

TOWN OF DERRY

Town Council
Derry Municipal Center

January 28, 2020
Tuesday - 7:00 PM

6:30 PM Non-Public Session – RSA 91A:3 II (e)
7:00 PM Call to order

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

Councilor Tripp moves to seal RSA 91A:3 II (e), seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

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

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

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

No one from the public spoke.

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

Consent Agenda

20-04 Approve Non-Public Minutes – January 7, 2020 – **Minutes sealed**

20-05 Approve Minutes – January 7, 2020

20-06 Resolution #2020-003 – Appointment of Acting Town Administrator

Consent agenda approved

Chairman's Report – Neil Wetherbee

James Degnan, Chair of the Conservation Commission gave a report on the Commission. One off the main projects the commission has been working on is trying to get all the trails and conservation areas labeled appropriately to better inform people where the areas in town are.

John O'Connor, Chair of the Planning Board gave a report on the board. Over the past year they have approved 68,896 square feet of new commercial space and 34,800 square feet of commercial redevelopment. They have approved the creation of two new commercial lots and approved the creation of 21 new single-family house lots and a 30-unit independent adult community. FY2019 approvals resulted in a net gain of \$949,100.00 in appraised value for the Town of Derry. The board held 21 meetings and 23 workshops.

Lynn Perkins, Chair of the Zoning Board gave a report on the board. Variances were the most abundant type of cases which the board presided over with 31 requests. Of the 31 cases, 3 were withdrawn. The board had 1 request for rehearing from a case that carried over from the

prior fiscal year. The board also heard 3 special exceptions and 1 equitable waiver case during the year. The Zoning board of adjustment may also hear lot line adjustments and administrative appeals.

Chairman Wetherbee moves to appoint Lauren Neves as an alternate member of the Economic Development Advisory Committee for a term to expire March 31, 2020, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Town Administrator's Report – David Caron

Accounting Manager Mark Fleischer presented the second quarter financial report to the council. Revenues are trending at 55% and expenditures are trending at 56%.

There have been concerns from potential redevelopers on the prior contamination at 19 Elm Street. Currently the property is in Phase 1 of a remediation plan with a proposer. A consultant will be onboard in late March/early April. A remediation grant may be obtained from Brownfield. There were 35 applicants for the Parks and Recreation Director position. Interviews are ongoing and a candidate should be chosen by mid-March. There is new audio in the 3rd floor meeting room. A public hearing on the Master Plan has been scheduled for the February 5th Planning Board meeting. The UNH facilities recommendation will be presented at the February 18th Town Council meeting. The finalized draft CIP plan from the Planning Board is available online or at the Municipal Center.

The Town is required by state law to reevaluate property every 5 years. The next revaluation is scheduled for FY2020. The Town Administrator recommends that the council formalize FY2020 as their base year with a resolution.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-004, which reads as follows [Read the Resolution], seconded by Councilor Tripp
Roll Call Vote: 7-0-0
Resolution attached

Public Hearings –

20-02 Ordinance #2020-001 – Sports Retail Betting – Planning Director George Sioras & Planning Assistant Elizabeth Robidoux

The State Legislature recently authorized sports betting in New Hampshire. Licenses will be granted by the state to up to 10 sports book retail locations and 5 mobile sports wagering platforms throughout the State. The retail establishments will be operated by the private sector, but local voter approval is required in order to allow the Lottery Commission the ability to issue a license within the community. At its meeting on September 17, 2019 the Town Council requested the Planning Board, Planning Department staff and the Economic Development Office to review zoning districts in the Town of Derry where this type of use could be located. Staff had provided the Town Council with a recommendation. There was a good discussion with regard to the merits of locating the use within certain zones. The Town Council asked the Planning Board to consider adding Sports Betting as a permitted use in certain zones and to

exclude the Central Business District and any residential zone.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2020-001, which reads as follows [*Read the Ordinance*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Ordinance attached

New Business –

20-07 Resolution #2020-002 – Apply for and accept grant funding related to Household Hazardous Waste Collection – *Environmental Engineer Craig Durrett*

The Town has access to various grant funds from the New Hampshire Department of Environmental Services for environmental programs within the Town. In the past, grants have been received for Landfill Closure, Household Hazardous Waste Collection Day, Watershed Assessment, improvements to the Town's Recycling Center and Do it Yourself Used Oil Collection Center, and Municipal Sewer Improvement Projects. Section 9.15 of the Town Charter authorizes the Town Council to apply for and accept State Federal and other governmental grants. NHDES requires such grant applications and contract agreements be signed by an authorized official of the Town and that the Town execute a Certificate of Authorization stating that the official, by vote of the Town Council, is authorized to sign such grant agreements on behalf of the Town. In order to proceed with this process NHDES requires that 1) an HHW Collection Grant application be signed by an authorized official of the Town be submitted, 2) upon approval of the application, a Contract Agreement be executed by the authorized official of the Town, 3) the authorized official be granted such authorizations by vote of the Council, 4) the Town authorize by vote of the Council to apply for and enter into an agreement with NHDES to hold a HHW collection event in FY21, and 5) the above authorizations be certified.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-002, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Resolution attached

