

TOWN OF DERRY

Town Council
Derry Municipal Center

December 5 2017
Tuesday - 7:30 PM

6:00 PM **Non-Public Session 91A:3 II (d)**
 Non-Public Session 91A:3 II (a)

7:30 PM **Call to order**

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

Councilor Tripp moves to seal RSA 91A:3 II (d) and RSA 91A:3 II (a), seconded by Councilor Katsakiores – 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, CFO Susan Hickey

Consent Agenda

17-160 Approve Non-Public Minutes – November 21, 2017

17-161 Approve Minutes – November 21, 2017

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

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. The upcoming dates of Town Council meetings and School Board meetings were announced.

Town Administrator's Report – David Caron

CFO Susan Hickey and Scott McIntire, CPA from Melanson Heath presented the FY17 Audit results. The audit was totally in accordance or clean. There has been what is known as the Giving Tree in the lobby at the Derry Municipal Center for the last several years. The Human Services Department partners with the Sonshine Soup Kitchen and the Derry Community Fund to collect basic need items and gifts for our less fortunate residents during the holiday season. The Planning Department has placed a Visioning Board in the first floor lobby which includes pictures of vacant lots and other locations downtown, and solicits citizen suggestions on what they would like to see developed at that location. Eversource and contract crews from Osmose Utilities Services, Inc. will be performing maintenance work on a transmission line which runs

between Londonderry and the Seacoast. This is part of the Company's ongoing efforts to provide the State of New Hampshire with a safe, robust and reliable electric grid.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Marc Flattes: Linlew Dr – Questioned the Derry tax rate and the petitions that may be placed on the town ballot. Stated that the town had no interest in a recent RFP but was informed it is still being reviewed.

Shannon Barton: Karen Ave – Had a question regarding 8 Karen Ave and was told there would be a public hearing later on where she could discuss this.

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

Public Hearings

17-149 Resolution #2017-075 – Authorize sale of Town Tax Deeded Properties – public hearings November 21 and December 5, 2017

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.

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

Shannon Barton: Karen Ave – She is interested in the parcel located at 8 Karen Ave and has an offer in mind that she would like to give to the town for review.

Ann Ludden: Montgomery Farm Rd – Received an abutters notice for 7 Montgomery Farm Rd and was told that it is Conservation Land.

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 that 12 Forest Street has been approved as Conservation Land as of the December 1, 2015 Town Council meeting. The Tate's were also interested in a property on Chancellor Dr and Mr. Westgate was informed that property has been approved for Conservation.

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. There is currently a repurchase order from the former owner and if they are no longer interested it would go to a sealed bid.

Dan Fitzpatrick: Collettes Grove Rd – Inquired on 2 properties on Collettes Grove Rd and the difference in the listed values. Both properties are cited as unbuildable. Would like to see these properties become Conservation Land.

Tom Cardon: Cunningham Dr – Asked if it was possible to keep the property at Collettes Grove Rd and turn it into a parking lot for Collettes Mountain. Stated that he parks his car on this property when he goes for hikes and parking is needed in this area.

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

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

Town Administrator David Caron presented the Amendment to Article V, Disposition of Town Real Estate Property. The current ordinance treats the disposal of property equally regardless of how the property was acquired. There are specific state statutes which set forth the manner by which properties can be sold after being acquired by tax deed; properties which are purchased and later sold for economic development purposes; and a general statute dealing with all other properties. The current ordinance is cumbersome and does not provide the Town with necessary flexibility to advance economic development projects. Finally, the current ordinance contains timelines which are inconsistent with state statutes. The purpose of the amendment is to introduce further efficiencies into Town operations and to clarify the methods to be used when disposing of certain types of properties.

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

Bob Modrak: Chancellor Dr – Was informed that a property on Chancellor Drive is now managed by the Conservation and it would not be on any future lists.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-007, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp
Roll Call Vote: 7-0-0 (Councilor Chirichiello)
Ordinance attached

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

Town Administrator David Caron presented the expansion to the Downtown Derry Revitalization Tax Relief Program. RSA 79-E is a temporary tax relief incentive for property owners to substantially rehabilitate/replace a building in a designated district. The rehabilitation must cost at least 15 percent of the building's pre-rehabilitation assessed value, or at least \$75,000, whichever is less. Property owners may be granted tax relief on the newly assessed valuation for up to five years. The Town of Derry adopted the Downtown Derry Revitalization Tax Relief

Program in June of 2012 and designated the Central Business District as the Revitalization District. The expansion of the current district is part of our effort to efficiently utilize the tools available for economic growth.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Foote— all agreed

No one from the public spoke.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-008, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

New Business

17-163 Resolution #2017-083 – To amend Resolution #2017-55 regarding the Derry Revolving Loan Fund and to adopt Rules for the Downtown Façade Improvement Grant Program

