

TOWN OF DERRY

Town Council
Derry Municipal Center

December 19 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 Chirichiello
Roll Call Vote: 6-0-1 (Councilor Foote)

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

17-164 Approve Non-Public Minutes – December 5, 2017 – **minutes sealed**

17-165 Approve Minutes – December 5, 2017

17-166 Resolution #2018 – Relative to Placing an Item on the 2018 Regular Election
Ballot to allow Keno in Derry

Consent agenda approved

Chairman's Report – Joshua Bourdon

The Council has had discussions regarding Derry's form of government and whether the School District should be absorbed into the municipal structure, which would then subject the school department to the voter-approved tax cap. The Council has also discussed placing the matter before the voters as a non-binding referendum. A decision will be made by the Council at the January 16th meeting. Town Moderator Mary Till has reached out to the Chairman and the Town Clerk regarding an Elections workshop. A tentative date of January 16th was established. Chairman Bourdon would like to work with the Conservation Commission Liaison and the Town Administrator on looking into more parking for Conservation properties throughout town.

Town Administrator's Report – David Caron

Sylvia von Aulock, the Executive Director of the Southern New Hampshire Planning Commission, Todd Fahey, the State Director of AARP, and Adam Hlasny gave a presentation on an Age-Friendly Community Program. Age-Friendly includes recognizing needs for people of all ages, but giving special consideration to New Hampshire's growing senior population and the declining millennial population. These populations have similar wants and needs. This program has identified those needs and through this effort, SNHPC hopes to communicate them to the region, and work with communities to address barriers and promote assets.

The Town has received its first application for partial, temporary tax abatement on a proposed redevelopment project within the project area. Staff will be reviewing the application and submitting to Council for a determination on the term and size of the abatement. The Town is in the process of completing the award of longevity recognitions to the employees. A contract has been awarded and the installation of cameras at Hood Park is tentatively scheduled for the week of January 2nd. Staff and the Chair of the Net Zero Task Force Committee met with an energy firm at the end of November regarding site logistics and are awaiting a cost proposal, which will be followed with an agenda item for Town Council discussion and action. The façade program was recently adopted by the Council who also expanded the geographical reach of the 79-E program. Staff is in the process of developing brochures to distribute to all property owners and businesses eligible to participate in the programs.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Nancy Francis: Gulf Rd – Organized the 1st Annual Pantry Plunge which took place Saturday December 16th. There were 37 plungers with about 50 spectators. The ages ranged from 11-80 years old. The event started at noon and was over by 12:30 with approximately \$8,000 raised for the local food pantries. She thanked the Town Council, Public Works, Parks and Recreation, the Police Department, the Fire Department, and everyone involved.

Ernest St. Pierre: Sunset Ave – He would like the council to make the referendum discussed earlier as simple as possible as to not confuse voters and he stated that the town is going in a good direction. He would like to know what we have gained as a Town since hiring Buxton and with the past Economic Development Coordinator.

John O'Connor: Arrowhead Rd – He is the President of the Board of Directors for the Marion Gerrish Community Center and they would like to help and be involved in the 300th Anniversary planning.

Randall Kelley: Hardy Ct – He is worried about Solar and said that it is sold on projected numbers. Tax rate going up is hard on residents. He wished everyone a Merry Christmas.

Jeff Moulton: Taylor Brook Ln – Began discussing Solar and was told there would be a public hearing later on in the meeting.

Brad Westgate: Nashua, NH – A Lawyer from the firm Winer and Bennet out of Nashua NH. He is representing Richard and Joan Tate and Tate Family Investments LLC. They own property on Forest Street and received a notice for 12 Forest Street. He was informed at the last Town Council meeting that 12 Forest Street has been approved as Conservation Land as of the December 1, 2015 Town Council meeting. He would like the Town Council to reconsider the designation of this property.

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

Public Hearings

17-162 Resolution #2017-082 – To approve a Supplemental Appropriation for a Solar Energy Project at the Transfer Station

Director of Public Works Mike Fowler presented the Supplemental Appropriation for a Solar Energy Project at the Transfer Station. 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.