20-08 Resolution #2020-005 – Acceptance of a Wellness Grant – *Planning Assistant Elizabeth Robidoux*

The Town of Derry continues to participate in HealthTrust's Wellness Coordinator Program. This year, HealthTrust awarded a Coordinator Grant in the amount of \$1,000.00 to be spent on programs that raise awareness of physical activity, social, physical and mental health of the employees and their families. During the 2019 plan year, the grant was expended for various

programs such as Wellness Bingo, Healthy Selfie, Yoga (offered at Town Hall after hours), and on water bottles and T shirts provided to employees who participated in the Take 5 for Balance and Couch to 5K programs. The specific use of the \$1,000.00 award is determined by the Wellness Coordinators and is typically used to fund any expenses of the programs and initiatives. The programs provided by the Wellness Coordinators, under the auspices of this grant are available to all employees of the Town of Derry and not just those who are enrolled in the town's insurance program.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-005, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Resolution attached

20-09 Resolution #2020-006 – Acceptance of a NHDES Grant for Milfoil Treatment – *Town Administrator Dave Caron*

20-10 Resolution #2020-007 – Acceptance of funds from Beaver Lake Improvement Association for Milfoil Treatment – *Town Administrator Dave Caron*

Milfoil is an invasive species which has infiltrated Beaver Lake. FY 20 was the first year in which the Town Council voted to appropriate funds to assist with the control and future eradication of the plants. Previous to that date, BLIA exclusively assumed this responsibility, with grant assistance from the State Department of Environmental Services. The Council, recognizing both the financial burden upon a private organization preserving a public body of water, and the potential adverse impact upon property values should milfoil not be controlled, earmarked approximately \$6,600 in FY 20. The Beaver Lake Improvement Association Board of Directors met this week to discuss the approach for this year and agreed to continue paying \$3,000. For the herbicide treatment the cost to the Town would be slightly less than last year at \$6,257 versus \$6,585 in 2019. The grant for FY 21 was increased to provide additional treatment options.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-006, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-007, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments

Councilor Tripp – He is the liaison for the Derry Public Library and announced that Cara Potter is relocating to Ohio to accept a position as a County Library Director. There will be a farewell for her Thursday January 30th from 2pm to 4pm at the library.

Councilor Morgan – Requests that the March 17th meeting be moved to March 24th, no other councilor had any objections or conflicts.

Councilor Chirichiello – The Supervisors of the Checklist will hold a session to register voters on Tuesday February 5th from 6pm to 8pm in their office at the Derry Municipal Center. It will be the last chance to register before the Presidential Primary, but residents may register the day of the election. The filing period for the Town and School Election is ongoing. Candidates for Town positions may file with the Town Clerk and candidates for school positions may file with the Superintendent of schools up until 5pm on Friday January 31st.

Councilor Wetherbee – Requests that staff review the requirements for the Elderly Tax exemption.

Adjournment: 8:45 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

2-5-2020

Date



RESOLUTION

Number 2020-004

To Authorize a Joint Petition with the Department of Revenue
Administration to the Board of Tax and Land Appeals

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and

WHEREAS, the Town is currently performing a revaluation of all property in the Town; and

WHEREAS, this revaluation as being completed will adjust the schedule whereby the Town is required to complete a periodic revaluation pursuant to RSA 75:8-a; and

WHEREAS, all parties recognize the benefit of having this revaluation monitored and approved;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to file a Joint Petition with the State Department of Revenue Administration to the State of New Hampshire Board of Tax and Land Appeals certifying the 2020 revaluation.

This Resolution shall take effect immediately upon its passage.

Adopted: January 28, 2020

Attest:

X _____

Neil Wetherbee, Council Chair

Date: _____

X  _____

Daniel Healey, Town Clerk

Date: 1/30/2020

Archival Ref: Town Administrator's Report – January 28, 2020



RESOLUTION

Number 2020-003

To Appoint an Acting Town Administrator for a Specific Period of Time

WHEREAS, the Section 8.5 of the Town Charter requires that the Town Council appoint a person to act in the absence of the Town Administrator; and

WHEREAS, the Town Administrator will be absent from the town for a period of time and unavailable to perform certain duties; and

WHEREAS, competent existing professional staff is experienced in the role of Acting Town Administrator and is available to serve in that capacity; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Fire Chief, Mike Gagnon, is hereby appointed as Acting Town Administrator to serve in that capacity from Wednesday, February 5, 2020 through Tuesday, February 11, 2020; and

BE IT FURTHER RESOLVED that Mr. Gagnon's exercise of the authority of the Town Administrator shall be limited to those duties of a general management and ministerial nature, and any duties required of him to address emergencies.

This Resolution shall take effect immediately upon its passage.


