

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday January 3, 2023
3rd Floor Meeting Room

MINUTES

6:00 PM Non-Meeting with Town Counsel

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, Spencer and Chairman Bourdon

Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

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

Mark Flattes, Linlew Drive – very concerned about the budget. There is spending for Fire, talk of a Police Station and talk of a new school. The economy is not doing well and we need to watch our spending.

Dave Topham, Salem NH – President of the New Hampshire Rail Trail Coalition, 40 years' experience in dealing with DOT and an instructor of cycling. In October of last year, the tunnel was dropped from the design plan with no public input. The DOT reached out to a few selected people and that was it.

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

They never asked the complete streets committee what their thoughts were and everyone else has been shut down since June of 2020. It's never the wrong time to do the right thing. Support the tunnel.

Richard Tripp, Windham Road – Concerned that Town Council continues to let nonresidents speak. The Council needs to stick to the 30 minutes and only allow residents to speak. Reason for exit 4A is to promote economic development for Derry, promote economic development for Londonderry and reduce traffic Downtown. It is not for the Rail Trail. I will not support a rail trail that causes a delay.

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

The economy is not good, the school mismanagement is catching up with us. The Shields Brook crossing is good enough. We will need to spend additional money to then finish the connection to Londonderry. I like the idea of the trail; I do not like us paying for it.

Steve Pearson, Hampstead Road – State Representative. In the last few months, a lot of people are talking about Woodmont, Woodmont is in Londonderry. The constituent is the Resident of Derry. That is who we represent. The Rail Trail is economic development, think about who put you in your seats.

Tom Cardon, Cunningham Drive – When I was Town Councilor, Woodmont threatened a lawsuit, but supported the Rail Trail. DOT is the one footing the bill so the Town should not pay one penny.

Lynn Perkins, Woodland Street – Beacon Hill Road and Windham Depot Road, 2 lines that were abandoned in 1944, as you walk that path DOT put in a tunnel under 93, its like a bridge to nowhere. How does DOT justify that tunnel but not one in Derry that is a major connection?

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

Consent Agenda

- 23-01** Approve Minutes – December 20, 2022
- 23-02** Approve Non-Public Minutes – December 20, 2022 – **Minutes Sealed**
- 23-03** Resolution #2023-001 – Apply for and accept grant funding related to Household Hazardous Waste Collection

**Councilor Wetherbee moves to approve the consent agenda, seconded by Councilor Foote
Roll Call Vote: 7-0-0**

Chairman Report – Joshua Bourdon

**Motion by Councilor Bourdon to appoint Michael Hills as an Alternate on the Heritage Commission with a term ending March 31, 2024, seconded by Councilor Foote
Roll Call Vote: 7-0-0**

Planning Board Presentation – *Chair John O'Connor presenting*
Highlights January 2022-December 2022. The Planning Board approved 66,992 square feet of new commercial space, approved the creation of 20 new single-family units. There were 18 Meetings, 7 workshops and 2 site walks in 2022.

In 2023 the Board will be doing workshops on Legislative updates, Adult Overlay district, Traditional Business Overlay District Requirements. It will also review and create Zoning requirements for the Exit 4A Gateway.

Zoning Board Presentation – *Chair Lynn Perkins presenting*
Lots of what went through Planning also went through Zoning. There were 46 cases in FY 22. 42 were variance cases and 4 were special exception cases. They also had 8 reconsideration cases. Legislative Issue, Finding of Facts is an onerous process. Zoning Board Finding of Facts needs to be more detailed. The Housing Appeals

Board, HAB, gives expedient appeals process and is about workforce housing. HAB is a 3-person board, we have one appeal with the HAB.

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

Town Administrator presentation on Exit 4A

In 2015, the Town Council authorized an agreement with Londonderry and NHDOT. This agreement makes it the State responsibility after the permitting process is complete. The agreement recognizes that each community will pay 5 million each for a total of 10 million and that the State can not expend additional costs on the Towns without the Towns prior authorization. If the Town of Derry asks for additional scope of work, it is well within the legal right for NHDOT to request additional funds from the Town. The State reached out to our representative in June of 2020, and they have complied with the agreement.

Motion by Councilor Wetherbee that this is a NHDOT project, and in recognition that NHDOT requested and received input on this matter in 2020, no further recommendations are required, seconded by Councilor Foote
Roll Call Vote 7-0-0

Town Administrator's Report – Dave Caron

President Biden signed the FY23 budget into law which includes a \$3.2M grant to extend municipal sewer from Berry Road to Ryan's Hill. The Town must now complete the grant application process with the US Environmental Protection Agency.

The Central Fire Station is completing the Schematic Design Phase. A drill rig will be onsite beginning January 4th to identify ledge or any other geotechnical features.

The Town has been notified that the Derry Housing and Redevelopment Authority is considering a potential sale of its property at 12 Peabody, thus the opportunity to secure CDBG planning assistance has been suspended.

Agreements are now in place with the Town's development partner regarding the scope, timeline, and responsibilities of the respective parties for the design and engineering of the parking structure at Abbott Court.

We have received the following one-time revenues from the State of New Hampshire recently. One time retirement system funds in the amount of \$267,357.94 as authorized by Council Resolution #2022-062. One Time Bridge Aid in the amount of \$549,946.40 as authorized by Council Resolution #2022-061 and one time Highway Reconstruction Funds of \$573,049.59 also authorized by Council Resolution #2022-061.

New Business

23-04

Resolution #2023-002 – Accept a gift from the US Deputy Sheriff's Association – *Police Chief George Feole presenting*

To accept a gift of 50 Quick Clot Gauze packets, with a total value of \$2,175.00, to benefit the health and safety of our police officers.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-002 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 wants to remind everyone that we are a separate government from the schools, please go to the schools to speak to their budget.

Councilor Katsakiores wants to remind everyone that the legislative session begins tomorrow.

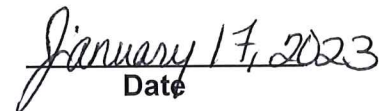
Councilor Flood wants to mention a community event for the Jason R Flood Memorial at Tupelo on Sunday at 1 PM. Tickets are \$20.00.

**Motion by Councilor Foote to ADJOURN, seconded by Councilor Katsakiores
All Agreed**

Adjourn: 8:26PM


Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk


Date



RESOLUTION

Number 2023-002

To Accept a Gift from the U.S. Deputy Sheriffs Association

WHEREAS, RSA 31:95-e authorizes the Town Council to accept gifts, other than money, to be used for any public purpose; and

WHEREAS, the U.S. Deputy Sheriffs Association provides necessary equipment for law enforcement; and

WHEREAS, the Police Department is in need of updating its inventory of Quick Clot Gauze for use by its personnel; and


WHEREAS, the Deputy Sheriff's Association has offered 50 packets to the Department at no cost;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept a gift of personal property at a value of \$2,175 from the US Deputy Sheriff's Association.

This Resolution shall take effect immediately upon its passage.

Adopted: January 3, 2023

Attest:


x Joshua Bourdon, Council Chair
Date: January 3, 2023


x Cristina Guilford, Town Clerk
Date: January 3, 2023

Archival Ref: TC agenda item #23-04