

## TOWN OF DERRY

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday January 4, 2022  
3rd Floor Meeting Room

### MINUTES

**7:00 PM Call to order**

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

**Roll Call:** Councilors Katsakiores, Foote, Spencer, Wetherbee, Chirichiello, Bourdon, and Chairman Morgan  
Present: TA Dave Caron, Town Clerk Daniel Healey

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

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

Mark Connors: Cabot Dr – Wished everyone a Happy New Year. Would like any councilor considering not to re-run to reconsider. Would like the best and safest option for completion of the Derry Rail Trail.

David Barka: East Derry Rd – Will be appealing the decision by the Zoning Board on the Abbott Court project. Owns property at 17 South Avenue which abuts the property.

Steve Trefethen: Windham, NH – Believes there are too many rental units presently and the additional proposed would not be beneficial to the town. Suggested a quorum of Town Councilors were present at the ZBA meeting.

Tom Cardon: Cunningham Dr – Happy New Year to everyone. Would like a tunnel for the rail trail. Concerned with the number of apartments proposed at Abbott Court. Does like the project but thinks it is too big.

Butch Tempe: Bowers Rd – Hope everyone had Happy Holidays. The upcoming election is a great opportunity to elect leaders to impact the Town. Good luck to all the candidates that step up.

Marc Flattes: Linlew Dr – Concerned with the Rail trail and Exit 4A. Spoke against Abbott Court as he believes it is too many apartments.

Richard Tripp: Windham Rd – Noticed there is sign blight around Town and question if DPW would be taking care of it. (They are in the process of removing all illegally placed signs).

**Motion by Councilor Chirichiello to close public forum, seconded by Councilor Wetherbee – all agreed**

#### **Consent Agenda**

**22-01**

Approve Minutes – December 14, 2021

- 22-02** Approve Minutes – December 21, 2021
- 22-03** Resolution #2022-001 – Apply for and Accept Grant Funding Related to Household Hazardous Waste Collection
- 22-04** Resolution #2022-002 – Accept Unanticipated Revenues from Health Trust and Transfer the Town's Share to the CBA Implementation Trust Fund

**Councilor Chirichiello moves to approve the consent agenda, seconded by Councilor Spencer – all agreed**

**Chairman's Report – James Morgan**

Brewster Bartlett has resigned from the Net Zero Task Force Committee.

The following boards/committees gave presentations updating the council on their progress over the past year:

Conservation Commission – Chair James Degnan

Planning Board – Chair John O'Connor

Heritage Commission – Chair Karen Blandford- Anderson

Building & Property Maintenance Committee – Public Works Director Mike Fowler

The Council has had discussions recently about placing non-binding referendum questions before the voters. Any councilor interested in filing a measure should have the measure available for presentation at the January 18th meeting.

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

The Town sponsored a vaccination clinic at the DMC on December 15 and were successful administering 142 vaccinations consisting of 135 boosters, 5 J&J vaccines and 2 Pfizer vaccines for children. Fully vaccinated rate in Derry is at 48.1% with 53% receiving at least one shot. Revenues continue to hold steady, with little or no appreciable growth in revenues. On the expense side, the town remains hopeful that inflation will taper as the FY23 budget is constructed. Road salt was initially up 47% but the town stockpiled last spring thus avoiding any immediate impact. Winter maintenance expense to date are manageable, although a significant winter season is still before us. The ZBA granted five variances for the project at Abbott Court to proceed. LMG will schedule listening sessions with stakeholders as they finalize their application to the ZBA; LMG & the Town will work on finalizing Master Development Agreement; and both parties continue to collaborate with abutters and other stakeholders on long-term vision which is designed to benefit all parties. Regarding the Solar Array at the Landfill, the Town has been working through proposed agreements and other logistical issues and hopes to have information before the Council on January 18<sup>th</sup>. The Town auctioned off a 1+ acre building lot at 148 Goodhue Road for \$140k; per statute, of that amount, the Town will retain approximately \$50K for past due taxes, interests, fees, and penalty assessment.

**Public Hearing**

**21-146** Resolution #2021-079 – Supplemental Appropriation to construct a Skateboard Park

The Town did solicit proposals and received three responses; design and construction of a skateboard facility is a customized process, evident by the proposal costs ranging from \$249K -



\$1.02M, depending upon size, design, lights, etc. The current park is 5,000 square feet, and the current thought is to expand the area to be used for the park. The three proposals offer various sizing (5,000 s.f.; 7,500 s.f.; 10,000 s.f.). Subsequent to the November 16 meeting, Town staff and the volunteer group further reviewed the proposals and recommended to the Director of Public Works to continue negotiations with Dreamland Skateparks, L.L.C, based upon conceptual design and relative experience.

