

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**November 5, 2013
Tuesday - 7:30 PM**

Non-Public Session

RSA 91A:3 II

RSA 91A:3 II (d) - Sealed

RSA 91A:3 II (e) - Sealed

Vote: 6-0-0

Call to order 7:30 PM

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

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

Consent Agenda

- 13-116** Approve Non-Public Minutes – Session I –
October 15, 2013
- 13-117** Approve Non-Public Minutes – Session II –
October 15, 2013
- 13-118** Approve Non-Public Minutes – Session III –
October 15, 2013
- 13-119** Approve Minutes Meeting – October 15, 2013
- 13-120** Schedule Public Hearing – November 19, 2013 –
Inter-Municipal Agreement – Spruce Pond Estates
(Nathan Road)

Accepted as written

Chairman's Report – Michael Fairbanks

- Monday, November 11, 2013 is Veterans Day. A ceremony will be held at Macgregor Park honoring all veterans. A proclamation will be read by Councilor Dimmock.
- New Hampshire Municipal Association Annual meeting will be on Thursday, November 7th and Councilor Osborn will attend representing Derry.
- A survey was sent via email regarding workforce housing. Be known that any answer will be "on behalf of the Board of Selectmen" so be aware you are stating your position for the entire Council.
- Openings on Boards and Commissions as follows: Planning Board has 1 Alternate member expiring 2014, Zoning Board has 1 Alternate member expiring 2015 and Southern NH Planning Commission has 1 Alternate expiring 2016

Town Administrator's Report – Acting Town Administrator, Larry Budreau

- There have been concerns about the CART program leaving Derry. This is not true; they are limiting service to Monday, Wednesday and Friday. There are other transportation companies available; such as "Sun Shuttle" (434-3569) and

Green Cab (432-7800) which offers vouchers.

- In regards to E911 Mapping of Derry, it will not begin for at least a year.
- CERT has 11 active volunteer members under the Bureau of Emergency Management. If anyone is interested in volunteering please call 432-6751 or email derryeoc@derrynh.org
- The tax rate has been set for 2014. The rate is \$31.49 per thousand. This is an increase of \$1.01 over last year. Bills will be issued on 11/8 and due on 12/10/13.
- Rockingham Road project is on schedule and road will reopen on 12/1/13.
- Abbott Court cleanup continues. Area will be filled in this fall and seeded in the spring.
- Councilor Dimmock noted that the pile of contaminated soil on the property will be removed by the State and that he is pleased with the efforts on the property clean up. Councilor Cardon has received complaints about the oil smell which is coming from the concrete. He questioned if the concrete will be removed. The answer is yes.
- LED streetlight – first in Derry – was installed at the Abbott Court property. If feedback is positive more will be planned.
- On 12/6/13 the DMC and Veterans Hall will be closed from 11:00 am – 2:00 pm. for the Town's annual Employee Recognition Luncheon. The Councilors are invited.

Public Forum

Open Public Forum Vote: 6-0-0

Marc Flattes, Linlew Dr – Thanked the Council for the invite to NHMA training last week. He asked the Council to consider a school/town official workshop to mend fences before the next budget session. He also questioned information regarding the website posting for Town Election candidacy information.

Claire Hayes, W Broadway – Spoke in regards to a vacant lot at 27 W. Broadway and how to get the owner to clean up the overgrown weeds as they are an eyesore. She has attempted to contact the owners herself but to no avail.

Mr. Budreau asked if it is time to resurrect the "Blight Ordinance." The Council discussed other areas that owners may need to receive a friendly letter asking their assistance on cleanup of downtown properties.

John O'Connor, Arrowhead Dr – He is a Planning Board member and stated this issue is handled by Code Enforcement. "Blight" is under the International Building Code and has been adopted by reference.

Councilor Osborne questioned whether the Town could put this section from the International Building Code into a town written form.

Richard Tripp, Windham Rd. – Urban Blight has been brought up before. He asked if the owners of the prior KFC property could also be notified.

Mark Flattes, Linlew Dr. - Asked about cleanup of Town owned property, specifically the lot next to Veterans Hall.

Councilor Dimmock explained that this lot is under litigation due to a lawsuit and cannot be touched.

Close Public Forum Vote: 6-0-0

Public Hearings –

13-111 Apply for and accept grant from the NH Highway Safety Agency for Operation Safe Commute

Chief Garone explained Operation Safe Commute.

As part of a statewide effort to reduce distracted driving, the Highway Safety Agency has offered a grant not to exceed \$5,616 for "Derry Operation Safe Commute". This grant will cover salary and expense reimbursement not to exceed 72 hours of patrols. This will have a minimal budgetary impact as all salary and attendant roll up costs are reimbursed.

Open Public Hearing- Councilors Wetherbee/Katsakiores Vote: 6-0-0

No Public Input

Close Public Hearing – Councilors Wetherbee/Katsakiores Vote: 6-0-0

Council discussion in regards to grants paid by taxpayer monies, whether officer would only be assigned to just this task.

Move that the Derry Town Council authority to Acting Town Administrator Larry Budreau to apply for and accept on behalf of the Town, grant funds associated with the NH Highway Safety project titled Derry "Operation Safe Commute" Patrols, project number 14-03,4 and to execute on behalf of the Town all contracts or documents associated.

