

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Thursday May 19, 2022
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Bourdon

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

Roll Call: Councilors Katsakiores, Chirichiello, Spencer (Video), Wetherbee, Foote (7:30), Flood, and Chairman Bourdon
Present: TA Dave Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

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

Roll Call Vote: 6-0-0

Paul Freitas: Eastgate Rd – The Derry Homegrown Farm and Artisan Market opening day will be June 1st and continue every Wednesday until September from 3pm to 7pm. Anyone interested in volunteering may reach out to derryhomegrown@gmail.com

Tracey Zysk: Silver St – Thanked Councilor's Katsakiores, Spencer, and Flood for voting no on the buffer ordinance at the May 3rd Town Council meeting. They took the time to listen to the concerns of the residents. Any developers purchased knowing that there is a 100-foot buffer in place. Ms Zysk read a letter from a concerned neighbor that could not attend.

Motion by Councilor Wetherbee to extend Ms. Zysk's time, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Mark Connors: Cabot Dr – Asked everyone to do their homework on the issue of buffers. Was the biggest supporter of the WRB district when it was first presented. Concerned with the changes that are being made.

Jeff Moulton: Taylor Brook Ln – Does not believe the price per square foot regarding the fire station project is accurate.

Jim Dietzel: Hunter Dr – Participated in the Spring Stroll with the Derry Police Department. Wondering what progress is being made towards a new Police Station.

Richard Tripp: Windham Rd – Is a Citizen and a State Representative being a member of the Municipal and County Committee. There were a number of bills this year to try and fix the housing problem. There needs to be support for local land use boards.

Motion by Councilor Wetherbee to close public forum, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Consent Agenda

- 22-63** Approve Minutes – April 12, 2022
- 22-64** Approve Minutes – April 14, 2022
- 22-65** Approve Minutes – April 19, 2022
- 22-66** Resolution #2022-041 – Approve a Supplemental Appropriation and a revised fee schedule for mattress disposal at the Transfer Station

Councilor Katsakiores moves to approve the consent agenda, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Chairman Report – Joshua Bourdon

Chairman Bourdon read proclamations congratulating Sam Fazioli for winning the “Henri Renaud Award” as top NH male at the 2022 Boston Marathon and for Emilee Risteen for winning the “Henri Renaud Award” as top NH female at the 2022 Boston Marathon, both are current Derry, NH residents.

The Supervisors of the Checklist will meet in session at the Derry Municipal Center to approve voter registration applications and changes to the voter checklist on Tuesday, May 31st, 2022, from 7-7:30 PM. Party affiliation cannot be changed between June 1st and September 12th, 2022. This session is the last opportunity to change party affiliation before the State Primary Election. Voters can change their affiliation with the Town Clerk during regular hours through May 31st or with the Supervisors at the session posted above. Voters who are undeclared can choose any party's ballot at a primary. Voters affiliated with a party are only able to vote in that party's primary. Voters who want to have a choice of ballot at the state primary on September 13th are advised to check their party affiliation by viewing the Voter Checklist or using the Voter Information Look-up App. After May 31st, residents can continue to register to vote or change their name or address on their voter registration record with the Town Clerk during regular hours, with the Supervisors of the Checklist at a session, or at the polls on election day. The Council's summer schedule will be the following, June 7 & 21; July 5; August 2; and September 6 & 20.

Town Administrator's Report – Dave Caron

DPW staff will be submitting two pre-applications to the NHDES Clean Water SRF (CWSRF) grant program. The program will fund up to \$100,000 for each project for stormwater planning and watershed management plans. For the first project, the Town seeks to partner with the Big Island Pond Corporation for the development of a watershed management plan for Big Island Pond. DPW staff is coordinating with Jeff Moulton to integrate preliminary work they have already conducted. The second project would be to assess Hood Pond for impairments such as phosphorus loading and other parameters. Both projects will assist the Town in remaining in compliance with the EPA MS4 permit for stormwater. Household Hazardous Waste Day is scheduled for this Saturday May 21 from 9AM to 12 noon at West Running Brook Middle School. Please check the Town's homepage at derrynh.org regarding the allowable waste which you may leave at the collection event. A rabies clinic will also occur at the same time, Saturday

