

## TOWN OF DERRY

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday November 2, 2021  
3rd Floor Meeting Room

### MINUTES

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

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

**Motion by Councilor Wetherbee to seal RSA 91A:3 II (d,) because it was determined**  
**divulgence of this information would render a proposed action ineffective, seconded by**  
**Councilor Foote**  
**Roll Call Vote: 6-0-0**

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

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

Absent: Councilors Chirichiello

Present: TA Dave Caron, Town Clerk Daniel Healey

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

**Motion by Councilor Spencer to open public forum, seconded by Councilor Foote – all**  
**agreed**

Tom Cardon: Cunningham Dr – Has some concerns with Exit 4A and the Police station.  
Tsienneto Rd will be a problem if it is done in phases.

Mark Connors: Cabot Dr (Rail Trail President) – The latest Exit 4A proposal has the rail trail  
being finished to the Londonderry line. The rail trail was used for the line for Derry After Dark  
tickets last Sunday. Cans collected from ticket sales were donated to the Salvation Army. Rick  
Metts had a clam truck while customers waited in line for tickets. Spoke with a couple from  
Atlanta that came to Derry to ride the rail trail.

**Motion by Councilor Foote to extend Mr. Connors time, seconded by Councilor Spencer**  
**– all agreed**

Mark Connors: Cabot Dr (Personal Comments) –Thanked all those that volunteer on Town  
Board and Committees and suggested that people interested, should start with a board before  
moving on to higher positions in Town. Confused by the Hood Park committee started by a  
State Representative as improvements are already being done. Congrats to Jodi Nelson and  
Mary Eisner on their primary wins.

Michael Layon: Tsienneto Rd – Believes that Republicans are not welcome on the rail trail.

Mark Connors: Cabot Dr (Personal Comments) – There are Republicans on the rail trail board.

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

**Consent Agenda**

- 21-129** Approve Public Minutes – October 21, 2021
- 21-130** Resolution #2021-071 – Authorize issuing Refinancing Bonds
- 21-131** Resolution #2021-072 – Adjust Council District Boundaries
- 21-132** Resolution #2021-073 – Supplemental Appropriation to purchase capital equipment
- 21-133** Resolution #2021-074 – Water Treatment at Autumn Woods
- 21-134** Ordinance #2021-012 – Amend Zoning Ordinance to rezone twelve properties in the Gateway District

**Councilor Spencer moves to approve the consent agenda, seconded by Councilor Foote**  
**Roll Call Vote: 6-0-0**

**Chairman's Report – James Morgan**

**Chairman Morgan moves to appoint Dave Granese as a member of the Planning Board with a term to expire March 2022, seconded by Councilor Foote**  
**Roll Call Vote: 4-2-0 (Councilors Bourdon & Wetherbee)**

**Town Administrator's Report – Dave Caron**  
CFO Mark Fleischer presented the FY22 Q1 financials.

The tax rate has been set by the state. It will be \$24.76. A solar RFP will be presented later in the meeting by Net Zero Chair Jeff Moulton. The RFP on the Adams Memorial stage closed to bidders on Friday 10/8. The anticipated costs, included a sizeable contingency given the type of repair, will exceed the project budget by about \$45K; the Greater Derry Arts council will be funding the overage. Proposals for the Skate Park RFP were received on October 22 and are being evaluated by staff. Funding has been identified for Hood Park and DPW will initiate the process of soliciting architectural/civil consultants to assist with design of the new splash pad/pickle ball court and playground in late 2021/early 2022. The Town Charter allows the Town Council to redistrict to better balance the number of residents in each of the four districts, based upon the results on the 2020 federal census. Based upon information provided by the Southern New Hampshire Planning Commission, the Town's goal is to have approximately 8,579 residents per district, with a ½ percent variance from the average. It is recommended that 48 residents be moved from District 2 to 4 and that 370 residents be moved from District 4 to 3. The Council will conduct a public hearing on November 16<sup>th</sup> on a proposal to refinance existing debt associated with the Derry Commerce Corridor TIF District. The Town anticipates savings of approximately \$190K with this effort. Two meetings were hosted last week regarding state transportation issues. First, Executive Councilor Stevens hosted a public hearing on the State's proposed ten year highway plan, which includes two projects for Derry: the Exit 4A corridor and the final segment of the Rail Trail. Second, NHDOT presented an update on the Exit 4A project. There were concerns expressed concerning the impact of the project upon the community during construction and the need to address the intersection of Rte. 102 and Tsienneto prior to

