

## TOWN OF DERRY

Town Council  
Derry Municipal Center

October 23, 2018  
Tuesday - 7:00 PM

---

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

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

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

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

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

Present: TA David Caron, Town Clerk Daniel Healey

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

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

Steve Trefethen: Windham, NH – Questioned a downtown property that he thought they town purchased, was told only an offer had been made.

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

### **Consent Agenda**

**18-122** Approve Non-Public Minutes – October 2, 2018 – **minutes sealed**

**18-123** Approve Minutes – October 2, 2018

**18-124** Acceptance of Resignation – EDAC member Terri Pastori

**18-125** Resolution #2018-065 – Relative to a supplemental resolution for downtown enhancements

**18-126** Resolution #2018-066 – To accept a NH Highway Safety Agency Grant for various traffic enforcement activities

### **Consent agenda approved**

### **Chairman's Report – James Morgan**

Town Moderator Mary Till discussed the General Election which will take place November 6, 2018. She read a list of Moderator's rules that have been distributed to candidates and the political parties. Residents may register to vote up until 7:30pm on Tuesday October 30<sup>th</sup> or the day of the election at their polling location.

### **Conservation Commission Update – James Degnan – Commission Chair**

The Conservation Commission is responsible for the approval of dredge and fill permits, the review and approval of project applications through the State Department of Environmental Services (DES) that impact waterbodies, wetlands etc., as well as site reviews and site walks for

new town development applications as part of the Technical Review Committee (TRC) process. The major project this year was creating a Timber Harvesting Plan for the Doolittle Property. The Commission also works with its subcommittee, the Go Green Committee, to host a series of guided tours of different conservation properties. In addition to these events the Go Green Committee also organizes two town wide cleanup events each year in the spring and fall. In January of this year Go Green hosted its annual Snowshoeing event at Broadview.

*Derry Housing & Redevelopment Authority – Robert DiNozzi – Authority Chair*

The DHRA administers 114 Section 8 Housing Choice Vouchers per year. They have a waiting list for Section 8 assistance which has 254 applicants who will wait between 3 years and 4 years for assistance, however a preference is given to Derry residents, honorably discharged veterans and victims of domestic violence. The Authority puts approximately \$700,000 annually into local economy through Housing Assistance Payments to landlords on behalf of its clients. The U.S. Department of Housing and Urban Development has given the DHRA its highest rating, "High Performer" on its Section 8 Management Assessment Program (SEMAP) for ten consecutive years. Because of Congressional appropriations, the DHRA receives only 70-80 percent of what it is eligible for in Section 8 Administrative Fees annually which makes budgeting difficult every year.

*Net Zero Task Force – Mike Fowler – Public Works Representative*

The Net Zero Task Force continues to reduce the Town's energy consumption through energy conservation initiatives and to introduce renewable energy sources in place of carbon sources, helping to reduce the tax burden on our citizens, attract new businesses with a "green" vision, and provide a healthy environment to live in.

- EVCS feasibility and field surveys completed for 7 schools, as part of the VW Settlement Fund grants application.
- DPW Solar Project: Under budget, on-schedule, performing above system design. Four EVCS stations installed with grant paying for 80% of cost.
- Developing a proposal to the State for expansion of the EVCS infrastructure to include Derry Schools, Pinkerton and other downtown areas via the \$4.6M VW Settlement Fund.
- Applying for Energy Star Certification for the Municipal building, using new scoring criteria from the EPA. Marketing plan completed including web page enhancements & new Facebook page. New kiosk/monitor at Municipal Building in planning.
- Reviewed LED proposal for light replacement project for Municipal Building (75% savings/year for Town) and endorsed to Town Council. Four Year Payback.

*Zoning Board of Adjustment – Heather Evans – Board Vice-Chair and Stephen Coppola – Secretary*

The zoning board of adjustment had 27 cases for variances filed to be heard of which 9 were classified as use variances and 18 were land or area variances. The board had 1 administrative appeal and 2 rehearing requests. The Town of Derry will be hosting regional training sessions again in October. Held on 3 consecutive Wednesday nights. There is one of those 3 that pertain to the ZBA criteria.