from 9AM to 12 noon at the Municipal Center. Residents are encouraged to view the newsfeed on the Town's homepage for locations of paving projects in order to avoid these areas. DPW has been attending to a number of streets throughout the community. On May 12, NHDOT received three bids to construct Contract A of the Exit 4A project. The engineer's estimate was \$41,656,721 and the three bids received were the following: Weaver Brothers Construction - \$45,517,578.70; Audley Construction - \$45,599,438.65; and SPS New England - \$51,331,154.65. NHDOT will now review the bids and submit a request for approval from Governor and Council. Rockingham County Superior Court has advised that it will hear the ZBA Appeals case regarding Abbott Court on May 31st and a decision would then be forthcoming within 30-60 days.

Public Hearings

22-55 Resolution #2022-034 –Request an amendment to the Alexander-Carr Trust – *Town Administrator Dave Caron*

The Town Council had previously commissioned a study of the condition of public safety facilities and emergency response times in the community. Beginning with the work of a Town Council subcommittee, project goals were established, and options evaluated which led to the proposal to construct a new Central Fire Station in southwest Derry to also address response times deficiencies. Staff looked at a number of site possibilities which resulted in the conclusion that an unused piece of land under the Alexandar-Carr Trust would best serve the public safety needs of the community. Of the 4 acres required for the project, approximately 1.83 acres has a recreation use encumbrance upon it. The Trust originally consisted of 50 acres, of which 32 acres were removed by a judge in 1958 at the Town's request, as maintaining a park of that size was impractical. Interestingly, approximately 8 of the 32 acres was never sold by the Town and in fact developed for tennis courts and a playground. This Resolution requests the Court to return the 8 acres into the Trust in exchange for removing the 1.83-acre parcel from the restricted area. Court approval of this proposal recognizes the impracticality of developing the proposed fire station site, which is on the other side of the hill from the active recreation area. Developing recreation facilities on this four-acre tract with adequate parking facilities would be difficult to construct and manage, as there would be no practical location for connectivity to the active recreation area located off Pierce Avenue. As the Town developed a heavily used tennis court complex located on Birch Street, consisting of approximately eight acres, it makes sense to ask the Court to return that land to the Trust to ensure its permanent protection as a recreation area. The Town may be required to compensate the Trust for the land used for the fire station, although returning four times as much land to the Trust should be taken into consideration. The Town has earmarked \$300,000 as a placeholder within the Central Fire Station Project budget should the Court require payment into the Trust for the use of this land.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Foote Roll Call Vote: 7-0-0

Maureen Rose: Windham Rd – Asked how many deaths have occurred due to response time in the 270 homes that are outside the current range. Believes there needs to be a fire station at the rotary.

Richard Tripp: Windham Rd – Thanked the administration for the presentation. Asked if there were any thoughts on what the town might do with the remaining land.

Jim Morgan: Eastgate Rd – Awesome presentation. Great to see the town give 8 acres back.

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

Roll Call Vote: 7-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-034 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

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

Resolution attached

22-58 Resolution #2022-037 –Approve a Supplemental Appropriation for culverts –
Director of Public Works Mike Fowler

The Town has replaced several culverts/bridges in the past 20 years using proceeds from the Bridge Fund, established and sustained by reimbursements from the NHDOT Bridge Aid program. All three culvert replacements will not qualify for reimbursement as the NHDOT program funds are not sufficient to accept new projects. All three projects will be locally funded for both design and construction. Currently, the Bridge Fund has a balance of \$77,586.32, after the transfer of \$100,000 from the Bridge Fund to initiate design on the Franklin Street culvert. There are not sufficient funds to support construction costs and therefore, a bond issuance is necessary to fund these projects. With design work on all three culverts scheduled to be completed in calendar year 2022, bids would be tendered in late 2022 for construction in Spring/Summer (FY 23) and Fall 2023 (FY 24). The FY 23- FY 28 Capital Improvement Plan (CIP) includes the following entries:

•	Sunset Avenue #1 Construction	FY 2023	\$500,000
•	Sunset Avenue #2 Construction	FY 2024	\$500,000
•	Franklin Street Construction	FY 2024	\$600,000
	TOTAL TO BE RAISED		\$1,600,000