access being opened from Exit 4A. The Derry Rail Trail and the prominence of its art displays received recognition in the NH Rail Trails Coalition publication.

### **Public Hearing**

**21-125** Ordinance #2021-011 – Amend Traffic Ordinance, Prohibited Parking on Franklin Street – *Highway Safety Committee Chair Scott Savard*

The Highway Safety Committee is seeking the Town Council's approval to amend the Traffic Ordinance Article I Section §150-4 - Prohibited Parking. Mrs. Stephanie Barry, resident at 15 Franklin Street, asked that this issue be placed on the Highway Safety Committee Agenda for August. The Highway Safety Committee discussed the issue at the August 19, 2021, meeting and determined there are sight distance issues and safety concerns at the stop sign. The Highway Safety Committee recommends that parking be prohibited on the Easterly side of Franklin Street beginning 300 feet north of the intersection of East Broadway and continuing northerly for 240 feet to the intersection of Pearl Street. The Highway Safety Committee by unanimous decision on September 16, 2021, recommends that the Town Council amend the Traffic Ordinance Article I Section §150-4 - Prohibited Parking. The cost is \$150.00 for the no parking signs and post, not including staff time.

**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 Foote – all agreed**

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2021-011 which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores**

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

**Ordinance attached**

**Councilor Foote moves to move up on the agenda item 21-104, seconded by Councilor Wetherbee – all agreed**

### **Old Business**

**21-104** Ordinance #2021-010 – Amend Traffic Ordinance, Prohibited Parking on East Broadway – *(Tabled from September 21, 2021, meeting) – Highway Safety Committee Chair Scott Savard*

The Highway Safety Committee discussed the issue at the May 20, 2021, meeting and determined there are safety issues for pedestrians and oncoming traffic due to recent parking alongside East Broadway near 94 East Broadway. The Highway Safety Committee recommends that parking be prohibited along the south side of East Broadway from Park Ave to the traffic circle and from the traffic circle along the north side to Marlboro Road. Per Town's Traffic Ordinance Section 150-3 section C. The Derry Police Department may waive parking restrictions for concerts and special events held at MacGregor Park. The Highway Safety

Committee by unanimous decision recommends that the Town Council amend the Traffic Ordinance Article I Section §150-4 - Prohibited Parking.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2021-010 which reads as follows [Read the Ordinance], seconded by Councilor Foote**  
**Roll Call Vote: 5-1-0 (Councilor Bourdon)**  
**Ordinance attached**

**Public Hearing (continued)**

**21-126** Resolution #2021-065 – Approve a Supplemental Appropriation to purchase equipment for the Water Division – *Deputy Director of Public Works Tom Carrier*

