

## TOWN OF DERRY

Town Council  
Derry Municipal Center

December 6 2016  
Tuesday - 7:30 PM

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

7:00 PM Non-Public Session 91A:3 II (d)

7:30 PM Call to order

**Councilor Tripp moves to seal the minutes of 91A:3 II(a) as it would render the proposed action ineffective, seconded by Councilor Katsakiores – all agreed**

**Councilor Tripp moves to seal the minutes of 91A:3 II(d) as it would render the proposed action ineffective, seconded by Councilor Katsakiores – all agreed**

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

**Roll Call:** Councilors Bourdon, Foote, Tripp, Fischer, Katsakiores, Morgan and Chairman Chirichiello

Present: TA David Caron, CFO Susan Hickey, Town Clerk Daniel Healey

### **Consent Agenda**

**16-163** Approve Minutes – November 15, 2016

**16-164** Schedule Public Hearing – January 3, 2017 – Supplemental Appropriation and Reserve on Conservation Commission Funds for 7.5 Willow Street

**16-165** Schedule Public Hearing – January 3, 2017 – Amend Chapter 30 – Building Code

**Consent agenda approved**

### **Chairman's Report – Brian Chirichiello**

There was a moment of silence for the passing of William "Bill" Zolla. Mr. Zolla was formerly on the Planning Board and the Zoning Board, was a member of the Knights of Columbus and served as a New Hampshire State Representative for 3 terms.

### **Town Administrator's Report – David Caron**

Scott McIntire for Melanson Heath discussed the recent town audit. He stated that the audit went very well and that reconciliations were done in a timely manner and on a regular basis. Melanson Heath suggested a few areas for improvement but overall the audit was clean.

CFO Susan Hickey and Accounting Manager Mark Fleischer reported on the FY 2017 financial statements for the period ending September 30, 2016. The total General Fund revenues through 9/30/16 are \$38,657,474 and the total expenditures through 9/30/16 are \$12,978,229.

### **Public Forum - \*30 Minutes\***

#### **Open Public Forum – all agreed**

Tom Moomen: East Broadway – He is part of a family law reaffirmation movement that informs citizens of their rights and how they are violated. They have workshops at C&K restaurant and

at those workshops they try to inform the public of what is available to them (title 4D). He stated that shared parenting is the focus.

Ernie St. Pierre: Sunset Ave – Agreed with Councilor Fischer to have information available and prepared when questions are asked at a meeting. He was glad to hear a clarification on the general fund balance amount. He submitted a 91A request to Town Administrator Caron and would like it if the residents had more of an opportunity to speak on certain issues.

Marc Flattes: Linlew Dr – Commented on his recent 91A requests. Questioned where the money comes from when residents file abatements.

Steve Trefethen: Windham, NH – Welcomed Dave Caron. Questioned if the sidewalks will be painted and whether or not the trees will be removed.

**Motion by Councilor Katsakiores to close public forum, seconded by Councilor Bourdon – all agreed**

### **Public Hearings**

#### **16-144 Sale of Town Tax Deeded Properties – 2nd public hearing**

Tax Collector Dawn Enwright presented the list of tax deeded properties. The Town Council received a list of five properties recommended for disposition. Per council vote on October 18<sup>th</sup>, 19 Elm Street has been removed. In addition 1 Tyler Road has been repurchased by the prior owner. The sale of tax deeded properties will generate revenue and return the properties to the tax rolls. At the last hearing the council requested the amount of taxes owed and that number has been added. 5 Mundy Lane was assessed at \$68,400 but it has been determined that it is a non-buildable lot and the assessment has decreased to \$9,100. An abutter wrote a letter of concern about 63 Drew Road's driveway and it was stated that the driveway is a class 6 road and once a road, always a road. The council discussed the new assessment on 5 Mundy Lane and determined that the previous owner would have a fair chance to buy back the property at a much lower price.

**Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Bourdon – all agreed**

**Motion by Chairman Chirichiello to close public hearing, seconded by Councilor Katsakiores – all agreed**

**Councilor Tripp MOVES to schedule a vote on the disposition of three properties (63 Drew Road, 6 Gill Road, 5 Mundy Lane) for December 20, 2016, seconded by Councilor Morgan**  
**Roll Call Vote 7-0-0**

#### **16-150 Southeast Land Trust – Letter of Understanding & Easement Agreement – Caras Property – 7.5 Willow Street**

Public Works Director Mike Fowler presented the Southeast Land Trust Letter of Understanding & Easement Agreement. In 2013, the Town of Derry had submitted a preliminary application for a matching grant program through NHDES for the purpose of watershed protection. A 63.5 acre parcel identified as 7.5 Willow Street – Parcel ID 02070, was submitted as a qualifying property. The grant was accepted which then reimburses 50% of the appraised value along with associated costs such as survey, title, legal and closing costs. The NHDES grant requires the

grantee (Town of Derry) to undertake a number of tasks in order to comply with the requirements of the grant program. On June 21, 2016, Derry Town Council appropriated \$740,000 for the purpose of purchasing the subject property and fulfilling all other related land acquisition requirements.

**Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Tripp – all agreed**

**Motion by Chairman Chirichiello to close public hearing, seconded by Councilor Katsakiores – all agreed**

**Councilor Tripp MOVES that the Derry Town Council enter into an agreement with Southeast Land Trust for the purpose of granting a perpetual stewardship easement on Parcel ID 02070 – 7.5 Willow Street, a parcel which the Town of Derry has entered into a Purchase and Sales agreement the Town Council further moves to accept the financial terms of the stewardship agreement which includes a commitment to a maximum expenditure of \$33,850, to be funded through our existing appropriation approved on June 21, 2016, seconded by Councilor Bourdon  
Roll Call Vote 7-0-0**

**16-166 Sewer Commissioners:** Approval of sewer use rate increase from \$2.98 per 100 cubic feet to \$3.23 per 100 cubic feet

Public Works Director Mike Fowler and Deputy Public Works Director Tom Carrier presented the Sewer User Rate Adjustment. The DPW will be reconstructing Brady Ave. in 2017. Pennichuck Water Works will be replacing and upgrading their water mains prior to the roadwork. Properties on Brady Ave. are serviced by individual on-site septic systems, most of which are over 40 years old. Brady Ave. is an area identified in the Town's Sewer Master Plan as in need of public sewer. A survey of the residents indicated that over 50% of the abutters were in favor of having public sewer service.

**Motion by Councilor Morgan to open public hearing, seconded by Councilor Katsakiores – all agreed**

**Councilor Foote MOVES that the Derry Town Council go in as sewer commissioners, seconded by Councilor Katsakiores – all agreed**

**Councilor Tripp MOVES that the Derry Town Council, acting as the Sewer Commissioners, moves to amend the Derry Sewer Use Ordinance rates by increasing the Municipal Retail Sewer Rates from \$2.98 to \$3.23 per 100 cubic feet effective on all sewer usage billed on or after March 1, 2017, seconded by Councilor Fischer  
Roll Call Vote 7-0-0**

**16-167 Sewer Commissioners:** Approval of Brady Avenue Sewer Extension – \$487,000 Supplemental Appropriation

Public Works Director Mike Fowler and Deputy Public Works Director Tom Carrier presented the Route 28 Water & Sewer Improvements. The Derry Sewer Facilities Plan identifies the area known as Sunset Acres/Maple Hills as in need of public sewer due to the density of the residential development, the age of the existing septic systems and the nature of the soils in the area not being suited to properly support new septic systems. This area includes Brady Ave. which is located just off of Rockingham Rd. The DPW will be reconstructing Brady Ave. in 2017.

Pennichuck Water Works will be replacing and upgrading their water mains prior to the roadwork. At the Council's 11/1/2016 meeting, they directed a survey of the residents to assess their support for public sewer service. Of the 37 responses received, 72% were in favor.

Philip Clark: Brady Ave – Stated that it is a good deal but the price increase is not accurate. It would be an additional \$300 for him, not \$40 since he is currently not on town water. Asked if there would be meter readings for water.

Joe Spellissy: Brady Ave – Had to replace his septic pump before and says this is a good cost. Asked if he could essentially buy half and just get the hook up and was told yes.

Jacqueline Areson: Brady Ave – Asked where the connection will be in front of the house and was told that they will meet with the residents.

Kathy Gifford: Brady Ave – Thrilled with the sewer and says that it will increase property values and resale. She is currently seeing signs of failing in her current system and says this is a bargain.

Paul Ford: Brady Ave – Appreciates Tom Carrier.

Laura Fisher: Brady Ave – Asked about a water meter on a well line and the well radius. She was told the design would be done by the contractor. Was concerned about ledges and the price range of \$3,000 - \$5,000.

Alfred Emerson: Brady Ave – Asked about what happens with leach fields.

**Motion by Chairman Chirichiello to close public hearing, seconded by Councilor Katsakiores – all agreed**

Councilor Morgan suggests a shared cost program divided by the totals. If someone has a pool or irrigation system, deduction meters will be installed.