A bond would be sold through the NH Municipal Bond Bank (NHMBB) at an upcoming sale. Using a 10-year payback and an assumed maximum interest rate of 3%, the annual principal and interest payments will be approximately \$187,569 in FY24. FY23 costs are estimated at \$24,000.00. The exact interest rate will be determined upon the actual sale.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Foote
Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Foote
Roll Call Vote: 7-0-0

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-037 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0

Resolution attached

22-59 Resolution #2022-038 –Approve a Supplemental Appropriation to construct a Central Fire Station – *Town Administrator Dave Caron*

The Town Council is aware of the time sensitivity of this project with the anticipated increase in interest rates. Thus, the tradeoff with obtaining lower interest rates for the project is the introduction of certain unknowns, primarily final project costs and permission to use part of the Alexander-Carr Trust land to accommodate the project. Regarding the land issue, staff and legal counsel met with the Director of Charitable Trust Division who appeared very supportive of the Town's request of the Courts to swap out 1.83 acres of restricted area and return 7.86 acres of recreation land into the Trust. Regarding costs, once the Council approves the Supplemental Appropriation and Bond for the project, the Town will begin the review of qualifications and select an architectural/engineering firm to design a facility which meets organizational needs within the construction budget of \$16.4M. The Town Council has reviewed and concurred with a plan to use \$750,000 annually from the property tax base (\$0.20 - \$0.21 tax rate impact) to fund this project. It is further anticipated that available Unallocated Fund Balance will be added to future annual budgets to assist with debt service payments. It is anticipated that these amounts will range from \$100K to \$150K and be needed for FY25-FY33. Finally, as debt service on previous projects is retired, those resources will be applied to this debt service, furthering the town's ability to limit the tax rate impact of this project. Total project costs include:

• Construction costs with 3% contingency	\$16,900,000
• Architectural/Engineering	\$1,690,000
• Clerk of the Works	\$100,000
• Furnishings, Equipment, IT, etc.	\$450,000
• Materials Testing during construction	\$75,000
• Reserve for potential land acquisition (to A/C Trust)	\$300,000
Total Project Budget	\$19,515,000

The bond is scheduled for a 25-year term at an estimated interest rate of 3.75%. Total resources required for the project including principal and interest repayments:

• Property Taxes	\$13,975,000
• Unallocated Fund Balance	\$3,125,000
• Used of Retiring Debt Service	\$10,236,500
• ARPA Funds	\$1,000,000
• Sale of Central Fire Station	\$500,000

The Town originally considered a 30-year bond, however total costs would exceed the 25-year model by \$2.17M. A 20-year amortization schedule was discounted earlier as it would result in a financial obligation which exceeded the voter approved tax cap. Resolution #2022-038 begins the Supplemental Appropriation process for the project, which seeks \$18.4M to pay for design, construction, equipment, material testing, land acquisition and clerk of the works during construction. The total project cost is estimated at \$19.5M, with \$1.0M to be used from ARPA grants previously accepted by the Town Council. Should the project consume the entire estimated project budget of \$19.5M or should the land acquisition costs exceed \$300,000 (as determined by the Courts), staff will return to the Council with a separate resolution to transfer the required funds from ARPA revenues.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Foote
Roll Call Vote: 7-0-0

Maureen Rose: Windham Rd – Asked how many deaths have occurred due to response time in the 270 homes that are outside the current range. Would like the motion amended to include a maximum cost.

Jeff Moulton: Taylor Brook Ln – Would like the costs looked at since 2021, demand for skilled labor has been going up.

Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Foote
Roll Call Vote: 7-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-038 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 6-1-0 (Councilor Bourdon)
Resolution attached

22-60 Resolution #2022-039 –Approve a Supplemental Appropriation to the Fire Facilities Capital Reserve Fund – *Town Administrator Dave Caron*