The Water Division requires access to a dump truck year-round for the purpose of maintenance work, trench restoration and emergency water main repairs. During the winter months the Highway Department's dump trucks are equipped and reserved for winter operations (sanding, salting, and plowing). In FY13 the Water Department acquired one of Highway's dump trucks scheduled for replacement; a 2000 International 6-wheel dump truck. Now, after 8 years this truck has developed significant maintenance issues mostly due to substantial rusting of the dump body and frame (The truck was used by highway for the prior 7 years for salting and plowing before being transferred to Water.) It was included in the Water CIP for replacement with another HW Dump Truck in FY22. Since Highway did not have a truck to transfer, its replacement was deferred to FY23 with the intention of being able to extend the use of the 2000 International one more year. The truck, however, has failed its most recent inspection and is unsafe to operate. It will require significant investment to repair it, the total cost of which is not known until it is disassembled. It will include at a minimum a new dump body and framework. The Water Dept, does not have access to a dump truck going into this winter. Following an internal discussion of options, the Department has been made aware that McDevitt Truck, LLC has a fully equipped (dump body with wing plow but no front plow) 10-wheel dump truck on its lot. Since the Department intended to replace this truck in its next budget and substantial lead times would likely defer delivery of any new truck ordered as part of the FY23 Budget until late 2023 or early 2024, the Department expressed interest to the vendor. McDevitt Trucks Inc. has been the Department's vendor for 6 and 10-wheel dump trucks for the last 5 years. McDevitt has offered the new 10-wheel dump truck to the Town at a competitive price of \$184,573. By comparison, the last 10-wheel dump truck the Town purchased was 2018 for \$193,262 for a comparable MACK. (The new truck does not have a front plow which would cost about \$5,000 to add.) The Water division would propose to lease the new truck at the current interest rate of 1.3848% for 7 years. The lease would have no net cost in FY2022 with the first lease payment of \$27,857.77 due in FY2023. Revenues from the Regional Water Project would be sufficient to offset the lease payment without need to increase rates.

**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 Foote – all agreed**

**Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-065 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

**21-127** Resolution #2021-066 – Apply for and accept a Drinking Water Trust Fund Grant for Phase II Conceptual Planning Report for Southern NH Regional Water Project– *Deputy Director of Public Works Tom Carrier*

The Water Fund FY2022 budget included the updating of Derry's Water System Master Plan. This is work being done by Underwood Engineers. Underwood was also contracted to design the Regional Water Project Phase I improvements in Derry, and they are recommended to design Derry's Phase II improvements. Understanding the impact of the Regional Water Phase II work in Derry is essential in moving forward with the Master Plan. Underwood Engineers has prepared a Scope of Work to provide a technical report summarizing Derry's Phase II options and recommendations and provide an opinion of cost for those recommendations. They will provide a conceptional design of the Phase II improvements in Derry for review by the Council, NH DES and the Regional Water partners. To ensure Derry is reimbursed for the work related to Phase II, the town intends to request grant funding from the Drinking Water and Groundwater Trust Fund to complete that portion of the study. The grant application requires that the Town Council authorize the application. The Phase II Conceptual Planning Report is estimated to cost \$60,000. The intention is to obtain 100% grant funding for this work such that there will be no financial impact to Derry.

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

No one from the public spoke.

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

**Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-066 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

#### **New Business**

**21-135** Resolution #2021-075 – Authorize a Memorandum of Understanding for the redevelopment of Abbott Court – *Town Administrator Dave Caron*

The Town purchased several properties in the Abbott Court area many years ago, and as of late, has been attempting to redevelop the property as a stimulus for further economic development in the Downtown. Based upon prior direction from the Council, Economic Development Director Bev Donovan has been working multiple development paths: staff

previously engaged with Monadnock Economic Development Corporation and the potential application of New Market Tax Credits, as well as collaborating with private developers (Dick Anagnost and Peter Flotz on separate proposals) to research a private or public/private partnership. Town staff has been engaged in discussions with Peter Flotz and his Lansing-Melbourne Group for months now advancing a vision to redevelop Abbott Court. LMG has made several trips to Derry and has engaged design professionals to test various visions for the property. The Town's relationship with LMG has progressed to this point where it is recommended that the Town Council authorize the Town Administrator to sign a Memorandum of Understanding with LMG to work collaboratively on a vision for Abbott Court. It is hoped that this process will culminate in a request to the Council to approve a Master Development Agreement which will lay out specifics regarding the development and bind both parties to certain obligations. There are multiple tasks and challenges to be addressed as the town seeks to redevelop Abbott Court. The town envision the construction of a parking structure on the site along with retail, institutional and residential uses. The MOU provides for the following:

