

TOWN OF DERRY

Town Council
Derry Municipal Center

November 21 2017
Tuesday - 7:30 PM

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

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

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

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

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

Present: TA David Caron, Town Clerk Daniel Healey

Consent Agenda

17-154 Approve Non-Public Minutes – November 7, 2017

17-155 Approve Minutes – November 7, 2017

17-156 Ordinance #2017-007 – To Amend Article V, Disposition of Town Real Estate Property

17-157 Ordinance #2017-008 – To Expand the Downtown Derry Revitalization Tax Relief Program

Consent agenda approved

Chairman's Report – Joshua Bourdon

The Town of Derry received a certificate of appreciation for being the stewards of a State Champion Big Tree. This tree is located at the entrance to Don Ball Park on Humphrey Road. It is estimated to be about 312 years old. It is asked that the Town continue to take good care of the tree keeping it safe and healthy. The Energy and Environmental Advisory Committee (EEAC) along with the Net Zero Committee have been promoting the goal of clean energy through the installation of solar panel arrays at private residences and public facilities. Initial estimates were provided to the Town Council and subsequently, an RFP was solicited in September 2017 to obtain pricing to purchase and install solar panels to be placed at Marion Gerrish Community Center and the Transfer Station. Based on the RFP received for Marion Gerrish, the committee did not recommend the award of the contract. The RFP process for the Transfer Station yielded two proposals to mount panels on the southwest facing slope of the Transfer Station facility. The leading proposal is to mount 240 ground mounted, tracking – 360 watt panels. The Town Council presented a proclamation to Andy Mino for his work raising awareness about suicide. Andy sold hearts at school lunches where students wrote anonymous messages to spread love and hope. He raised almost \$400 through sales and donations. His wish is to donate the money back to Pinkerton Academy to continue educating students on

suicide prevention. The Town Council discussed the tax rate that was just established for the Town of Derry and questioned changing from a town to a city.

Town Administrator's Report – David Caron

The Emergency Communication Project has been awarded to Motorola. The eight month project will commence after receipt of a contract and review by legal. Eversource has been expanding its Scobie Pond Road substation of which a small portion is located in Derry. Eversource's contractors were given permission to continue overnight work contingent upon no disruption to area neighbors. The Tax Collector has discovered a glitch in the tax billing process which will impact approximately 900 property owners. The glitch was originally discovered prior to printing the bills; staff worked with our software vendor to correct. The town has been in touch with the corporate offices at Verizon in an attempt to identify the coverage issues in Derry. Anne Struthers, the Economic Development Coordinator, will be leaving the Town's employ for personal reasons on December 1. Several downtown businesses have collaborated to place a tree on downtown land owned by Brad Benson, the town will supply the power.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Roberta Robie: Chester Rd – Changing the town to a city is not the answer.

Marc Flattes: Linlew Dr – Believes the tax rate is high and something should be done.

Steve Trefethen: Windham, NH – Stated that the tax increase does not bother him since he passes it on to his tenants. Thanked Councilor Katsakiores for helping get a Christmas tree downtown.

Randall Kelley: Hardy Ct – Believes the Solar projects are a great idea and the town should look into more locations. Changing to a city should be looked at more. December 8th there will a ribbon cutting ceremony at the Salvation Army at noon.

Jeff Moulton: Taylor Brook Ln – The schools rated poorly in energy efficiency. There was a 10 million dollar proposal to update the schools; he believes this could have gone to an RFP with better results.

Ed Muller: Damore Ln – He would like to see the selection criteria for selecting the Emergency Communications contract.

Tom Cardon: Cunningham Dr – The schools need to start listening to the residents.

Roberta Robie: Chester Rd – Reiterated that changing the town to a city is not the answer and that she is strongly against the idea.

