

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday March 21, 2023
3rd Floor Meeting Room

MINUTES

6:55 PM Swearing in of Newly Elected Town Councilors
7:00 PM Call to order

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

Roll Call: Councilors Katsakiores, Chirichiello, Spencer, Foote, Flood, Granese and MacEachern

Present: TA Dave Caron, Town Clerk Tina Guilford

23-28 Election of Officers

Motion by Councilor MacEachern to nominate Councilor Foote as the Chair, seconded by Councilor Flood

Roll Call Vote: 7-0-0

Motion by Councilor MacEachern to nominate Councilor Spencer as the Chair Pro-Tem, seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Motion by Councilor Granese to nominate Councilor MacEachern as the Third Signatory, seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Public Forum - *30 Minutes*

Motion by Councilor MacEachern to open public forum, seconded by Councilor Spencer
All Agreed

Mark Flattes, Linlew Drive – Congratulations to those elected. Do your best for the budget. Do the best you can not to raise taxes. We were off about 500 voters from the average. Please be mindful of the weather. ADA regulations that are available to voters. Maybe use the Reverse 911 system to let people know about the Absentee Ballots on Monday. I wish you all luck.

Craig Cunningham, Hunter Drive – The election happened. In 2017 we postponed an election and there was outrage, we had it and there was outrage. Maybe we can look into May as an alternative date in our Town Charter.

Tom Cardon, Cunningham Drive – Congratulations to the Councilors. May might be a better idea. I am asking the Town Council to revisit the tunnel. Send a letter to DOT saying you want the tunnel, but you don't want to pay for it. They are saying it will take 11 months to get the other 50 properties. I am concerned about all the apartments coming in near the circle and about the Town bonding money for parking garage at Abbott Court.

Steve Trefethan, North Shore Road – Congratulations to the candidates. Elections being held during a storm should never happen. There are 13,000 households in Derry, 4,500 children. 14,000 Apartments second only to Salem in the state. The apartments just added by the Planning Board will add millions to our tax bill. The Town Council needs to review the West Running Brook Zone. It has become an apartment district due to the zoning relief.

David Clapp, Barkland Drive – Davis Demographics has been spot on with how many kids are coming into the district, we do not see 200 coming into the district. The previous speaker was way off base. My largest concern about the election was Town Hall closing at 5PM the day before. It has been explained to me that it is in the law that 5PM is the cut off. I think that should be looked at.

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

Consent Agenda

- 23-29** Approve Non-public Minutes – March 7, 2023 – **Minutes Sealed**
- 23-30** Approve Minutes – March 7, 2023

Councilor Spencer moves to approve the Consent Agenda, seconded by Councilor Katsakiores
Roll Call Vote: 5-0-2 (Councilors Granese, MacEachern)

Chairman Report – Charles Foote

Board / Committee Appointments

Building & Property Maintenance Committee

Chairman Foote moves to appoint Michael Welch, Johnathan West and Tina Guilford as members of the Building & Property Maintenance Committee for 1 year terms to expire March 31, 2024, seconded by Councilor Spencer
Roll Call Vote: 7-0-0

Conservation Commission

Chairman Foote moves to appoint Riccardo Buzzanga and Eileen Chabot as members of the Conservation Commission for 3 year terms to expire March 31, 2026, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Derry Housing & Redevelopment Authority

Chairman Foote moves to appoint Kristy Baillargeon as a member of the Derry Housing & Redevelopment Authority for a 5 year term to expire March 31, 2028, seconded by Councilor MacEachern
Roll Call Vote: 7-0-0

Heritage Commission

Chairman Foote moves to appoint Karen Blandford-Anderson as a member of the Heritage Commission for 3 year term to expire March 31, 2026, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Highway Safety Committee

Chairman Foote moves to appoint Scott Savard, Walter Deyo, Randall Chase, Ronald Goldthwaite, and Lindsay Clapp as members of the Highway Safety Committee for 1 year terms to expire March 31, 2024, seconded by Councilor Granese
Roll Call Vote: 7-0-0

Net Zero Task Force

Chairman Foote moves to appoint Michael Fodiman as a member of the Net Zero Task Force for 3 year term to expire March 31, 2026, seconded by Councilor Spencer
Roll Call Vote: 7-0-0

Planning Board

Chairman Foote moves to appoint Randall Chase as the Town Administrator's representative to the Planning Board for a 1 year term to expire March 31, 2024, seconded by Councilor Granese
Roll Call Vote: 7-0-0

Chairman Foote moves to appoint David Nelson and Richard Malaby as members of the Planning Board for 3 year terms to expire March 31, 2026, seconded by Councilor MacEachern
Roll Call Vote: 7-0-0

