

## TOWN OF DERRY

Town Council  
Derry Municipal Center

January 16 2018  
Tuesday - 6:30 PM

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6:00 PM	Non-Public Session 91A:3 II (d)
	Non-Public Session 91A:3 II (e)
6:30 PM	Call to order – Moderator’s Workshop – Mary Till

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Town Moderator Mary Till discussed the following issues related to elections in the Town of Derry:

- Role of Town Councilors
- Chain of Custody issues
- Counting blank ballots
- Certification of checklist
- Reconciliation of cast and uncast ballots with voters checked on checklist
- Packing up and sealing ballots and transporting ballots and other election materials to Moderator
- Delivery of sealed ballots and election materials to Town Clerk at Municipal Center
- Fresh counters to help with reconciliation after polls close
- Deconstruction of polling place
- Wearing of Campaign Paraphernalia

**Councilor Tripp moves to leave non-public session, seconded by Councilor Wetherbee – all agreed**

**Councilor Tripp moves to seal RSA 91A:3 II (d)(e), seconded by Councilor Katsakiores – 6-1-0 (Councilor Chirichiello)**

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

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

Present: TA David Caron, Town Clerk Daniel Healey, Town Moderator Mary Till

### **Consent Agenda**

**18-05** Approve Non-Public Minutes – January 2, 2018 – **minutes sealed**

**18-06** Approve Minutes – January 2, 2018

**Consent agenda approved**

### **Chairman’s Report – Joshua Bourdon**

The Superior Court ruled in favor of the Derry Zoning Board in the case of Town of Derry v. Derry Zoning Board of Adjustment. The Derry Town Council is appealing this decision to the Supreme Court in a 4-3 vote. Councilor Morgan discussed House Bill 413 which relates to the State of New Hampshire 15% Contribution to Retirements all groups. This bill would have returned over 1 million dollars to the taxpayers of Derry. He would like the 10 Derry State Representatives to support this bill when it comes back up for reconsideration in February.

Councilor Morgan would like Derry to look into forming a Derry Legislative and Municipal Commission as an exploratory committee. The group could focus on bills that would benefit the town.

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

CFO Susan Hickey gave a presentation on the FY 2018 Financial Information for the period ending December 31, 2017. December 31<sup>st</sup> is 50% through the fiscal year. General fund revenue and expenditures are at 50% and 55% respectfully. Cable revenues and expenditures are at 22% and 31% respectively. Water revenue and expenditures are at 82% and 82% respectively. Wastewater revenue and expenditures are at 46% and 40% respectively. Previous year 2<sup>nd</sup> quarter revenues were at 47%. Previous years 2<sup>nd</sup> quarter expenditures were at 46%.

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

**Open Public Forum – all agreed**

Marc Flattes: Linlew Dr – Complimented Councilor Morgan for his efforts on House Bill 413 and his idea for an exploratory committee.

Steve Trefethen: Windham, NH – Discussed the letter Councilor Morgan wrote and was told that the reconsideration on HB 413 would take place in February. Stated that Chairman Bourdon has come up with some creative ideas to save the taxpayers money. He would like the Town to do a better job removing the snow on Broadway.

Donald Burgess: High St – He thought the election workshop was a good idea but noticed not everyone that spoke used the microphone. A paper weighing machine for ballots is an excellent idea if it can distinguish between different types of paper. Pinkerton Academy as a polling place was terrible. The letter signs when checking in to vote need to be higher. There is a mobile home parked at 19 Elm Street and he would like the Town to look into that.

Neil Hitter: Island Pond Rd – Discussed his experience trying to stop the Island Pond storage units from going in near his property.

Randall Kelley: Hardy Ct – He is on the advisory board for the Salvation Army and they have made \$7,000 over their budgeted profit. Voting should be kept at the same places and for Federal elections the schools should be closed. Other towns using the transfer station has been blown out of proportion. The Department of Public Works has done an excellent job with clearing the roads after snow storms. Curb side trash pickup is a bad idea. There should be a Zoning Board town council liaison. There was a good turnout of town councilors at the School Board meetings. He would like the legislatures to vote to abolish the SAU.