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

Public Hearings

17-147 Resolution #2017-074 – Accept a NH Highway Safety Agency Grant for Sustained Traffic Enforcement Patriots

Police Chief Edward Garone presented the NH Highway Safety Agency Grant for Sustained Traffic Enforcement Patrols. Periodically, the NH Highway Safety Agency distributes funds to support selective traffic enforcement. The Police Department has received contracts for these programs. The Sustained Traffic Enforcement Patrol grant provides \$18,882.28 in funding. The NH Highway Safety Agency will reimburse the Town for 100% of the salary-related expenses plus associated roll up costs for all hours worked under the grant. The Town is responsible for in kind cost matches for the grant. Enforcement patrols will be scheduled throughout the grant period which runs from October 1, 2017 through September 30, 2018 as one-man patrols. Officers assigned will be reimbursed at their respective overtime rate.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-074, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0
Resolution attached

17-148 Ordinance #2017-006 – Amend Article V, Zoning Map & District Boundaries, Section 165-30, Zoning Map, to remove 444 parcels from MHDR zone and add 44 parcels to MDHR II zone

Planning Director George Sioras and Planning Assistant Elizabeth Robidoux presented the amendment to Article V. Over the last year both the Derry Town Council and Planning Board worked on their respective goals and requested staff to review zoning in the area of the proposed Exit 4A as well as the multi-family zoning. The above referenced zoning amendment is the first step in meeting those goals. Future zoning proposals will be brought forward to both the Planning Board and Town Council relating to re-zoning of parcels as potential Industrial and Commercial uses as well as reviewing the permitted uses in the existing Industrial and Commercial Districts. The purpose of the amendment is to preserve the existing character of a majority of the lots located in the area of change. This is Phase 1 of a review of the area in the vicinity of the proposed Exit 4A.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-006, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee

Roll Call Vote: 6-0-1 (Councilor Chirichiello)

Ordinance attached

17-149 Resolution #2017-075 – Authorize sale of Town Tax Deeded Properties – 1st public hearing, 2nd public hearing 12/5/17

Tax Collector Dawn Enwright presented the Sale of Town Tax Deeded Property. At the November 7th meeting, the Town Council received the original lists of properties recommended for disposition. The reports proposed a decision-making timeline leading to a Council vote on the matter on December 19, 2017. Pursuant to the plan, the properties were reviewed by Town Departments, the Planning Board, Conservation Commission, and Heritage Commission. The timeline requires public hearings to be held on November 21 and December 5th. One list presented to the Council and public recommends 3 properties for sale. The second list presented to the Council and the public is a list of properties recommended for sale to abutters. All properties are listed by parcel number with the following information presented: property location, 2016 assessed value, acreage, property type and date of tax deeding. Sale of tax deeded properties will generate revenue and return the properties to the tax rolls.

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

Joe Rudolph: Gena Ave – Asked about the process and when a second public hearing is scheduled for.

Ann Aernecke: Woodland St – She lives at 3 Woodland Street and has been maintaining the property at 3.5 Woodland Street for over 20 years. She would be interested in purchasing 3.5 Woodland Street.

Bob Modrak: Chancellor Dr – Questioned the property located on Chancellor Drive stating it should be Conservation land. He was told that it is and was on the list by mistake. Tax Collector Dawn Enwright stated that 12 Forest Street is also Conservation land.

Greg Timson: Wildwood Dr – Inquired about 9.5 Wildwood Drive and was told that it is Conservation land too.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-075, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

New Business

17-158 Resolution #2017-080 – To Transfer Funds from Various Departments to the Expendable Trust Fund for CBA Implementation

CFO Susan Hickey presented the transfer of funds for health premium savings. In 2016, the Town Council negotiated and ratified collective bargaining agreements with seven units, some of which have been out of contract for several years. In exchange for wage adjustments, employees agreed to a lesser health plan. The savings in the insurance premiums were determined by the Insurance carrier to be greater than the amount budgeted. For FY18, the Town budgeted an amount deemed sufficient by the Town's health carriers; final rates were lower, thus providing a surplus in the various health insurance line items. Therefore, a recommendation is being made to transfer the savings into the Expendable Trust for CBA implementation, which was created under Resolution #2017-018.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-080, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

