

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday December 20, 2022
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Bourdon

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

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

Remote: Councilor Spencer

Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

Motion by Councilor Katsakiores to open Public Forum, seconded by Councilor Foote All Agreed

Stephen Scaer, Nashua NH – Earlier this year he placed a billboard about Gender Dysphoria and a book “Irreversible Damage” by Abigail Shrier. It is a phenomenon sweeping teenage girls in the western world. It is a social phenomenon. The billboard was educational and to put out a resource for parents dealing with this.

Nancy Francis, Gulf Road – The 6th Annual Pantry Plunge was our coldest plunge to date. It was very successful. Thank you to all involved. With 68 plungers raised \$20,000+ and they are still accepting donations. Saturday, December 9th, 2023, for the 7th Annual, save the date!!

Steven Trefethan, North Shore Road – Would like improved snow clearance on the sidewalks in front of his business on Broadway. The Christmas lights are out on the pole in front of Rigatoni's and the tree needs to be replaced in front of 40 West Broadway. And the planter and trash bin are in the way for snow removal, would you like them moved? Merry Christmas.

Tom Dolan, Londonderry – here to speak on 4A, former Town Councilor in Londonderry. The issue is that there is some talk of inflating the cost to both Derry and Londonderry. Hold the line on the expenditure. There is a proposal to change the configuration of the tunnel. We need to keep the configuration in place and to keep the delay from happening. It would be sad for both communities.

Mark Flattes, Linlew Dr – Merry Christmas and Happy New Year. In 2023 the Derry Taxpayers have a lot of issues to face. Schools, Abbott Court, 4A possible Police Station? How will all of this effect our residents.

Regina Birdsell, Hampstead – State Senator from District 19. As the former chair of Transportation in the Senate, the Rail Trail okayed the switchback design. Trying to go back to the tunnel at this point will cause large delays especially to Woodmont Commons. The time to

have made changes would have been during the 10-year plan. There is no support to spend additional taxpayer funds.

Motion by Councilor Chirichiello to extend the speakers time, seconded by Councilor Foote
All Agreed

Supports the Switchback and the DOT decision. Merry Christmas.

Mark Connors, Cabot Dr - Derry Rail Trail is focused on the safest trail in the state, The Alexander Eastman Foundation, The Rail Trail and Derry Citizens have funded new beacons for the dangerous crossings at Broadway and South Ave. At a cost of \$20,000.00. Saddened that many elected officials are still spreading misinformation. The only approved plan by the Feds is the Tunnel plan.

Jodi Nelson, Nutmeadow Lane – Derry State Representative, The Rail Trail is multi use. During the design phase, both the tunnel and the switchback plan were met with no objections from the Town or the Rail Trail Alliance. Please consider the following, the switchback will allow a much safer grade for the thousands of vehicles that will travel the access road daily. Also, please consider the delay with economic development. It will be a delay or loss of businesses coming to Derry, employment and shoppers. Even with a call to action by the Rail Trail, I have received 1 email from a Derry resident and zero calls from Derry Residents. However, I am receiving many calls for assistance.

Motion by Councilor Chirichiello to extend the speakers time, seconded by Councilor Foote
All Agreed

She keeps hearing from many struggling residents and businesses. Please remember those people as well.

Kathryn McDonald, Silvestri Circle – Is a DERRY resident. The approved tunnel is safer and less costly for the residents of Derry and is supported by the residents of Derry. As a child I had a neighbor who was killed crossing the street. A few months ago, Councilors and Representatives crossed the existing 2 lane road during a walk through, where the 6 lane road will be and it was determined they needed a police escort for safety. No one will be struck by a car with the tunnel.

Brady Miller, Bedard Ave – The spaghetti design is a safety hazard. It is not safe. Which is more important, money or safety.

Calvin Dyer, Little John Ct – This is a mario cart idea of a trail, its dangerous, Representative Pearson has put in a bill on this. Let's prevent injuries.

Kyle Shreder, Fordway Ext – It's a much safer option to go with the tunnel. The spaghetti trail will have disability issues. This trail design looks like it was put through a corporate design. Are there any other pros other than cost?

Robert Francis, Gulf Road – Has a question about the tens of thousands of vehicles mentioned by a previous speaker. That averages 7 cars a minute. 7 cars a minute while people are trying to cross a road? Think about that.

Anthony Henry, Maurice Road – I have been doing research and I think the tunnel is a little safer, and regardless of cost, the tunnel is safer. Build the tunnel.

Katherine Prudhomme-O'Brien, Beacon Hill Road – State Representative, there is a tunnel at 93 in Windham. Windham does not have a safety issue with the tunnel. When I first saw the spaghetti loop, I did not think this was something I would need to speak against. I am in favor of the straight through design. The will of the people who have built it and have used it is not being heard. So, hear them now.

Steve Pearson, Hampstead Road – State Representative, I want to speak on the legal opinion from Wilmer Hale and the threatening letter sent by DOT to the Town of Derry. Both Towns made their contract with DOT. Part B of this project, the 2019 plan, has already been approved by the Feds, and it includes the tunnel. To do the switchback now will only delay this project even more. 161 properties in Derry have not been acquired yet by DOT for Part C & D. The police station has not been settled yet either. It will not go out to bid until 2024 and construction will not start until 2025.

