

TOWN OF DERRY

Town Council
Derry Municipal Center

March 16, 2021
Tuesday - 7:00 PM

6:30 PM Non-Meeting – RSA 91A:2 (a)
7:00 PM Call to order

Although the Stay at Home Order has expired, Emergency Order #12 as issued by Governor Sununu remains in effect, which waives the requirement that a quorum be physically present in the meeting room; a meeting of a public body may be conducted with most or all members participating electronically. There is a contact number at the bottom of the Derry TV Cam screen with a phone number where members of the public can listen in and participate in the Public Forum and Public Hearing portions of the meeting. This access number was also posted along with the agenda and posted on the exterior doors of the Municipal Center. Please note that due to the physical absence of some Councilors, all votes taken shall be done by Roll Call.

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

Roll Call: Councilors, Katsakiores, Morgan and Chirichiello in-person and Chairman Foote and Councilor's Bourdon, Spencer, and Wetherbee by Video.

Present: TA David Caron (Video), Town Clerk Daniel Healey

21-28 – Election of Officers

Motion by Councilor Katsakiores to nominate Councilor Morgan as the Chair, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-1 (Councilor Morgan)

Motion by Councilor Foote to nominate Councilor Chirichiello as the Chair Pro-Tem, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-1 (Councilor Chirichiello)

Public Forum - *30 Minutes*

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

Roll Call Vote: 7-0-0

David Love: Maple St – Congratulations to Chairman Morgan and Councilor Chirichiello on being selected Chair and Chair Pro-Tem respectively. Would like the Town Council to send a letter to Pinkerton Headmaster Powers on an upcoming virtual performance by the Stockbridge Theater that he disagrees with. Was informed that it is out of the Council's purview and that he should bring the matter to the Derry School Board.

Mike Gendron: Old Auburn Rd – (Derry Opera House) – The Opera House needs repair and Mr. Gendron wanted to bring that to the Council's attention. They are currently in the process of getting engineering designs. He believes the cost will not exceed \$90,000. The Opera House is in the TIF District and has been budgeted in the CIP. It will be discussed more during budget presentations.

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

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Chirichiello
Roll Call Vote: 6-0-0 (Councilor Bourdon did not vote)

Consent Agenda

21-29 Approve Non-Public Minutes – March 2, 2021

21-30 Approve Minutes – March 2, 2021

Motion by Councilor Chirichiello to approve the consent agenda, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-1 (Councilor Spencer)

Chairman's Report – James Morgan

Chairman Morgan would like Councilor's Foote and Wetherbee to sit with the Town Moderator and come up with a map of where campaign signs can and cannot be placed in the Town.

Building/Property Maintenance Committee Council Representative: **Councilor Foote**
Cable Committee Council Representative: **Chairman Morgan**
Conservation Commission Council Representative: **Councilor Wetherbee**
Derry Housing & Redevelopment Authority Council Representative: **Chairman Morgan**
Derry Public Library Council Representative: **Councilor Spencer**
Economic Development Committee Council Representative: **Councilor Bourdon**
Fiscal Committee Council Representative: **Councilor Spencer**
Heritage Commission Council Representative: **Councilor Katsakiores**
Legislative Delegation Representative Council Representative: **Chairman Morgan**
Net Zero Task Force Council Representative: **Councilor Bourdon**
Pinkerton Academy Liaison: **Councilor Wetherbee**
Planning Board Council Representative: **Councilor Chirichiello**
Public Works Council Representative: **Councilor Wetherbee**
Safety Departments Council Representative: **Councilor Katsakiores**
School Board Council Representative: **Councilor Spencer**
SNH Hazardous Materials Mutual Aid District Council Representative: **Councilor Chirichiello**
Taylor Library Council Representative: **Councilor Foote**
TIF Advisory Board – Derry Commerce Corridor: **Chairman Morgan**
Legislative Committee Members: **Chairman Morgan, & Councilor's Wetherbee and Spencer**

Boards & Committee Appointments

Building & Property Maintenance Committee

Chairman Morgan moves to appoint Michael Welch, David McPherson, and Johnathan West as members of the Building & Property Maintenance Committee for 1 year terms to expire March 31, 2022, seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0

Cable Advisory Committee

Chairman Morgan moves to appoint Tina Guilford and Cairnie Pokorney as members of the Cable Advisory Committee for 3 year terms to expire March 31, 2024, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0

Councilor Wetherbee moves to appoint Paul Freitas as a member of the Cable Advisory Committee for a 3 year term to expire March 31, 2024, seconded by Councilor Chirichiello
Roll Call Vote: 6-0-1 (Councilor Morgan)

Conservation Commission

Chairman Morgan moves to appoint Grace Reisdorf, William Lowenthal, and Robert Spoerl as members of the Conservation Commission for 3 year terms to expire March 31, 2024, seconded by Councilor Chirichiello

