

TOWN OF DERRY

Town Council
Derry Municipal Center

April 2, 2019
Tuesday - 7:00 PM

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

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

Councilor Tripp moves to seal RSA 91A:3 II (b), seconded by Councilor Bourdon – all agreed

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

Roll Call: Councilors Chirichiello, Foote, Tripp, Katsakiores, Bourdon, Morgan, and Chairman Wetherbee

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Mike Gendron: Old Auburn Road – The Nutfield 300th founders' weekend is 2 weeks away. More information can be found on their website: derryarts.org

Steve Trefethen: Windham, NH – Believes there has been retaliation on his property after bringing up concerns at the last meeting. He has installed cameras on his property and will inform the Council and police department if he notices anything else.

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

Consent Agenda

19-24 Approve Non-Public Minutes – March 19, 2019

19-25 Approve Minutes – March 19, 2019

19-26 Resignation of Joel Olbricht, Trustee of Trust Funds

Consent agenda approved (Councilor Foote abstained from 19-24 & 19-25)

Chairman's Report – Neil Wetherbee

The 300th anniversary of Nutfield is approaching. Information can be found on nutfieldhistory.org. Road work has started on By-Pass 28 and the Scobie Pond Intersection with the project going on the majority of the summer. It is an NHDOT project and not with the town. Welcomed the new Fody's Tavern to town. There are plans for a landscaping business to go in at the end of Ashleigh Dr with a 15,800 square foot building. There is a townhouse project starting on Nutfield Court. The over 55 development on Tsienneto Road has started.

Councilor Foote gave an update on the MacGregor Fountain. The Derry Village Rotary Club members installed the refurbished cast iron water fountain in MacGregor Park last weekend.

The fountain will be officially unveiled and dedicated at a ceremony in the park on April 14 at 4 p.m.

Councilor Phyllis Katsakories gave an update on the Boston Post Cane. She stated that Dorothy "Dot" Stone, 99, was presented with the town's Boston Post Cane during a ceremony held at Pleasant Valley Nursing Center. Dot was born in Derry in 1919 and lived in Derry all her life with the exception of eight months. She has worked at Derry Savings Bank, Buckley's Egg Express, Pillsbury Furniture, and America's Stonehenge, which she owned with former husband Robert Stone.

Building & Property Maintenance Committee

Chairman Wetherbee moves to appoint Serge Michaud and Michael Welch as members of the Building & Property Maintenance Committee for 1 year terms to expire March 31, 2020, seconded by Councilor Morgan
Roll Call Vote: 7-0-0

Cable Advisory Committee

Chairman Wetherbee moves to appoint Meagan Corcoran as a member of the Cable Advisory Committee for 3 year term to expire March 31, 2022, seconded by Councilor Tripp
Roll Call Vote: 7-0-0

Conservation Commission

Chairman Wetherbee moves to appoint Margie Ives and James Degnan as members of the Conservation Commission for 3 year terms to expire March 31, 2022, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Economic Development Committee

Chairman Wetherbee moves to appoint John Potucek, Rick Metts and Gordon Graham as members of the Economic Development Committee for 3 year terms to expire March 31, 2022, seconded by Councilor Foote
Roll Call Vote: 6-0-1 (Councilor Morgan)

Chairman Wetherbee moves to appoint Eric Stephenson and Michael Lucci as alternate members of the Economic Development Committee for 3 year terms to expire March 31, 2022, seconded by Councilor Katsakories
Roll Call Vote: 7-0-0

Heritage Commission

Chairman Wetherbee moves to appoint Paul Lindemann and Thomas “TJ” Cullinane as members of the Heritage Commission for 3 year terms to expire March 31, 2022, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Chairman Wetherbee moves to appoint Denise Neale as an alternate member of the Heritage Commission for 3 years to expire March 31, 2022, seconded by Councilor Morgan
Roll Call Vote: 7-0-0

Highway Safety Committee

Chairman Wetherbee moves to appoint Walter Deyo, Scott Sevard, Randy Chase, Ronald Goldthwaite, and James Roddy as members of the Highway Safety Committee for 1 year terms to expire March 31, 2020, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Derry Housing & Redevelopment Authority

Chairman Wetherbee moves to appoint Jennifer Lague as a member of the Derry Housing & Redevelopment Authority for a 5 year term to expire March 31, 2024, seconded by Councilor Morgan
Roll Call Vote: 7-0-0