17-159 Resolution #2017-081 – To Retain Tax Deeded Property for Public Use

Town Administrator David Caron presented retaining tax deeded property for public use. Pursuant to RSA 80:42-a, state statutes allow the Town Council to retain ownership of certain properties acquired by tax deed for public use. As the Town attempts to cull the number of properties by tax deed and not returned to the tax rolls, staff recognizes that certain properties appear on the list each year, and are in fact serving some public purpose. Formally retaining these properties for public use by Council action will remove these properties from the disposal list and transfer stewardship to the appropriate department in need of that particular asset.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-081, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports -

Councilor Wetherbee – Would like to tour Pinkerton Friday December 1st at 7:30am. Questioned why the transfer station opens at 6am and if the amount of residents going that early makes it worth it. Would like town overtime looked at to see if it is on track.

Councilor Tripp – The Holiday parade is this weekend. Would like to see a Swap Shop at the transfer station and suggests that the rotary could build it.

Councilor Chirichiello – House Bill 525 was retained by the education committee, he co-sponsored this bill back in January. This bill removes the annual 4 percent reduction in stabilization grants made to certain municipalities and provides that the stabilization grant to a municipality in fiscal year 2018 shall be the same as in fiscal year 2017. He will keep the town and the council up to date on the status.

Councilor Katsakiores – Publically thanked Cable Division Coordinator Owen Provencher for his work filming the 100th anniversary of Saint Thomas Aquinas Parish.

Councilor Foote – Reminded the residents that the school and town meetings are open to the public.

Councilor Morgan – Wished everyone a happy and safe Thanksgiving. The Economic Development Committee helped arrange the food truck for the downtown trick or treating and it worked out great. They are hoping to do two events per year with one possibly at Hood Park. The committee has been working on several projects that will be announced after the 1st of the year. He sympathizes with the members of the community over the tax rate. The tree lighting at the Municipal Center will take place this Saturday and the tree at Bensons will also be lit on Saturday. Anyone wishing to donate to help pay for the costs may contact Cask and Vine owner Andy Day. The holiday parade begins at 1pm on Saturday.

Chairman Bourdon – Wished everyone a happy and safe Thanksgiving.

Adjournment: 9:40 p.m.



Town Clerk

12-8-17
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2017-074

To Accept a NH Highway Safety Agency Grant for
Sustained Traffic Enforcement Patrols

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

WHEREAS, funding is available through the NH Highway Safety Agency; and

WHEREAS, the Town may receive funds for Sustained Traffic Enforcement; and

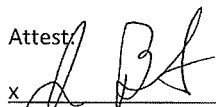
WHEREAS, this enforcement enhances the safety of the travelling public in Derry;

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 \$18,882.28 derived from the NH Highway Safety Agency grant for Sustained Traffic Enforcement Patrols, and to enter into agreements with the State of New Hampshire as may be necessary to finalize receipt of this grant funding.


This Resolution shall take effect immediately upon its passage.

Adopted: November 21, 2017

Attest:

x 
Josh Bourdon, Council Chair

Date: 11/21/17

x 
Daniel Healey, Town Clerk

Date: 11/21/17

Archival Ref: Agenda #17-147



ORDINANCE

Number 2017-006

Amending Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to Change the Designation of 444 parcels from Medium High Density Residential to Medium High Density Residential II

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, a goal of the Planning Board is to review and update portions of the Zoning Ordinance, particularly multi-family housing and the area in the vicinity of the proposed Exit 4A; and

WHEREAS, the Planning Board has reviewed zoning relating to multi-family and zoning generally in the area anticipated to be impacted by Exit 4A and recommends changes to preserve the existing character of those neighborhoods and to better position the Town for the influx of activity anticipated to be generated by Exit 4A; and

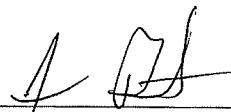
WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows: Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to Change the Designation of 444 parcels from Medium High Density Residential to Medium High Density Residential II. The affected lots are bounded by Madden and Folsom Roads to the north, Crystal Avenue to the east, East and West Broadway to the south and the Londonderry town line to the west.