- 1) LMG has exclusive rights to investigate the feasibility to redevelop Abbott Court.
- 2) The Town will share whatever information is available on the property and surrounding areas.
- 3) LMG will provide the Town with a comprehensive development plan within 180 days, to include:
  - a. Summary of site investigation and analysis of existing conditions
  - b. Building evaluation
  - c. Site and infrastructure planning
  - d. Land use programming and completion of a master plan in concert with the Town's vision
  - e. Preliminary plan for phased development
  - f. Plan for re-platting of Property boundaries
  - g. Financing plan, including both public and private sources
  - h. Proposed terms for transfer of Property within Project
  - i. Entitlements and permits required for the master plan
  - j. Development budget estimating the total cost of the project
  - k. Detailed term sheet for the MDA
  - l. Developer shall complete a schematic design scheme of the Project
- 4) LMG and Town will attempt to finalize a Master Development Agreement for consideration by the Town Council.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-075 which reads as follows [*Read the Resolution*], seconded by Councilor Foote**

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

**Resolution attached**

**21-136 Resolution #2021-068 – Authorize expenditures from the Police Detail Revolving Fund – *Police Chief Ed Garone***

Derry Police officers are currently equipped with .40 caliber pistols which were purchased in 2015. Those pistols are approaching a point where a maintenance refresh will be needed for each weapon that will involve new night sights, new magazines, and new recoil spring assemblies. That maintenance cycle will be approximately the same cost as purchasing a new

pistol. The department is seeking to transition to a 9MM pistol and acquire red dot optics for each pistol. The 9MM pistols will be beneficial because advances in ammunition design provide for the same ballistic performance with 9MM ammunition as the .40 caliber ammunition. The 9MM ammunition is cheaper than .40 caliber ammunition. Qualification scores for officers generally increase with 9MM over the .40 Caliber pistol. Red dot optics generally increase accuracy as well. A Norwich University study concluded that a red dot optic, was more effective than traditional iron sights. The results suggested that trainees in law enforcement specialties may gain proficiency more efficiently. Pistol flashlights will be upgraded at the same time. The new pistols will require the acquisition of new holsters to fit the new pistol as well as iron sights so that officers can co-witness their RDS or Iron Sight depending on the situation presented. The police department has been operating the Police Detail Revolving fund for 4 years. That account has a balance as of 10/18/21 of \$233,931.63 however, of that, there are outstanding AR in the amount of \$18,582.85. Thus, the net is \$215,348.78. Due to current demand for ammunition nationwide, it is anticipated that the acquisition of the needed ammunition could be as much as 12-18 months. As a result, the Police Department will need to delay the purchase of the pistols until they have the ammunition so they can facilitate a trade in of the existing inventory. Costs for the project are anticipated to be; Pistols: \$31,686.00, less trade allowance of existing inventory \$20,300.00. Net cost of \$11,386. Purchase of the pistols is not anticipated for at least a year. Pricing is estimated. Optics: \$31,266.27; Holsters: \$9,220.90; Flashlights: \$6,276.40, less trade value of existing inventory \$900.00. Net cost of \$5,376.40; Iron Sights: \$4,843.62; Ammunition: \$26,700.30; Training: \$25,903.68. The net project cost is approximately \$114,697.17.

**Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-068 which reads as follows [*Read the Resolution*], seconded by Councilor Spencer**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

**21-137** Resolution #2021-069 – Authorize staff to negotiate an agreement for solar development at the landfill – *Net Zero Chair Jeff Moulton*

The Net Zero Task Force and Department of Public Works issued a Request for Proposal (RFP) to build a solar panel array on top of the Town owned landfill located at Kendall Pond Road. The solicitation asked vendors to provide responses to design, permit and construct a 2.2 MW system to cover the electricity needs of 30 Town buildings. In previous versions of the landfill proposals, the economics were not as favorable due to the 1MW net metering limit. The State Legislature has since passed expanded net metering limits, which enabled the Derry landfill project to be expanded to 2.2 MW. The 2.2 MW solar field will generate approximately 3.7 million kWh annually to be distributed to the DPW campus/WWTP along with several other Town facilities. Excess generated electricity will be exported, and net metered according to NHPUC rules. The evaluation committee has reviewed the economics of a direct purchase at a cost of \$4.7 million against a 25-year PPA with a fixed electricity cost of 6.8 cents per kWh. The Town of Derry has a third-party electricity supply contract at 6.575 cents per kWh through November 2023. The current energy markets have indicated that retail rates for the Eversource territory are slated to significantly increase in the next 12-24 months. Direct Purchase - The lowest qualified bid was \$4.7 million. For the direct purchase option, the Town absorbs the risk of receiving full revenues from the RECs and the cost of Operations & Maintenance. The