- \$282,400 gross= \$1.82 per kWh - \$ 58,812 rebate - \$223,588 net - 9.28 year payback
- 155,200 kWh annual production REC Credits = \$3880 per year
- Avoided Utility Cost= \$20,176 per year
- *Financing costs will alter the payback equation to approximately 11.5 years.

Once the financing is paid off after ten years, these divisions will obtain electricity from the solar panels at no cost, avoiding approximately \$20,000 in utility costs, based on 2017 third party supply contract costs. The Town will incur maintenance costs as the owner of the panels but the panels are expected to produce power for at least 25 years.

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

Jeff Moulton: Taylor Brook Ln – He is the Chair of the Net Zero Task Force Committee. They have spent over a year working with various people including 4 engineers and have developed a robust analysis of what is currently available. An RFP was sent out to get the best price possible and the solar panels will come with a 25 year warranty. The average output is based on the weather patterns over the last 25 years and they have been validated many times.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-082, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp
Roll Call Vote: 4-3-0 (Councilors Tripp, Foote, and Katsakiores)
Motion fails (Required 2/3 majority)

New Business

17-149 Resolution #2017-075 – To Authorize sale of Tax Deeded Properties

Tax Collector Dawn Enwright presented the Authorization to sell Town Tax Deeded properties. The Town Council received the original staff report recommending disposition of tax deeded properties. The report proposed a decision-making timeline leading to a Council vote on the

matter December 19, 2017. Pursuant to the plan, the properties were reviewed by Town Departments, the Planning Board, Conservation Commission, and the Heritage Commission. There are two properties recommended for sale and a list of town own properties offered for sale to abutters. The previous owners of 3.5 Woodland Street are in discussions with the Tax Collector on repurchasing the property.

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

Roll Call Vote: 7-0-0

Resolution attached

17-167 Ordinance #2017-084 – To Apply for and Accept Grant Funding Related to Household Hazardous Waste Collection

Director of Public Works Michael Fowler presented the Grant Funding Related to Household Hazardous Waste Collection. The Town has access to various grant funds from the New Hampshire Department of Environmental Services for environmental programs within the Town. In the past, grants have been received for Landfill Closure, Household Hazardous Waste Collection Day, Watershed Assessment, improvements to the Town's Recycling Center and Do-It-Yourself Used Oil Collection Center, and Municipal Sewer Improvement Projects. Section 9.15 of the Town Charter authorizes the Town Council to apply for and accept State Federal and other governmental grants. NHDES requires such grant applications and contract agreements be signed by an authorized official of the Town (i.e. the Town Administrator) and that the Town execute a Certificate of Authorization stating that the official (i.e. Town Administrator), by vote of the Town Council, is authorized to sign such grant agreements on behalf of the Town.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-084, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Resolution attached

17-168 Resolution #2017-085 – To Extend the Term of an Intermunicipal Agreement with the Town of Auburn to supply Emergency Medical Services

Fire Chief Michael Gagnon presented the Intermunicipal Agreement with the Town of Auburn. The Town of Derry has provided ambulance transport services for the Town of Auburn, NH since 1990. This partnership has proven beneficial for both communities. Auburn receives high quality EMS patient care and transport of the residents and visitors of their community, while Derry receives revenue from the approved annual subsidy, as well as, invoicing customers for services provided. This additional revenue is utilized to offset the overall expenses of the fire department budget. It is recommended that the Derry Town Council approve the continuation of this inter-municipal agreement.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-085, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

17-169 Resolution #2017-086 – To Retain Tax Deeded Property for Public Use

Town Administrator David Caron presented the Retainment of Tax Deeded Property. 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. The properties proposed for retention include two properties on Collettes Grove Road to be transferred to the stewardship of the Conservation Commission, for use as conservation land and/or parking for the Collettes Mountain Conservation Area, and a parcel on Frost Street which is utilized as part of the municipal drainage system. Councilor Wetherbee thanked Mr. Fitzpatrick who is an abutter and Tom Cardon for bringing these properties to the Town Council's attention.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-086, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Resolution attached

17-170 Resolution #2017-087 – To Authorize the Town Administrator to Accept Seized or Forfeited Property from the U.S. Department of Treasury

