

## **TOWN OF DERRY**

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday May 2, 2023  
3rd Floor Meeting Room

### **MINUTES**

6:30 PM      **Non-Public Session – RSA 91A:3 II (c)(d)**  
7:00 PM      **Call to order – Chair Foote**

**Motion by Councilor Spencer to leave non-public session, seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

**Motion by Councilor Spencer to seal the minutes per RSA 91A:3 II (c)(d) indefinitely because it was determined divulgence of this information would benefit a party or parties whose interests are adverse to those of the general community and if discussed in public would likely affect adversely the reputation of any person, seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

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

**Roll Call:** Councilors Katsakiores, Chirichiello, MacEachern, Flood, Granese, Spencer, and Chairman Foote  
Present: TA Dave Caron, Town Clerk Tina Guilford

#### **Public Forum - \*30 Minutes\***

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

Mark Connors – Cabot Drive, Congratulations to the new councilors. The South Ave and Broadway beacons are being used to help those that use the trail cross the roads. The Cheap Marathon was a success. Special thanks to the Fire Department on e-bikes, the Police officers who manned the crossings. This leads me to the tunnel situation and about the DOT delay. The Council needs to take a vote and let the DOT know what you want. Now the tunnel is obviously not the reason for the delay. The Granite State Rail Trail alliance is proceeding against the State due to a violation in RSA by DOT.

John Potucek – Sunset Ave, I am here asking the council to reconsider the Cold War Veterans stipend. Just because they did not serve in a war, they are excluded. They did not choose where to serve. We do appreciate the \$50.00 increase, but the Cold War Veterans should get it too. When wearing my State Representative hat, we have sent a lot of money back to Derry, so that should be passed on to the Veterans.

Richard Tripp – Windham Road, About the Veteran's Tax Credit. John might be mistaken, you had to have participated in the war, not just in during that time. Adding an unknown number of

people to the tax credit might be a bad idea at this time. The way the law is written now, you either give no money to the Cold War Veterans or you give them the same money as the Combat Vets. Once you make the decision to give, there is no going back. Tread lightly.

**Motion by Councilor MacEachern to close public forum, seconded by Councilor Granese  
All Agreed**

**Consent Agenda**

- 23-43** Approve Minutes – April 18, 2023
- 23-45** Approve Minutes – April 25, 2023
- 23-46** Resolution #2023-029 – Adopt Revised User Rate & Fee Schedules for Derry Water Customers
- 23-47** Resolution #2023-030 – Adopt Revised User Rate & Fee Schedules for Derry Wastewater Customers
- 23-48** Resolution #2023-031 – Approve a Supplemental Appropriation for a Forestry Tanker
- 23-49** Resolution #2023-033 – Accept a NHDES DWGB Grant for Lead Service Inventory and Replacement Plan
- 23-50** Approval of Property Tax Credits and Exemptions

**Councilor MacEachern moves to approve Items 23-43, 23-45, 23-46, 23-47, 23-48, 23-49, 23-50 on the Consent Agenda, seconded by Councilor Spencer  
Roll Call Vote: 7-0-0**

- 23-44** Approve Minutes – April 20, 2023

**Councilor MacEachern moves to approve Item 23-44 on the Consent Agenda, seconded by Councilor Spencer  
Roll Call Vote: 6-0-1 (Chirichiello)**

**Councilor MacEachern moves for an Emergency of Convenience pursuant to section 10.6B relative to Public Hearings to be scheduled for Community Development Block Grants, seconded by Councilor Granese  
Roll Call Vote: 7-0-0**

- 23-55** Resolution #2023-035 – CDBG Authorization for Granite Estates Cooperative Residential Park
- 23-56** Resolution #2023-036 – CDBG Authorization for the Upper Room
- 23-57** Resolution #2023-037 – Update Housing and Community Development Plan

**Councilor MacEachern moves to approve Items 23-55, 23-56, 23-57, on the Revised Consent Agenda, seconded by Councilor Katsakiores  
Roll Call Vote: 7-0-0**

**Chairman Report – Charles Foote**

**Committee Appointment**

***Highway Safety Committee***



**Chairman Foote moves to appoint Jodi Nelson as a Member of the Highway Safety Committee for a 1 year term to expire March 31, 2024, seconded by Councilor MacEachern**  
**Roll Call Vote: 7-0-0**

**Councilor Foote** – I would like to review with everyone the dates for our summer meeting schedule. July 11<sup>th</sup> and August 15<sup>th</sup>. All Agreed.