The Town Council is aware of the time sensitivity of this project with the anticipated increase in interest rates. Thus, the tradeoff with obtaining lower interest rates for the project is the introduction of certain unknowns, primarily final project costs and permission to use part of the Alexander-Carr Trust land to accommodate the project. Regarding the land issue, staff and legal counsel met with the Director of Charitable Trust Division who appeared very supportive of the Town's request of the Courts to swap out 1.83 acres of restricted area and return 7.86 acres of recreation land into the Trust. Regarding costs, once the Council approves the Supplemental Appropriation and Bond for the project, the Town will begin the review of qualifications and select an architectural/engineering firm to design a facility which meets organizational needs within the construction budget of \$16.4M. The Town Council has reviewed and concurred with a plan to use \$750,000 annually from the property tax base (\$0.20 - \$0.21 tax rate impact) to fund this project. It is further anticipated that available Unallocated Fund Balance will be added to future annual budgets to assist with debt service payments. It is anticipated that these amounts will range from \$100K to \$150K and be needed for FY25-FY33. Finally, as debt service on previous projects is retired, those resources will be applied to this debt service, furthering the town's ability to limit the tax rate impact of this project. Total project costs include:

- Construction costs with 3% contingency \$16,900,000
- Architectural/Engineering \$1,690,000
- Clerk of the Works \$100,000
- Furnishings, Equipment, IT, etc. \$450,000
- Materials Testing during construction \$75,000
- Reserve for potential land acquisition (to A/C Trust) \$300,000

Total Project Budget \$19,515,000

The bond is scheduled for a 25-year term at an estimated interest rate of 3.75%. Total resources required for the project including principal and interest repayments:

- Property Taxes \$13,975,000
- Unallocated Fund Balance \$3,125,000

- Used of Retiring Debt Service \$10,236,500
- ARPA Funds \$1,000,000
- Sale of Central Fire Station \$500,000

The Town originally considered a 30-year bond, however total costs would exceed the 25-year model by \$2.17M. A 20-year amortization schedule was discounted earlier as it would result in a financial obligation which exceeded the voter approved tax cap. Resolution #2022-039 provides an avenue for the Council to raise \$750,000 from the FY23 budget and transfer \$1.0M from Unallocated Fund Balance to the Fire Facilities Capital Reserve Fund. These funds will be used for project costs and repayment of debt service.

Motion by Councilor Foote to open public hearing, seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Foote
Roll Call Vote: 7-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-039 which reads as follows [*Read the Resolution*], seconded by Councilor Foote
Roll Call Vote: 7-0-0

22-61 Resolution #2022-040 – Accept an ARPA Grant through NHDES for the Autumn Woods Water System – *Director of Public Works Mike Fowler*

On November 16, 2021, the Derry Town Council appropriated \$280,000 for the Autumn Woods Community Water System Arsenic Treatment Project (Resolution No. 2021-074). The project is necessary for the Autumn Woods water system to install a treatment system to meet the State of NH's new water quality standard of 0.005 ppm for arsenic. The project includes a new arsenic absorption unit, new level transducers, well pumps and VFD's for each of the two wells, and to clean, repair, and epoxy coat the atmospheric and pressure storage tanks. The Department of Public Works submitted pre-application for funding through the State of NH's State Revolving Loan Fund (SRF) program. On November 9, 2021, the State notified the Town that, although loan funds were not available for this project, it would be eligible for up to \$52,000 in grant funding through the American Rescue Plan Act of 2021 (ARPA). The final grant application, which is due June 1, 2022, requires the Town Council to authorize the application. ARPA grant funding approval will reduce the project cost to the Town by up to \$52,000.

Motion by Councilor Foote to open public hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0 (Councilor Wetherbee temporarily out of the room)

No one from the public spoke.

Motion by Councilor Foote to close public hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0 (Councilor Wetherbee temporarily out of the room)

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-040 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0
Resolution attached

New Business

22-56 Resolution #2022-035 – Authorize Issuance of \$1.6M in bonds to replace culverts – *Director of Public Works Mike Fowler*