This Ordinance shall take effect thirty days after its adoption.

Adopted: November 21, 2017

Attest:

x 

Joshua Bourdon, Council Chair
Date: 11/21/17

x 

Daniel Healey, Town Clerk
Date: 11/21/17

Archival Ref: Agenda Item #17-148



RESOLUTION

Number 2017-075

To Authorize the Sale of Tax Deeded Property

WHEREAS, Article 5 of the Town's Administrative Code sets forth the procedure to dispose of tax-deeded properties; and

WHEREAS, the Tax Collector has complied with said procedures in addition to complying with RSA 80:80, the controlling state statute; and

WHEREAS, the Town Council has held two public hearings during this process; and

WHEREAS, the Council believes that the sale of the parcels is in the best interest of the Town of Derry;

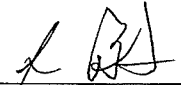
NOW, THEREFORE, BE IT RESOLVED that the Town Administrator is hereby authorized to sell by public auction and, in accordance with Section 5-29 of the Administrative Code, the parcels listed on the attached:

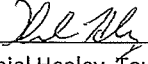
BE IT FURTHER RESOLVED that the Town Administrator is authorized to execute all required documents to affect sale of these properties.

This Resolution shall take effect immediately upon its passage.

Adopted: December 19th, 2017

Attest:

x 
Joshua Bourdon, Council Chair
Date: 11/21/17

x 
Daniel Healey, Town Clerk
Date: 11/21/17

Archival Ref: TC agenda item #17-149



RESOLUTION

Number 2017-080

To Transfer Funds from Various Accounts into the Expendable Trust
Fund for CBA Implementation

WHEREAS, Section 9.7 of the Town Charter empowers the Town Council to transfer any encumbered appropriation balance; and

WHEREAS, the Town annually budgets funds to pay health insurance premiums in accordance with the Town's Collective Bargaining Agreements (CBA) with its employees; and

WHEREAS, funds budgeted in FY 18 based upon estimates from the Town's insurance carriers exceed the funds necessary based upon final rate determinations; and


WHEREAS, sound fiscal policy encourages the use of these excess funds to defray a portion of the FY 19 CBA costs;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of Two Hundred Thirty Thousand Dollars (\$235,000), into the fund from the FY 18 appropriations of various Departments as determined by the Town Administrator and Chief Financial Officer.

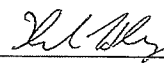
This Resolution shall take effect immediately upon its passage.

Adopted: November 21, 2017

Attest:

x 

Joshua Bourdon, Council Chair
Date: 11/21/17

x 

Daniel Healey, Town Clerk
Date: 11/21/17

Archival Ref: Agenda Item #17-158



RESOLUTION

Number 2017-081

To Retain Tax Deeded Property for Public Use

WHEREAS, Article 5 of the Town's Administrative Code sets forth the procedure to dispose of tax-deeded properties; and

WHEREAS, the Tax Collector has complied with said procedures in addition to complying with RSA 80:80, the controlling state statute; and

WHEREAS, the Town Council may retain tax deeded property for public use pursuant to RSA 80:42-a; and

WHEREAS, the Council believes that retention of these properties is in the best interest of the Town of Derry;

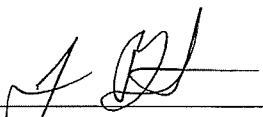
NOW, THEREFORE, BE IT RESOLVED that the following properties, acquired by tax collector's deed, shall be retained for public use:

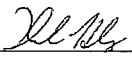
Location	Public Use
41 Collettes Grove Rd	Public Works – drainage for road way
7 Montgomery Farm Rd	Public Works – fire hydrant in middle of lot

This Resolution shall take effect immediately upon its passage.

Adopted: November 21, 2017

Attest:

x 
Joshua Bourdon, Council Chair
Date: 11/21/17

x 
Daniel Healey, Town Clerk
Date: 11/21/17

Archival Ref: TC agenda item #17-159