Councilor Morgan moves to appoint Justin Mitchell and Mariel Capulli as alternate members of the Conservation Commission for 2 year terms to expire March 31, 2023, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Derry Commerce TIF Advisory Board

Chairman Morgan moves to appoint John Potucek as a member of the Derry Commerce TIF Advisory Board for a 2 year term to expire March 31, 2023, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0

Economic Development Committee

Chairman Morgan moves to appoint Mark McClary as a member of the Economic Development Committee for 3 year terms to expire March 31, 2024, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0

Highway Safety Committee

Chairman Morgan moves to appoint Walter Deyo, Scott Sevard, Randy Chase, Ronald Goldthwaite, James Roddy and Daniel Healey as members of the Highway Safety Committee for 1 year terms to expire March 31, 2022, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-1 (Councilor Wetherbee)

Derry Housing & Redevelopment Authority

Chairman Morgan moves to appoint Ernest St. Pierre as a member of the Derry Housing & Redevelopment Authority for a 5 year term to expire March 31, 2026, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

Net Zero Task Force

Chairman Morgan moves to appoint Jeffrey Moulton as a member of the Net Zero Task Force for 3 year term to expire March 31, 2024, seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Planning Board

Chairman Morgan moves to appoint Randy Chase as the Town Administrator's representative to the Planning Board for a 1 year term to expire March 31, 2022, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Chairman Morgan moves to appoint John O'Connor and Mark Connors as members of the Planning Board for 3 year terms to expire March 31, 2024, moves to appoint David Clapp as an alternate member of the Planning Board for a 2 year term to expire March 31, 2023, and moves to appoint David Nelson as an alternate member of the Planning Board for a 3 year term to expire March 31, 2024, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0

Zoning Board of Adjustment

Chairman Morgan moves to appoint Lynn Perkins as a member of the Zoning Board of Adjustment for 3 year term to expire March 31, 2024, moves to appoint Gaspar Obimba as an alternate member of the Zoning Board of Adjustment for a 1 year term to expire March 31, 2022, moves to appoint Michael Donlon as an alternate member of the Zoning Board of Adjustment for a 2 year term to expire March 31, 2023, and moves to appoint Richard Tripp as an alternate member of the Zoning Board of Adjustment for a 3 year term to expire March 31, 2024, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0

Town Administrator's Report – David Caron

Emergency Management Director and Fire Chief Mike Gagnon gave a report on the Town's response to COVID-19.

The Hood Park Capital Improvement Plan was presented by Director of Public Works Mike Fowler. There are several capital improvements planned for FY 22 – FY 23 including a new pickle ball court, new splash pad, improvements of the trail network and security/lighting

upgrades. The estimated cost of all improvements is \$500,000. The projects recommended will utilize proceeds from the \$1.8 million Recreation Bond. Additional funds may be available through the use of the TIF funds in the Derry Commerce Corridor for Hood Park, the Gateway TIF District funds for Phase II of the Rail Trail, and possibly Alexander Carr Trust proceeds. It was requested by Councilor Bourdon that renderings of the proposed improvements be provided.

SB87 is advancing to the Senate floor with an ought to pass recommendation and if approved it will go to the House. The Town will continue to monitor the progress. SB116, regarding Exit 4A, as sponsored by Senator's Birdsell and Carson had a hearing on March 2. The bill would require the Department of Transportation to complete the project within the 10 year plan. Testimony was offered by both the Towns of Derry and Londonderry. Congress has passed the American Rescue Plan which President Biden has signed into law. Preliminary information released by the New Hampshire Municipal Association from the National League of Cities indicates that Derry may receive \$3.32M. It is anticipated that the Council will be asked to accept these unanticipated revenues pursuant to Section 9.15 of the Town Charter, and then name itself as Agents-to-Expend for future expenditure decisions. The CFO reports that most revenues continue to maintain budgeted levels, with the exception of motor vehicle revenues, which may be attributed to timing issues. Previously, leased vehicles were registered in the month assigned by the DMV to manufactures; now, those vehicles are registered in the lessee's birth month. The presentation of the FY 22 Budget will occur as the April 6th Town Council Meeting.

Public Hearing

21-26 Ordinance #2021-001 – Amend Article II, Word Uses and Definitions and Article VI, District Provisions for the Industrial IV District – *Planning Director George Sioras presenting*

The Town Administrator and Town Council have asked both Planning & Economic Development staff to review the various zoning districts in town and review the permitted uses as well definitions in each zone and recommend revisions which are consistent with both the Town Council and Planning Board long-terms goals to encourage new development as well as redevelopment opportunities. The purpose of the amendments is to encourage new development as well as redevelopment opportunities in the Industrial IV zoning district. This zone is the area of Manchester Road, Ashleigh Drive, the Derry Commerce Park on A & B Streets, Franklin Street Extension and Madden Road. As cited in the newly adopted 2020 Master Plan, one of the recommended Goals was to review this area of Town for future development opportunities created in the new Gateway District and the pending Exit 4A project. These amendments are consistent with those Goals for future economic development and business expansion and growth.

