

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**November 19, 2013
Tuesday - 7:30 PM**

6:30 PM Consultation with legal counsel
7:25 PM Non-Public Session under RSA 91A:3 II (e) – Minutes sealed 5-0-0

Call to order: 7:35 p.m.

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

Roll Call: Councilors Katsakiores, Cardon, Osborne, Dimmock and Chairman Fairbanks
(Councilor Benson absent out of town) Wetherbee absent

Consent Agenda

- 13-123** Approve Non-Public Minutes – Session I –
November 5, 2013
- 13-124** Approve Non-Public Minutes – Session II –
November 5, 2013
- 13-125** Approve Non-Public Minutes – Session III –
November 5, 2013
- 13-126** Approve Minutes Meeting – November 5, 2013
- 13-127** Schedule Public Hearing – December 3, 2013 – Accept
Medical Reserve Corps. Grant

Consent Agenda approved with correction to #13-123 Non-Public

Chairman's Report –

December 13 Planning Board Workshop - Chairman Fairbanks would like Council to state their topics for this meeting. Mr. Granese, Planning Board Chair, has forwarded the following topics of discussion from the Planning Board:

Vision for downtown
Economic Development
Vision for Route 28S

Councilor Benson emailed the Chair these following items:

Any proposed Zoning or Re-zoning changes
Sign Ordinance
Blight Ordinance

Chairman Fairbanks:

Present & futures areas in town and the types of businesses
we would like to see
Create a list of present & future areas of development that might be
seen in the next few years

Councilor Cardon:

Economic Development – downtown
Park in the Abbott Court area

Councilor Osborne:

Zoning (what should / should not be placed in a zone)
Littering ordinance (to enact/state statute ordinance where fines can
be imposed)

Councilor Dimmock:

Rules & Regulations (when Code enforces a regulation they have
teeth to go forward)
Council should sell town owned properties (town should not be in
real estate business)

Councilor Katsakiores:

Route 28S
Standardize signage

Councilor Osborne suggested contacting the Town Attorney regarding proper
regulations on the Blight Ordinance.

Chairman Fairbanks continued with the following:

- Monday, November 15, 6-9PM - Town Council Goals Workshop will
be held in Room 207 and will be open to the public. Carl Weber from the
New Hampshire Municipal Association will facilitate the meeting. He has
forwarded the Council a worksheet to prepare before the workshop.
- Derry Rail Trail cleanup was held on Saturday November 9th by GEO
catchers.
- Chairman Fairbanks read a memo referencing an upcoming vacancy of
Derry State Representative and procedures to fill the vacant seat.
However, no action can be taken until formal resignation has been
received.
- The old Kentucky Fried Chicken property been sold and the outside has
been cleaned up.

Town Administrator's Report –

Mike Fowler, Public Works Director, gave the Council an update on the Central Street
and Abbott Court cleanup as well as the progress on the Rockingham Road Project.

Central Street parcel has been identified as part of the petroleum fund to clean up
various sites. Public Works has recently cleared out brush and debris.

Councilor Cardon asked what would be the restrictions in development of that site.

Mr. Fowler responded by stating that there are no restrictions for passive recreation. By building on this property there could be a discovery of petroleum contamination. However ground water monitoring will take place in 10-20 years.

Rockingham Road project base paving has been completed and there is still another week of work on paving of driveways and shoulders. The road should reopen at 4PM on Wednesday, November 27th.

Work will continue as needed.

**Public Forum –
Open Public Forum 5-0-0**

Marc Flattes, Linlew Dr. – Asked the Council during the December 3rd workshop with the Planning Board to consider zones where business is conducted as “Green”. He questioned the 11/25/13 Goals Workshop as to why there would be no public comment and what should residents do who would like to give input.

Nicole Bump, North High St.- Would like the Council to prohibited smoking in public places in town, especially at the playgrounds. She understands the schools have a “No Smoking” policy and would like it extended to Town Parks & Playgrounds.

John O’Connor, Arrowhead Rd – Asked the Council if they have looked at the Master Plan that was done in 2010. He corrected Council stating it is no longer called “Anti Blight” the proper term is “Property Maintenance Ordinance”. He said that Keene, NH has done this and is used as an example.

The Planning Board will hold its 2nd Public Hearing on the sign ordinance this Wednesday 11/20/13.

Kelly Martin, Bayberry Lane – All places have a designated area smoking. Her thought on the Town Administrator position is to make it an employee at will instead of having a contract. Let the compensation be based on incentives. She is concerned with the Town’s Legal expenses and asked what is being done to offset to cover the overage for this cost. The Town needs to get out of real-estate business. One area that needs cleanup is the Broadway Pets on Broadway.