Town Administrator David Caron presented the Amendment regarding the Derry Revolving Loan Fund. The Town Council previously established a Derry Revolving Loan Fund in the amount of \$250,000, which is managed by the Rockingham Economic Development Corporation (REDC) with guidance from the Derry Revolving Loan Fund Review Committee. The program has met success, whereby as of 6/30/17 only \$47,022 remained available to be loaned to new or existing small businesses. The Council on September 5, 2017 voted to commit an additional amount of \$250,000 in support of Derry businesses. The Council further instructed that \$100,000 of this amount shall be earmarked for downtown revitalization, and directed staff to return to Council with proposed rules on this segment of the program. The Economic Development Advisory Committee met on November 20 and recommended the proposed rules which would provide a 50:50 matching grant to a maximum of \$5,000 for façade improvements. Staff has solicited ideas and input nationwide, with the consensus that a matching grant program is the most effective method to achieve the Town's desired outcome for this program. EDAC also discuss whether the program out to be extended geographically beyond the limited area on Broadway. The Committee concurred to recommend the boundaries should remain as proposed at this time, that interested property owners or businesses be required to file an application no later than July 1, 2018, and façade improvements seeking the matching grant must be completed by January 1, 2019.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-083, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

Councilor Comments / Liaison Reports -

Councilor Chirichiello – It is unfair for the same person to keep blaming the town council for the tax increase when the majority of the increase is known to be on the school board side of the budget.

Councilor Tripp – The Comprehensive Annual Financial Report is a good place to look at how the money for the town is spent. At the recent school board meetings, 1 million was removed from next year's budget and there is still more to go. Residents should be contacting the school board with any concerns.

Councilor Morgan – Would like Town Administrator David Caron to look into the recent paving done on Eastgate Rd. There are bumps in the pavement and it looks horrible. The town sidewalks and driveways affected should be repaved. He was aware there was an RFP for 4.5 million but all of the details have not yet been reviewed, however the math does not add up. Councilor Morgan would like to sit down with the Economic Development Advisory Committee Chair and the Town Administrator to discuss that particular RFP. Would like a workshop with Senator's Birdsell and Morse and the Derry State Representatives to discuss education funding. Thanked Pinkerton Academy Headmaster Griffin Morse for allowing the Town Council to tour Pinkerton and requests Pinkerton to keep their budget flat.

Councilor Foote – Stands behind what he said during his campaign and what the council has accomplished so far.

Councilor Wetherbee – Would like to educate residents on the school budget and the process.

Chairman Bourdon – Thanked Andy Day and Alana Wentworth from Cask and Vine for all that they do for the community. The Pantry Plunge will take place Saturday December 16 at 12 noon at Gallien's Beach with the proceeds going to the food pantry.

Adjournment: 9:40 p.m.



Town Clerk

12-21-17
Date

Recording & Transcription by: Daniel Healey, Town Clerk



ORDINANCE

Number 2017-007

Amending Chapter 5, Article V of the Municipal Code,
Disposition of Town Property

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 Town Council is to encourage efficiencies in town operations and to promote economic development in Derry; and

WHEREAS, the Town Code currently sets forth a procedure to dispose of town property which does not necessarily align with applicable state statutes, is cumbersome and limits economic activity;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Municipal Code, Chapter V, Article V, Disposition of Town Property is amended per the attached revisions.

This Ordinance shall take effect thirty days after its adoption.

Adopted: December 5, 2017

Attest:

x 

Joshua Bourdon, Council Chair

Date: 12/5/17

x 

Daniel Healey, Town Clerk

Date: 12-5-17

Archival Ref: Agenda Item #17-156



ORDINANCE

Number 2017-008

Amendments to Chapter 138, Section II of the Municipal Code – Downtown Derry
Revitalization Tax Relief Program

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 Council previously adopted the provisions of RSA 79-E, Community Revitalization Tax Relief Incentive as a tool to further promote economic growth in the community; and

WHEREAS, expanding the program boundaries to include additional properties which may participate in this program would promote additional economic growth and activity in the Town, and is consistent with the Ordinance's Purpose and Declaration of Public Benefit as set forth in Section 138-12;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Chapter 138, Section II of the Municipal Code shall be retitled as "Derry Downtown and Town Center Revitalization Tax Relief Program", and a revised map and description of eligible properties shall be included in the Ordinance as Appendix A.

This Ordinance shall take effect 30 days after its passage.

Adopted: December 5, 2017

Attest:

x [Signature]
Joshua Bourdon, Council Chair
Date: 12/5/17

x [Signature]
Daniel Healey, Town Clerk
Date: 12-5-17

Archival Ref: Agenda #17-157



Resolution #2017-083

To Amend Resolution #2017-055 and Adopt Rules for the Downtown Façade Improvement Grant Program

WHEREAS, Section 9.6 of the Town Charter authorizes the Town Council to approve appropriations not included in the annual budget as adopted; and

WHEREAS, On September 5, 2017 the Council adopted Resolution #2017-055 which re-capitalized the Derry Revolving Loan Fund; and

WHEREAS, a portion of the appropriation was directed to be earmarked for Downtown Revitalization under regulations and guidelines to be adopted by the Council at a later date; and,

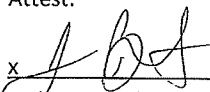
WHEREAS, staff has reviewed best practices nationwide and proposes rules for a matching grant program for Downtown Façade improvements; and

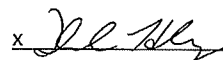
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council hereby adopts rules for the Downtown Façade Improvement Program which designates the One Hundred Thousand Dollars (\$100,000) for Downtown Revitalization authorized under Resolution #2017-055 as a matching grant program.

This Resolution shall take effect immediately upon its passage.

Adopted December 5, 2017

Attest:

x 
Joshua Bourdon, Council Chair
Date: 12/5/17

x 
Daniel Healey, Town Clerk
Date: 12-5-17

Archival Ref: Agenda #17-163