

## TOWN OF DERRY

Town Council  
Derry Municipal Center

October 6, 2020  
Tuesday - 7:00 PM

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6:00 PM Non-Public Session – RSA 91A:3 II (a, c)

7:00 PM Call to order

*Although the Stay at Home Order has expired, Emergency Order #12 as issued by Governor Sununu remains in effect, which waives the requirement that a quorum be physically present in the meeting room; a meeting of a public body may be conducted with most or all members participating electronically. There is a contact number at the bottom of the Derry TV Cam screen with a phone number where members of the public can listen in and participate in the Public Forum and Public Hearing portions of the meeting. This access number was also posted along with the agenda and posted on the exterior doors of the Municipal Center. Please note that due to the physical absence of some Councilors, all votes taken shall be done by Roll Call.*

**Motion by Councilor Tripp leave non-public session, seconded by Councilor Morgan**  
**Roll Call Vote: 6-0-0**

**Motion by Councilor Tripp to seal RSA 91A:3 II (c), seconded by Councilor Bourdon**  
**Roll Call Vote: 6-0-0**

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

**Roll Call:** Councilor's Katsakiores, Morgan, Tripp and Chairman Foote in-person and Councilor's Bourdon and Chirichiello by Video. Absent: Councilor Wetherbee  
Present: TA David Caron, Town Clerk Daniel Healey

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

**Motion by Councilor Katsakiores to open public forum, seconded by Councilor Wetherbee**  
**Roll Call Vote: 6-0-0**

Tom Cardon: Cunningham Dr – Does not like the idea of the West Running Brook apartment proposal getting a 50% tax exemption over the next 10 years.

Marc Flattes: Linlew Dr – Against apartments at the West Running Brook district.

Joe Decollibus: Ballard View (Called in) – Has concerns about his neighbor operating a hair salon out of her house. Does not believe the Zoning Board followed the ordinances.

**Motion by Councilor Morgan to extend Mr. Trefethen's time, seconded by Councilor Katsakiores**

Steve Trefethen: Windham, NH – Has some concerns over proposed developments in the West Running Brook District and would like the council to review what is being discussed for that property. Is worried that the development will add many more children to the school district and increase taxes.

**Motion by Councilor Katsakiores to extend Mr. Trefethen's time, seconded by Councilor Wetherbee**

**Motion by Councilor Katsakiores to close public forum, seconded by Councilor Morgan**  
**Roll Call Vote: 6-0-0**

**Consent Agenda**

**20-97** Approve Non-Public Minutes – September 15, 2020

**20-98** Approve Minutes – September 15, 2020

**Motion by Councilor Katsakiores to approve the consent agenda, seconded by Councilor Wetherbee**

**Roll Call Vote: 5-0-1 (Councilor Tripp)**

**Consent agenda approved**

**Chairman's Report – Charlie Foote**

Chairman Foote moves to appoint Mark McClary as a member of the Economic Development Advisory Committee for a term to expire March 31, 2021, seconded by Councilor Morgan

Roll Call Vote: 6-0-0

Chairman Foote moves to appoint Lorraine Lindenberg as a member of the Cable Advisory Committee for a term to expire March 31, 2020, seconded by Councilor Katsakiores

Roll Call Vote: 3-3-0 (Councilor's Bourdon, Chirichiello, and Chairman Foote)

The Exit 4A project has been placed on hold. NHDOT plans to meet with the three finalists to better understand the disconnect between their estimates and the cost of the proposals. From this information, NHDOT believes that it will be better positioned when it advances to a Design/Bid/Build as it will be armed with the finalists feedback and NHDOT also owns the preliminary design work produced by the three finalists. The Town's goal at this point is to engage with our state elected officials and Londonderry to ensure that the project does not lose any momentum. Mike Fowler has reached out to NHDOT and has not received word back when the finalist meetings will be held, which is the next step in the process.

Chairman Foote read the recommended guidelines for a safe Halloween for Derry residents. Campaign signs placed in improper locations have been a problem, and the Chairman would like the candidates to start following the rules on where to put their signs.

