

TOWN OF DERRY

Town Council
Derry Municipal Center

October 15, 2019
Tuesday - 7:00 PM

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

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

Councilor Bourdon moves to seal RSA 91A:3 II (d), seconded by Councilor Foote – all agreed

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

Roll Call: Councilors Chirichiello, Katsakiores, Morgan, Foote, Bourdon and Chairman Wetherbee, Absent: Councilor Tripp
Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Steve Trefethen: Windham, NH – Gave the council a packet on the proposed Exit 4A project with a concern on watershed. Would like the town to look into this and discuss with NH DOT.

Councilor Morgan moves to extend Mr. Trefethen's time, seconded by Councilor Foote – all agreed

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

Consent Agenda

19-118 Approve Non-Public Minutes – October 1, 2019 – **minutes sealed**

19-119 Approve Minutes – October 1, 2019

19-120 Ordinance #2019-012 – Amend Cemetery Registration

Consent agenda approved (Chairman Wetherbee abstained from 19-118 & 19-119)

Chairman's Report – Neil Wetherbee

Chairman Wetherbee moves to appoint Andy Day as a member of the TIF Advisory Board for a 3 year term to expire March 31, 2022, seconded by Councilor Morgan

Roll Call Vote: 6-0-0

The Greater Derry/Londonderry Chamber of Commerce held its annual dinner that was attended by a few members of the Derry Town Council. Melanie Davis, the owner of The Grind Rail Trail Cafe, was named the 2019 citizen of the year. Tupelo Music Hall was named Business of the year and Community Care Givers was named charity of the year. The final Master Plan

Forum will take place on October 30, 2019 beginning at 7PM in the 3rd Floor Meeting room of the Derry Municipal Center. At this forum, the draft Implementation Plan will be presented. Final feedback will be requested on the identified Goals and Strategies. Planning and Economic Development have been very busy. There will be a new gas station/convenience store located on the corner of Island Pond where the Flea market used to be. There is a new juice bar at Cowbell's corner, new office/medical on Folsom Road, and staff will be looking at sports betting and giving recommendations to the council. The Derry Fire Department will hold an open house on Saturday October 19th from 10am to 2pm at the Central Fire Station.

Town Administrator's Report – David Caron

The Town received no bids on the RFP for the trees downtown. At the November 5th Town Council meeting, there will be an update on the Solar project at the landfill. Staff has located areas in the town where a sports betting facility would be able to be located. The Attorney General's Office, the Secretary of State and the Department of Revenue has all acknowledged receipt of the towns proposed amendment to the charter to be placed on the March ballot. The UNH stakeholders meeting regarding improving the parks and fields in town will take place this week. It is a public meeting so anyone can attend. The results will be brought to the Town Council at November 13th meeting. Governor Sununu presented the Town of Derry with a check for 7.75 million after the state budget was resolved. Other towns similar in size to the Town of Derry do not allow roosters or they heavily regulate them. It is recommended that the Town Council clarify the nuisance order.

Public Hearing –

19-116 Ordinance #2019-012 –Amend Cemetery Regulation– *Public Works Director Mike Fowler presenting*

On occasion, the Town of Derry receives a request from a non-resident to purchase a lot/lots at the Forest Hill Cemetery. Presently, the Policies and Procedures document, as adopted by Town Council states, "Burial lots shall be sold exclusively to current residents of the Town of Derry; however, exceptions may be granted and/or reviewed by the Cemetery Trustees." The proposed revision would allow for exceptions to be granted by the Town Administrator eliminating the need for the Town Council to address these requests. The Town Administrator would factor in prior long-term residency as a consideration for granting the exception to a non-resident seeking to purchase a burial plot. The second revision would be to increase the number of cremation urns allowed to be buried on a single plot. The current policy reads, "Cremation remains without a concrete container or metal vault are allowed (wood and cardboard are not allowed), but not to exceed four burials to a grave lot." The proposed revision would allow for up to eight urns per full grave lot. The general rationale behind restricting lot sales to residents stems from a period prior to 2007 when the cemetery was running out of available plots. At one point, there were under 100 plots available for sale. A major expansion in 2007/2008 added capacity for approximately 1500 additional burial plots. This provision has remained in effect without any change to the policy. Requests for non-resident plot purchases are very infrequent. Allowing the Town Administrator to authorize these sales would streamline the process allowing the lots to be purchased in a timely manner.