DPW has identified the need to upgrade an existing metal pipe culvert in the vicinity of 28 Sunset Avenue (Sunset Avenue #1). The engineering consultant also identified a need to assess the hydraulic capacity of a second culvert located near the intersection of Windham Road and Sunset Avenue (Sunset Avenue #2). Proceeds from the designated Bridge Fund were utilized to initiate the engineering designs in 2021. Design and permitting for both Sunset Avenue culverts are 90% complete awaiting approval of the NHDES wetlands permit, which is expected to be in hand by August 2022. DPW had identified the need to upgrade an existing metal pipe culvert on Franklin Street at Cheryl Avenue. The culvert has had some settling which is indicative of future structural issues. The existing culvert is believed to have been installed in the 1970's. Preliminary borings were conducted in 2021 to initially explore the soil conditions and utilities present near the culvert. The Town's bridge design consultant had submitted a design cost of \$100,000 to design and permit the new precast concrete structure to replace the existing metal pipe. At the February 15, 2022, meeting, Town Council authorized use of \$100,000 from the Bridge Fund to initiate the engineering design. Design and permitting has begun for the Franklin Street culvert project. The Town has replaced several culverts/bridges in the past 20 years using proceeds from the Bridge Fund, established, and sustained by reimbursements from the NHDOT Bridge Aid program. All three culvert replacements will not qualify reimbursement as the NHDOT program funds are not sufficient to accept new projects. All three projects will be locally funded for both design and construction. Currently, the Bridge Fund has a balance of \$77,586.32, after the transfer of \$100,000 from the Bridge Fund to initiate design on the Franklin Street culvert. These are not sufficient funds to support construction costs and therefore, a bond issuance is necessary to fund these projects.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-035 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution attached

22-57 Resolution #2022-036 – Authorize issuance of \$18.4M in bonds to construct a Central Fire Station – *Town Administrator Dave Caron*

Beginning with the work of a Town Council subcommittee, project goals were established, and options evaluated which led to the proposal to construct a new Central Fire Station in southwest Derry which also addresses response time deficiencies. The Council has been working on this project since April 2021 and has received extensive presentations during Council meetings over the past year, including a report from the Subcommittee on June 15, 2021; the April 5, 2022, FY23 Budget introduction, and the April 26, 2022, budget workshop. After the workshop, the Council directed staff to begin the legal process to fund the project and proceed to construction. The Town Council is aware of the time sensitivity of this project with the anticipated increase in interest rates. Thus, the tradeoff with obtaining lower interest rates for the project is the

introduction of certain unknowns, primarily final project costs and permission to use part of the Alexander-Carr Trust land to accommodate the project. Regarding the land issue, staff and legal counsel met with the Director of Charitable Trust Division who appeared very supportive of the Town's request of the Courts to swap out 1.83 acres of restricted area and return 7.86 acres of recreation land into the trust. Regarding costs, once Council approve the Supplemental Appropriation and Bond for the project, the Town will begin review of qualifications and select an architectural/engineering firm to design a facility which meets organizational needs within the construction budget of \$16.4M. The Town Council has reviewed and concurred with a plan to use \$750,000 annually from the property tax base (\$0.20 - \$0.21 tax rate impact) to fund this project. It is further anticipated that available Unallocated Fund Balance will be added to future annual budgets to assist with debt service payments. It is anticipated that these amounts will range from \$100K to \$150K and be needed for FY25-FY33. Finally, as debt service on previous projects is retired, those resources will be applied to this debt service, furthering the town's ability to limit the tax rate impact of this project.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-036 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution attached

22-58 Resolution #2022-033 – Transfer funds from the Derry Recovery Expendable Trust – *Town Administrator Dave Caron*

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL table Resolution #2022-033], seconded by Councilor Foote
Roll Call Vote: 7-0-0

Old Business

22-56 Ordinance #2022-002 – Amend the Zoning Ordinance to establish buffer requirements in the WRB District

The West Running Brook Zoning District was created in 2019 and approved by both the Planning Board and Town Council. In late 2021, Planning Board Chairman, John O'Connor, upon an audit of the West Running Brook District, found an error in the final wording for the District. Review of drafts placed before the Planning Board for review, indicate the change in wording proposed by the Planning Board did not make it into the final drafts. The language in the ordinance states: "A vegetated buffer of at least 100 feet shall be provided between Residential Areas and adjacent zones"; the Planning Board intended to state: "A vegetated buffer of at least 100 feet shall be provided between Residential Zones and adjacent non-residential areas". The Planning Board, in conjunction with staff from the Planning and Economic Development offices, held two workshops on January 5, 2022, and February 2, 2022, and a Public Hearing on March 16, 2022, to amend the Buffer Zone language. First, the Planning Board recommends the elimination of the following language which currently exists in the ordinance: - "A vegetated buffer of at least 100 feet shall be provided between Residential Areas and adjacent zones". Second, with the intent to provide a buffer between residential and non-residential uses, in recognition that one finite number cannot be applied to all circumstances and in fact may lead to an unlawful land taking in some instances, the Planning Board recommended new language- "The Planning Board shall determine a buffer zone on a

per project basis during the conceptual phase. The Planning Board may utilize the Land Development Control Regulations Section 170 when determining buffering to protect abutting residential uses". The Land Development Control Regulations have specific standards in Section 170-64, Landscape and Buffering Requirements.

