

## **TOWN OF DERRY**

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday February 6, 2024  
3rd Floor Meeting Room

### **MINUTES**

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

**7:00 PM      Call to order – Chair Foote**

**Motion by Councilor Granese to leave non-public session, seconded by Councilor MacEachern**

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

**Motion by Councilor Granese to seal the minutes per RSA 91A:3 II (a)(b)(d) indefinitely because it was determined divulgence of this information would benefit a party or parties whose interests are adverse to those of the general community and if discussed in public would likely affect adversely the reputation of any person and the dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, seconded by Councilor Chirichiello**

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

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

**Roll Call:** Councilors Katsakiores, Chirichiello, MacEachern, Granese, Flood, and Chair Foote  
Present: TA Dave Caron, Town Clerk Tina Guilford

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

**Motion by Councilor Chirichiello to open public forum, seconded by Councilor Katsakiores**

**All Agreed**

Jack Webb, Drew Woods Drive – Just wanted to introduce myself as a candidate for the at large seat in the March election.

**Motion by Councilor MacEachern to close public forum, seconded by Councilor Katsakiores**

**All Agreed**

### **Consent Agenda**

**24-09      Approve Non-Public Minutes – January 2, 2024**

**Councilor MacEachern moves to approve Consent Agenda item 24-09, seconded by Councilor Katsakiores**

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

**Motion by Councilor MacEachern to seal the minutes of January 10, 2024 per RSA 91A:3 II (d) indefinitely because it was determined divulgence of this information would benefit a party or parties whose interests are adverse to those of the general community, seconded by Councilor Granese**

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

**24-10**            Approve Non-Public Minutes – January 10, 2024

**Councilor MacEachern moves to approve Consent Agenda item 24-10, seconded by Councilor Katsakiores**

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

**Chairman Report – Charles Foote**

**Board / Committee Appointments**

***Net Zero Task Force***

**Chairman Foote moves to appoint Shawn Anderson as a Member of the Net Zero Task Force for a term to expire March 31, 2025, seconded by Councilor MacEachern**

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

***Conservation Commission***

**Chairman Foote moves to appoint Paul Dionne as an alternate member of the Conservation Commission for a term to expire March 31, 2026, seconded by Councilor Katsakiores**

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

**Election Wrap Up – Town Moderator Lisa Hultgren and Town Clerk Tina Guilford**

We had a successful Presidential Primary on January 23, 2024, at Pinkerton Academy. Thank you to our voters, Derry Fire Department, Derry Police Department, Public Works and the staff at Pinkerton Academy. We had 8998 voters. Traffic was not an issue. We did receive some feedback from voters that they would have liked additional signage for Handicapped Parking and Accessibility. We are working on that additional signage for September and November. March will not have altered traffic patterns. We look forward to seeing lots of voters on March 12.

**Zoning Board Presentation – Chair Lynn Perkins and Vice Chair Craig Corbett presenting**  
There were 35 cases in FY 23. 28 were variance cases, 4 were special exception cases. They also had 2 rehearing requests and 1 Administrative appeal. Cases have slowed down due to the economy. Finding of Facts is a process put in place 2 years ago and we have gotten a handle on it. Review of 3 projects, 140 Rockingham Road, 35 Maple Street and 69 & 71 Birch Street.

**Planning Board Presentation – Chair John O'Connor presenting**



Highlights January 2023-December 2023. The Planning Board approved 23,300 square feet of new commercial space, approved the creation of 10 new single-family lots, 9 Townhouses and 63 Apartments.

In 2024 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 and downtown redevelopment opportunities.

*Heritage Commission – Karen Blandford-Anderson presenting*

The Heritage Commission is responsible for the historical education in the Town. The next meeting is April 1, 2024. There is an open position open on our board. We also sponsor the Junior Historians from Derry, Londonderry and Windham. The museum continues to be the largest focus. The museum has over 10,000 artifacts. Phase one of the reopening features Abenaki, Nutfield Settlement & Revolutionary War period. Phase Two is Alan Shepard. We continue to be open on Wednesday evenings from 6PM to 7:30PM. We will be open for Frostfest.

*Building and Property Maintenance Committee – Chair Bob Wentworth presenting*

The Building and Property Committee started in 2016 with 50 properties. We are now down to 7 properties on the list, with some coming off and then new ones being added. 2 of these properties have been brought into Brentwood Superior Court for enforcement actions.

*Highway Safety Committee - Chair Scott Savard presenting*

The committee meets on the 3<sup>rd</sup> Thursday of every month at 9AM. We reviewed a number of cases this year having to do with safety concerns. The committee also conducted multiple new site review plans of proposed building projects to ensure public safety. We are awaiting a safety study to be completed on the traffic circle as it was requested in the budget year 2024/2025 and we are looking forward to working with the State of New Hampshire on the road upgrades for exit 4A.