Town Administrator David Caron presented the Authorization of the Town Administrator to Accept Seized or Forfeited Property. Officers from the Derry Police Department participated in multi-jurisdictional local/federal investigations in which the federal government moved to seize property connected to those investigations. As a result, the Town of Derry is eligible to receive a share of any property that has been seized/forfeited pursuant to those investigations. In order to receive the property, the Town Council must designate a person that has the authority to accept the seized/forfeited property. It is recommended that the Town Council move to authorize the Town Administrator to accept seized/forfeited property associated with the cases listed above.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-087, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan

Roll Call Vote: 7-0-0

Resolution attached

17-171 Resolution #2017-088 – To Convey a Conservation Easement to the SE Land Trust on 138 Island Pond Road

Town Administrator David Caron presented the Conservation Easement to the SE Land Trust. The Town Council and Conservation Commission have identified the preservation of open space as a priority; this parcel consists of approximately 78 acres of land, with an overall project cost of \$465,697, which includes acquisition, soft costs and ongoing monitoring by the SE Land Trust. The Council previously approved supplemental appropriation of \$250,000 (from Unassigned Fund Balance), supported by an additional \$215,697 from the Conservation

Commission. Of the initial appropriations, it is anticipated that the Town will recover approximately \$75,000 (net) from the subdivision and sale of one, 3.0+/- acre parcel; the Conservation Commission has been approved for and is scheduled to receive a reimbursement from the Merrimack Partnership in the amount of \$15,697. The SE Land Trust has actually purchased the land, conveyed title to the Town, and will accept a conservation easement on the property. SELT will further accept stewardship responsibilities on the parcel.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-088, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached**

Councilor Comments / Liaison Reports -

Councilor Katsakiores – Congratulated the Salvation Army on purchasing their building. Congratulated the Derry Fire Department for their recent promotions held at the Municipal Center. She wished everyone a Merry Christmas, Happy New Year, and Happy Hanukkah.

Councilor Morgan – He would like to form a committee with 2-3 council members to help with the 300th anniversary. Would like an RFP put out on replacing some of the technology in the meeting room, there have been issues with the projector and audio system at multiple meetings. He believes that the council missed an opportunity by not voting for solar at the transfer station.

Councilor Wetherbee – He had a meeting with Pinkerton Academy Headmaster Griffin Morse and Cable Division Coordinator Owen Provencher to discuss taping events at Pinkerton Academy. Wished everyone a Merry Christmas and a Happy New Year.


Councilor Tripp - Wished everyone a Merry Christmas and a Happy New Year.

Chairman Bourdon – Apologized to the Net Zero Task Force Committee and the Derry tax payers for the solar vote. Wished everyone a Merry Christmas and a Happy New Year.

Adjournment: 9:40 p.m.



Town Clerk



Date

Recording & Transcription by: Daniel Healey, Town Clerk



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 IN COUNCIL that the Town Administrator is hereby authorized to sell by public auction and, in accordance with Section 5-29 of the Administrative Code, the following parcel:

12 Laurel Street

BE IT FURTHER RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to convey the following parcels to abutters of interest with a merger requirement, as authorized under RSA 80:80 "As Justice May Require":

8 Karen Avenue

11 Hall Street

26 Gordon Road

45 Hunter Drive

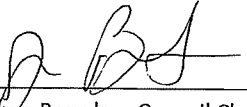
BE IT FURTHER RESOLVED IN COUNCIL that the Town Administrator is authorized to execute all required documents to affect the sale of these properties.

Archival Ref: TC agenda item #17-149

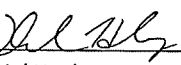
This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2017

Attest:

x 

Joshua Bourdon, Council Chair
Date: 12/19/17

x 

Daniel Healey, Town Clerk
Date: 12/19/17

Archival Ref: TC agenda item #17-149



RESOLUTION

Number 2017-084

To Apply for and Accept Grant Funding Related to Household
Hazardous Waste Collection

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 annually has hosted a Household Hazardous Waste Collection Day to provide residents with a convenient and safe method by which to dispose of household hazardous waste; and

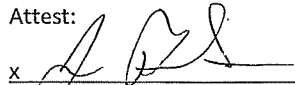
WHEREAS, matching grant funding from the NH Department of Environment Services is available to the Town to help defray expenses associated with this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with NHDES for up to \$5,646 in matching funds and further authorize the Town to hold a Household Hazardous Waste Collection event in Spring, 2019.