Director of Public Works Mike Fowler has been working with downtown businesses to put out some planters, the town would purchase them, and the businesses would maintain them. There will be a workshop on Downtown Improvement in January.

**Chairman Morgan moves to appoint Rick Metts as a member of the Economic Development Committee for a term to expire March 31, 2019, seconded by Councilor Tripp**

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

**Councilor Tripp moves to appoint Justin Mitchell as an alternate member of the Conservation Commission for a 3 year term to expire March 31, 2021, seconded by Councilor Bourdon**

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

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

The reconstruction of 28 By-Pass near Scobie Pond Road and English Range Road has been awarded to Weaver Brothers Construction out of Concord, NH. The scheduled start will be in the spring/summer of 2019 and it will be completed September of 2019. Asbestos was removed on a tax deeded property at 39 Kilrea Rd with an approximate out of pocket cost of \$15,000. Derry is one of the 3 communities to be funded for round 2 of the Age-Friendly Grant coordinated by the Southern New Hampshire Planning Commission. The Town has made draft changes to the cemetery rules regarding monuments at Forest Hills Cemetery, if the council would like to revise the rules, they could schedule a public hearing. A Human Services report has been included in the councilor's packets. Derry After Dark is planning a 2019 event.

*Town Administrator Dave Caron & Public Works Director Mike Fowler presented the FY19 Bond*  
The Town of Derry previously committed to a \$5.0M obligation for the construction of Exit 4-A; this amount has been matched by the Town of Londonderry. To date, the Town has either appropriated from taxation or from the Unassigned Fund Balance approximately \$3.0M to pay for expenses incurred during the development of an Environmental Impact Statement, which is necessary to secure federal approval for the project. The Council has expressed a preference to share the burden of paying for the balance of this commitment (\$1.973M) with future taxpayers, who would also benefit from this infrastructure improvement; the financial vehicle to accomplish this would require the issuance of long-term bonds. During the adoption of the FY18 budget, the Council appropriated \$400K for Hood Dam repairs to be funded with a long-term bond. Due to value engineering and negotiations between the NH Department of Environmental Services and the Derry Department of Public Works, the budget is now anticipated at \$250K. Two workshops were conducted with Town Council in spring 2018 to review future park and facility needs for the Parks & Recreation divisions. The focus of the discussion surrounded the changing demographic profile of the community and seeking vision into the future needs of the community. At that time, staff was given a directive to propose projects to the Council which are aligned with that focus. Three capital projects were advanced for further consideration in conjunction with a bond offering. The projects were: Alexander-Carr Lodge Replacement. The

Alexander-Carr lodge was cited as an opportunity to refurbish an aging structure and repurpose for use by community organizations and a multitude of age groups. A new building constructed to modern standards within the existing footprint was favored over a renovation project. A two level - 5000 square foot building was determined to fit within the existing footprint. Using the \$300 per sf as a conservative unit price, an estimate of \$1,500,000 has been calculated. During the two workshops, concepts for active fitness stations and upgrades to the Alexander Carr playground were noted as opportunities. The Alexander-Carr playground would be completely rebuilt, replacing equipment installed in 1997. Several outdoor fitness stations could be purchased and installed at appropriate locations at Hood Park, Alexander-Carr and/or Don Ball Park. The 60' baseball diamond at Don Ball Park would have new field lights installed to include conduit, trenching, poles/foundations and new LED lights. Concerns over depth to bedrock would need to be overcome in determining the more economical route for the underground conduit, as well as pole installation. The Department of Public Works would expect design for the A/C Lodge replacement to occur during calendar year 2019 for anticipated construction in calendar year 2020. Action on the other two projects would be contingent upon the final cost of construction for the A/C Lodge, provided ample funds are available at that time. In total, it is estimated that the bond issuance would be \$4.0M. Given the size and characteristics of each project, it may be appropriate to issue bonds of varying lengths for each project. Given its relatively small size, we anticipate bonding the Hood Dam for 5-10 years; recognizing the types of improvements, we may suggest Recreation facilities at 10-15 years, and Exit 4-A over a 15-20-year period.