**Councilor Flood MOVES THAT THE TOWN COUNCIL reconsider Ordinance #2022-002, seconded by Councilor Chirichiello
Roll Call Vote: 5-2-0 (Councilors Spencer and Katsakiores)**

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2022-002 which reads as follows [*Read the Ordinance*], seconded by Councilor Chirichiello
Roll Call Vote: 6-1-0 (Councilor Spencer)
Ordinance attached**

Councilor Comments / Liaison Reports –

Councilor Chirichiello – The County has given out about 2 million in rental assistance programs and has been averaging about \$100,000 per week.

Councilor Spencer – The Town will be hosting a Rabies Clinic on Saturday May 21st from 9am to 12pm at the Derry Municipal Center.

Councilor Wetherbee – The Farmer's Market opening day is Wednesday June 1st.

Chairman Bourdon – Would like the councilors to prepare some councilor goals for the goal setting meeting. Those can be sent to Town Administrator Caron.

Adjourn: 10:00PM



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk



Date



RESOLUTION Number 2022-034

To Request an Amendment to the Alexander-Carr Trust

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

WHEREAS, the Town received land and funds to maintain what is known as the Alexander-Carr Park; and

WHEREAS, the Superior Court amended the Trust decree on several occasions in recognition of the impracticality of maintaining the entire 50-acre tract as a public park; and

WHEREAS, in the interest of public safety, there is a need to construct a fire station to enhance emergency response to southwest Derry; and

WHEREAS, there is a small parcel of Alexander-Carr Park land which is suitable for this purpose, has a recreation use encumbrance upon it and is unsuitable for park purposes; and

WHEREAS, there is other land owned by the Town being used for recreation purposes which was previously removed from the recreation use encumbrance;

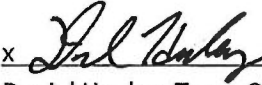
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby directed to petition the appropriate court of jurisdiction to request that a parcel of land of approximately 1.83 acres be removed from the recreation use encumbrance; further to request that the Court return into the Alexander-Carr Trust a parcel of land of approximately 7.86 acres on Birch Street, which was removed from the recreation encumbrance in 1958.

This Resolution shall take effect immediately upon its passage.

Adopted: May 19, 2022.

Attest:

x 
John Bourdon, Council Chair
Date: 5/19/22

x 
Daniel Healey, Town Clerk
Date: 5/19/2022

Archival Ref: TC agenda item #22-55



RESOLUTION

Number 2022-037

To Approve a Supplemental Appropriation for Culverts

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, there is a need to replace three culverts on Sunset Avenue and Franklin Street to address environmental and safety concerns; and

WHEREAS, the Town Council under separate resolution is planning to issue bonds in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000) to complete this work;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of One Million Six Hundred Thousand Dollars (\$1,600,000) shall be appropriated to replace culverts on Sunset Avenue and Franklin Street.

This Resolution has been adopted by two-thirds majority of the entire Council as required by Charter and shall take effect on July 1, 2022.

Adopted: May 19, 2022.

Attest:

x 

Joshua Bourdon, Council Chair

Date: 5/19/22

x 

Daniel Healey, Town Clerk

Date: 5/19/2022

Archival Ref: TC agenda item #22-58



RESOLUTION

Number 2022-038

To Approve a Supplemental Appropriation to Construct a Central Fire
Station

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, the Town Council previously established a subcommittee to investigate the Town's public safety facilities and response times to populated areas of Derry; and

WHEREAS, the Town Council, after a reviewing information prepared by the subcommittee, staff and consultants, directed that Central Fire Station be relocated to land in southwest Derry; and

WHEREAS, this action will address both substandard conditions at Central Station and enhance Fire/EMS responses to southwest Derry; and

WHEREAS, the Town Council under separate Resolution is planning to issue bonds in the amount of Eighteen Million Four Hundred Dollars (\$18,400,000) to complete this project;

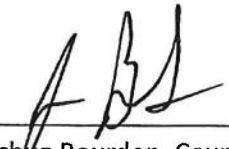
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Eighteen Million Four Hundred Dollars (\$18,400,000) shall be appropriated to construct a replacement Central Fire Station in southwest Derry.

