

## TOWN OF DERRY

Town Council  
Derry Municipal Center

December 3, 2019  
Tuesday - 7:00 PM

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**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, Foote, Bourdon, Tripp and Chairman Wetherbee, Absent: Councilor Morgan  
Present: TA David Caron, Town Clerk Daniel Healey

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

#### **Open Public Forum – all agreed**

No one from the public spoke.

**Motion by Councilor Tripp to close public forum, seconded by Councilor Bourdon – all agreed**

### **Consent Agenda**

**19-133** Approve Non-Public Minutes – November 19, 2019 – **minutes sealed**

**19-134** Approve Minutes – November 19, 2019

**19-135** Ordinance #2019-014 – Authorization to post temporary parking restrictions

**Consent agenda approved**

### **Chairman's Report – Neil Wetherbee**

Commemorative Coins for the Nutfield 300<sup>th</sup> are available at the Town Clerk's office for \$5. Chairman of the Net Zero Task Force Committee Jeff Moulton and Public Works Director Mike Fowler discussed solar at the landfill. They mentioned that at this time, they would like to hold off on the project and wait until a little more research can be done.

### **Town Administrator's Report – David Caron**

The New Hampshire Municipal Association will be hosting a training on social media and discussions outside of meetings. All board and committee members are required to attend. It will take place December 12 at 7pm in the 3<sup>rd</sup> floor meeting room at the Derry Municipal Center. The town received a 6.5 million grant from the State for the water line extension. There will be a new pumping station on the Derry/Londonderry town line and there will be improvements to the Rockingham Road station. Expected completion date in July of 2020. The Town received a Community Development Block grant for \$290,000 on behalf of the Derry Housing and Redevelopment Authority for improvements to the Vernon C. Kelly apartments. There was a public hearing scheduled for December 17, 2019 regarding Louise Way. It has been postponed until the petitioner notifies the mortgagees. The public hearing will most likely take place sometime in January.

### **Public Hearings –**

**19-132 Resolution #2019-067 – Release of Public Servitude – land off Juniper Road – *Public Works Director Mike Fowler***

Petitioners Christopher Donato and Linda Keighley, owners of 35R Juniper Road, have submitted a formal request asking the Town of Derry to release a 230 foot by 50-foot wide dedicated right-of-way located between two dwellings (35L/R Juniper and 33L/R Juniper). RSA 231:52 provides the mechanism by which a municipality may discharge a formerly dedicated public right-of-way. The right-of-way for this portion of Juniper Road was dedicated in a 1978 plan (RCRD D-8967). This section of right-of-way was never constructed. Presumably, this section of right-of-way was dedicated in anticipation of a future subdivision which was never built. The Town Council has occasionally been asked to release these "paper streets" at the request of an abutter. Department Heads have reviewed this request and they have responded to the Town Administrator with their recommendation. There were no objections as there is no current need to retain the right-of-way nor provide a secondary access. Juniper Road is a developed subdivision with several condecs and has direct access to Old Auburn Road and Chester Road via Hickory Drive and Cole Road. Legal and survey costs would be borne by the petitioner, no fiscal impact to the Town. Council requested a map be provided in the future.

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

No one from the public spoke.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-067, which reads as follows [*Read the Ordinance*], seconded by Councilor Bourdon**

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

**Resolution attached**

**New Business –**

**19-136 Resolution #2019-068 – Accept Nathan Road as a Class V Town Road – *Public Works Director Mike Fowler***

On November 6, 2019, Derry Planning Board recommended acceptance of a portion of Nathan Road as a Class V road. The plan (D-39756) was recorded on September 19, 2016. All construction was inspected by the Department of Public Works. Nathan Road is part of a 100 +/- lot subdivision known as Spruce Pond Estates, with all but two lots within the Town of Windham. The Town of Derry is accepting half of a cul-de-sac located within Derry, which provides road frontage for #26 and #29 Nathan Road. Connecting streets to Nathan Road are completely within Windham. Typically, acceptance by the Town would require maintenance of the road such as snow plowing and salting. However, given the inconvenient access for DPW equipment, an intermunicipal agreement was signed in 2013, whereby the Town of Windham is responsible for winter maintenance in perpetuity. Derry's costs would be future long-term capital costs including pavement rehabilitation. Town roadway maintenance costs are estimated at \$6,000 per mile/per year, although mitigated by the intermunicipal agreement releasing Derry from winter maintenance.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-068, which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

**19-137 Resolution #2019-069 – Revise the Derry Revolving Loan Review Process and Governance – Town Administrator Dave Caron**

