

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday December 14, 2021
3rd Floor Meeting Room

MINUTES

6:30 PM **Non-Public Session – RSA 91-A:3 II (b, d) – *did not occur***
7:00 PM **Call to order**

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

Roll Call: Councilors Katsakiores, Foote, Spencer, Wetherbee, Chirichiello (Video), Bourdon (Video), and Chairman Morgan
Present: TA Dave Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

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

Nancy Francis: Gulf Rd (Pantry Plunge) – It rained Saturday during the 5th annual Pantry Plunge at Gallien's Town Beach. 58 people went into the water. Donations will go to the Community Food Pantry. Thanked sponsors and all the volunteers.

Marc Flattes: Linlew Dr – Handed the Town Administrator a 91a request in reference to a meeting that took place on December 2, 2021.

Steve Trefethen: Windham, NH – Believes adding 600 apartments at the proposed Abbott Court development may be a bad idea. Recently sold the property at 43.5 Crystal Ave for the Grindhouse Restaurant to be built. His property off of Peabody Road is about to finish up. There will be an Exit 4A Citizen's group starting.

Rachel Richards: Florence St – Born in Derry, has lived here her entire life. Fixing the skate park is crucial to the community.

Rebecca Sanborn: Fox Hollow Rd – The citizen that spoke prior said it all. 100% support the skate park revamp.

Mark Connors: Cabot Dr (Rail Trail President) – Full support for the skate park, great for the town, but the fence should be dropped from the plans. Asked the Council to work with Dave Caron and Mike Fowler on the Exit 4A tunnel. Believes this is one of the best councils since he has been a Derry resident since 2004. Would like all 3 councilors to run again.

David Burke: East Derry Rd – Would like to see something go in at Abbott Court but it shocked about all the apartments planned.

Karen Lincoln: Craven Ter – Supports youth and economic develop and would like the Town Council to please invest in the skate park. Would like to see the pedestrian tunnel included in the Exit 4A plans.

Nick Sands: Susan Dr – Thanked everyone who has donated and those who have helped spread the message.

Pete Langlois: Norman Dr – Brought in skateboard supplies for donation. Believes this is not just a Derry thing but a national thing.

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

Consent Agenda

- 21-144** Approve Non-Public Minutes – November 16, 2021 – **Minutes Sealed**
- 21-145** Approve Minutes – November 16, 2021
- 21-146** Resolution #2021-079 – Supplemental Appropriation to construct a Skateboard Park

Councilor Wetherbee moves to approve the consent agenda items 21-144 & 21-145, seconded by Councilor Foote
Roll Call Vote: 6-0-1 (Councilor Spencer)

Councilor Wetherbee moves to approve the consent agenda item 21-146, seconded by Councilor Foote
Roll Call Vote: 7-0-0

Chairman's Report – James Morgan

Councilor Spencer read a proclamation in recognition of the Derry Public Library being selected as the 2021 Library of the Year by the New Hampshire Library Trustees Association's Board of Directors.

Chairman Morgan moves to appoint Joseph Tremper as an alternate member of the Planning Board for a term to expire March 31, 2024, seconded by Councilor Foote
Roll Call Vote: 6-0-1 (Councilor Chirichiello)

Town Administrator's Report – Dave Caron

Interim Fire Chief James Richardson gave a report on the Town's response to COVID-19. Interim Fire Chief James Richardson acknowledged responding members of the Derry Fire Department for their quick response, overwhelming dedication and heroism displayed during a request for medical aid for complications related to an at home childbirth. This was followed up by a proclamation being read by Chairman Morgan presented by the Derry Town Council. The Town of Derry 2021 Audit report was presented by Zack Fentross, CPA from Melanson Heath and CFO Mark Fleischer. Director of Public Works Mike Fowler went over the Construction and Demolition debris fee schedule with the council.

Mark Brassard and his team have been working on the passive recreation area with Hood Park and they will be meeting in February with Pinkerton Academy facility to involve the appropriate curriculum into the development of that area. The Town revenue is generally steady, not experiencing growth in motor vehicles. The fees for motor vehicle titles which is predominantly new vehicles, is down about 10 percent from FY21. All the logistical details for the central polling location have been resolved by the Town Clerk and the Town Moderator. Regarding Exit

4A, the original vision was to install a tunnel adjacent to the rail trail. An alternate plan was presented and approved by the Derry Rail Trail Alliance over a year ago.