Motion by Councilor Chirichiello to open public hearing, seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Ordinance #2021-001 which reads as follows [*Read the Ordinance*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Ordinance attached

21-27 Resolution #2021-002 – Amend the Boundaries of the Traditional Business Overlay District – *Planning Director George Sioras presenting*

The Town Administrator and Town Council have asked both Planning & Economic Development staff to review the Downtown Central Business District and Traditional Business Overlay District zoning districts and review the permitted uses, parking, housing density, and district boundaries and recommend revisions which are consistent with both the Town Council and Planning Board long-term goals to encourage new development as well as redevelopment opportunities in the Downtown/Central Business District. The purpose of the amendments is to encourage new development as well as redevelopment opportunities in the Downtown/Central Business District. This amendment is the first step in pursuing these goals. The purpose is to expand the boundary of the Traditional Business Overlay District by adding 66 properties into the Overlay District. The underlying zoning of the parcels will remain Central Business District. Phase II is reviewing the housing, parking, and permitted uses in the District and is currently in workshop meetings with the Planning Board and staff with the hope of the Public Hearing process to begin in the Spring and forwarded to Town Council for their consideration

Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2021-002 which reads as follows [*Read the Ordinance*], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-1 (Councilor Foote)

Ordinance attached

New Business

21-31 Resolution #2021-019 – Apply for and accept a gift from the Injury Prevention Center at Dartmouth-Hitchcock– *Police Chief Ed Garone presenting*

The Injury Prevention Center, (CHaD) Children's Hospital at Dartmouth-Hitchcock, has announced the 2021 Safe and Active Community Grant Program. The program offers safety gear, including bike helmets, to communities to promote safe outdoor activity for children and their families. The Derry Police Department has previously provided these safety helmets to children as part of the Town of Derry Touch-a-Truck event held each spring, at no cost. Due to the Touch-a-Truck event being canceled for 2021, the police department plans to issue these helmets at the National Night Out event on August 3, 2021 as well as at the Boys and Girls Club and other events that may occur during the grant period. These events will all include an educational component for the children receiving the helmet. Over the last 3 years, the Derry Police Department has distributed 800 helmets to community members, 200 the first year and 300 each of the last two years. Each year the Derry Police Department has had to turn folks away as demand far exceeded available inventory. Though Demand has been strong, since the Touch-a-Truck is cancelled the Derry Police Department would like to apply for a grant of 200 helmets from the Injury Prevention Center. The Town Charter designates that the Town Council may apply for and accept grants or gifts. Specifically, "Section 9.15 Grants, Gifts; provides in part, that the Town Council may apply for, accept and expend monies received from the State, Federal, or other governmental units, or from private sources which become available during the fiscal year".

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-019 which reads as follows [Read the Resolution], seconded by Councilor Bourdon
Roll Call Vote: 7-0-0
Resolution attached

21-32 Resolution #2021-020 – Set the Compensation of Election Officials and Workers– *Town Administrator Dave Caron presenting*

The Town Council at its July 21 meeting voted to award hazard pay to poll workers in the amount of \$15.00 per hour for work at the polls in order to address the hazards of interacting with the public during the Pandemic. This authorization was in effect for the September 2020 Primary and the November 2020 General Election. It is recommended to continue this pay status through the March 9, 2021 Town and School elections. Also, the Town contracted with ServPro to deliver disinfectant services at West Running Brook Middle School which was performed after the polls closed. The Town's election officials and workers had to endure the same public health concerns and precautions that existed during the September and November elections. Election officials and workers had to accommodate and serve some COVID-19 positive voters at the polls and wore PPE throughout the day. The disinfectant protocols continued from the September and November elections as well. The Town has adequate funds within its COVID-19 Trust to pay for these services. The hazard pay cost \$4,586.25 and the Servpro invoice was \$3,936.80 for a total expense of \$8,523.05.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-020 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Wetherbee – Congratulations to Councilor Spencer and welcome aboard. Thanked Former Chair, Councilor Foote. Thanked Former Councilor Tripp for his years of service to the Town.

Councilor Bourdon – Echoed Councilor Wetherbee's comments regarding Councilor's Spencer and Foote. Thanked Town Administrator David Caron. Stated it was pleasure serving with former Councilor Tripp. Asked if the Town had thought about hiring a person to write grants.

Chairman Morgan – Would like Councilor's Bourdon and Foote to get together with the Fire Chief to discuss ways to improve response time in Southwest Derry.

Councilor Spencer – Thanked everyone for the warm welcome and kind words. Would love to be part of the committee on response time in Southwest Derry.

