

TOWN OF DERRY

Town Council
Derry Municipal Center

March 19, 2019
Tuesday - 7:00 PM

6:00 PM	Non-Public Session 91A:3 II (a,d)
6:55 PM	Swearing in of newly elected Town Councilors
7:00 PM	Call to order

Councilor Tripp moves to leave non-public session, seconded by Councilor Wetherbee – all agreed

Councilor Bourdon moves to seal RSA 91A:3 II (a,d), seconded by Councilor Wetherbee – all agreed

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

Roll Call: Councilors Chirichiello, Tripp, Katsakiores, Bourdon, Wetherbee, and Chairman Morgan, Absent: Councilor Foote, Present: TA David Caron, Town Clerk Daniel Healey

19-18 Election of Officers

Councilor Chirichiello nominates Councilor Wetherbee as the Council Chairman, seconded by Councilor Bourdon
Roll Call Vote: 5-0-1 (Councilor Wetherbee)

Councilor Katsakiores nominates Councilor Morgan as the Council Chairman Pro Tem, seconded by Councilor Morgan
Roll Call Vote: 5-0-1 (Councilor Morgan)

Appointment of 3rd Signatory: **Councilor Tripp**
Building/Property Maintenance Committee Council Representative: **Councilor Morgan**
Cable Committee Council Representative: **Councilor Morgan**
Conservation Commission Council Representative: **Councilor Wetherbee**
Derry Housing & Redevelopment Authority Council Representative: **Councilor Foote**
Derry Public Library Council Representative: **Councilor Tripp**
Economic Development Committee Council Representative: **Councilor Tripp**
Fiscal Committee Council Representative: **Councilor Morgan**
Heritage Commission Council Representative: **Councilor Katsakiores**
Legislative Delegation Representative Council Representative: **Councilor Chirichiello**
Net Zero Task Force Council Representative: **Councilor Bourdon**
Planning Board Council Representative: **Councilor Chirichiello**
Public Works Council Representative: **Councilor Morgan**
Safety Departments Council Representative: **Councilor Katsakiores**
School Board Council Representative: **Councilor Tripp**
SNH Hazardous Materials Mutual Aid District Council Representative: **Councilor Foote**
Taylor Library Council Representative: **Councilor Foote**
Pinkerton Academy Liaison: **Councilor Wetherbee**

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Mike Gendron: Old Auburn Road – The Nutfield 300th founders' weekend is 3 weeks away. More information can be found on their website: derryarts.org

Kerran Vigroux: Lenox Road – There will be a gala for the Nutfield 300th on April 13th from 6pm-10pm at the Derry Opera House. Tickets are \$50, bands will be playing and there will be dancing. Appetizers from local vendors will be provided and drinks are available for purchase. The history museum will be open from 6pm-8pm.

Michael Iannuzzi: Sawyer Court – Would like the town to allow the VFW to permanently raise POW flags at 5 locations throughout town. He is not sure if they town owns all the flag poles but would like it researched. The requested locations are at the Municipal Center, Opera House, Martin Street, Recreation Center, and the traffic circle. A few businesses are participating and there will be a flag raising ceremony on Saturday May 18th.

Steve Trefethen: Windham, NH – Congratulations to all the incumbents who won re-election. Believes the town has been looking into purchasing properties downtown and on Birch Street and would recommend that they not do that. Would like the town to leave those properties to private investment.

Motion by Councilor Morgan to close public forum, seconded by Councilor Bourdon – all agreed**Consent Agenda**

19-19 Approve Non-Public Minutes – March 5, 2019

19-20 Approve Minutes – March 5, 2019

19-21 Ordinance #2019-002 – Relative to amending Zoning Ordinance Article VI, District Provisions in the Central Business and Traditional Overlay Districts to all residential uses above the first floor

Consent agenda approved**Chairman's Report – Neil Wetherbee**

There will be a ribbon cutting ceremony at Fody's Tavern on Friday March 29th at 4:30pm.

Town Administrator's Report – David Caron

The FY19 budget has been trending well. Appointments to Boards and Committees are made from April 1st to March 31st. The next Town Council meeting is scheduled for April 2nd and the appointments will take place then. The Planning Board and the Zoning Board meet in the days following so new appointees will need to be sworn in before they can participate. A charter amendment should be explored so current members can continue until their successors are sworn in. At the April 2nd Town Council meeting, an overview of the FY20 budget will be presented.