Council Goal Setting, in previous years each councilor has emailed anywhere from 1 to 5 goals to the Town Administrator so we can consolidate the list and schedule our goal setting meeting. Please have goals emailed to the Town Administrator by May 11<sup>th</sup>.

**Town Administrator's Report – Dave Caron**

There are two large lots off of Chancellor Drive scheduled for auction on the afternoon of Thursday, May 18. Abutters are being contacted and advertisements of the sale have begun. The CFO reports that the Town recently received an additional \$117K in revenues, which now total approximately \$164K. As several more suits are settled, we will soon be able to determine the total funds available and the timing of the receipt of those funds. Most revenues are still tracking appropriately for the Towns fiscal year.

**Public Hearing**

**23-40** Ordinance #2023-001 – Amend Zoning Ordinance to adjust age requirements in the Independent Adult Community Overlay District – *Planning and Economic Development Assistant Elizabeth Robidoux presenting.*

This ordinance change is to amend Article XIX, Independent Adult Community Overlay district to bring the Town into compliance with HB 1661. This will increase the age of age-restricted developments to 62 years of age and older and for any development classified as aged 55 and older, 80% of the units must be occupied by at least one person aged 55 or older and the remaining 20% of the units will not have any age restrictions.

**Motion by Councilor Chirichiello to open public hearing, seconded by Councilor MacEachern**  
**Roll Call Vote: 7-0-0**

No one from the public spoke.

**Motion by Councilor MacEachern to close public hearing, seconded by Councilor Granese**  
**Roll Call Vote: 7-0-0**

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Ordinance #2023-001 which reads as follows [Read the Ordinance], seconded by Councilor Granese**  
**Roll Call Vote: 7-0-0**  
**Ordinance Attached**

**23-41** Ordinance #2023-002 – Amend Chapter 150 of the General Code restricting parking at Rider Field – *Public Works Director Mike Fowler and Police Chief George Feole presenting.*

Staff is seeking the Town Council's approval to amend the Traffic Ordinance Article I Section §150-6 – Prohibited Parking – Time Limitations. In early 2022, DPW paved the Rider Field parking lot and striped the lot which improved the lot significantly over the previous gravel. There are now 55 parking spaces. Shortly after paving the lot, the spaces have been filled and over filled by Pinkerton Students. Just this morning there were 65 cars parked there and blocking access to the water tower. These cars have caused snow removal issues and parks staff have had the added burden of picking up trash left behind. There has also been a development built nearby that the students are disturbing with excessive noise. We are recommending an approach to restricting parking to 2 hours Mondays through Fridays on school days from 7AM to 3PM. Violators would be ticketed under this ordinance, and this is how we have addressed other parking locations that have had Pinkerton Student issues.

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

**Roll Call Vote: 7-0-0**

James Murray, Lily Lane – Oakwood Development resident. I am frustrated by this situation; it has been very long. I have been to the Police Department and Pinkerton Security. Today they blocked the water tower, this has nothing to do with youth sports. There is no other park in Derry where people live so close. It's blatant disrespect and rude behavior by the students. Engines revved and the kids are doing it intentionally. Nothing should be interrupting us before 8AM. I don't care what it is, I should not be interrupted. I pay a lot of money in taxes and am being woken up at 6AM with this excessive noise. Officer Landry has tried to intercede; the police need something to enforce. I think this is a Pinkerton problem, I saw tons of empty spaces when I drove around the Pinkerton lot. I would prefer a gate for the lot to be unlocked at 8AM and locked after soccer is over. The Association is happy to take on the burden for the gate from the Town, there is no buffer between our homes and the parking lot.

Mark Connors, Cabot Drive – There should have been a buffer, I thought we had discussed that at planning. I do not believe in locking the gate. What about a revenue opportunity? 55 permitted spots and have the ability to revoke the permits for bad behavior. Maybe we should make some money and think outside the box.

James Murray, Lily Lane – This is not a monetary opportunity. This is a quality-of-life issue.

**Motion by Councilor MacEachern to close public hearing, seconded by Councilor Katsakiores**

**Roll Call Vote: 7-0-0**

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Ordinance #2023-002 which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores**

**Roll Call Vote: 7-0-0  
Ordinance Attached**



**New Business**

**23-51**

Resolution #2023-027 – Adopt the FY 2024 Town Budget – *Town Administrator Dave Caron presenting*

The Town of Derry FY 2024 Budget approval \$58,712,053.