Public Hearing

21-147 Community Development Block Grant Hearing – Derry Housing Authority Rehabilitation Project – *CDBG Administrator Donna Lane*

The Derry Housing and Redevelopment Authority's upgrade project, \$290,000 CDBG plus approx. \$113,000 in utility grants, includes energy savings improvements, new heating systems, new roofs, new siding, windows and repaving of the tenant parking lots and walkways to the VCK Apartment Complex residential units and common areas at 17 Peabody Rd. and 1 and 3 Peabody Rd. Annex, Derry, NH. 03038, owned and operated by the Derry Housing and Redevelopment Authority (DHRA), 29 West Broadway, Derry, NH. 03038. All units within the VCK Apartment Complex are rented to low income/ disabled residents of Derry. Paving is done. Two of the three buildings are 100% complete, the third building roof is completed and siding and windows in process and to be completed in January. New heating systems are in and the LED lighting installed and weatherization done.

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

21-148 Community Development Block Grant Hearing – COVID Assistance Grant – *CDBG Administrator Donna Lane*

Community Development Block Grant (CDBG) funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for Economic Development Projects, up to \$500,000 for Housing Projects, up to \$500,000 for Public Facility Projects, up to \$500,000 in Emergency Funds, up to \$25,000 per Planning Study grant, up to \$500,000 was available for CDBG-Covid services. All projects must directly benefit a majority of low- and moderate-income persons. The CDBG-Covid project provides funding to the municipality and service provider Sub-applicants for costs in preparing for, responding to, or recovering from Covid-19. Participating organizations include: The Town of Derry and Sonshine Soup Kitchen. To date \$33,440 of the \$370,030 grant has been spent primarily on staffing, emergency assistance, cleaning and administration. Currently the projects have until 6/22 to incur costs.

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

No one from the public spoke.

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

New Business

21-149 Resolution #2021-080 – Approve the use of bond proceeds for certain Recreation Facility Improvements – *Town Administrator Dave Caron*

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-080 which reads as follows [Read the Resolution], seconded by Councilor Foote

Roll Call Vote: 7-0-0

Resolution attached

21-150 Resolution #2021-081 – Authorize a long-term lease agreement with the Greater Derry Arts Council – *Public Works Director Mike Fowler*

Both the Town and Greater Derry Arts Council (GDAC) have invested significant funds into the Adams Memorial Building to assist in its development as the busiest municipally owned theatre in the State. GDAC has requested and staff concurs that a long-term lease would allow operations to continue and allow GDAC to realize its significant investment of manpower and resources into the facility. The GDAC has been a long-standing tenant at the Town owned facility- Adams Memorial Building located at 29 West Broadway. The current three- year lease expires on December 31, 2021. The GDAC Board of Trustees has requested a 10-year lease for the next agreement through December 31, 2031. RSA 41:11-a requires Town Council approval for any lease of a municipally owned facility which is greater than five years in duration. The Public Works Department provides maintenance and custodial service for three tenants (Greater Derry Arts Council, Greater Derry- Londonderry Chamber of Commerce and the Derry Housing Authority). Both GDAC and the Town are partners in investing in the building with capital projects including a stage refurbishment scheduled for early 2022. The new agreement will increase the monthly rent approximately 3% per year for the first three years (2022-2024).

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-081 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0 (Councilor Chirichiello did not vote)

Resolution attached

21-151 Resolution #2021-082 – Authorize a Municipal Work Zone Agreement with NHDOT for the Exit 4A Project – *Public Works Director Mike Fowler*

The Exit 4A project has been assigned Contract 13065, which has been further segregated into subcontracts A, B, C and D. Contract 13065A, which encompasses the new interchange and associated improvements along Interstate 93 is under design. Contracts 13065 B, C and D are completely within the boundaries of Derry and construction will take place along Town maintained roads. NHDOT seeks to formalize an agreement which establishes their right to work within the Town Class V roads and allows NHDOT to manage the work zone on a Town right-of-way. Construction on the Derry segments is anticipated to start in 2022 (Contract 13065D building demolitions only) and 2023 (Contract 13065A Olde Rum Trail). This is a standard agreement which benefits both NHDOT and the Town of Derry by efficiently managing the work zone required at this construction site through the duration of the project. Town

representatives will be involved in the traffic management planning, and they will have an opportunity to provide input to NHDOT on specific traffic control measures.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-082 which reads as follows [Read the Resolution], seconded by Councilor Foote