This Resolution shall take effect immediately upon its passage.

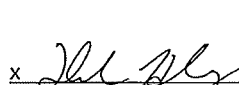
Adopted: December 19, 2017

Attest:

x 

Josh Bourdon, Council Chair

Date: 12/19/17

x 

Daniel Healey, Town Clerk

Date: 12/19/17

Archival Ref: TC agenda item #17-167



RESOLUTION

Number 2017-85

To Extend the Term of an Intermunicipal Agreement with the Town of
Auburn to supply Emergency Medical Services

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

WHEREAS, the Fire Department has maintained a lengthy relationship with the Town of Auburn by providing EMS and Fire Dispatch services; and

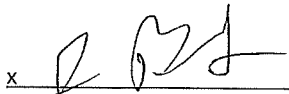
WHEREAS, the current agreement to provide EMS services to the Town of Auburn is scheduled to expire June 30, 2018, and both parties have negotiated a seven year successor agreement which will benefit both parties;

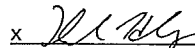
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute a Intermunicipal Agreement, developed in accordance with RSA 53-A, between the Towns of Derry and Auburn to continue providing Emergency Medical Services through June 30, 2025.

This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2017

Attest:

x 
Joshua Bourdon, Council Chair
Date: 12/19/17

x 
Daniel Healey, Town Clerk
Date: 12/19/17

Archival Ref: Agenda Item #17-168



RESOLUTION

Number 2017-086

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 IN COUNCIL, that the following properties, acquired by tax collector's deed, shall be retained for public use as follows:

Location	Public Use
11-15 Collettes Grove Rd	Conservation Commission stewardship as conservation land or parking for Collette's Mountain conservation area.
7 Frost Rd	Public Works – Drainage


FURTHER, BE IT RESOLVED that this Resolution #2017-086 regarding the transfer of certain properties to the Conservation Commission shall be deemed approved by the Council pursuant to RSA 36-A:4 I.

Archival Ref: TC agenda item #17-169

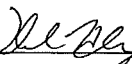
This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2017

Attest:



Joshua Bourdon, Council Chair
Date: 12/15/17

x 

Daniel Healey, Town Clerk
Date: 12/19/17

Archival Ref: TC agenda item #17-169



RESOLUTION

Number 2017-087

To Authorize the Town Administrator to Accept Seized or Forfeited
Property from the U.S. Department of Treasury

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the State, Federal, or other governmental units, or from private sources which become available during the fiscal year; and

WHEREAS, the Derry Police Department participates in multi-jurisdictional local/federal investigations in which the federal government moves to seize property connected to those investigations; and

WHEREAS, the U.S. Department of Treasury requires receiving agencies to designate an official authorized to receive said property;

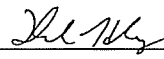
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to receive seized/forfeited property from the US Department of Justice as may be received from time to time, including property associated with case# MF15HS15MF0004 and case# MF15HS17MF0003.

This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2017

Attest:

x 
Josh Bourdon, Council Chair
Date: 12/19/17

x 
Daniel Healey, Town Clerk
Date: 12/19/17

Archival Ref: TC agenda item #17-170



RESOLUTION

Number 2017-088

To Convey a Conservation Easement to the SE Land Trust
on 138 Island Pond Road

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 purchase and convey real property for the benefit of the Town; and

WHEREAS, the Town Council has previously approved, pursuant to Resolution #2017-10, the purchase of a certain parcel of undeveloped land located at 138 Island Pond Road; and

WHEREAS, the Town Council has previously approved, pursuant to Resolution #2017-011, the execution of a Letter of Understanding with the Southeast Land Trust of New Hampshire (SELT), which contemplates that SELT will hold and manage the conservation easement on said parcel for the Town and the Derry Conservation Commission;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorize to execute all documents and deeds as necessary to convey a Conservation Easement Deed, to the Southeast Land Trust of New Hampshire, on the portion of the property not to be further conveyed as part of a subdivision as originally approved by the Council, contingent upon final review of the deed by legal counsel.

This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2017.

Attest:

x

Joshua Bourdon, Council Chair

Date: 12/19/17

x

Daniel Healey, Town Clerk

Date: 12/19/17

Archival Ref: TC agenda item #17-171