cumulative net savings would be \$3.5 million after 25 years, with a break-even (payback) at 12.4 years. The Town reaps the benefit of the averted cost from the electricity generation and net metering revenue for excess electricity sold to the grid. The Town of Derry would need to raise funds through a bond offering to sign a contract. Power Purchase Agreement (PPA) - Obligates the Town to purchase electricity from the solar field at a combined supply and distribution rate of 6.8 cents per kWh. The current effective rate for all Town purchases is currently 13 cents per kWh. The financial analysis indicates that the Town would reap savings in Year 1 of approximately \$70,000 as compared to the present electricity rates. The PPA rate would be fixed for the 25-year period as compared to projected increases of 2% annually with future market purchases. The projected savings in Year 25 has been modeled to be \$220,000. The cumulative savings has been calculated at \$3.5 million. The PPA contract requires the vendor to maintain the solar equipment in the event of failure or degradation. Further, the Town may opt out of the PPA after Year 5 to purchase the equipment at Fair Market Value. Internal Revenue Service regulations require an appraisal to determine the value at that time, but it is currently estimated at \$1,900,000 for a buyout. The Town would not be obligated to commit to the Year 6 buyout now, but there is potential to reap the benefit of lower electricity rates in the initial years of the PPA and possibly leverage the depreciated asset for total savings estimated at \$5.65 million, with the assumption that Fair Market Value is close to the \$1.9 million estimate and REC values are sustainable in years 6- 25.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-069 which reads as follows [*Read the Resolution*], seconded by Councilor Spencer**

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

**Resolution attached**

**21-138 Resolution #2021-070 – Approve a polling location for the December 2021**

**Special General Court Election – *Town Administrator Dave Caron***

State Statutes assign to the Town Council the responsibility to provide polling locations; and pursuant to Resolution #2021-055 as adopted by the Town Council and approved by the Governor and Executive Council, a special election is necessary to fill a vacated General Court seat; and the School District has determined that its facility will not be available for this election; the Town Council hereby designates Calvary Bible Church as the Town's Central Polling Location for the December 2021 General Court election.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-070 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**

**Roll Call Vote: 5-1-0 (Chairman Morgan)**

**Resolution attached**

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

Councilor Katsakiores – Sorry to hear that the Fire Chief has retired. Wished him well and thanked him for his service to the Town.

Chairman Morgan – School Board should have voted on removing the schools as a polling location, not just one member of the school board and the superintendent. Would urge the school board to hold a vote on who was in favor of not allowing the town to use the building. Requests an apology from Brenda Willis for her actions at the last election.



Adjourn: 8:40pm

  
Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

11/19/2021  
Date



## ORDINANCE

Number 2021-011

Amendment to Traffic Ordinance, Section 150-4 -Prohibited Parking – Franklin Street

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

WHEREAS, the Highway Safety Traffic Committee has reviewed pedestrian and traffic movements and recommended the prohibition of parking on sections of Franklin Street; and,

WHEREAS, public safety will be enhanced through this action;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Traffic Ordinance, Section 150-4, Prohibited Parking, is hereby amended to add the following:

**Franklin Street          East Side          Beginning 300 feet north of the intersection of East Broadway and continuing northerly for 240 feet to the intersection of Pearl Street.**

This Resolution shall take effect 30 days after its passage.