Roll Call Vote: 7-0-0

Resolution attached

21-152 Resolution #2021-083 – Authorize the restoration of involuntarily merged lots –
Planning Director Assistant Elizabeth Robidoux

RSA 674:39-aa, allows a landowner to request the restoration of two or more lots that were involuntarily merged by the Town prior to September 18, 2010, back to their pre-merger status. The restoration of the lots shall not be deemed to cure any non-conformity with existing land use ordinances. A review of the Assessing records shows Parcel 58047 (27 Cove Drive) and Parcel 58046 (29 Cove Drive) were involuntarily merged by the town. The 1959 subdivision plan (D-08280) notes lots #13, #14 and #18. Lots #13 and #18 at some point combined to create Parcel 58047. Town tax maps existing in the mid-1990s confirm this. The town prior to 2010, combined 29 and 27 Cove Drive. The Planning Board reviewed the request to restore the lots at its November 17, 2021, meeting and recommends Town Council approve the restoration of the two lots per the request of landowner, Lucretia Hamm.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-083 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

21-153 Resolution #2021-084 – Approve the central polling location for all elections–
Town Administrator Dave Caron

WHEREAS, State Statutes assign to the Town Council the responsibility to provide polling locations; and WHEREAS, the Town Council has expressed a preference to designate a polling location which can accommodate most of Derry's election; and WHEREAS, Calvary Bible Church is a polling location which provides flexibility and responsiveness to the Town's election requirements; and WHEREAS, it is anticipated that high voter turnout will require an alternate voting location for the 2024 Presidential Primary and 2024 Presidential 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 all future elections.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-084 which reads as follows [Read the Resolution], seconded by Councilor Foote

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports –

Councilor Katsakiores – Congratulated newly elected State Representative Jodi Nelson.

Councilor Spencer – The Derry Public Library has been collecting canned goods and non-perishable food donations to help support food pantries in Derry. They are in a friendly


competition with the Londonderry Leach Library to see who can collect the most items.
Donations may be left at the Derry Municipal Center.

Councilor Foote – Thanked the Fire Department for the remarkable work they did.

Councilor Bourdon – Congratulated Representative Nelson on her victory.

Chairman Morgan – Merry Christmas to everyone in town.

Adjourn: 9:20pm



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

1-5-2022
Date



RESOLUTION

Number 2021-080

To Authorize the Use of Bond Proceeds for Certain Recreation Facility
Improvements

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

WHEREAS, the Council previously authorized a Supplemental Appropriation for Recreation Facilities pursuant to Resolution #2018-067; and

WHEREAS, the Town Council previously authorized the Town Administrator to implement Phase I of the Recreation Facilities Plan pursuant to Resolution #2020-031; and

WHEREAS, the Council at its July 20, 2021, meeting directed staff to solicit proposals for the renovation of the skate park facility at Alexander-Carr Park;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to obligate the sum of Two Hundred Thousand Dollars (\$200,000) from the Recreation Facilities Bond proceeds for expansion and renovation of the skateboard park at Alexander-Carr Park.

This Resolution shall take effect immediately upon its passage.

Adopted: December 14, 2021

Attest:

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

James Morgan, Council Chair

Date: _____

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

Daniel Healey, Town Clerk

Date: 12/14/2021

Archival Ref: TC agenda item #21-149



RESOLUTION

Number 2021-081

To Authorize a Long-Term Land Lease at the Adams Memorial Building

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

WHEREAS, RSA 41:11-a authorizes the Legislative Body to enter into land leases exceeding five years in length; and

WHEREAS, the Town has enjoyed a long-standing relationship with the Greater Derry Arts Council (GDAC) during its management of the Opera House at the Adams Memorial Building; and

WHEREAS, the Town and GDAC have invested significant resources in the facility, which is an economic development driver for the Downtown; and

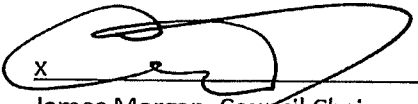
WHEREAS, the Town and GDAC both desire to continue their relationship with a long-term lease of the Opera House;

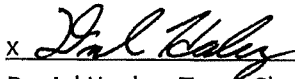
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all necessary documents with GDAC for the lease of the Opera House at the Adams Memorial Building until December 31, 2031;

This Resolution shall take effect immediately upon its passage.

