

TOWN OF DERRY

Town Council
Derry Municipal Center

December 17, 2019
Tuesday - 7:00 PM

7:00 PM Call to order

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

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

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Nancy Francis: Gulf Rd (Pantry Plunge) – The 4th Annual Pantry Plunge took place in 50 degree weather. There were approximately 80-85 people who participated with approximately 150 spectators. Thanked Parks and Recreation, Public Works, and Derry Fire for their work helping. Thanked some of the sponsors that included the Beaver Lake Improvement Association, Blue Seal, La Caretta, Bentley Chevrolet, and Derry Rotary. Thanked everyone else that contributed and over \$17,000 was raised. The 5th Annual Pantry Plunge will take place December 12, 2020.

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

Consent Agenda

19-138 Approve Minutes – December 3, 2019

19-139 Accept Zoning Board of Adjustment member resignation

19-140 Ordinance #2019-015 – Amend Charter V, Article II of the Municipal Code, Organization of Departments

Consent agenda approved

Chairman's Report – Neil Wetherbee

300th Anniversary Celebration Closeout Presentation and Time Capsule – *Heritage Commission Chair Karen Blandford-Anderson and Heritage Commission Vice-Chair and Chair of the Nutfield 300th Steering Committee Paul Lindemann*

Karen and Paul gave a recap of the past year's Nutfield 300th events. The new time capsule will be locked up in an old vault in the Derry History Museum at the Adams Memorial Building and will be opened for the Nutfield 350th.

Chairman Wetherbee moves to appoint Craig Corbett as a member of the Zoning Board of Adjustment for a term to expire March 31, 2022, seconded by Councilor Foote

Roll Call Vote: 7-0-0

Town Administrator's Report – David Caron

The draft results of the recreation study will be presented at the 2nd Town Council meeting in January. The TIF Advisory Board will meet after the 1st of the year. The Town is still working on the Comcast Renewal agreement. The Town is waiting on the Louise Way petitioners to notify

the mortgagees before a public hearing can be scheduled. The Town received a Community Development Block grant for \$290,000 on behalf of the Derry Housing and Redevelopment Authority and a grant admin will be on board by mid-January.

Public Hearings –

19-135 Ordinance #2019-014 – Authorization to post temporary parking restrictions – *Police Chief Ed Garone*

Occasionally, traffic conditions may manifest that require the prompt establishment of temporary alteration or limits on existing parking regulations as codified in Chapter 150-3 for the benefit of public safety. In accordance with the Town Charter, the Town Council is responsible for adopting or amending town ordinances. There is currently no mechanism that allows for an immediate or temporary change to parking regulations as established by ordinance. Amend the current Traffic Ordinance, Chapter 150-3, Temporary Parking Restrictions, by adding a new Section C. that adds the following language: "The Chief of Police may, for the purpose to address temporary or unanticipated traffic conditions, post "Official traffic Signage" to limit or alter parking regulations set forth herein for a period of not more than 60 consecutive days without further Council approval."

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-014, which reads as follows [*Read the Ordinance*], seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Ordinance attached

New Business –

19-141 Resolution #2019-070 – Apply for and accept funding from the Walmart Community Grant Program – *Police Chief Ed Garone*

Recently Walmart managers contacted both the Police Department and the Fire Department and advised that they would like to provide a grant of \$2,000 to each department as part of their Community Grant Program. The funds come without restriction on use. In order to electronically apply for the funds, a document must be provided asserting, among other things, that the applicant has authority to apply for the funding. The Town Charter designates that the Town Council may apply for and accept grants or gifts. Specifically, "SECTION 9.15 Grants, Gifts; provides in part, that the Town Council may apply for, accept and expend monies received from the State, Federal, or other governmental units, or from private sources which become available during the fiscal year." The Police Department plans to utilize its portion of the funds to purchase two ballistic shields requiring replacement. The Fire Department will expend the grant on Fire Prevention supplies. As the grant is less than \$10,000, no public hearing is required pursuant to RSA 31:95-b.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-070, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Resolution attached

19-142 Resolution #2019-071 – Accept and expend funding FEMA – *Accounting Manager Mark Fleischer*

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-071, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments

Councilor Morgan – Merry Christmas and Happy Holidays to everyone and staff safe. Great job by Public Works during the past few storms.