### **Public Hearings**

**18-115** Resolution #2018-056 – Relative to Downtown Revitalization Tax Relief

Application (79-E) – *Planning Assistant Elizabeth Robidoux*

RSA 79- is a temporary tax relief incentive for property owners to substantially rehabilitate/replace a building in a designated district. The rehabilitation must cost at least 15% of the building's rehabilitation assessed value, or at least \$75,000, whichever is less. Property owners may be granted tax relief on the newly assessed valuation for a period of up to five years. The original designation of the district was in June of 2012. This is the first application for Downtown Revitalization Tax Relief. This parcel was included in the 2017 expansion of the Downtown Revitalization District approved by the Council on December 5, 2017. The program was put in place to spur economic growth. This property has been underutilized and the proposed renovations will increase the assessed value of the property. The current assessment is \$1,073,700.00. Per the RSA, the Council is asked to decide within 45 days if tax relief should be granted. The project meets the development regulations as the project has been approved by the Planning Board, and redevelopment of the property will be of public benefit as an underutilized building will now house four businesses (a distribution/warehouse; bank; urgent care, and physical therapy). This increases downtown economic vitality.

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

Donald Burgess: High St – Asked where 23 Crystal Avenue was located and was told across from Saint Thomas Aquinas Parish.

Steve Trefethen: Windham, NH – Questioned the taxes and was told that they pay the existing tax rate for a period of 5 years on existing structures.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-056, which reads as follows [Read the Resolution], seconded by Councilor Chirichiello**

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

**Resolution attached**

**18-116** Resolution #2018-057 – Relative to Fox Hollow Road – Acceptance of Class VI Public Way – *Director of Public Works Mike Fowler*

In 1984, Derry Planning Board approved the subdivision road, Fox Hollow Road. A temporary cul-de-sac was installed with an intent for future access to Linda Rutter's property (Lot 6-58). The recorded plan (D-12629) included a dedicated 50-foot-wide right-of-way to serve Lot 6-58 in the future. The paved road ended at the temporary cul-de-sac and the Town accepted to this point in 1990. The applicant's attorney has submitted a request to Town Council to have the Town accept the remaining dedication, which will provide access to the northern portion of Ms. Rutter's property. Per state statutes, the dedicated right-of-way remains in effect despite there is no road there currently. The applicant is aware that they will bear the expense of any improvements required to meet the applicable road standards. Given the Planning Board's approval of the plan in 1984, the Town Council is compelled to act on the acceptance of the public way.

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

No one from the public spoke.

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

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-057, which reads as follows [Read the Resolution], seconded by Councilor Wetherbee**

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

**Resolution attached**

**18-117** Resolution #2018-058 – North Shore Road – Acceptance of Public Way – *Director of Public Works Mike Fowler*

Derry Planning Board approved a two-lot subdivision on July 16, 2014 at 128 and 130 North Shore Road. The approved plan included two small sections of land dedicated to the Town of Derry to enhance the Town's ability to maintain the roadside swale and effectively perform

winter maintenance. The recorded plan (D-38937) dedicated two areas, measuring 705 sf and 558 sf respectively.

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

No one from the public spoke.

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

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-058, which reads as follows [Read the Resolution], seconded by Councilor Wetherbee  
Roll Call Vote: 7-0-0  
Resolution attached**

**18-118** Resolution #2018-059 – Release of Public Servitude – Eastman Drive to Sheldon Road – *Town Administrator David Caron*

The abutters were not properly notified, and it was recommended to change this agenda item to the November 20, 2018 meeting.

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

No one from the public spoke.

