFW member and announced that the 1<sup>st</sup> POW/MIA remembrance will begin on Friday, September 19<sup>th</sup> at noon through Saturday, September 20<sup>th</sup> in memory of the 100 Derry residents missing in action. He is also the Legislative Chair for the post and they are looking to expand the voter's knowledge of candidates. They have scheduled a debate for Senate candidates for Tuesday 10/14/14 from 7 – 8 pm at the VFW Post.

Marc Flattes, Linlew Dr – complimented Fire Department.

Michael Dionne, Lee Circle – wanted to discuss a voting issue at the recent Primary Election regarding a handwritten sign. He feels this was a 1<sup>st</sup> amendment issue. The signs were removed unlawfully would like the Town to inform the public of the rules prior to the next election.

Catherine Prudhomme O'Brien – stated she wanted to inform the public that Jim Foley was no longer a candidate. She questioned if the Town Clerk was law enforcement personnel. She believes her rights were violated.

Janet Fairbanks, Rose Ave – Was dismayed why more of the members of the Planning Board had not attended the workshop. Board members should be committed. She stated the bike path from Kendall Pond Rd to Town is deplorable. It is Town owned and should be maintained.

Margaret Ives –Holding signs and posting signs have different requirements. She called Attorney General's office and was told to remove all signs that were stuck in the ground. The Police Department did this. Citizens should not feel they are going through a gauntlet to vote.

Pinkerton Academy & Calvary are private property & signs interfere with traffic. At Hood Middle no signs are to be on public property. The moderator can determine where signs go. Attorney General was helpful and spoke to Ms. Prudhomme O'Brien and she followed his instructions. She agrees rules & regulations should be given to the public.

Rick Metts, Dustin Ave –Gave kudos to the crew working the Rockingham Road project as well as the Public Works employees.

Catherine Prudhomme O'Brien – Margaret Ives told her the Town Clerk removed the hand-written sign and when she approached Ms. Neale her reply was to call the Secretary of State's office.

Chairman Osborne stated he would be making inquiries in regards to the issues.

Councilor Katsakiores asked why elections results took so long and why weren't they posted until 1:00 a.m.

Moderator Margaret Ives explained the process that has to take place to account for totals and that after discussion with Ms. Neale there will be a preliminary tally given for the general election.

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

### **Public Hearing --**

**14-116** Accept generator from Verizon Wireless

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

No Public input

### **Close Public Hearing**

Captain Scott Haggart, Fire Department – stated that Verizon Wireless has offered to share a generator with the Central Fire Station. The Central station presently shares a generator with the pumping station. Constagna Consulting recommended the installation of an independent generator because the dispatch center is located here. Verizon Wireless needed to provide emergency power back-up for their equipment on the cell tower and they previously used a portable generator. Because this is an important site for them, they have determined that a permanent solution is required. This tower is important to the Town and Fire Department as we use Verizon for our cell phones and portable data. This generator will power the station & cell phone tower with room for expansion.

**Move that the Derry Town Council authorize the Town Administrator to accept a mutually beneficial license that will include Verizon supplying the Town with a 150kw emergency generator, including installation, maintenance and repair, at the Central Fire Station, 131 East Broadway, in consideration for the use of some of the 150kw during periods of power outages as outlined in the attached license, and authorize the Town Administrator to execute the agreement with Verizon Wireless without further action of the Town Council.**

**Motion by Chairman Osborne, seconded by Council Katsakiores**

**Vote: 7-0-0**

**14-117** Accept grant from Department of Health & Human Services

Garret Simonsen, Health Department – said this is a request for approval to amend our existing contract with Health & Human Services and will bring in some additional funding due to the increase in substance misuse and significant overdose related to synthetic marijuana. This will include strategies, prevention and intervention also recovery and support. This will develop a Community Health Plan with partner agencies.

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

Michael Dion, Lee Circle - How are outcomes measured?

Garrett Simonsen- stated data will be used to study trends, weakness and utilization, strategic planning in these areas but largely focused planning measured over time.

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

Council Discussion

**Move that the Derry Town Council approve the application for, acceptance and expenditure of NH Department of Health and Human Services grant funds in the amount of \$25,000, without further action of the Town Council.**

**Motion by Chairman Osborne, seconded by Councilor Fairbanks**

**Vote: 7-0-0**

### **Old Business –**

#### **13-122 Town Administrator Search**

The Council is working diligently and they are still in the deliberative process.

#### **14-71 Land Use Change Tax**

Paul Doolittle, Old Chester Rd – spoke in favor to keep 100% stating that State funding is not there to preserve open space.