Councilor Chirichiello – Has been looking into having a job fair in the Derry area to help with the shortage of workers at the county level. The Municipal Job fair would be beneficial to the Derry/Londonderry residents.

Councilor Katsakiores – Was a judge for the wreath contest and everyone should try to see all the wreaths that were created.

Councilor Tripp – List the different types of wreaths created and the awards given out.

Councilor Foote – Merry Christmas, Happy Holiday, and Happy Hanukah.

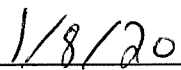
Chairman Wetherbee – Merry Christmas and Happy Holidays.

Adjournment: 8:00 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk



Date



ORDINANCE

Number 2019-014

Amendment to Traffic Ordinance, Section 150-3
Temporary Parking Restrictions

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 Town requires a mechanism to address parking conditions on an immediate and/or temporary basis; and,

WHEREAS, public safety will be enhanced through this action;

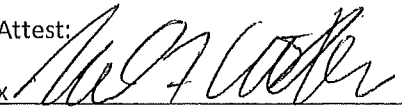
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Traffic Ordinance, Section 150-3, Prohibited Parking, is hereby amended to add the following:

New Section C. – The Chief of Police may, for the purpose to address temporary or unanticipated traffic conditions, post "Official traffic signage" to limit or alter parking regulations set forth herein for a period of not more than 60 consecutive days without further Council approval.

This Resolution shall take effect 30 days after its passage.

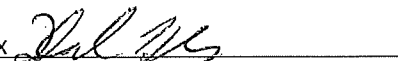
Adopted: December 17, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 12-17-19

x 

Daniel Healey, Town Clerk

Date: 12-17-19

Archival Ref: Agenda #19-135



RESOLUTION

Number 2019-070

To Apply for and Accept Funding from the
Walmart Community Grant Program

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the State; and

WHEREAS, the Town has been approached by Walmart management interested in donating from the Walmart Community Grant Program; and

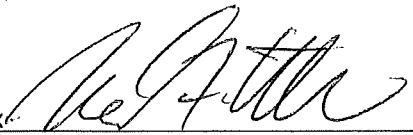
WHEREAS, these grants funds will be used to augment equipment and prevention resources in the Police and Fire Departments;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend \$4,000.00 in Walmart Community Grant Program funds for the benefit of the Derry Police and Fire Departments.

This Resolution shall take effect immediately upon its passage.

Adopted: December 17, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 12-17-19

x 

Daniel Healey, Town Clerk

Date: 12-17-19

Archival Ref: TC agenda item #19-141



RESOLUTION

Number 2019-071

To Accept and Expend Funding from FEMA

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the State; and

WHEREAS, pursuant to Resolution #2018-039 the Town Council authorized the acceptance of emergency funds from the Federal Emergency Management Agency (FEMA) to reimburse expenses incurred by the Town during the March 2018 blizzard; and

WHEREAS, FEMA has notified the Town that its unspent allocation of funds to pay for administrative overhead may be utilized for Emergency Management purposes;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend \$3,720 from FEMA to purchase 12 CERT Emergency Response Backpacks and 2 AM Radio Flashing Alert signs.

This Resolution shall take effect immediately upon its passage.

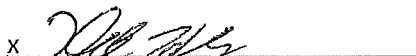
Adopted: December 17, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 12-17-19

x 

Daniel Healey, Town Clerk

Date: 12-17-19

Archival Ref: TC agenda item #19-142



ORDINANCE Number 2020-001

Amend Various Articles in the Zoning Ordinance to allow
Sports Betting Retail Locations

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, the State Legislature authorized up to ten sports betting retail locations throughout the State, and

WHEREAS, the Legislature further requires local approval to allow vendors to offer sports betting retail within the community; 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:

To AMEND Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions relating to Sports Wagering, and to AMEND Article IV, District, Section 165-32, General Commercial, Section 165-32.3, General Commercial IV, and Section 165-42, Industrial IV District to amend the list of permitted uses.

This Ordinance shall take effect thirty days after its adoption.

Adopted: January 28, 2020

Attest:

X _____

Neil F. Wetherbee, Council Chair

Date: _____

X _____

Daniel Healey, Town Clerk

Date: _____