Chairman Wetherbee moves to appoint Gilberto Molina as a tenant representative of the Derry Housing & Redevelopment Authority for a 1 year term to expire March 31, 2020, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Net Zero Task Force

Chairman Wetherbee moves to appoint Tom Cardon as a member of the Net Zero Task Force for a 3 year term to expire March 31, 2022, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Planning Board

Councilor Foote moves to appoint James MacEachern as a member of the Planning Board for a 3 year term to expire March 31, 2022, seconded by Councilor Morgan
Roll Call Vote: 2-4-1 (Councilor’s Bourdon, Katsakiores, Tripp, and Chairman Wetherbee; Abstain: Councilor Chirichiello)

Chairman Wetherbee moves to appoint Lori Davison, Mark Grabowski, and Dave McPherson as members of the Planning Board for 3 year terms to expire March 31, 2022, seconded by Councilor Tripp

Roll Call Vote: 5-1-1 (Councilor Foote; Abstain: Councilor Chirichiello)

Councilor Morgan moves to appoint Dave Granese as an alternate member of the Planning Board for a 3 year term to expire March 31, 2022, seconded by Councilor Bourdon

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

Councilor Foote moves to appoint James MacEachern as an alternate member of the Planning Board for a 2 year term to expire March 31, 2021, seconded by Councilor Tripp

Roll Call Vote: 3-2-2 (Councilor Bourdon and Chairman Wetherbee; Abstain: Councilor Chirichiello)

Chairman Wetherbee moves to appoint Randall Chase as the Town Administrator's representative to the Planning Board for a 1 year term to expire March 31, 2020, seconded by Councilor Katsakiores

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

Southern NH Planning Commission

Chairman Wetherbee moves to appoint Richard Tripp as a member of the Southern NH Planning Commission for a 1 year term to expire June 30, 2020, seconded by Morgan

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

Derry REDC Loan Review Committee

Chairman Wetherbee moves to appoint Alden Watters and Beverly Donovan as members of the Derry REDC Loan Review Committee for 2 year terms to expire March 31, 2021, seconded by Katsakiores

Roll Call Vote: 7-0-0

Zoning Board of Adjustment

Chairman Wetherbee moves to appoint Stephen Coppolo and Heather Evans, as members of the Zoning Board of Adjustment for 3 year terms to expire March 31, 2022, seconded by Councilor Tripp

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

Chairman Wetherbee moves to appoint Donald Burgess and Allan Virr as alternate members of the Zoning Board of Adjustment for 3

year terms to expire March 31, 2022, seconded by Councilor Bourdon
Roll Call Vote: 6-1-0 (Councilor Foote)

Town Administrator's Report – David Caron

Resolution #2019-010 - To Confirm the Appointment of the Human Resources Director
Section 8.6(8) of the Town Charter requires that the Town Council confirm the appointment of officers and employees who report directly to the Town Administrator; and a vacancy exists in the position of Human Resources Director; and after a comprehensive search involving input from various stakeholders and a review of organizational priorities and projects, the Town Administrator has appointed a candidate who possesses the necessary skills and experience to manage the Town's human resources functions and responsibilities. The Town Administrator appoints Lisa Crowley as Human Resources Director.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-010, which reads as follows [Read the Resolution], seconded by Councilor Katsakories

Roll Call Vote: 7-0-0

Resolution attached

The towns of Salem and Windham residents have voted to approve receiving water from Manchester Water Works under the Southern New Hampshire Water project and the Intermunicipal Agreement is nearing completion. The document will require Town Council approval and will hopefully be reading for the next meeting but definitely by the first meeting in May. NHDOT recently notified abutters of the proposed route of Exit 4A and the survey work will begin in that area shortly. The request to fly a POW flag on Town property was researched and it has been determined that it is up to the Council on what they would like to do. There are Governor funds available for repairs on rail trails and dams and the Town will be following up on trying to secure funds. Speaking to Mr. Trefethen's concerns from the last meeting, Code Enforcement has reached out to the property owner with no response. The Town Administrator does urge residents to notify the Derry Police Department if they suspect anyone of driving under the influence. Town Administrator David Caron and CFO Susan Hickey presented an overview of the proposed FY20 budget. Budget hearings will begin April 9th.