Gail Hitter: Island Pond Rd – Thanked Councilor Foote for informing her about updates and advocating against the proposed storage units on Island Pond Road.

Margie Ives: Field Rd – Would like the Council to try and have more dialogue with Pinkerton Academy.

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

**Councilor Wetherbee, point of order to have the Committee reports before the public hearing**

**New Business**

**18-07** Conservation Commission Report to Town Council - *Paul Dionne, Chairman*

- Selected timber harvest at the Albert Doolittle Conservation area for habitat improvement
- Enhanced visibility on the Town website
- Expanding our Land Stewardship program
- Improve sign placement and visibility at conservation lands
- Increase volunteer list to assist in trail maintenance of conservation lands
- Continue our support of "Go Green"; Conservation Commission and Go Green participation at Derryfest.

**18-08** Energy/Environmental Advisory Committee Report to Town Council - *Maureen Reno and Marc Flattes, Chair and Vice Chair*

- Provide guidance to the Net Zero Task Force regarding building energy use, and the financial and site feasibility of solar power projects.
- Participated in the vendor selection process and provided testimony in support of installing solar power at Derry's new transfer station.
- Continued with our public education and public outreach campaigns.
- Continue to advise and support town staff on projects to reduce energy costs and tax payer monies, while helping the town identify new cost saving projects in future budget years.
- Work with Net Zero Task Force on its goal to consume the amount of energy that is produced by 2025 through advising the task force on-energy use benchmarking, proposing energy efficiency and renewable energy projects, and researching federal and state funding opportunities.

The Jr. Solar Sprint competition will take place on Saturday in June.

**18-09** Net Zero Task Force Report to Town Council – *Jeffrey Moulton, Chair*

- Recent Town Council approval for Solar Panels to be installed at the Transfer Station
- Electric Vehicle Charging Stations at the Municipal Center – on tonight's agenda
- Working on getting the Municipal Building energy star certification

**18-10** Zoning Board of Adjustment Report to Town Council – *Lynn Perkins, Chair*

- The Zoning Board of Adjustment meets on the first and second Thursday of each month, provided grievance's or cases are filed.
- The board has not had to meet in a month and may have a void in cases for 6 weeks - this is not uncommon.
- The Zoning Board of Adjustment presides over conflicts from established local ordinances for variances, equitable waivers, lot line adjustments, special exceptions and administrative appeals.

- This last year, the new ADU Law came into effect from the state - no cases have come to the Zoning Board of Adjustment, coming under that law since becoming active In July of 2017. There are currently no new state laws to anticipate preempting the local town ordinances.
- The members of the board are made up of 5 primary members and up to 5 alternates by statute.

Mr. Perkins discussed a resident's concerns that were brought up during public forum and the Zoning Boards reasoning for allowing or rejecting certain variances.

## **Public Hearing**

### **18-03 Resolution #2018-002 -To Accept a Gift from Tesla Corporation for the Installation of Electric Vehicle Charging Stations**

Director of Public Works Mike Fowler presented the Gift from Tesla Corporation. A presentation was made to the Net Zero Task Force Committee in which Tesla has established a grant/partnership program which will cover the cost of the Electric Vehicle charging units, with the customer required to cover a share of the installation cost. The target location for the new Electric Vehicle Charging Stations would be in the back row of the Derry Municipal Center parking lot, where there is an existing feed, meter and pedestal installed several years ago to support the Farmer's Market when it was located at McAllister Court. There would be two pedestals housing four charging units (three Tesla and one Clipper Creek- all makes). Tesla would provide the hardware for the four charger units at no cost to the Town with an estimated value of \$4,000. Tesla is also subsidizing \$6,000 of the \$8,377 installation cost provided by their local partner, Revision Energy. Derry would be responsible for \$2,377, representing a reduced installation cost. Based on feedback from the City of Portsmouth's experience, Derry should expect to spend \$1,000 - \$1,500 annual electricity supply cost. Some municipalities and public transport agencies charge a fee for access, usually tiered to incentivize the user to open the space after their vehicle has achieved full charge. The general public would be allowed to park and plug into the EV charging units at no cost initially. The Town Council could consider fees in the future, depending on actual use.