Maureen Reno, Hope Hill Rd – her daughter loves the parks and hiking conservation land. She favors keeping 100%.

Gordon Graham, Drake Lane – there are three good reasons to keep open space which are the tax rate, tax rate, tax rate. He is in favor of keeping the 100%.

Marc Flattes, Linlew Dr – 75% of the revenue should go to the Town and 25% to Conservation.

Leo Seaboyer, Scobie Pond Rd. – distributed a packet to the Town Council and highlighted the contents of the packet. He equated the costs to the tax rate if Conservation Land wasn't acquired.

Cecile Cormier, Lane Rd – keep funding with Conservation - it's economical.

Ellie Sarcione, Chester Rd- it will end up costing the Town more - leave the money alone.

Rick Buzzanga, North Shore Rd – leave at 100%.

Chairman Osborne polled the board for their input regarding this matter.

Margaret Ives stated for the Council that presently there is \$600,000 in this fund but \$100,000 mitigation for Walmart another \$8,000 is set aside to monitor the easements, which is a condition of a grant. Conservation is scheduled for a non-public in October for review of properties.

**Move that the Derry Town Council hereby amend its April 1, 1997 decision to place 100% of "Current Use penalty revenues" in the Conservation Commission land acquisition fund. I further move that the town of Derry shall place 25 % of all future Land Use Change Tax Revenue pursuant to RSA 79-A:7 in the Conservation Commission Special Revenue Fund effective April 1, 2015.**

**Motion by Councilor Fairbanks, seconded by Chairman Osborne**

**Vote: 3-4-0 (Councilors Katsakiores, Bourdon, Fischer, Cardon)**

**Motion failed**

**New Business –**

**14-126 Rescission of Bond Authorization**

Frank Child stated that this was a supplemental bond authorization for the Rte. 28 TIF which could not be rescinded until September 1, 2014.

**Move that the \$500,000 unutilized supplemental bond resolution adopted September 1, 2009 be rescinded.**

**Motion by Chairman Osborne, seconded by Councilor Fischer**

**Vote: 7-0-0**

**14-127 Appoint Town Treasurer**

**Move that, in accordance with Section 9.16 of the Town Charter, for a monthly stipend of eight hundred fifty dollars (\$850.00), Allan D Virr be appointed Town Treasurer effective October 1, 2014.**

**Motion by Councilor Dimmock, seconded by Councilor Katsakiores**

**Vote: 7-0-0**

**14-128 Appoint Deputy Town Treasurer**

**Move that, in accordance with Section 9.16 of the Town Charter, for a monthly stipend of one hundred dollars (\$100.00), the Derry Town Council approves the Treasurer Allan D. Virr's appointment of Robert L. Gorham as Deputy Town Treasurer effective October 1, 2014.**

Councilor Fairbanks questioned if this was the right time to appoint the Deputy as the new Treasurer does not take effect until October 1<sup>st</sup>.

Mr. Budreau replied that he has looked at other Council appointments and this has been done ahead of time in the past.

**Motion by Councilor Fairbanks, seconded by Councilor Katsakiores**

**Vote: 6-1-0 (Councilor Cardon)**

**14-129 Authorize Derry Public Library to collect registration fees for Professional Training**

Larry Budreau explained the reason for the approval of the Council for this charge.

**Move that the Derry Town Council authorize the Derry Public Library to charge a fee of up to \$15 to each non-employee participant in a professional development program for librarians and library trustees.**

**Motion by Chairman Osborne, seconded by Councilor Katsakiores**

**Vote: 7-0-0**

**14-130 Appointment Southern NH Planning Commission**

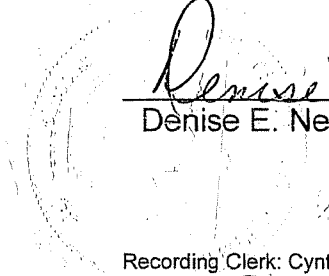
**Chairman Osborne moved to appoint Betsy Burtis as a member of the Southern NH Planning Commission – Term to expire June 30, 2016, seconded by Councilor Fairbanks 5-2-0 (Councilors Katsakiores, Dimmock)**

**Council Requests / Open Discussion**

The Councilors thanked Frank Childs for his service and wished him well on his retirement.

Reminder of Derryfest this Saturday, September 20<sup>th</sup>.

**Adjournment 9:52 p.m.**



*Denise E. Neale*  
Denise E. Neale, Town Clerk

*10/8/14*  
Date

Recording Clerk: Cynthia Messina  
Transcription by: Denise E. Neale Town Clerk  
Reviewed by: Larry Budreau, Acting Town Administrator