Public Hearing

19-21 Ordinance #2019-002 – Relative to Amending the Zoning Ordinance to Amend Article VI, District Provisions in the Central Business and Traditional Overlay Districts to allow Residential Uses Above the First Floor – *Planning Director George Sioras*

Over the last two years both the Derry Town Council and Planning Board worked on their respective goals and requested staff to review the permitted uses in both the Central Business District and Traditional Business Overlay District. This ordinance would amend Article VI, District Provisions, Section 165-33.B.5.b.iii, Central Business District and Section 165-49.B.1b, Traditional Business Overlay District to allow residential use above the first floor. The purpose of the amendment is to allow for the best and highest use of properties and to spur economic development in the downtown. It also will encourage mixed-use development and allow for different housing options in the downtown.

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

Steve Trefethen: Windham, NH – Believes this is a very good idea.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-002, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Ordinance attached

New Business

19-27 Resolution 2019-011 – Relative to confirmation of the Deputy Treasurer – *Town Treasurer Allan Virr*

RSA 41:29-a allows the Town Treasurer to appoint a Deputy Treasurer with the approval of the Town Council. The State Legislature pursuant to HB506, 2013 Session, permitted the Town of Derry to combine the responsibilities of the Tax Collector and Treasurer. The Treasurer has appointed Tax Collector Diane Mulholland as Deputy Treasurer who shall perform all the duties of the town treasurer in case of the treasurer's absence.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-011, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

19-28 Resolution 2019-015 – Relative to the Legislative Committee – *Town Administrator David Caron*

The Legislative Committee is to bring together the Town's elected state delegation with representatives of town government and the School District to review, discuss and collaborate on state issues which are important to the Derry community and its taxpayers. Three members of the Derry Town Council appointed by the Chair; Three members of the Derry Cooperative School Board appointed by the School Board or other process as determined by the School Board; Ten State Representatives elected by Derry voters; One State Senator elected by Derry voters. The Town Council shall appoint the Chair of the Committee from among the three Council appointees. The Chair shall preside at all meetings of the Committee when he or she is present and shall direct the work of the Committee. The Chair may appoint chairs of any sub-committees from the membership as approved by the Committee. The chair shall submit a report to the Town Council during the month of January similar to the provisions of Section 4.8 in the Town Charter as required of Standing Committees. The Chair shall set the agenda, send the approved minutes to the Town Clerk and post notices of Task Force meetings and give notice to members when necessary. The Derry Cooperative School Board shall appoint the Vice Chair from among the three School Board appointees and shall assume all duties and powers of the chairperson in his or her absence. The Vice Chair shall assist the Chair in all Committee

planning and activities, including setting the agenda. The Secretary shall keep minutes of all meetings and proceedings of the Committee and record any action taken. The Committee meetings shall be open to the public in accordance with NH RSA 91-A and be held quarterly or more often at the call of the Chair. The time and place of each meeting shall be posted in accordance with these requirements. All meetings will be held in accordance with the Derry Town Charter and will follow Robert's Rules of Order. A quorum shall exist when four of the six Council and/or School Board representatives are present.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-015, which reads as follows [Read the Resolution], seconded by Councilor Morgan

Roll Call Vote: 7-0-0

Resolution attached

19-29 Resolution 2019-016 – Authorize various vendors to serve beer and/or wine samples at the Derry Homegrown Farm & Artisans Market – *Town Administrator David Caron*

The Derry Homegrown Farm and Artisans Market is planning its 2019 season and in anticipation of various vendors seeking Council approval to serve samples, Resolution #2019-016 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.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-016, which reads as follows [Read the Resolution], seconded by Councilor Chirichiello

Roll Call Vote: 6-0-1 (Chairman Wetherbee)

Resolution attached

Councilor Comments / Liaison Reports –

Councilor Tripp – Did not attend the last School Board meeting but watched the video. There will be a study done to see how effective the Special Education program in Derry is.

Councilor Morgan – The Council works hard to benefit the community and there should be some rules audience members need to follow in order to continue attending meetings. Appointments to Boards and Committees are not easy decisions and the Council does not always agree.

Councilor Bourdon – The Town has prepared an RFP for the Solar project at the landfill.

Adjournment: 8:45 p.m.



Town Clerk

4-22-19

Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2019-010

To Confirm the Appointment of the
Human Resources Director

WHEREAS, Section 8.6(B) of the Town Charter requires that the Town Council confirm the appointment of officers and employees who report directly to the Town Administrator; and

WHEREAS, a vacancy exists in the position of Human Resources Director; and

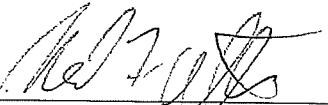
WHEREAS, after a comprehensive search involving input from various stakeholders and a review of organizational priorities and projects, the Town Administrator has appointed a candidate who possesses the necessary skills and experience to manage the Town's human resources functions and responsibilities;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of Lisa Crowley as Human Resources Director is hereby confirmed.