Councilor Foote – Congratulations to Councilor's Spencer and Katsakiores on the election. Thanked former Councilor Tripp and congratulations to new Chair and Pro-Tem Morgan and Chirichiello.

Councilor Katsakiores moves to adjourn, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

Adjournment: 9:15 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

4-7-2021

Date



ORDINANCE

Number 2021-001

Amend Article II, Word Uses and Definitions and Article VI, District
Provisions for the Industrial IV District.

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, the Planning Board has been reviewing allowable uses within the Industrial IV District, and

WHEREAS, in support of economic activity and business and commerce movements, amendments are necessary to maintain and enhance the viability of the Industrial IV District; and

WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

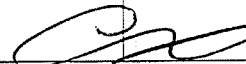
NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows:

To AMEND Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions for Aeroponic, Aquaponic, Hydroponic Agriculture, Indoor Farming and Printer, and to AMEND Article VI, District Provisions, Section 165-42, Industrial IV District to repeal subsections A B & C and replace with new subsections A B & C, resulting in an amended list of permitted uses in the zone.

This Ordinance shall take effect thirty days after its adoption.


Adopted: March 16, 2021

Attest:

X 
James Morgan, Council Chair

Date: 3/16/2021

Archival Ref: Agenda Item #21-26

X 
Daniel Healey, Town Clerk
Date: 3/16/2021



ORDINANCE

Number 2021-002

Amend Article V, Zoning Map and District Boundaries, Section 165-30,
Zoning Map, to expand the boundaries of the Traditional Business
Overlay District (TBOD).

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 Council goal is to enhance density and economic opportunity in the Downtown; and

WHEREAS, the Planning Board has been reviewing allowable uses, densities, and boundaries of the TBOD, and

WHEREAS, in support of economic activity and business and commerce movements, amendments are necessary to achieve community goals for the Downtown; and

WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

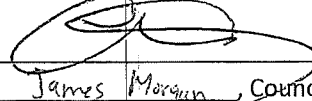
NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows:


To AMEND Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to expand the boundary of the Traditional Business Overlay District by adding 66 properties into the Overlay District. The underlying zoning of the parcels will remain Central Business District.

This Ordinance shall take effect thirty days after its adoption.

Adopted: March 16, 2021

Attest:

x 
James Morgan, Council Chair
Date: 3/16/2021

x 
Daniel Healey, Town Clerk
Date: 3/16/2021

Archival Ref: Agenda Item #21-27



RESOLUTION

Number 2021-019

To Apply for and Accept A Gift from the Injury Prevention Center at the
Children's Hospital at Dartmouth-Hitchcock

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 Injury Prevention Center at the Children's Hospital at Dartmouth Hitchcock (CHAD) has announced the 2021 Safe and Active Community Grant Program; and

WHEREAS, the Police Department has partnered with CHAD to distribute bicycle helmets to community members as part of community events; and


WHEREAS, the Department has distributed a total of 800 helmets over the past three years;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for and accept a gift of personal property at a value of less than \$5,000 from CHAD to promote bicycle safety.


This Resolution shall take effect immediately upon its passage.

Adopted: March 16, 2021

Attest:



James Morgan, Council Chair
Date: 3/16/2021

x 

Daniel Healey, Town Clerk
Date: 3/16/2021

Archival Ref: TC agenda item #21-31



RESOLUTION Number 2021-020

To Set the Compensation of Election Officials and Workers and to Transfer Funds
from the COVID-19 Trust for Election Expenses

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

WHEREAS, Section 8.6(C) of the Charter empowers the Town Administrator to fix the compensation of all town officers and employees appointed by the Town Administrator; and

WHEREAS, in recognition of the challenges posed by COVID-19, the Town Council previously voted to authorize hazard pay to election officials and workers for the September and November 2020 elections; and

WHEREAS, those COVID-19 challenges remained during the March 2021 Town and School election; and

WHEREAS, the Town incurred additional expenses disinfecting the polling place; and

WHEREAS, funds are available in the COVID-19 Trust for Mitigation, Response and Recovery,

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the election officials and workers shall receive hazard pay for March 9, 2021 election at the rate of \$15/hour, and the Town Administrator is hereby authorized to withdraw funds from the COVID-19 Trust for the following purposes:


Hazard Pay – Election Officials and Workers	\$4,586.25
Disinfectant Service at West Running Brook	<u>\$3,936.80</u>
Total	\$8,523.05

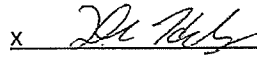
Archival Ref: TC agenda item #21-32

This Resolution shall take effect immediately upon its passage.

Adopted: March 16, 2021.

Attest:

x 
James Moran, Council Chair
Date: 3/16/2021

x 
Daniel Healey, Town Clerk
Date: 3/16/2021

Archival Ref: TC agenda item #21-32