Steve Trefethen, North Shore Rd. – Related some of his tax information and stated there has been a 15% increase in the last 3 years. We need to get School Budget under our town control.

Josh Borden, Village Brook Lane- gave his background as a recruiter in the health care field. It is good for the Council to start on their own looking for a replacement. He recommends by starting with word of mouth. First you have to have basics to look for; what experience and skill set, trustworthy, and what is this person’s motivation. He read an article from the Nuffield News that local food pantries are in dire need of food. He has put together a “Spin-a-thon” for hunger at the Derry Workout Club on December 17, from 10:00 to 2:00. Ride for two hours and raise money for our local food pantry’s Sunshine soup and First Baptist Church. They will also hold a Silent Auction.

Close public forum 5-0-0

Public Hearings –

13-114 2nd Public Hearing - Sale of Town Owned Parcel of Land: 13 Manchester Rd, Parcel ID #08-274

Chairman Fairbanks read into the minutes a letter from David Granese, Chairman of the Planning Board, regarding Parcel ID #08-274

The Derry Planning Board took up the request by recommendation of the proposed sale of Manchester Rd at its meeting held on 11/06/2013. The Board is in agreement with the sale of the proposed property and looks forward to the return of this property to the tax roll. A copy of the draft minutes is attached for your file.

Mr. Budreau gave a recap of the purpose of this Public Hearing as a requirement in the sale of Town Property and a brief history of how it was obtained.

I move to open the second public hearing, pursuant to RSA 41:14-a (Sale of Town Owned Land) to authorize the Town Administrator to transfer 13 Manchester Rd, 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.

Moved by Councilor Osborne, seconded by Councilor Katsakiores

Vote: 5-0-0

Marc Flattes, Linlew Dr. – Questioned the real estate cost involved in selling the property.

Kevin Gilcreast, Norton St- Is concerned about what if someone else wants to buy it. It appears that you already have a buyer and now you are asking for permission to sell from the public.

Steve Trefethen North Shore – asked if it was listed with a realtor and if it was on the MLS system.

Beverly Donovan, Colliers International – Answered that it is listed. They are a member CYBOR and do advertise in MLS, Costar, NPE publication and databases. This property has had a market analysis and engineers have looked at it. This property has a limited market. There have been verbal offers but the realtor has only received one written offer.

Richard Tripp, Windham Rd – Council should have had this meeting a long time ago. Council needs to be more proactive when wishing to sell properties.

Close the Public Hearing 5-0-0

13-120 Inter-Municipal Agreement – Spruce Pond Estates
(Nathan Road)

Mike Fowler – This is a one lot subdivision. The primary subdivision is in Windham. The new lot is located in Derry but the only way to reach it is through roads in Windham. The Town of Windham will do winter maintenance. The Town of Windham has endorsed the Inter-Municipal Agreement dated October 21, 2013.

Open Public Hearing 5-0-0

Marc Flattes, Linlew Dr. – question if this agreement was forever?
Mr. Fowler answered Section V of the agreement answers this. (Only upon the agreement between Windham and Derry Council)
There is no compensation to Windham for plowing this road.

Close Public Hearing 5-0-0

**The Derry Town Council moves to authorize the Town Administrator to enter into an inter-municipal agreement with the Town of Windham for the purposes of allowing Windham to perform winter maintenance on Nathan Road.
Motion by: Katsakiores, seconded by Cardon.**

Councilor Dimmock question if there was one lot or two that belonged to Derry because Windham and Derry's zoning laws differ.

Mr. Fowler stated he believed there was only one lot. Discussion continued.

Mr. Fowler will come back to the Council to let them know whether its two lots or one as the plan shows two lots.

Councilor Dimmock stated he does not feel Derry should be maintaining a road that does not have access from Derry.

Move to table until next meeting by Councilor Katsakiores, seconded by Councilor Dimmock.

Motion to withdraw was made by Councilors Katsakiores and Dimmock.

Move to postpone until the next Town Council Meeting on December 2nd.

Motion made by Councilor Osborne, seconded by Councilor Cardon.


Vote: 5-0-0

Council will be awaiting clarification of questions asked during discussion before voting at the next meeting.

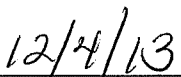
Council Requests / Open Discussion

None

Adjournment 9:25PM



Town Clerk



Date

Recording & Transcription by: Denise E Neale, Town Clerk
Reviewed by: Larry Budreau, Acting Town Administrator