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

Revenues remain on track with FY21 projections. Last week the Town received its final installment from the CARES ACT Municipal assistance in the amount of \$674,839 and the 2<sup>nd</sup> year of the State Infrastructure Grant in the amount of \$487,055. The Town's contractor continues to test mosquitoes with no confirmed cases of West Nile Virus or EEE in Derry. At this point, it does not appear that the Town will need to spray this Fall, due to the extremely dry summer. Residents should continue to drain any ponded areas which may occur after rain or thunder showers. The Water Department will complete its system flushing this week. The Rail Trail/Hood Pond Dam preconstruction meeting was held last week, with tree work commencing

this week with work progressing through the end of November. The revaluation process is wrapping up, which will result in the final piece of information needed to set the Town's tax rate. All other Town and School information has been submitted to DRA.

### **New Business**

**20-99** Resolution #2020-050 & Order #2020-001 – Order repairs at 264 Hampstead Rd and transfer funds from the Hazardous Building Trust – *Public Works Director Mike Fowler presenting*

This property has been identified as a blighted property through the Property Maintenance Committee since July 2018. The Code Enforcement office has sent several letters to the owner seeking immediate repair, without an affirmative return response. Since July 2018, the structure has continued to deteriorate. Electricity has been disconnected and the property is overgrown and there are several visible structural deficiencies. The owner had reached out in July 2020 to indicate that he was seeking to clean up the premises and sell the property. As of September 23, 2020, there has been no substantive action to repair any of the structural deficiencies. The Town Council agreed and amended the resolution to take effect January 1, 2021 to give the owner time to sell the property and have the new owner remedy the situation.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-050 & Order #2020-001, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**

**Roll Call Vote: 6-0-0**

**Resolution attached**

**20-100** Resolution #2020-051 – Create an Economic Recovery Zone on Rte. 111 – *Economic Development Director Bev Donovan presenting*

The Town Council is requested to seek designation of the General Commercial Zone along Rte. 111 as an Economic Revitalization Zone from the State Division of Economic Development. Derry can benefit from the ERZs by the job growth of its businesses located in the community, and by potential growth of the local tax base due to expansion of the business's plant and equipment assets. For a business to qualify for an ERZ tax credit it must invest in plant or equipment and create at least one new full-time job in the state, and meet the following criteria:

- The business must be physically located in an approved ERZ.
- Investment in plant or equipment must be made directly by the business applying for the ERZ tax credit.
- Jobs must be full time, direct employees, and not be contracted or "temp" jobs.
- The investment and the job creation must take place within one calendar year.

The credit is based on a percent of the salary for each new full time job created and the lesser of: either a percent of the actual cost incurred for the project or a maximum credit for each new job created in the fiscal year. The Rte. 111 zone has experienced some economic hardship with business closures and relocation and would benefit from an ERZ designation.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-051, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**

**Roll Call Vote: 6-0-0**

**Resolution attached**

**20-101 Resolution #2020-052 – Adjust the FY21 budget and amend Resolution #2020-041 – Chief Financial Officer Mark Fleischer presenting**

The Town has received notification that the second year of the State Infrastructure Grants would be \$8,975 lower than the first year grant, the Council is requested to reduce appropriations in Other Municipal Appropriations by that amount to ensure that total expenditures stay with total revenues. Also, the Council under Resolution #2020-041 transferred these funds into the COVID-19 Trust Fund in anticipation of reduced revenues or increased expenses resulting from the Pandemic. Resolution #2020-052 as proposed also recommends an adjustment to the transfer under Resolution #2020-041, again to match revenues vs. expenditures.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-052, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

**Councilor Comments / Liaison Reports –**

Councilor Katsakiores – Marion Willis will be surely missed. She was a former School Board Member and Zoning Board member and added input in many master plans.

Councilor Morgan – Would like businesses to look at what money may be available to them from the State. Questioned if abutters in Zoning Board issues are provided with information on the process and asked if it is on the notice.

Councilor Bourdon – Asked if it is known which properties in town have hazardous materials on site.

Councilor Chirichiello – There have been savings at the county executive board that will be passed onto the taxpayers.


Chairman Foote – Attended the Gold Star Mother flower presentation in honor of fallen Marine Michael Geary and his mother. They are both in his thoughts and prayers.