*Net Zero Task Force – Chair Jeff Moulton presenting*

2023 was a good year. The 2.2 MW Solar project at the landfill is almost finished with regard to design and permits. The project is to be completed by the 4th quarter 2024. We have tried to assist the school district with grant writing for various projects. A subcommittee for Community Choice Aggregation recommended a partner, Standard Power, for implementing Derry's program. Public Input was completed, and we are awaiting timing from Standard Power to solicit 3<sup>rd</sup> party bids for electricity supply.

**Town Administrator's Report – Dave Caron**

**Second Quarter Financial Report – Mark Fleischer**

Update on finances as of the midpoint of FY24.

MV Fees at 52.5% of collections

Interest Revenue at 189.7%

Civil Forfeiture at 179.2%

Planning Fees at 307.4%

Building Permits at 105.7%

The CFO has built the initial draft of the Capital Improvements Program for FY25-30, which is under review for prioritization and sustainability. There will be a presentation to the Planning Board on February 21.

Senator Birdsell has received permission from the Admin Rules Committee to submit legislation on Derry's behalf to allow for a surcharge on sewer services outside of the Town's corporate limits, much like our water wheeling funds. The genesis of the bill is a request from the Town of Londonderry to access Derry Sewer to service Woodmont East. If approved as written, the surcharge would be levied on all accounts outside of Derry.

Sitework continues at the new fire station in preparation for other portions of the work, including foundations which should begin in February. A majority of the remaining contracts, including general construction, plumbing, HVAC, electrical and fire protection will have a due date at the end of February. Financially, the project on balance is on track and currently under budget; both the sitework/utilities and foundations were awarded under budget.

NHDOT plans on bidding Contract B of Exit 4A, which is from the Londonderry Town line to the Post Office in Derry. Staff met with the NHDOT commissioner last month regarding safe access to the Police Department and other properties on the northerly side of Folsom. The DPW team has retained Promised Land Surveyors to assist with the design of the Town road at the new signalized intersection with Folsom and Laconia. Staff will work with abutters to the police station on boundary line adjustments to better meet each property owners' needs.

Congratulations to Fire Chief Jim Richardson who has announced his retirement from the Derry Fire Department effective March 1 after 31 years of service to the community. As the Council is aware, the Town Charter requires Council confirmation, thus we'll be bringing this appointment back to the Council in the near future.

I want to bring to your attention 2 bills. One is HB1479-FN, which is a bill to prevent lobbying by NHMA and those types of organizations. Not having NHMA to advocate for us, would mean a lot more of senior staff making a regular trek to Concord weekly to testify on legislation that would affect the Town. The other is SB553-FN which would change where we can invest Town funds. Currently we are getting an excellent interest rate with PDIP, which is at 5.48% and the average of all our other investments is 3.95%. This would be a loss of over \$500,000 in interest income to the Town and result in higher taxes.

## **New Business**

**24-11** Resolution #2024-007 – Authorize lease agreements amendments at the Adams Memorial Building– *Town Administrator Dave Caron presenting.*

The Town of Derry has existing leases for space within the Adams Memorial Building with several entities, including the Chamber and the Arts Council. Both organizations have been examining their space needs and concluded that switching offices within the building would

better meet their needs. Both leases were approved for a term beginning January 1, 2022. The GDAC lease expires on December 31, 2023, and the Chamber lease expires on December 31, 2024. Both organizations have agreed to switch offices for the duration of their respective leases, resulting in a modification of rent. No other terms and conditions of the existing leases will change or be modified.

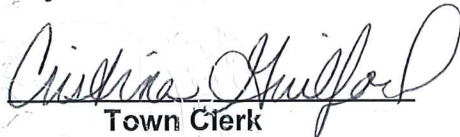
**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2024-007 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**

**Councilor Comments / Liaison Reports –**

Councilor Foote – Boards and Committees, thank you for all your hard work in the past year. Everyone at home, please check for vacancies. Also, thank you to Owen, for all your hard work and Happy Birthday.

**Motion by Councilor MacEachern to ADJOURN, seconded by Councilor Foote**  
**Roll Call Vote: 6-0-0**

**Adjourn: 8:39 PM**

  
Town Clerk

**Recording & Transcription by: Cristina Guilford, Town Clerk**

  
Date





## RESOLUTION

Number 2024-007

To Amend Land Leases at the Adams Memorial Building

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, the Town has enjoyed a long-standing relationship with both the Greater Derry Arts Council (GDAC) and the Greater Derry-Londonderry Chamber of Commerce (GDLCC) as tenants at the Adams Memorial Building; and

WHEREAS, the Arts Council and the Chamber have reviewed their space needs and agreed to rearrange office space with the Memorial Building; and


WHEREAS, the sole impact of this change is adjustment of the rental charges, which is revenue neutral to the Town;

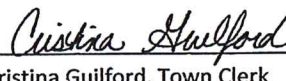
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute amended lease documents with GDAC and GLDCC for the balance of their respective lease terms.

This Resolution shall take effect immediately upon its passage.

Adopted: February 6, 2024

Attest:

x   
Charles Foote, Council Chair  
Date: February 6, 2024

x   
Cristina Guilford, Town Clerk  
Date: February 6, 2024

Archival Ref: Agenda Item #24-11