Sometimes, time is of the essence in acquiring a lot. It would also not take up the time of the Town Council to address this need. The second revision to the policy, would permit eight cremains on a single lot instead of four. This change would allow for greater use by the individual lot owner. As the trend continues to shift towards more cremations as opposed to full burials, this could prolong the need to expand the capacity of the cemetery in the future by promoting more extensive use of existing burial plots.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-012, which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Ordinance attached

New Business

19-121 Resolution #2019-062 – Approve an Employee Agreement with the Town Administrator – *Town Councilor James Morgan presenting*

The current employment agreement with the Town Administrator is set to expire on June 30, 2020 and both the Town Administrator and the Town Council desire to continue the working relationship. The Town Council approves an employment agreement with the Town Administrator for the period of July 1, 2020 through June 30, 2025.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-062, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

19-122 Resolution #2019-063 – Approve a Six-Month Extension to the Cable Franchise Agreement with Comcast – *Town Administrator Dave Caron presenting*

The Town and Comcast agreed to a Franchise Agreement in 2009; the Town insisted upon a ten-year term to ensure that the Town Council could take advantage of any technological enhancements which were developed prior to the franchise renewal process in 2019. Cable division staff has been engaged with both cable counsel and Comcast as they have worked towards presenting a recommended Renewal Cable Franchise Agreement to the Town Council. A six-month extension to the current Franchise agreement with Comcast is requested.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-063, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

19-123 Resolution #2019-064 –Amend the Economic Development Advisory Committee By-Laws – Town Administrator Dave Caron presenting

The Committee originally was created without the benefit of professional staff which required hands on involvement with marketing and economic development activities by the Committee. While those efforts continue to be appreciated, now that the Town retains an Economic Development professional on staff, and the Town Council continuously develops initiatives to advance the Town's commerce, the By-Laws are recommended to be restructured to enhance both the Committee's efficiencies and effectiveness. The recommendations are as follows:

1. Include a statement of expectations whereby members will be expected to attend and participate on subcommittees and the full Committee,
2. Meet bi-monthly, with subcommittees meeting at a minimum during the alternating months;
3. Establish three subcommittees to provide recommendations and guidance in the following areas:
 - a. Zoning and Land Use Development,
 - b. Business Relations and Economic Development Long-Term Planning,
 - c. Master Plan Implementation,
4. The Chair will make recommendations for appointment by the Town Council to the Derry Commerce Corridor TIF Advisory Board and the Derry Revolving Fund Committee
5. Overall, taking a stronger position advocating for economic development initiative before the Town Council and/or Planning Board.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-064, which reads as follows [Read the Resolution], seconded by Councilor Bourdon

Roll Call Vote: 6-0-0

Resolution attached

Councilor Comments

Councilor Morgan – A few years ago, the Building and Property Maintenance Committee had 60-70 properties on their list, now they have 6. Mike Fowler and team have done a great job. He would like RSAs to be looked at and changed if they prevent hurdles to the Committee. The main problem is Superior Courts involvement slows down the process. A change to District Court may be beneficial. Downtown Trick or Treating is scheduled for Saturday October 26th, from 12pm to 3pm.

Chairman Wetherbee – Would like some discussion with property owners near the rail trail on the remaining stretch. 10 people from the Nutfield Founders home in Northern Ireland will be visiting the Derry/Londonderry area from October 26th to November 3rd. On October 28th, one member would like to visit the Municipal Center.