Councilor Foote moves to appoint Christopher Feinauer as a member of the Planning Board for a term to expire March 31, 2025, seconded by Councilor Flood
Roll Call Vote: 7-0-0

Chairman Foote moves to appoint Dan Healey as an alternate member of the Planning Board for 3 year term to expire March 31, 2025, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Zoning Board of Adjustment

Chairman Foote moves to appoint Crystal Morin and Richard Tripp as members of the Zoning Board of Adjustment for 3 year terms to expire March 31, 2026, seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Chairman Foote moves to appoint James Dietzel and Michael Donlon as alternate members of the Zoning Board of Adjustment for 3 year term to expire March 31, 2026, seconded by Councilor Granese

Roll Call Vote: 7-0-0

Town Council Liaisons

Building/Property Maintenance Committee Council Representative: **Councilor Foote**
Conservation Commission Council Representative: **Councilor Spencer**
Derry Housing & Redevelopment Authority Council Representative: **Councilor Chirichiello**
Derry Public Library Council Representative: **Councilor Spencer**
Fiscal Committee Council Representative: **Councilor MacEachern**
Heritage Commission Council Representative: **Councilor Katsakiores**
Legislative Committee Members: **Councilor's MacEachern, Granese, & Spencer**
Net Zero Task Force Council Representative: **Chairman Foote**
Pinkerton Academy Liaison: **Councilor Foote**
Planning Board Council Representative: **Councilor Granese (Councilor MacEachern – alternate)**
Public Works Council Representative: **Councilor Flood**
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 Flood**
TIF Advisory - DCC: **Councilor Chirichiello**
TIF Advisory – Gateway: **Councilor MacEachern**

Town Moderator – Lisa Hultgren

We had our elections last week. We had 1091 voters. The weather got very crazy. I want to discuss the process for postponing an election. While we do have the option to postpone, it is a two week postponement and that is it. We can not pick a date. The National Weather Service must issue a weather warning for our area. The state meets with all the area departments of emergency management and those people bring the information back to the towns. We then have a meeting. Derry's meeting was at 4PM. Nothing in the charts we were looking at stated 24" of snow. The most we saw was 12" of snow over a 24-hour period. The decision must be made by 6PM by law. We were on a rain snow line that shifted well after 6PM. DPW did an amazing job. All the departments did an amazing job and pulled together. I want to thank all of our poll workers and all the amazing people that showed up.

Town Administrator's Report – Dave Caron

There are no significant variations in revenue from last meeting's report.
The DPW Budget was holding at expected expense trend prior to the snowstorm last week. Our director is reviewing it weekly; however, we may have to withhold some Spring paving work to

ensure that expenditures meet budget. Fortunately, the additional State Highway Grant has resulted in more paving work in FY23 than originally anticipated. The CFO has reached out to various resources concerning the Silicon Valley Bank failure and the impact on the banking industry and the Town's investments. We are comfortable with the collateralization and placement of Town funds. The Fire Station project has now progressed to the Design development and Bid stage. We have met with the architect and his construction management team regarding the most appropriate project delivery structure also we expect site work to be bid this summer after receipt of DES AOT permit. Net Zero is working with Community Power a 3rd party provider to bring service to Derry.

Public Hearing

22-25 Resolution #2023-018 – Apply, Accept and Expend a Homeland Security Grant for active threat response– *Fire Chief Jim Richardson, Fire Battalion Chief Scott Haggert and Police Captain Vern Thomas presenting*

The Derry Fire and Police Departments continue to collaborate with Pinkerton Academy and our schools to assure we are equipped, trained, and prepared to respond to terrorist and active threat events. With the assistance of NH Homeland Security and the NH School Readiness program, we have identified four core areas for Derry responders to focus on. These exercises will take place over the next year. This grant will allow our responders to attend the training and exercises off duty while maintaining coverage throughout the community. The last time we did this was in 2006 and we intend to build upon this training by requesting additional grant funding at a later date for a full-scale drill.

Motion by Councilor Spencer to open public hearing, seconded by Councilor MacEachern

Roll Call Vote: 7-0-0

No one from the public spoke.

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

Roll Call Vote: 7-0-0

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-018 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

23-22 Resolution #2023-021 – Authorize the purchase of 6.5 Meadowbrook Road– *Public Works Deputy Director Tom Carrier presenting.*

This is the first of two public hearings on this matter. The purchase of 6.5 Meadowbrook Road will maximize the return to the Town on the sale of 23 Adams Pond Road. 23 Adams Pond Road is landlocked. It had an easement while it was a water asset, but that easement was extinguished once the wells were no longer in operation. 6.5 Meadowbrook Road is a 9.5-acre parcel that is vacant and mostly lowlands with a pond. However, there is an opportunity for

access via wetlands permit from NHDES. Any prospective purchaser will be required to secure all necessary permits for development. The price is \$20,000.00

Motion by Councilor MacEachern to open public hearing, seconded by Councilor Spencer

Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public hearing, seconded by Councilor Spencer

Roll Call Vote: 7-0-0

The second public hearing will be held on April 4, 2023.