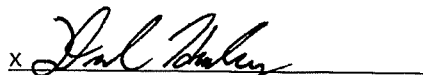
Adopted: November 2, 2021

Attest:

x 

James Morgan, Council Chair

Date: 11/2/2021

x 

Daniel Healey, Town Clerk

Date: 11/2/2021

Archival Ref: Agenda #21-125



## RESOLUTION

Number 2021-065

To Approve a Supplemental Appropriation to Purchase Equipment for the  
Water Division

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, the Water Division is in need of a dump truck to support its operations; and

WHEREAS, the Division previously acquired a used truck from the Highway Division; and

WHEREAS, the current truck, a 2000 International has developed significant maintenance issues which are uneconomical to address; and

WHEREAS, funds are available in the Water Division budget to lease purchase a replacement vehicle;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of One Hundred Eighty-Four Thousand Five Hundred Seventy-Three Dollars (\$184,573) is hereby raised to purchase a 10-wheel dump truck from McDevitt Trucks, to be financed through a seven year lease purchase agreement.

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: November 2, 2021

Attest:

A handwritten signature in black ink, appearing to be "James P. Morgan", written over a horizontal line.

James P. Morgan, Council Chair

Date: 11/2/2021

Archival Ref: TC Agenda Item #21-126

A handwritten signature in black ink, appearing to be "Daniel Healey", written over a horizontal line.

Daniel Healey, Town Clerk

Date: 11/2/2021



## RESOLUTION

Number 2021-066

To Apply for and Accept a Drinking Water Trust Fund Grant for Phase II Conceptual Planning Report for Southern NH Regional Water Project

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

WHEREAS, the Town Council pursuant to Resolution #2019-018 authorized the Town to participate in the Southern New Hampshire Regional Water Interconnection Project (the Project); and

WHEREAS, further evaluation of Derry's system is required to ensure the integrity of the system to deliver water under the obligations set forth in Phase II of the Project; and

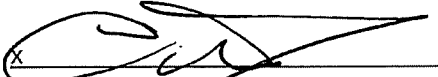
WHEREAS, the State of New Hampshire, in recognition of Derry's contributions to the project, has determined that costs associated with the Project shall not be borne by the Town of Derry;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to apply for, accept and expend \$60,000 from the Drinking Water Trust Fund for the Phase II Conceptual Planning Report for the Town of Derry

This Resolution shall take effect immediately upon its passage.

Adopted: November 2, 2021

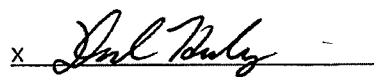
Attest:



James Morgan, Council Chair

Date: 11/2/2021

Archival Ref: Agenda #21-127

x 

Daniel Healey, Town Clerk

Date: 11/2/2021



## RESOLUTION

Number 2021-075

To Authorize a Memorandum of Understanding for the Redevelopment of  
Abbott Court

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

WHEREAS, the Master Plan and Town Council goals have identified the redevelopment of Abbott Court as an economic development priority; and,

WHEREAS, the Town has been in discussions with a group which has experience with transforming underutilized assets into catalysts for Downtown redevelopment; and

WHEREAS, developing a vision for Abbott Court requires additional time and study by both the Town and its development partner,

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby authorizes the Town Administrator to sign a Memorandum of Understanding with Lansing Melbourne Group to develop a vision for Abbott Court with the goal of returning to the Council with a proposed Master Development Agreement which would identify the obligations of this public private partnership.

This Resolution shall take effect immediately upon its passage.

Adopted: November 2, 2021

Attest:

X

James Morgan, Council Chair

Date: 11/2/2021

X

Daniel Healey, Town Clerk

Date: 11/2/2021

Archival Ref: Agenda Item – #21-135



## RESOLUTION

Number 2021-068

To Authorize Expenditures from the Police Revolving Fund

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to adopt resolutions and ordinances, including the appropriation of funds; and

WHEREAS, the Derry Police Department provides special detail services for businesses, groups and individuals requiring specialized traffic control, crowd control and other security; and,

WHEREAS, the Town Council under Resolution #2017-020 authorized the creation of a Police Detail Revolving Fund pursuant to RSA 31:95-h to separately account for and expend funds for this purpose; and,


WHEREAS, a surplus now exists in this fund and the Police Department is in need of replacing its inventory of pistols, which is critical to the execution of duties of a police officer, including special details;

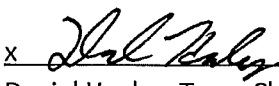
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby authorizes the withdrawal of \$114,698 from the Police Detail Revolving Fund for the purchase of replacement pistols and associated equipment, including training.