Motion by Councilor Wetherbee, seconded by Councilor Katsakiores

Vote: 3-3 (Councilors Cardon, Osborne, Dimmock)-0 *motion failed*

Councilor Wetherbee asked what would happen to these funds.

Chief Garone stated "he would notify the State we are not accepting the grant and it would be offered to another town, hopefully in NH."

13-114 1st Public Hearing - Sale of Town Owned Parcel of Land: 13 Manchester Rd, Parcel ID #08-274

Larry Budreau explained the process for discussion and that this is the first of two public hearings required for the sale of this land, if the Council wished to sell it. The land was purchased in 2011 (former Pinkerton Tavern) to allow the widening of Route 28. The property has been marketed by Colliers International and a buyer has been identified.

Notice of sale has been sent to the Planning Board, Conservation Commission and Heritage Commission. Fiscal impact will allow the Town to further the goal of promotion of TIF District and will restore approximately \$7500 annually in tax revenue with anticipated additional revenue as the property is developed.

I move to open the first public hearing, pursuant to RSA 41:14-a (Sale of Town Owned Land) to authorize the Town Administrator to transfer 13 Manchester Road, Parcel ID 08274, and to execute any and all deeds or other documents and to accept any funds for the account of the Town of Derry as shall be required to execute these transfers.

**Motion by Councilor Wetherbee, seconded by Councilor Katsakiores
Vote: 6-0-0**

Mark Flattes, Linlew Dr. – Questioned the fact that this lot cost the Town of Derry \$722,842 and its assessed value is \$255,500. Mr. Flattes asked what the selling price is and how does the town make up the difference.

**Close Public Hearing – Councilors Dimmock/Osborne
Vote: 6-0-0**

New Business –

13-121 Group Petition – Dumpster Depot

Larry Budreau directed the Council that under Section 3.1(b) of the Derry Town Charter requires that every petition signed by at least 100 registered voters that a public hearing must be held. However he is advising the Council, as well as the Town Attorney, not to take action on this petition as it is not under their jurisdiction.

The process is to appeal the Zoning Board and then to Superior Court. This is governed by State Statue.

(Councilor Benson arrived)

Move that the Derry Town Council schedule a public hearing on the matter of the September 20, 2013 Group Petition regarding Dumpster Depot.

**Motion by Councilor Wetherbee, seconded by Councilor Katsakiores
Vote: 0-4-3 (Abstained: Wetherbee, Katsakiores and Dimmock) *Motion failed***

13-122 Initiate Search for new Town Administrator

(The Town Council may, during this discussion, elect to move in to a non-public meeting in compliance with RSA 91A:3 Section II (b) The hiring of any person as a public employee or RSA 91A:3 Section II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.)

**Motion by Councilor Wetherbee to move into Non-Public session under RSA 91A:3 II, seconded by Councilor Cardon
Vote: 4-3-0 (Cardon, Osborne, and Dimmock and did not enter into the non-public session)**

Note: When Chairman Fairbanks returned he stated this was not a non-public session as the question asked did not qualify under RSA 91A:3 II and there was not a quorum present.

Council Discussion:

Whether to hire an outside contractor to search for a new Town Administrator or to handle in house, the pros and cons and qualification of the hiring process. There was discussion on obtaining Town Council goals, Town Administrator goals and public input before the search begins. The last cost of hiring an outside search firm was \$15,000.

Council Requests / Open Discussion

Councilor Katsakiores – There is a bill in Concord introduced by Londonderry Representative Baldasaro to name the bridge in Derry after Corp. Michael Geary. She supports the Bill and will testify if required.

She commended West Running Brook Middle School on the Veteran's Breakfast held on November 4 where over 300 veterans and guests attended. There were eight WRB teachers who were recognized at veterans and gifts were presented to all veterans attending.

Councilor Wetherbee - Thanked the participants of Clean Up Week which now happens twice a year. The Rail Trail Association has their clean-up of the trail scheduled for November 9. Details are on their website.

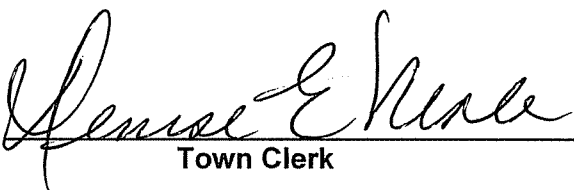
Follow up on Upper Village Hall – This needs resolution. Mr. Budreau stated the deed was conveyed so no action necessary. There were questions if deed restrictions exist? Mr. Budreau will follow-up.

Discussion on recent articles regarding the Defeo Property and Sawyer Court area. The Community wants them back on the tax rolls. Staff needs direction on what action to take on the property.

Councilor Benson - Sits on Board of Upper Village Hall and is working on their business plan. Cites their success and wonders why Opera House can't be as busy as UVH. UVH success also has positive impact on neighboring business. Perhaps UVH can meet with Derry Arts Council to share ideas at possibly a January or February meeting. Council agreed the Opera House is underutilized.

Adjournment 9:15 p.m.

Recording Clerk, Cynthia Messina
Transcription, Denise E Neale, Town Clerk
Reviewed and corrections, Larry Budreau, Acting Town Administrator


Town Clerk


Date