Adjournment: 8:10 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

11-6-19
Date



ORDINANCE

Number 2019-012

Amend the Cemetery Regulations to Allow Non-Resident Interments and to Increase
the Number of Cremation Internments per Lot

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 is responsible for adopting and amending town ordinances and regulations; and

WHEREAS, the expansion of Forest Hill Cemetery has provided ample space to consider requests for burials from former residents and others who have had a significant connection to the Town; and

WHEREAS, no more than fifty (50) of the available lots will be given to non-residents; and

WHEREAS, the recommended policy change to allow eight cremation internments per burial plot will further expand the capacity of the cemetery;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Cemetery Regulations are hereby amended to authorize the Town Administrator to review and grant exemptions for burial at Forest Hill Cemetery to non-residents who have had a significant connection to community; and

FURTHER, to amend the Regulations to allow for the burial of up to eight cremation urns in a single grave lot.

This Resolution shall take effect 30 days after its passage.

Adopted: October 15, 2019

Attest:

Neil Wetherbee, Council Chair

Date: 10/17/19

Daniel Healey, Town Clerk

Date: 10/21/19



RESOLUTION

Number 2019-062

To Approve an Employment Agreement with the Town Administrator

WHEREAS, the Section 8.2 of the Town Charter requires that the Town Council appoint a Town Administrator; and

WHEREAS, the current Employment Agreement with the Town Administrator is sent to expire on June 30, 2020; and

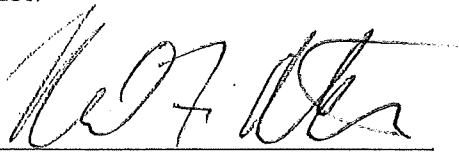
WHEREAS, both the Town Administrator and Town Council desire to continue the working relationship between the Administrator and the Council;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby approves an Employment Agreement with David R. Caron for the period July 1, 2020 through June 30, 2025.

This Resolution shall take effect immediately upon its passage.

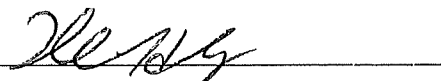
Adopted: October 15, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 10-15-19

x 

Daniel Healey, Town Clerk

Date: 10-15-19



RESOLUTION

Number 2019-063

To Approve a Six-Month Extension of the Cable Franchise Agreement
with Comcast

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

WHEREAS, both federal and state law designate the Governing Body as the Franchising Authority for the Cable Television Franchise; and

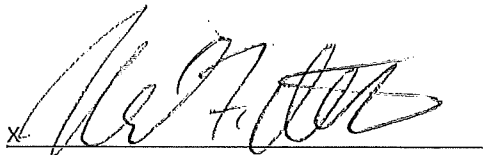
WHEREAS, the Town's current agreement with Comcast of Maine/New Hampshire, Inc. expired on October 6, 2019 and both the Town and Comcast agree that a six-month extension to the current agreement is sufficient time to finalize discussions on a renewal franchise agreement;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby approves the attached Extension of the Cable Television Franchise Agreement between the Town of Derry and Comcast of Maine/New Hampshire, Inc. until midnight on April 5, 2020.

This Resolution shall take effect retroactively to October 6, 2019.

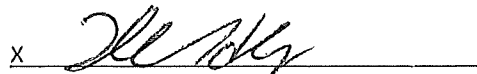
Adopted: October 15, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 10-15-19

x 

Daniel Healey, Town Clerk

Date: 10-15-19



RESOLUTION

Number 2019-064

To Amend the Economic Development Advisory Committee By-Laws

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 Economic Development Advisory Committee whose mission is to advise the Council on economic development issues facing the community; and

WHEREAS, in response to professional economic development personnel on staff, and evolving economic development priorities in the Town, EDAC by-laws should be amended to enhance the effectiveness of the Committee;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby approves the revised By-Laws of the Economic Development Advisory Committee as attached.

This Resolution shall take effect immediately upon its passage.


Adopted: October 15, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 10-15-19

x 

Daniel Healey, Town Clerk

Date: 10-15-19