This Resolution has been adopted by two-thirds majority of the entire Council as required by Charter and shall take effect July 1, 2022.

Adopted: May 17, 2022.

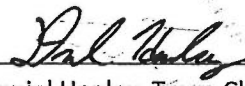
Attest:

x


Joshua Bourdon, Council Chair

Date: 5/19/22

x


Daniel Healey, Town Clerk

Date: 5/19/2022

Archival Ref: TC agenda item #22-59



RESOLUTION

Number 2022-039

To Approve a Supplemental Appropriation for the Fire Facilities Capital Reserve Fund

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, the Town Council previously established a Capital Reserve Fund for Fire Facilities; and

WHEREAS, the Town Council under separate Resolution is planning for the replacement of Central Fire Station to a location in southwest Derry; and

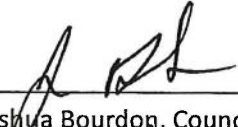
WHEREAS, the project budget envisioned the use of various revenue sources to construct and finance the project;

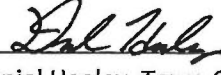
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) shall be appropriated to the Fire Facilities Capital Reserve Fund, and to transfer One Million Dollars (\$1,000,000) from Unallocated Fund Balance towards this appropriation.

This Resolution has been adopted by two-thirds majority of the entire Council as required by Charter and shall take effect July 1, 2022.

Adopted: May 19, 2022.

Attest:

x 
Joshua Bourdon, Council Chair
Date: 5/19/22

x 
Daniel Healey, Town Clerk
Date: 5/19/2022

Archival Ref: TC agenda item #22-60



RESOLUTION

Number 2022-040

To Accept an ARPA Grant through NHDES for the Autumn Woods Water System

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

WHEREAS, the Town Council pursuant to Resolution #2021-074 previously appropriated \$280,000 for the Autumn Woods Community Water System Arsenic Treatment Project; and

WHEREAS, the Town has been awarded an American Rescue Plan Act grant through the New Department of Environmental Services in the amount of \$52,000; and

WHEREAS, this grant will reduce the Town's cost to complete this project;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to apply for, accept and expend \$52,000 from the NH Department of Environmental Services for the Autumn Woods Community Water System Arsenic Treatment Project.

This Resolution shall take effect immediately upon its passage.

Adopted: May 19, 2022

Attest:

x

Joshua Bourdon, Council Chair

Date: 5/19/22

x

Daniel Healey, Town Clerk

Date: 5/19/2022

Archival Ref: Agenda #22-61



ORDINANCE

Number 2022-002

Amend Zoning Ordinance to Establish Buffer Requirements in the WRB 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 Town Council previously adopted Ordinance #2019-007 establishing the West Running Brook District, which contemplated mixed use developments and granted the Planning Board discretionary authority over certain requirements, and

WHEREAS, upon application of provisions of the District regulations, one established buffer zone depth cannot be administered equitably throughout the District ; and

WHEREAS, the determination of the depth of the buffer zone should be determined by the Planning Board on a case by case basis;

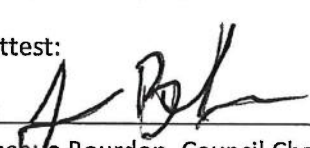
NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows:

To AMEND Article VI District Provisions, Section 165-32.4.1.4.B Design Standards for All Areas, Buffer Zones, which shall state: "The Planning Board shall determine a buffer zone on a per project basis during the conceptual phase. The Planning Board may utilize the Land Development Control Regulations Section 170 when determining buffering to protect abutting residential uses".

Adopted: May 19, 2022

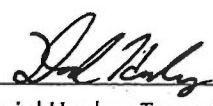
Attest:

x


Joshua Bourdon, Council Chair

Date: 5/19/22

x


Daniel Healey, Town Clerk

Date: 5/19/22

Archival Ref: Agenda Item #22-47