Public Hearing

19-15 Ordinance #2019-001 – Relative to Amending the Zoning Ordinance to move 5 parcels from the Central Business District to the Medium High-Density Residential zone and move 6 parcels from the Medium High-Density Residential

District to the Medium High-Density Residential II District – *Planning Director George Sioras*

Over the last three years both the Derry Town Council and Planning Board worked on their respective goals and requested staff to review the zoning in the Central Business District and downtown as well as reviewing the zoning in the vicinity of Maple and Elm Streets as it relates to the town owned property at 19 Elm Street. The goal of the town to market and redevelop the former shoe factory parcel. This zoning amendment will allow the town to move forward to begin this process. The purpose of the amendment is to allow for the best and highest use of the properties moving to the Medium High-Density Residential zone and to correct an oversight during a previous zoning change for the parcels moving the Medium High Density Residential II district.

Motion by Councilor Chirichiello to open public hearing, seconded by Councilor Morgan – all agreed

Kyle Turley: Beacon Street – Would just like it confirmed for the record that the only change with this amendment is that multi-family has been removed and an accessory dwelling unit is allowed. It was confirmed by Planning Director George Sioras.

Steve Trefethen: Windham, NH – Wanted it confirmed that Elm Street would now require a variance to bring a business to that location. It was confirmed by Planning Director George Sioras.

Motion by Councilor Bourdon to close public hearing, seconded by Councilor Tripp – all agreed

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-001, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 6-0-0

Resolution attached

New Business

19-22 Resolution 2019-008 – To adopt a Post-Issuance Compliance Policy – *Town Administrator David Caron*

The IRS includes guidance on its website that makes it evident that written procedures are an important part of an issuer's tax-exempt bond program. The IRS updated its Form 8038-G to add questions about whether the issuer has established written procedures to address private activity concerns and to monitor the requirements of section 148 related to arbitrage rebate. The IRS also now requests more detail about an issuer's reimbursement for pre-issuance expenditures on this form. In order to address this increased level of review by the IRS, we have prepared a form of Post-Issuance Tax Compliance Policies and Procedures. This form of policy names a "Coordinator" who has the responsibility to monitor compliance with the policy. It follows the requirements of the Code and closely tracks the information included in the No Arbitrage and Tax Certificate that is signed at the closing of a bond or tax note financing. As the Town may be planning to finance a project with tax exempt bonds, may need to issue tax anticipation notes or may be considering a lease-purchase arrangement we recommend

implementing these policies. As a result, the Town would be able to answer "yes" to the questions on the Form 8038-G, thereby showing the IRS that it is aware of its post-issuance obligations under the Code and that it intends to meet those obligations. An additional reason for the timely adoption of these policies is the IRS's indication that an issuer who discloses a compliance issue that is discovered as a result of its own internal review will be looked upon favorably by the IRS in determining a resolution to the problem.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-008, which reads as follows [Read the Resolution], seconded by Councilor Katsakories

Roll Call Vote: 6-0-0

Resolution attached

19-23 Resolution 2019-009 – To authorize Appolo Vineyards to serve Wine samples at the Derry Homegrown Farm and Artisans Market – *Town Administrator David Caron*

The Derry Homegrown Farm and Artisans Market is planning its 2019 season and has received a request from Apollo Vineyards seeking Council approval to serve samples; Resolution #2019-009 provides authorization within the mandates of NH RSA 179:44, which requires that such activity be authorized by the town or city's governing body and that the authorization must be in writing. In accordance with the Town Charter and State law, the Town Council is the governing body of the town and has the sole authority to grant the requested authority to provide samples under that statute. The authority requested is narrow as to the location and time of operation of the Market. It has been requested and is recommended that this action granting permission remain in effect indefinitely until rescinded by the Council.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-009, which reads as follows [Read the Resolution], seconded by Councilor Bourdon

Roll Call Vote: 5-0-1 (Chairman Wetherbee)

Resolution attached

Councilor Comments / Liaison Reports –

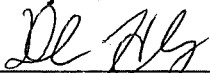
Councilor Morgan – Thanked the voters of Derry for re-electing him. Thanked the workers and staff for their job during the election. Would like to improve voter apathy. Asked for the Town Administrator to look into formalizing the Legislative Committee.

Councilor Chirichiello – Thanked the voters of District 4 for re-electing him. The next 3 years will be important.

Councilor Katsakories – Stated that it is great the Councilors are all back.

Chairman Wetherbee – Happy that the Councilors are all back.

Adjournment: 7:45 p.m.



Town Clerk

4-3-19

Date

Recording & Transcription by: Daniel Healey, Town Clerk