This Resolution shall take effect immediately upon its passage.

Adopted: November 2, 2021.

Attest:

X   
James Morgan, Council Chair  
Date: 11/2/2021

X   
Daniel Healey, Town Clerk  
Date: 11/2/2021

Archival Ref:      Agenda Item #21-136



## RESOLUTION

Number 2021-069

To Authorize Negotiation of an Agreement for a Solar Array at the Closed  
Landfill

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

WHEREAS, staff and the Net Zero Committee have received and evaluated proposals for the development of a solar array at the closed landfill; and

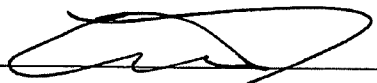
WHEREAS, staff and the Net Zero Committee recommend entering negotiations with Encore Renewable Energy of Burlington Vermont;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator and designees are hereby authorized to enter final negotiations with Encore Renewable Energy regarding the development of a solar array at the closed landfill, and to return to the Town Council with recommendations on all aspects of a proposed agreement, including land leases, town acquisition and development, power purchase agreements and other considerations.

This Resolution shall take effect immediately upon its passage.

Adopted: November 2, 2021

Attest:

x   
James Morgan, Chair  
Date: 11/2/2021

x   
Daniel Healey, Town Clerk  
Date: 11/2/2021

Archival Ref: Agenda Item #21-137



## RESOLUTION

Number 2021-070

To Approve the Central Polling Location for the December 2021 Special General Court Election

WHEREAS, State Statutes assign to the Town Council the responsibility to provide polling locations; and

WHEREAS, pursuant to Resolution #2021-055 as adopted by the Town Council and approved by the Governor and Executive Council, a special election is necessary to fill a vacated General Court seat; and

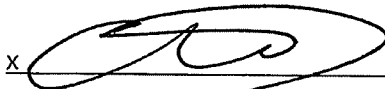
WHEREAS, the School District has determined that its facility will not be available for this election;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby designates Calvary Bible Church as the Town's Central Polling Location for the December 2021 General Court election.

This Resolution shall take effect immediately upon its passage.

Adopted: November 2, 2021

Attest:

x   
James Morgan, Council Chair  
Date: 11/2/2021

x   
Daniel Healey, Town Clerk  
Date: 11/2/2021

Archival Ref: TC agenda item #21-138





## ORDINANCE

Number 2021-010

Amendment to Traffic Ordinance, Section 150-4 -Prohibited Parking – East Broadway

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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

WHEREAS, the Highway Safety Traffic Committee has reviewed pedestrian and traffic movements and recommended the prohibition of parking on sections of East Broadway; and,

WHEREAS, public safety will be enhanced through this action;

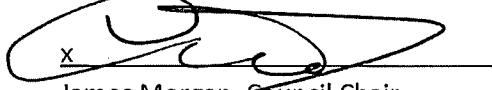
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Traffic Ordinance, Section 150-4, Prohibited Parking, is hereby amended to add the following:

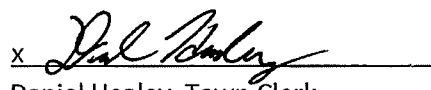
|               |           |  |
|---------------|-----------|--|
| East Broadway | Southside | Beginning at Park Ave to the Danforth traffic circle.      |
| East Broadway | Northside | Beginning at the Danforth traffic circle to Marlboro Road. |

This Resolution shall take effect 30 days after its passage.

Adopted: November 2, 2021

Attest:

X   
James Morgan, Council Chair  
Date: 11/2/2021

X   
Daniel Healey, Town Clerk  
Date: 11/2/2021

Archival Ref: Agenda #21-104

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