**Councilor Tripp MOVES that the Derry Town Council approve the extension of public sewer to Brady Ave [Read the resolution], seconded by Councilor Katsakiores  
Roll Call Vote 7-0-0**

**Councilor Bourdon MOVES that the Derry Town Council retire as sewer commissioners and resume their role as Town Councilors, seconded by Councilor Foote – all agreed**

#### **New Business**

**16-168 ZBA – Rescind Appointment**

**Motion by Chairman Chirichiello to rescind the appointment of Dana Naurez, alternate member of the Zoning Board of Adjustment, seconded by Councilor Fischer – all agreed**

**16-169 ZBA – Accept Resignation**

**Motion by Chairman Chirichiello to accept the resignation of Zoning Board Member Teresa Hampton, seconded by Councilor Morgan – all agreed**

**16-170 Appointment – Zoning Board of Adjustment**

**Chairman Chirichiello MOVES to appoint Donald Burgess as a member of the Zoning Board of Adjustment for a term to expire March 31, 2017, seconded by Councilor Morgan – all agreed**

**16-171 Appointment to Economic Development Advisory Committee**

**Chairman Chirichiello MOVES to appoint Paul Needham as an alternate member of the Economic Development Committee for a 3 year term to expire March 31, 2019, seconded by Councilor Katsakiores – all agreed**

**16-172 Approval of Non-Represented Personnel Policy**

The current policy states that, "The Town reserves the right to amend, modify, suspend or discontinue any or all of these policies or adopt new policies as they may apply to current and future employees." After careful review, the Council has decided to amend and modify the former Non-Represented Employees Personnel Policy with this revised policy.

**Councilor Fischer MOVES that the Derry Town Council adopt the revised Non-Represented Employees Personnel Policy as presented, seconded by Councilor Bourdon Roll Call Vote 6-1-0 (Councilor Foote)**

**16-173 Approval of Memorandum of Agreement – NHDOT – Frost/Old Stage Coach Scenic Byway Guide Signs**

Planning Assistant Elizabeth Robidoux and Margie Ives presented the Robert Frost/Old Stage Coach Scenic Byway – Memorandum of Agreement. The Robert Frost/Old Stagecoach Scenic Byway connects the towns of Atkinson, Hampstead, Chester, Auburn, and Derry, and is designed to celebrate and interpret the historic Boston-Haverhill-Concord Stage Couch route that followed what is today NH Route 121; as well as the New England landscape featured in much of Robert Frost's work, including the settings of some of his most famous poems. The Byway highlights the numerous historic sites, scenic views, outdoor recreational opportunities, and other attractions that the region has to offer – raising awareness among local residents and promoting visitation for economic development. It is anticipated visitors traveling the Byway will take advantage of Derry's restaurants and shops, providing an economic benefit to the community.

**Councilor Morgan MOVES that the Derry Town Council approve a memorandum of agreement with the New Hampshire Department of Transportation for the purpose of installing and maintaining signage related to the Robert Frost/Old Coach Scenic Byway with NHDOT rights-of-way. Further, the Derry Town Council authorizes Dave Caron, Town Administrator, to sign the document on behalf of the Town of Derry, seconded by Councilor Bourdon – all agreed**

**16-174 Establish Committee – Alan Shepard**

Councilors Bourdon and Katsakiores will be on the Alan Shepard Committee along with Thomas Cardon. They will have a report and get back to the council. Councilor Fischer would like the committee to touch base with the Alan Shepard family and get their input.

**Council Requests / Open Discussion**

Councilor Tripp – Would like a red line format for any changes done to Chapter 30. In August he had asked about the ambulance hardship committee and he would like to know the purpose, terms, and who has the authority. Would also like the boards and committees report.

**Councilor Foote MOVES that the Derry Town Council extend the meeting for 10 minutes, seconded by Councilor Morgan**

Councilor Fischer – Would like to welcome Dave Caron. Suggests appointing a sub-committee for performance evaluation and having a workshop to work effectively.

Councilor Morgan – Suggests returning to resolution numbers. Stated that there was a resignation on the EDAC. Asked about snow removal downtown on the sidewalks. Would like the IT department to help out with a module for the EDAC and asked if it could be accelerated.

Councilor Katsakiores – Saint Thomas is celebrating their 100<sup>th</sup> anniversary and she would like a proclamation to send to them. On December 7<sup>th</sup>, the legislatures will be sworn in.

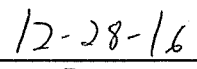
Councilor Foote – Welcomed Dave Caron and congratulated the Derry Fire Department new personnel. Said that there was a good turnout at the Derry Holiday parade. Stated that there are still openings at the Taylor Library for polar express and said that the library is open on Sundays. Reminded everyone about the Festival of Trees.

Councilor Bourdon – Welcomed Dave Caron.

Chairman Chirichiello – Welcomed Dave Caron and thanked Mike Fowler.

**Adjournment: 10:10 p.m.**

  
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Town Clerk

  
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Date

**Recording & Transcription by: Daniel Healey, Town Clerk**