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

Steve Trefethen: Windham, NH – Questioned if the electricity had any chances of harming someone using it.

Randall Kelley: Hardy Ct – Asked if 3 out of the 4 charging stations were exclusive for Tesla and said the money would be better spent on non-Tesla charging stations.

Jeff Moulton: Taylor Brook Ln – To change the charging stations to be compatible with more vehicles, there is a \$200 cable. It is universal and aftermarket.

### **Councilor Bourdon moves to extend the meeting by 10 minutes, seconded by Councilor Foote – all agreed**

Marc Flattes: Linlew Dr – Would like the council to ask Tesla for 2 non-Tesla charging stations and 2 Tesla charging stations.

Donald Burgess: High St – Would like to see the adapter purchased and added.

**Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Foote – all agreed**

**Councilor Foote moves to extend the meeting by 10 minutes, seconded by Councilor Morgan – all agreed**

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-002, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

#### **New Business**

**18-11** Resolution #2018-004-To Schedule a Non-Binding Referendum Pursuant to Section 3.4 of the Town Charter

Town Administrator David Caron presented the Non-Binding Referendum. The Council has had discussions recently regarding Derry's form of government and whether the School District should be absorbed into the municipal structure, which would then subject the school department to the voter-approved tax cap. It is recommended that the Town Council place the matter before the voters as a non-binding referendum.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-004, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**Councilor Wetherbee moves to suspend the rules, second by Councilor Foote – all agreed**

**18-12** Resolution #2018-005 -To Participate in the Age-Friendly Initiative Coordinated by the Southern New Hampshire Planning Commission

Town Administrator David Caron presented the Age-Friendly Initiative. The Southern New Hampshire Planning Commission in 2016 received funding from the Tufts Health Plan Foundation, AARP, and the NHDOT to initiate the Becoming Age-Friendly Community Program and conduct a community assessment as part of Phase I of the program. As part of the Phase II Pilot Program the goal of this phase is for the SNHPC staff to work with Community leaders, moving forward from assessment into strategic planning, and developing recommendations for communities to become age-friendly. The SNHPC is encouraging communities to submit a letter of interest to participate as a Pilot Community by January 19, 2018. It is recommended that the Town Council submit a letter of interest to the SNHPC to participate as a Pilot Program Community.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-005, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-1-0 (Councilor Wetherbee)**

**Resolution attached**

**18-13 Resolution #2018-006 -To Retain Tax Deeded Property for Public Use**

Town Administrator David Caron presented retaining Tax Deeded Property for Public Use. Pursuant to RSA 80:42-a, state statutes allow the Town Council to retain ownership of certain properties acquired by tax deed for public use. As the Town attempts to cull the number of properties by tax deed and not returned to the tax rolls, staff recognizes that certain properties appear on the list each year and are in fact serving some public purpose. Formally retaining these properties for public use by Council action will remove these properties from the disposal list and transfer stewardship to the appropriate department in need of that particular asset. The property proposed for retention is located at 45 Hunter Drive and borders the East Derry Memorial Elementary School to the south and east of the subject property. The 8.8 acre parcel is irregularly configured and is best utilized for an additional buffer for the School District along with potential use as ancillary recreation and nature areas.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-006, which reads as follows [Read the Resolution], seconded by Councilor Tripp**

**Roll Call Vote: 7-0-0**

**Resolution attached**

**Councilor Comments / Liaison Reports –**

**Adjournment: 10:30 p.m.**

  
\_\_\_\_\_  
Town Clerk

2-14-18  
\_\_\_\_\_  
Date

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





## RESOLUTION

Number 2018-002

To Accept a Gift from Tesla Corporation for the Installation of EV  
Charging Stations

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from private sources; and

WHEREAS, in continued support of economic development initiatives, the Council approved an FY 18 Action Item supporting the installation of Electric Vehicle Charging Stations in the Downtown; and

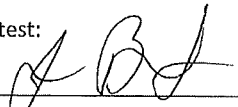
WHEREAS, Tesla Corp. is providing incentive funding to install these devices, in a location on McAllister Court where an ample power source is current available;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept funding from Tesla Corp., which is anticipated to exceed \$10,000 in value, with the Town providing \$2,377 from existing appropriations to complete the project.