**Dreamland Skateparks, LLC**

- Over 21 years skate design/build experience.
- Can design and build a 10,000 s.f. for just under \$500,000.
- Designed and built more than 150 skateparks world-wide.
- Over 85% of Dreamland's skateparks have been designed and constructed in contract with City Parks and Recreation or City Public Works.
- Dreamland is currently open and ready at a moment's notice to start this project.
- Project Timeline: Approximately 7 months from start (feasibility study) to finish (skatepark construction completion).
- Assistant Skatepark Design/Construction Supervisor is from Nashua, NH
- Proposal includes 1 year warranty

It is planned to expand the footprint of the present park, landscaping and lighting. There are two sources of revenue available for this project:

- 1) Alexander-Carr Park Trust - This trust was developed many years ago for the care and maintenance of the facility. Today, the Trust has grown the principal to approximately \$3.6M, which generates income averaging \$90K annually. Any expenditure from the principal would require approval of Superior Court. Of the average annual income (\$90K), the Town incurs investment fees of \$25K, which leaves a balance of \$65K which can be drawn for the care and maintenance of the park. Typically, the Town may withdraw approximately \$40K annually. Since the Town customarily does not draw down the annual net earnings, there is a surplus in the income fund of approximately \$400K. These funds, per the review of Town Counsel, are available for this project.
- 2) Recreation Bond - The Council in 2019 approved a multi-purpose bond, including \$1.8M for recreation improvements. Currently, \$1.16M remains unobligated after Council Resolutions for improvements at Don Ball, Vet's/O'Hara and Rider Fields and WRB engineering. The Council could earmark \$200K from this source for the skateboard project.

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

No one from the public spoke.

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

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-079 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**New Business**

**22-05** Resolution #2022-003 – Authorize the restoration of Involuntary Merged Lots –  
*Planning Director George Sioras*  
RSA 674:39-aa, allows a landowner to request the restoration of two or more lots that were involuntarily merged by the Town prior to September 18, 2010, back to their pre-merger status. The restoration of the lots shall not be deemed to cure any non-conformity with existing land use ordinances. A review of the Assessing records shows Parcel 16018 (15 Escumbuit), Parcel 16018-001 (17 Escumbuit), and Parcel 16018-002 (13 Escumbuit) were involuntarily merged by the town. The deed for Parcel 16018 describes the three parcels, or tracts of land. The town prior to 2010, combined the three lots. The Planning Board reviewed the request to restore the lots at its December 02, 2021, meeting and recommends Town Council approve the restoration of the two lots per the request of landowner, Lisa Coggins.

**Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-003 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**22-06** Resolution #2022-004 – Revise the By-Laws of the Net Zero Task Force – *Net Zero Task Force Committee Chair Jeff Moulton*  
The Net Zero Task Force committee would like to make a few changes to their by-laws to shift members around and make it easier to have a quorum present. They would like to move one full-member designation to alternate member.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-004 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**Councilor Comments / Liaison Reports –**

Councilor Foote – If anyone has an issue related to a Zoning Board hearing they can file a complaint with the Town Administrator or the Attorney General.

Chairman Morgan – Dave Caron is the longest serving Town Administrator in Derry history. This council has accomplished a lot of goals that they set out to back in 2016. Announced he will not be seeking re-election for Councilor at Large.

**Adjourn: 8:35pm**



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

1-21-2022

Date



## RESOLUTION

Number 2021-079

To Approve a Supplemental Appropriation to Fund Skate Park Improvements

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, one of the Town Council's goals is to improve Town recreation facilities which supports economic development; and

WHEREAS, the Council directed staff to solicit proposals to renovate and expand the skate park located at Alexander-Carr Park; and


WHEREAS, funds are available in the Alexander Carr Trust to support this effort; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Three Hundred Thousand Dollars (\$300,000) is hereby raised for the care and maintenance of the skateboard park, and to authorize a withdrawal from the accumulated interest within the Alexander-Carr Trust to fund this expenditure.

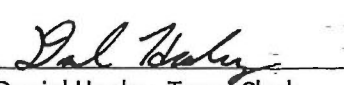
This Resolution has been adopted by a two-thirds majority of the entire Council as required by Charter and shall take effect immediately upon its passage.

Adopted: January 4, 2022

Attest:

  
James Morgan, Council Chair

Date: 1-4-2022

  
Daniel Healey, Town Clerk

Date: 1/4/2022

Archival Ref: TC Agenda Item #21-146





## RESOLUTION

### Number 2022-003

#### To Authorize the Restoration of Involuntarily Merged Lots

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

WHEREAS, the Town is required to comply with state statutes; and

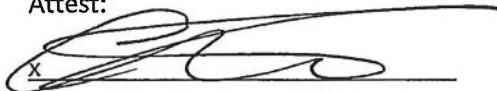
WHEREAS, RSA 674:39-aa requires the Town to allow lots previous merged by the community without the consent of the owner an opportunity, upon request, to restore the properties back to their original individual lots; and

WHEREAS, the lots under consideration meet all applicable statutory requirements;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that, pursuant to RSA 674:39-aa the restoration of Parcel 16018-001 and Parcel 16018-002 back to its pre-involuntarily merged status is hereby approved.

Adopted: January 4, 2022.

Attest:

x 

James Morgan, Council Chair

Date: 1-4-2022

x 

Daniel Healey, Town Clerk

Date: 1/4/2022

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Archival Ref:      Agenda #22-05



## RESOLUTION

Number 2022-004

To Revise the Membership of the Net Zero Task Force

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, the Town Council previously established the Net Zero Task Force whose mission is to promote energy conservation and energy efficiency in Town facilities; and

WHEREAS, the Town Council pursuant to Resolution #2019-055 the Net Zero Task Force bylaws were amended to include expanded duties and responsibilities; and

WHEREAS, the Task Force continues to review its membership to enhance efficiencies and participation;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby approves the revised By-Laws as recommended by the Net Zero Task Force.

This Resolution shall take effect immediately upon its passage.

Adopted: January 4, 2022

Attest:

x

James Morgan, Council Chair

Date: 1-4-2022

x

Daniel Healey, Town Clerk

Date: 1/4/2022

Archival Ref: Agenda Item #22-06