New Business

23-31 Resolution #2023-022 – Authorize the sale of tax deeded lots – *Town Administrator Dave Caron presenting*

Mr. Tom Lannan has requested Town Council consideration to sell land off Chancellor Drive. In 2021 Mr. Lannan proposed a land swap, however the Conservation Commission opined that the land to be swapped to the Town was primary wetland and has little to no conservation value to the Town. The Town Council rejected the land swap and chose instead to sell the Forest Drive and Wildwood lots. That sale netted \$225,000 to the Town. Now under consideration are 2 lots located between Mr. Lannan's subdivision and Overledge/Quaker/Chancellor Drives. These two lots were received by the Town via tax deed in 1951 and 1968. The Board of Selectmen reserved this land for recreation, conservation or school purposes. The Derry school district ultimately constructed an elementary school on Eastgate Drive and West Running Brook on South Main Street. The Derry Conservation Commission does not actively manage this property, nor does it have plans to include it in its inventory of passive recreation. The recently completed study by UNH on recreational facilities and opportunities did not identify this land for future use. The area is zoned Low-Medium density Residential which requires two acre lots and 150 feet of road frontage, single family homes only. The current assessments on the properties are \$218,700 for the 10.4-acre parcel and \$342,400 for the 28-acre parcel.

Councilor Chirichiello is recusing himself from this item due to personal business ties with Mr. Lannan. Councilor Chirichiello moves to sit in the audience.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-022 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

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

Resolution attached

Councilor Chirichiello returns from the audience.

Councilor Comments / Liaison Reports –

Councilor Spencer – I attended the Derry Public Library meeting last night and I congratulate the Trustees that were sworn in for their new terms.

Councilor Chirichiello – I would like to get the Election Workshop scheduled. Exit 4A construction is underway. The Council needs to direct the Planning Board to work on that zoning for that area.

Councilor MacEachern – I believe that zone is already zoned commercial and industrial and the other side of the road is residential where the homes are.

**MOTION to Adjourn by Councilor MacEachern seconded by Councilor Katsakiores
All Agreed**

Adjourn: 8:18PM


Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk


Date



RESOLUTION

Number 2023-022

To Authorize the Sale of Tax Deeded Lots

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

WHEREAS, RSA 80:76 sets forth the procedure for conveying tax deeded properties to the Town; and

WHEREAS, the Town received tax deeds on Lots 14013 and 14015 from the Tax Collector for non-payment of property taxes; and

WHEREAS, a former Board of Selectmen in 1984 voted to reserve these lots for recreation, conservation or education purposes; and

WHEREAS, the Conservation Commission has reviewed and determined the lots are not part of the Commission's trail systems or conservation holdings; and

WHEREAS, these properties are not required for school purposes; and


WHEREAS, the Recreation Facilities Plan completed by the UNH Department of Recreation Management and Policy did not identify nor include these lots into the Plan;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that that Town Council hereby declares these lots surplus to the Town's needs and authorizes the Town Administrator to dispose of these properties through public auction.

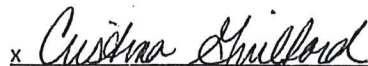
This Resolution shall take effect immediately upon its passage.

Adopted: March 21, 2023

Attest:

x 
Charles Foote, Council Chair

Date: 3/21/23

x 
Cristina Guilford, Town Clerk

Date: March 21, 2023

Archival Ref: Agenda Item #23-31



RESOLUTION

Number 2023-018

To Apply for, Accept and Expend a Homeland Security Grant
for Active Threat Response

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

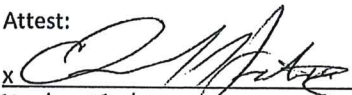
WHEREAS, the State of New Hampshire Division of Homeland Security provides grant funding for communities to enhance response to a terrorist or active threat; and

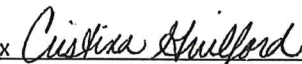
WHEREAS, participation in this training would allow our first responders to better protect our community, including our school children;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, that the Town Administrator is hereby authorized to apply for, and if granted, expend no more than \$64,500 from Homeland Security for participation in terrorist and active threat training to the Tactical Emergency Casualty Care Level.

Adopted: March 21, 2023

Attest:

x 
Charles Foote, Council Chair
Date: 3/21/23

x 
Cristina Gullford, Town Clerk
Date: March 21, 2023

Archival Ref: Agenda #23-21