**Motion by Councilor Foote to extend the speakers time, seconded by Councilor Katsakiores
All Agreed**

Part A will not be affected by Part B. 2 public hearings did not mention the switchback. Shields Brook has flooded many times, the rail's proximity to the brook will not allow for sanding and salting and will it require the trail to be closed in winter? The Town will not be able to remove the crosswalk because it is protected. The DOT has built tunnels everywhere. Derry is the spine of the rail trail. Derry hosts a popular race. It is never the wrong time to do the right thing.

Tom Cardon, Cunningham Drive – We turned this over to the DOT when I was chair. The most important thing is safety. It has been delayed many times, and safety is still the most important thing.

Jeff Latimer, Granite State Rail Trail – Regional network with economic benefits. DOT states the rail trail already brings Windham, Derry & Londonderry 7 million dollars in benefits. The board of the Granite State Rail Trail respectfully asks that you approve the safer tunnel. 5% grade is the maximum for the ADA. It's a very difficult grade.

Wayne Morris, VP Windham Rail Trail - Northeast Passages, adaptive cycles from UNH, we meet them around the state. The tunnel plan will be the most accessible. The 5% grade will disenfranchise many people. We need universal designs.

Richard Tripp, Windham Road – Lots of information but not sure what to believe. Concerned that you have not been talking to DOT. You need to adapt and overcome challenges. The cutback trail is not a bad solution. We need to get 4A done. What sane person will cross 6 lanes of traffic?

**Motion by Councilor Chirichiello to close Public Forum, seconded by Councilor Wetherbee
All Agreed**

Councilor Katsakiores moves to approve the consent agenda, seconded by Councilor Foote

Roll Call Vote: 6-0-1 Chirichiello Abstains

Chairman Report – Joshua Bourdon

Chairman Bourdon has Town Administrator Caron present the Rail Trail Options.

Scenic Trail by Brook as planned by DOT. The path is approximately 1,000 feet longer than the tunnel path. Portions of the path is in a 50-year flood zone, although DOT has noted that the current constriction at the North High Street bridge (60" culvert) will be replaced with a 63' bridge which spans the full width of the stream. Trail would potentially result in 40 opportunities for interaction with vehicles. Users would have to act more responsibly. Town is responsible for lower life cycle costs which includes the maintenance of eventual replacement of one structure versus two.

The Tunnel is a more direct route with a flatter grade. Construction delay caused by redesign which requires G&C approval of amended engineering contract, with redesign to follow. NHDOT anticipates ledge and high-water table in the vicinity of the tunnel. High probability that the bid date will be pushed into Spring 2024. With late bidding, fully anticipate higher bid prices on entire contract B work. Tunnel route would potentially result in 24 opportunities for interaction with vehicles. No guarantee that G&C will approve an amended engineering contract. Town is responsible for the maintenance and eventual replacement of two significant structures. Would the Town want to use about \$2M in Derry tax dollars for a preference?

Motion by Councilor Chirichiello to TABLE this discussion until Council can consult with legal, seconded by Councilor Foote

Roll Call Vote 7-0-0

Appointment of Election Location Committee. We have approved Calvary for 2023 Town & School Election. Councilors Spencer, Chirichello and Foote appointed with all other stakeholders.

Town Administrator's Report – Dave Caron

The Town conducted an auction of 9.5 Wildwood and 12 Forest on Thursday, December 8th which resulted in a net gain to the Town of \$225,000.

A one-day permit has been issued for the event to occur on Big Island Pond, date weather contingent. We have engaged a third-party attorney from CT who specializes in law enforcement organization, liability, and succession issues to assist with the development of a succession plan. The Federal delegation has assisted us with funding in the new budget for water.

Community Survey on Multi-Generational Facility – *David McPherson, Executive Director of the Alexander Eastman Foundation presenting*

The Town of Derry has teamed up with several organizations in the Greater Derry Area to create a better understanding of the wants and needs of those a Multi-Generational Community Center would serve. A survey is available on the Town website.

Presentation of FY22 Audit – *Chief Financial Officer Mark Fleischer and Audit Manager Zachary Fentross, of Melanson presenting*

Presentation of the Financial Statements. The Town is in a good financial position. The Town has a good unassigned fund balance. There is no management letter, no recommendations needed, and that is the best opinion possible.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL enter non-public session under RSA 91A:3 II (d), seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0

Councilor Bourdon MOVES THAT THE TOWN COUNCIL leave non-public under RSA 91A:3 II (d), seconded by Councilor Foote
Roll Call Vote: 4-0-0

Motion by Councilor Wetherbee to seal non-public minutes indefinitely, seconded by Councilor Foote
Roll Call Vote 4-0-0

Councilor Comments / Liaison Reports –

Motion by Councilor Wetherbee to ADJOURN, seconded by Councilor Foote
All Agreed

Adjourn: 9:24PM


Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk


Date