The Town Council has partnered with the Regional Economic Development Center (REDC) for the past decade to review and award loans to Derry businesses. At the onset of the program, the Town Council created a Loan Committee which reviews the applications and offers comments based upon the Committee members' experiences in the financial sector and knowledge of the Derry Community. The Loan Committee has no formal approval or veto authority. The loans granted through this program originate with a review by REDC and then are acted upon by REDC's 11-member Bank Credit Committee, the Committee's recommendations are then formally approved by the REDC Board of Directors. The process utilized to approve loans from Derry's program is consistent with the process REDC employs when acting upon the other funds managed by REDC. The activity within the Derry Revolving Loan Fund is sporadic, dependent upon funds availability, economic conditions and other factors. Thus, the Revolving Loan Fund Committee meets infrequently which may result in scheduling conflicts for Committee members. The fund has now been in existence for over a decade, with the Town and REDC working collaboratively on these development efforts. Based upon our experiences and the efficiencies to which REDC applies to the process raises the question of the effectiveness of an additional governance structure such as Derry's Loan Committee.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-069, which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

**Councilor Comments**

Councilor Katsakiores – The lights downtown look great. Enjoyed the parade.

Councilor Tripp – Wondered if anyone attended the 1<sup>st</sup> Impressions meeting last Thursday and asked if there was a recording available to watch.

Chairman Wetherbee – The lights look great downtown but noticed a few of the lights were out and asked if they could be fixed.

**Adjournment: 7:50 p.m.**

  
\_\_\_\_\_  
Town Clerk

12-18-19  
\_\_\_\_\_  
Date

**Recording & Transcription by: Daniel Healey, Town Clerk**



## RESOLUTION

Number 2019-067

To Release from Public Servitude a Plot off Juniper Road

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WHEREAS, RSA 231:52 authorizes the Town Council to release and discharge any way dedicated from all public servitude; and

WHEREAS, the Town has received such a request to release land off Juniper Road; and

WHEREAS, a permanent conservation easement placed upon the property to be served by this road negates the need for access from this location; and,

WHEREAS, no Town department or Committee has expressed a need to retain the paper street; and

WHEREAS, all abutters and interested parties have been notified of this request;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Council hereby releases from Public Servitude the paper street which leads from Juniper Road, located between 33L and 35R Juniper Road, that the Petitioner shall be responsible for all costs associated with this action; further that the Town Administrator is hereby authorized to execute all documents necessary to implement this Resolution.

This Resolution shall take effect immediately upon its passage.

Adopted: December 3, 2019

Attest:

A handwritten signature in dark ink, appearing to read "Neil Wetherbee", written over a horizontal line.

Neil Wetherbee, Council Chair

Date: 12/3/19

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

Daniel Healey, Town Clerk

Date: 12/3/19

Archival Ref: TC Agenda Item #19-132



## RESOLUTION

Number 2019-068

To Accept Nathan Road as a Class V Town Road

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WHEREAS, RSA 674:40 and 674:40-a authorizes the Town Council to accept streets as shown on a subdivision plan approved by the planning board; and

WHEREAS, the Derry Planning Board on November 6, 2016 recommended acceptance of Nathan Road as a Class V road; and

WHEREAS, although a portion of Nathan Road lies in Derry, a majority of the development is located in Windham; and

WHEREAS, the Towns of Derry and Windham signed an intermunicipal agreement in 2013 requires Windham to provide winter maintenance responsibilities in perpetuity;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Nathan Road is hereby accepted as a Class V road.

This Resolution shall take effect immediately upon its passage.

Adopted: December 3, 2019.


Attest:

X

  
Neil Wetherbee, Council Chair

Date: 12/3/19

X

  
Daniel Healey, Town Clerk

Date: 12/3/19

Archival Ref: TC Agenda Item #19-136



## RESOLUTION

Number 2019-069

To Revise the Derry Revolving Loan Process and Governance

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 previously established the Derry Revolving Loan Committee to assist with the creation and governance of the Derry Revolving Loan Fund; and

WHEREAS, the program has successfully loaned funds to new and existing Derry businesses for over ten years under the management of the Regional Economic Development Center (REDC); and

WHEREAS, the review process for these loans has transitioned to the REDC review approval structure which incorporates numerous efficiencies;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby dissolves the Derry Revolving Loan Committee, extends its appreciation to the Committee members for their service, and requires REDC to submit quarterly reports to the Council on activity and status of the Fund.

This Resolution shall take effect immediately upon its passage.

Adopted: December 3, 2019

Attest:

A handwritten signature in black ink, appearing to read "Neil Wetherbee".

Neil Wetherbee, Council Chair

Date: 12/3/19

A handwritten signature in black ink, appearing to read "Daniel Healey".

Daniel Healey, Town Clerk

Date: 12/3/19

Archival Ref: Agenda Item #19-137