**Councilor Tripp moves to adjourn, seconded by Councilor Bourdon**  
**Roll Call Vote: 7-0-0**

**Adjournment: 8:45 p.m.**

  
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Town Clerk

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

  
\_\_\_\_\_  
Date



## RESOLUTION

Number 2020-050

To Order Repairs at 264 Hampstead Road and Transfer Funds from the  
Hazardous Buildings Trust

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

WHEREAS, the Town Council previously created an Expendable Trust for the Repair or Removal of Hazardous Buildings with the Town Council designated as Agents to Expend; and

WHEREAS, The Code Enforcement Division within the Department of Public Works has identified a hazardous structure which requires immediate remediation; and

WHEREAS, pursuant to RSA 155-B, Governing Body action is required to address this hazardous situation;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts Order #2020-001 as attached which authorizes the Town Administrator to pursue summary enforcement with the Derry District Court for the hazardous building located at 264 Hampstead Road, and, as Agents to Expend, to further authorize the Town Administrator to transfer Fifteen Thousand Dollars (\$15,000) from the Expendable Trust Fund for the Repair and Removal of Hazardous Buildings to the FY 21 General Fund Highway (18422000 – 490000) as reimbursement for anticipated expenses.

This Resolution shall take effect immediately upon its passage.

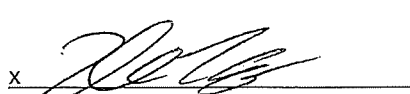
Adopted: January 1, 2021

Attest:



Charles Foote, Council Chair

Date: 10/8/20



Daniel Healey, Town Clerk

Date: 10/8/2020

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Archival Ref:      Agenda Item #20-99



## Resolution #2020-051

To Create an Economic Revitalization Zone on Rte. 111

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

WHEREAS, the Town Council previously created Economic Revitalization Zones in areas generally occupied by the Derry Commerce Corridor and Gateway TIF Districts; and

WHEREAS, businesses which locate within these zones have opportunities to receive short term business tax credits for projects which improve infrastructure and create jobs; and,

WHEREAS, expansion of the program to the General Commercial Zone along Rte. 111 would encourage economic activity in an area where there are underutilized land and structures for commercial and retail purposes;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council hereby authorizes the Town Administrator to make application to the State Commissioner of Business and Economic Affairs to designate the General Commercial Zone along Rte. 111 as an Economic Revitalization Zone.

This Resolution shall take effect immediately upon its passage.

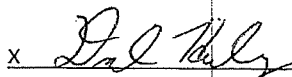
Adopted: October 6, 2020

Attest:



Charles Foote, Council Chair

Date: 10/6/20

x 

Daniel Healey, Town Clerk

Date: 10/6/2020

Archival Ref: Agenda #20-100



## RESOLUTION

Number 2020-052

To Adjust the FY 21 Budget & Amend Resolution #2020-041

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WHEREAS, Section 9.5 of the Town Charter authorizes the Town Administrator, with Council approval, to reduce appropriations as may be necessary to keep total expenditures within total anticipated revenues; and

WHEREAS, the Town has been notified of a reduction in its State Infrastructure Grant; and

WHEREAS, the Town had initially budgeted these funds in Other Municipal Obligations for investment in Capital Projects; and

WHEREAS, the Council, under Resolution #2020-041 transferred the anticipated revenues into the COVID-19 Trust Fund;

WHEREAS, a reduction in the corresponding expense line is appropriate to ensure that total expenditures are within total anticipated revenues;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to reduce Acct. #44-490 by the sum of Eight Thousand Nine Hundred Seventy-Five Dollars (\$8,975), which amends Resolutions #2020-013 and #2020-040 by revising the FY 21 Town Budget to Fifty-One Million Six Hundred Thousand, Eight Hundred Eighty-One Dollars (\$51,600,881);

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Archival Ref:      Agenda Item #20-101

FURTHER, that Resolution #2020-041 be amended to reflect the transfer to the COVID-19 Trust from Acct. #44-490 revised to Three Hundred Eighty-Seven Thousand, Fifty-Six Dollars (\$387,056).

This Resolution shall take effect immediately upon its passage.

Adopted: October 6, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 10/6/20

x 

Daniel Healey, Town Clerk

Date: 10/6/2020

Archival Ref: Agenda Item #20-101