**Motion by Councilor Wetherbee to continue the public hearing to the November 20, 2018 Town Council meeting, seconded by Councilor Foote – all agreed**

#### **New Business**

**18-127** Resolution #2018-062 – Acceptance of gift pursuant to RSA 31:95-e – *Town Administrator David Caron*

Last year, a group of Derry residents and small businesses crowd funded to purchase a \$9,800, 25' artificial tree which was the focal point of the Downtown Holiday Celebration. The group, spearheaded by Andy Day and Alana Wentworth, has requested that the Town assume ownership of the tree by gifting it to the Town as allowed under Section 9.15 of the Town Charter. Although the tree was privately owned last year, town forces did participate in the dismantling of the tree from its location on the Benson lawn on West Broadway. Erection of a holiday tree at that location negates the need for a tree at the Municipal Center (funds appropriated annually for the Municipal Center Tree will be repurposed for a tree at the Police Department). The Town would utilize town resources to erect the tree and store the tree at a Public Works facility.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-062, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores  
Roll Call Vote: 7-0-0**

## **Resolution attached**

### **18-128 Resolution #2018-063 – Authorization to include informational material in property tax bills – *Tax Collector Dawn Enwright***

The 2018 final tax bill will be mailed out late October or early November, depending when we get the tax rate. When mailing the tax bills, RSA 76:11 states "Said bill shall be mailed separately and not included with mailing of other town or city bills, unless the governing body of the town or city votes to mail other town or city bills or information directly related to municipal business along with the tax bill." The credit card processor has offered at no cost to the town to provide a 1/3 sheet insert with the final billing of the 2018 tax levy, giving customers online payment options. The bill printer will work directly with the credit card processor regarding the printing and inserting of the notice. This insert will give customers information about the online payment services the tax office provides through the town website outlining all fees which are paid directly to the processing company.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-063, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores  
Roll Call Vote: 7-0-0  
Resolution attached**

### **18-129 Resolution #2018-064 – Amend Resolution #2016-025 to authorize amending a Master Lease/Purchase Agreement to finance the acquisition of certain capital equipment – *Town Administrator David Caron***

During the budget review in May 2016, it was determined that entering into a competitively bid master lease agreement for capital improvement purchases over the next five years would be cost effective for the town. A bid was produced and sent to local and national banks and lending institutions for quotes of interest rates and terms for a master lease agreement for capital purchases. The FY2019 lease amount is \$1,605,413. Bank of America was chosen again for their guaranteed fixed interest rates and no fees passed onto the community. The interest rates are 3.3% for both five and seven-year terms. Equipment incorporated in this master lease agreement include public works vehicles (including cemetery, highway, parks and the transfer station). Other equipment includes fire vehicles including a pumper engine. Although the Council's approval of Resolution #2016-025 contemplated adjustments to the list of acquisitions, Bank of America has requested a formal Council amendment to the Resolution for FY2019 purchases.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-064, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp  
Roll Call Vote: 7-0-0  
Resolution attached**

## **Councilor Comments / Liaison Reports –**

Councilor Tripp – Glad to hear the town is getting good use out of their drones.

Councilor Chirichiello – Reminded everyone to come out and vote Tuesday November 6<sup>th</sup>.

Councilor Bourdon – Asked about the LED lights for the Municipal Building and was told it would be on for the FY2020 budget. Will be hosting the Fourth Annual “Keep our Veterans Warm” event at his house at 11 Village Brook Lane in Derry. The event will be on Sunday November 11<sup>th</sup> from 10am to 1pm. Clothing items are needed, and the will be donated to the Liberty House in Manchester.

Chairman Morgan – Echoed Councilor Chirichiello’s comment to come out and vote on Tuesday. Produced a Derry Cable Television Show called “From the Chair”. The latest episode interviewed 9 of the State Representative candidates. There will be no meeting Tuesday November 6 due to the elections.

**Adjournment: 9:40 p.m.**

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

10-24-19  
Date

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