Adopted: December 14, 2021

Attest:

X 
James Morgan, Council Chair
Date: _____

X 
Daniel Healey, Town Clerk
Date: 12/14/2021

Archival Ref: Agenda Item #21-150



RESOLUTION

Number 2021-082

To Enter into a Municipal Work Zone Agreement with NHDOT for the
Exit 4A Corridor

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

WHEREAS, the Town has invested in the development of the Exit 4A corridor to spur economic development and increase vehicular safety throughout the community; and

WHEREAS, the State previously agreed to include the project in the State's Ten-Year Highway Plan which resulted in the State and Federal governments paying for a majority of the project costs; and


WHEREAS, a Municipal Work Zone Agreement is required to allow the NHDOT to manage the work within the Town's Class V road network;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute a Municipal Work Zone Agreement with the New Hampshire Department of Transportation to allow NHDOT to advance construction of the Exit 4A corridor into Derry.

This Resolution shall take effect immediately upon its passage.

Adopted: December 14, 2021

Attest:

X 
James Morgan, Council Chair
Date: _____

X 
Daniel Healey, Town Clerk
Date: 12/14/2021

Archival Ref: Agenda Item #21-151



RESOLUTION

Number 2021-083

To Authorize the Restoration of Involuntarily Merged Lots

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

WHEREAS, the Town is required to comply with state statutes; and

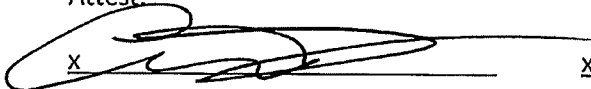
WHEREAS, RSA 673:39-aa requires the Town to allow lots previous merged by the community without the consent of the owner an opportunity, upon request, to restore the properties back to their original individual lots; and

WHEREAS, the lots under consideration meet all applicable statutory requirements;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that, pursuant to RSA 674:39-aa the restoration of Map/Lot 58-46 back to its pre-involuntarily merged status consisting of lots #18 and #13 (previously combined) and #14, as shown on a plan recorded at the Rockingham County Registry of Deeds as D-02820, surveyed by Robert W. Thorndike in November, 1959, is hereby granted.

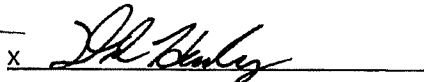
Adopted: December 14, 2021.

Attest:

X 

James Morgan, Council Chair

Date: _____

X 

Daniel Healey, Town Clerk

Date: 12/14/2021

Archival Ref: Agenda #21-152



RESOLUTION

Number 2021-084

To Approve the Central Polling Location for all Elections

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

WHEREAS, the Town Council has expressed a preference to designate a polling location which can accommodate most of Derry's election; and

WHEREAS, Calvary Bible Church is a polling location which provides flexibility and responsiveness to the Town's election requirements; and

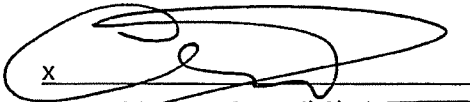
WHEREAS, it is anticipated that high voter turnout will require an alternate voting location for the 2024 Presidential Primary and 2024 Presidential Election.

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby designates Calvary Bible Church as the Town's Central Polling Location for all future elections.

This Resolution shall take effect immediately upon its passage.

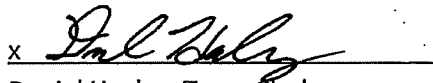
Adopted: December 14, 2021

Attest:

x 

James Morgan, Council Chair

Date: _____

x 

Daniel Healey, Town Clerk

Date: 12/14/2021

Archival Ref: TC agenda item #21-153