Adopted: January 28, 2020

Attest:

x 

Neil Wetherbee, Council Chair

Date: 1-28-2020

x 

Daniel Healey, Town Clerk

Date: 1-28-2020

Archival Ref: TC agenda item #20-06



ORDINANCE

Number 2020-001

Amend Various Articles in the Zoning Ordinance to allow

Sports Betting Retail Locations

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, the State Legislature authorized up to ten sports betting retail locations throughout the State, and

WHEREAS, the Legislature further requires local approval to allow vendors to offer sports betting retail within the community; and

WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows:

To AMEND Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions relating to Sports Wagering, and to AMEND Article IV, District, Section 165-32, General Commercial, Section 165-32.3, General Commercial IV, and Section 165-42, Industrial IV District to amend the list of permitted uses.

This Ordinance shall take effect thirty days after its adoption.

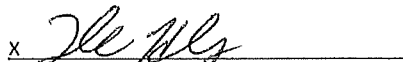
Adopted: January 28, 2020

Attest:

x 

Neil F. Wetherbee, Council Chair

Date: 1-28-2020

x 

Daniel Healey, Town Clerk

Date: 1-28-2020

Archival Ref: Agenda Item #20-02



RESOLUTION

Number 2020-002

To Apply for and Accept Grant Funding Related to Household
Hazardous Waste Collection

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

WHEREAS, the Town annually has hosted a Household Hazardous Waste Collection Day to provide residents with a convenient and safe method by which to dispose of household hazardous waste; and

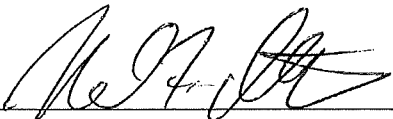
WHEREAS, matching grant funding from the NH Department of Environment Services is available to the Town to help defray expenses associated with this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with NHDES for up to \$5,646 in matching funds and further authorize the Town to hold a Household Hazardous Waste Collection event in Spring, 2021.

This Resolution shall take effect immediately upon its passage.

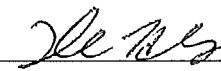
Adopted: January 28, 2020

Attest:

x 

Neil Wetherbee, Council Chair

Date: 1-28-2020

x 

Daniel Healey, Town Clerk

Date: 1-28-2020

Archival Ref: TC agenda Item #20-07



RESOLUTION

Number 2020-005

To Apply for and Accept Wellness Grant Funding from Health Trust

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

WHEREAS, the Town annually has participated in HealthTrust's Wellness Coordinator Program to raise awareness of physical activity, social, and mental health of Town employees and their families; and

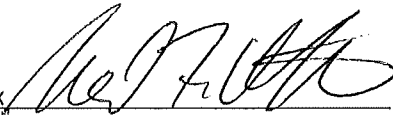
WHEREAS, these grants funds will be used to promote and fund activities designed to maintain and enhance the health of the Town's workforce;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend \$1,000.00 in Wellness Coordinator Grant funds from HealthTrust.

This Resolution shall take effect immediately upon its passage.


Adopted: January 28, 2020

Attest:

x 

Neil Wetherbee, Council Chair

Date: 1-28-2020

x 

Daniel Healey, Town Clerk

Date: 1-28-2020

Archival Ref: TC agenda Item #20-08



RESOLUTION

Number 2020-006

To Authorize the Town to apply, receive and expend a grant from the New Hampshire Department of Environmental Services for Milfoil Treatment

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, milfoil is an invasive aquatic weed which has been introduced in Beaver Lake; and

WHEREAS, left untreated, milfoil will continue to grow, damaging the Lake and potentially negatively impacting property values; and

WHEREAS, it is in the best interest of the Beaver Lake Improvement Association and the Town to eradicate milfoil from Beaver Lake;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend up to \$8,171 in grant funds from the Department of Environmental Services and to execute all necessary documents to provide for milfoil treatment on Beaver Lake.

This Resolution shall take effect immediately upon its passage.

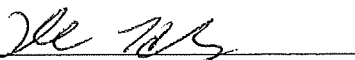
Adopted: January 28, 2020

Attest:

x 

Neil Wetherbee, Council Chair

Date: 1-28-2020

x 

Daniel Healey, Town Clerk

Date: 1-28-2020

Archival Ref: Agenda Item #20-09



RESOLUTION

Number 2020-007

To Authorize the Town to apply, receive and expend a grant from the New Hampshire Department of Environmental Services for Milfoil Treatment

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, milfoil is an invasive aquatic weed which has been introduced in Beaver Lake; and

WHEREAS, left untreated, milfoil will continue to grow, damaging the Lake and potentially negatively impacting property values; and

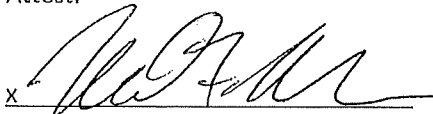
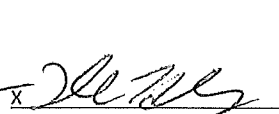
WHEREAS, it is in the best interest of the Beaver Lake Improvement Association and the Town to eradicate milfoil from Beaver Lake;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend up to \$3,000 from the Beaver Lake Improvement to provide for milfoil treatment on Beaver Lake.

This Resolution shall take effect immediately upon its passage.

Adopted: January 28, 2020

Attest:

x  x 

Neil Wetherbee, Council Chair

Daniel Healey, Town Clerk

Date: 1-28-2020

Date: 1-28-2020

Archival Ref: Agenda Item #20-10