This Resolution shall take effect immediately upon its passage.

Adopted: April 2, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 4-2-19

x 

Daniel Healey, Town Clerk

Date: 4/2/19

Archival Ref: TC agenda – Town Administrator's Report



ORDINANCE

Number 2019-002

Amend Article VI, District Provisions in the Central Business and
Traditional Overlay Districts to allow Residential Uses Above the First
Floor

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 goal of the Planning Board is to review and update portions of the Zoning Ordinance, and

WHEREAS, the Planning Board has reviewed zoning designations in the downtown area in order to spur economic development in the Downtown; and

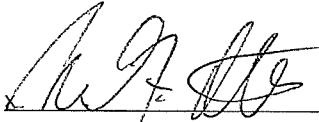
WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows: Article VI, District Provisions, Section 165-33.B.5.b.iii, Central Business District and Section 165-49.B.1b, Traditional Business Overlay District to allow residential use above the first floor.

This Ordinance shall take effect thirty days after its adoption.

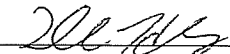
Adopted: April 2, 2019

Attest:



Neil F. Wetherbee, Council Chair

Date: 4-2-19

x 

Daniel Healey, Town Clerk

Date: 4/2/19

Archival Ref: Agenda Item #19-21



RESOLUTION

Number 2019-011

To Approve the Appointment of the
Deputy Treasurer

WHEREAS, RSA 41:29-a allows the Town Treasurer to appoint a Deputy Treasurer with the approval of the Town Council; and

WHEREAS, a vacancy exists in the position of Deputy Treasurer; and

WHEREAS, The State Legislature pursuant to HB506, 2013 Session, permitted the Town of Derry to combine responsibilities of the Tax Collector and Treasurer;

WHEREAS, the Treasurer has appointed Tax Collector Diane Mulholland as Deputy Treasurer, who shall perform all the duties of the town treasurer in case of the treasurer's absence; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of Diane Mulholland as Deputy Treasurer is hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: April 2, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 4-2-19

x 

Daniel Healey, Town Clerk

Date: 4-2-19

Archival Ref: TC agenda – Town Administrator's Report



RESOLUTION

Number 2019-015

To Create a Legislative Committee

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, the Town Council previously established a Legislative Committee whose mission is to promote local interests to State Government; and

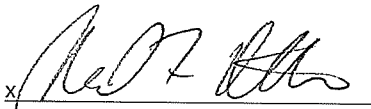
WHEREAS, it is beneficial to the community that the mission, goals and activities of the Committee is formalized and adopted by the Town Council;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the By-Laws of the Legislative Committee, including a mission, goals and membership to reflect its important work in the community.

This Resolution shall take effect immediately upon its passage.

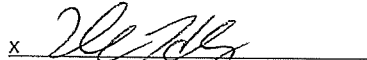
Adopted: April 2, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 4-2-19

x 

Daniel Healey, Town Clerk

Date: 4/2/19

Archival Ref: Agenda Item #19-28



RESOLUTION

Number 2019-016

To Authorize Various Vendors to serve beer and/or wine samples at the
Derry Homegrown Farm and Artisans Market.

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to act in accordance with RSA 179:44; and

WHEREAS, RSA 179:44 II-a authorizes wine manufacturers, beverage manufacturers, nano breweries and brew pubs to provide samples for tasting at a farmers' market, contingent upon written authorization by the Governing Body;

WHEREAS, several vendors successfully participated in the 2018 Derry Homegrown Farm and Artisans Market and may return this year;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the following vendors are hereby authorized to provide beer and/or wine tasting samples during all Derry Homegrown Farm and Artisan Market events, contingent upon compliance with all applicable state statutes and Town of Derry Ordinances.

Rockingham Brewery Company
Backyard Brewery
Ancient Fire Mead & Cider

From The Barrell Brewing Company
Moonlight Meadery

This Resolution shall take effect immediately upon its passage and shall remain in effect until rescinded by the Town Council.

Adopted: April 2, 2019

Attest:

x 

James Morgan, Council Chair

Date: 4-2-19

x 

Daniel Healey, Town Clerk

Date: 4/2/19

Archival Ref: Agenda Item #19-29