

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday February 1, 2022
3rd Floor Meeting Room

MINUTES

6:30 PM Non-Public Session – RSA 91-A:3 II (c)
7:00 PM Call to order

Motion by Councilor Wetherbee leave non-public session, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Motion by Councilor Wetherbee to unseal portions of the non-public minutes from 4/22/2021, 6/15/2021, 7/20/2021, 8/2/2021, 9/7/2021, and 9/21/2021 and to unseal all of the non-public minutes from 6/1/2021 and 1/18/2022, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

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

Roll Call: Councilors Katsakiores, Spencer, Wetherbee, Bourdon, and Chairman Pro-Tem Chirichiello – In Person, Councilors Morgan and Foote - Virtual
Present: TA Dave Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Motion by Councilor Wetherbee to open public forum, seconded by Councilor Foote
Roll Call Vote: 7-0-0

Richard Tripp: Windham Rd – Is a member of the Southern New Hampshire Planning Commission and mentioned that next month is bike to work month. There was a bill sponsored by a Representative from Manchester to change the membership structure of the SNHPC and it cannot be legally changed.

Motion by Councilor Wetherbee to extend Mr. Tripp's time, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Michael Layon: Tsienneto Rd – Would like the council to adopt a code of ethics like the school board has.

Motion by Councilor Wetherbee to close public forum, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Consent Agenda

- 22-12** Approve Non-Public Minutes – January 18, 2022
- 22-13** Approve Minutes – January 18, 2022

22-14 Resolution #2022-011 – Authorize a payment in lieu of taxes for the Solar Array at the Closed Landfill

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

Roll Call Vote: 7-0-0

Chairman Pro-Tem Report – Brian Chirichiello

The following boards/committees gave presentations updating the council on their progress over the past year:

Economic Development Advisory Committee – Chair Lauren Neves

Derry Housing & Redevelopment Authority – Commissioner Ernie St. Pierre

The Town Council Chair on April 6, 2021, appointed Councilor's Foote, Bourdon, and Spencer to formulate a subcommittee with staff to evaluate the condition of the Town's public safety facilities and report back to the Council. The Committee made a presentation to the Council on June 15, 2021, which outlined the conditions, concerns, and opportunities to enhance public safety facilities and responses to the community. The challenges and opportunities were seen as (in no order):

- A. Enhance Fire and EMS Response to Southwest Derry.
- B. Construct a public safety facility to address deficiencies in both police headquarters and central fire station.
- C. Construction separate headquarters for both police and fire.
- D. Construct a new fire substation in SW Derry should a new central fire or public safety facility not be situated in that area.

The Council had requested more information for their next meeting on 2/15/2022.

Town Administrator's Report – Dave Caron

The position of Fire Chief was recently posted for internal and external candidates in accordance with the town practices to seek out all qualified candidates for senior level positions. The Town anticipates the review of qualifications beginning on March 1 with council confirmation in April. Finance has reported that there are no appreciable changes in trends as the town enters the 3rd quarter. All documents for the two C/I Tax exemption programs the Council approved for 4 Peabody Annex and LaBelle Winery Derry have been completed and filed with the Town's Assessor.

New Business

22-15 Resolution #2022-009 – Authorize a Group Net Metering (Power Purchase) Agreement at the Closed Landfill – *Public Works Director Mike Fowler*

22-16 Resolution #2022-010 – Authorize a Land Lease at the Closed Landfill – *Public Works Director Mike Fowler*

The Net Zero Task Force and Department of Public Works issued a Request for Proposal (RFP) to build a solar panel array on top of the Town owned landfill located at Kendall Pond Road. The solicitation asked vendors to provide responses to design, permit and construct a 2.2 MW system to cover the electricity needs of 30 Town buildings. Proposals were submitted by seven qualified vendors. The RFP was structured to ask vendors to provide two options:

- 1) Direct Purchase - Prices ranged from \$4.7 million to \$7.5 million

2) Power Purchase Agreement (PPA) - Prices ranged from 6.8 cents per kWh to 10 cents per kWh

The NetZero Task Force recommended acceptance of a proposal for Power Purchase Agreement provided by Encore Renewable Energy of Burlington, Vermont. On November 2, 2021, Town Council endorsed this recommendation and provided direction to move forward with contract negotiations with Encore. The 2.2 MW solar field will generate approximately 3.7 million kWh annually to be distributed to the DPW campus/WWTP along with several other Town facilities. Excess generated electricity will be exported and net metered according to NHPUC rules. It is anticipated that Encore will utilize the remainder of 2022 to present the proposal to the Derry Planning Board, attain environmental permits and complete technical interconnection agreement with Eversource. Construction will likely start in Spring 2023, with the system energized by November 2023. The Town Council is requested to authorize the Town Administrator to sign three contract documents:

1. Power Purchase Agreement
2. Land Lease Agreement
3. Payment in Lieu of Taxes (PILOT) Agreement

All agreements have been reviewed by the Town's legal counsel and are structured for a 25-year period.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-009 which reads as follows [Read the Resolution], seconded by Councilor Spencer

Roll Call Vote: 7-0-0

Resolution attached

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-010 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports –

No Councilor comments.

Adjourn: 8:35pm


Town Clerk


Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2022-009

To Authorize a Group Net Metering (Power Purchase) Agreement at the
Closed Landfill

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

WHEREAS, the Net Zero Task Force has been working towards sustainable energy development with solar generation as a key component; and

WHEREAS, several proposals were received to construct a solar array at the closed landfill; and

WHEREAS, staff and the Net Zero Task Force have been negotiating a twenty-five-year Power Purchase Agreement with the selected vendor, which includes a Town option to purchase the project at certain intervals; and

WHEREAS, staff and the Net Zero Task Force recommend entering into agreement with Derry Solar, LLC on a proposal which best serves the community and meets the goals of the Task Force;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all necessary documents for a Group Net Metering (Power Purchase) Agreement with Derry Solar, LLC for development of solar power at the closed landfill.

This Resolution shall take effect immediately upon its passage.

Adopted: February 1, 2022

Attest:

x Brian Chirichello

Brian Chirichiello, Chair ProTem

Date: 2-1-2022

x Daniel Healey

Daniel Healey, Town Clerk

Date: 2/1/2022

Archival Ref: Agenda Item #22-15



RESOLUTION

Number 2022-010

To Authorize a Long-Term Land Lease at the Closed Landfill

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

WHEREAS, RSA 41:11-a authorizes the Legislative Body to enter into land leases exceeding five years in length; and

WHEREAS, staff and the Net Zero Committee have been evaluating proposals to develop a solar field on the Town's closed landfill; and

WHEREAS, the Council under Resolution #2022-009 authorized a Net Group Metering (Power Purchase) Agreement with Derry Solar, LLC; and

WHEREAS, a land lease at the closed landfill is necessary for the development of the solar array;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all necessary documents with Derry Solar, LLC for the lease of land at the closed landfill to facilitate the development of a solar field.

This Resolution shall take effect immediately upon its passage.

Adopted: February 1, 2022

Attest:

x Brian Chirichiello

Brian Chirichiello, Chair ProTem

Date: 2-1-2022

x Daniel Healey

Daniel Healey, Town Clerk

Date: 2/1/2022

Archival Ref: Agenda Item #22-16