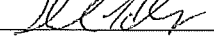
This Resolution shall take effect immediately upon its passage.

Adopted: January 16, 2018

Attest:

x   
Josh Bourdon, Council Chair

Date: 1/16/18

x   
Daniel Healey, Town Clerk

Date: 1/16/18

Archival Ref: TC agenda item #18-03





## RESOLUTION

Number 2018-004

To Schedule a Non-Binding Referendum Vote Pursuant to  
Section 3.4 of the Town Charter – Inclusion of the School District  
under the Town Charter

WHEREAS, Section 3.4 of the Town Charter authorizes the Town Council to submit any proposed measure to a vote of the Town; and

WHEREAS, Councilors have received feedback from citizens advocating that the School District be included under the Town Charter and thus subject to the voter-approved tax cap; and

WHEREAS, said change would ultimately require State Legislative approval as well as an amendment to the Derry Town Charter; and

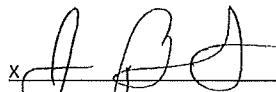
WHEREAS, the Council supports placing a non-binding referendum before the voters to gauge citizen interest;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that a question shall be placed before the voters at the March 13, 2018 municipal election, worded as follows: "Non-binding question: Are you in favor of petitioning the State Legislature to obtain authorization to include the School District as a department of the Town, and if so authorized, seek Derry voter approval through an amendment to the Town Charter? Passage would result in the requirement that the school department comply with the voter-approved tax cap."

This Resolution shall take effect immediately upon its passage.

Adopted: January 16, 2018

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 1/16/18

x   
Daniel Healey, Town Clerk  
Date: 1/16/18

Archival Ref: TC agenda Item #18-11



## RESOLUTION

Number 2018-005

To Authorize Participation in the Age-Friendly Program Coordinated by the  
Southern NH Planning Commission

WHEREAS, the Town Council pursuant to Section 5.1 of the Town Charter is the governing and legislative body of the town; and

WHEREAS, state statutes require the Planning Board to develop and periodically update a Master Plan to guide the orderly development of the community; and

WHEREAS, Derry's population is aging, and older residents would benefit from planning and consideration of their unique needs; and

WHEREAS, by participating in the Age-Friendly Program as coordinated by SNHPC, the Town is presented with an opportunity to dedicate resources to identify the needs of this population group, with this information incorporated into the updated Master Plan;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to submit a Letter of Interest to SNHPC to serve as a pilot community under the Age-Friendly Program, to direct staff to collaborate on this project, and to take other actions as necessary to participate in this program.

This Resolution shall take effect immediately upon its passage.

Adopted: January 16, 2018

Attest:

x

Joshua Bourdon, Council Chair

Date: 1/16/18

x

Daniel Healey, Town Clerk

Date: 1/16/18

Archival Ref: Agenda Item #18-12



## RESOLUTION

Number 2018-006

To Retain Tax Deeded Property for Public Use

WHEREAS, Article 5 of the Town's Administrative Code sets forth the procedure to dispose of tax-deeded properties; and

WHEREAS, the Tax Collector has complied with said procedures in addition to complying with RSA 80:80, the controlling state statute; and

WHEREAS, the Town Council may retain tax deeded property for public use pursuant to RSA 80:42-a; and

WHEREAS, the Council believes that retention of this property is in the best interest of the Town of Derry;

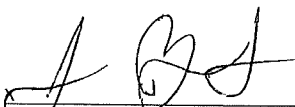
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, that the following property, acquired by tax collector's deed, shall be retained for public use as follows:


Location	Public Use
45 Hunter Drive	Additional Land available to the Derry Cooperative School District for future recreation, environmental or other related needs.

This Resolution shall take effect immediately upon its passage.

Adopted: January 16, 2018

Attest:

  
Joshua Bourdon, Council Chair  
Date: 1/16/18

x   
Daniel Healey, Town Clerk  
Date: 1/16/18

Archival Ref: TC agenda Item #18-013