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-027 which reads as follows [Read the Resolution], seconded by Councilor Spencer**

**Roll Call Vote: 7-0-0**

**Resolution attached**

**23-52**

Resolution #2023-028 – Adopt the FY 2024 – FY 2029 Capital Improvements Plan Town Budget – *Town Administrator Dave Caron presenting*

The Town of Derry FY 2024 – FY 2029 as reviewed by the Town Council.

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-028 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**

**Roll Call Vote: 7-0-0**

**Resolution attached**

**23-53**

Resolution #2023-032 – Increase the Optional Veterans' Credit to \$550 – *Town Administrator Dave Caron presenting*

For the Town of Derry to increase the Veterans' credit to \$550.00 per eligible veteran.

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-032 which reads as follows [Read the Resolution], seconded by Councilor Chirichiello**

**Roll Call Vote: 7-0-0**

**Resolution attached**

**Councilor Comments / Liaison Reports –**

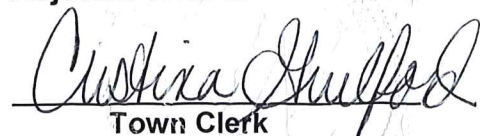
**Councilor Spencer** – Derry Soccer Club on Saturday, May 6<sup>th</sup>, contact [events@derrysoccerclub.org](mailto:events@derrysoccerclub.org)

**Councilor Chirichiello** – Please step up and help out at future elections.

**Councilor Katsakiores** – Sunday, May 7<sup>th</sup> Loyalty Day at the VFW and they will be honoring Chuck Hemeon as Paramedic of the year.

**Motion by Councilor MacEachern to ADJOURN, seconded by Councilor Chirichiello**  
**All Agreed**

**Adjourn: 8:16PM**

  
Town Clerk

May 16, 2023  
Date

**Recording & Transcription by: Cristina Guilford, Town Clerk**



## RESOLUTION

Number 2023-027

To Adopt the FY24 Budget

WHEREAS, Section 9.4 of the Town Charter vests in the Town Council the responsibility to enact the Town budget by May 31; and

WHEREAS, the Town Council has reviewed and made revisions to the budget as proposed by the Town Administrator,

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the FY 24 Town Budget in the amount of Fifty-Eight Million Seven Hundred Twelve Thousand Fifty-Three Dollars (\$58,712,053) as set forth in the attached summary.

This Resolution shall take effect on July 1, 2023.


Adopted: May 2, 2023

Attest:

x 

Charles Foote, Council Chair

Date: May 2, 2023

x 

Cristina Guillford, Town Clerk

Date: May 2, 2023

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Archival Ref: Agenda Item #23-51

FY24 Town Budget -TA			
Department/Function	FY24	Offsetting Revenues	Taxation
Emergency Management	45,469.00	-	45,469.00
Executive			
Administration	699,700.00	3,400.00	696,300.00
Human Services	291,400.00	13,500.00	277,900.00
IT	1,098,026.00	63,563.00	1,034,463.00
Community Development	179,528.00	-	179,528.00
Finance			
Finance	694,384.00	600.00	693,784.00
Assessing	444,827.00	94,354.00	350,473.00
Tax Collector	858,868.00	6,971,700.00	(6,112,832.00)
Other Municipal Obligation	6,796,541.00	6,922,175.00	(125,634.00)
Fire			
Prevention & Emergency Services	11,963,991.00	1,978,479.00	9,985,512.00
Libraries			
Derry Public Library	1,450,852.00	-	1,450,852.00
Taylor Library	221,233.00	9,000.00	212,233.00
Planning	332,200.00	34,275.00	297,925.00
Police			
Police	10,496,470.00	406,112.00	10,090,358.00
Animal Control	93,419.00	2,800.00	90,619.00
Public Works			
Health	157,866.00	67,895.00	89,971.00
Highway	4,242,245.00	879,579.00	3,362,666.00
Buildings & Grounds	911,969.00	136,057.00	775,912.00
Cemeteries	177,434.00	113,200.00	64,234.00
Code Enforcement	379,706.00	234,325.00	145,381.00
Parks	1,075,875.00	77,834.00	998,041.00
Recreation	656,549.00	148,056.00	508,493.00
Transfer Station	2,807,902.00	1,189,784.00	1,618,118.00
Vehicle Maintenance	630,932.00	500.00	630,432.00
Town Clerk & Elections			
Town Clerk	188,448.00	82,348.00	106,100.00
Elections	81,201.00	8,861.00	72,340.00
Total for Town Services	46,977,035.00	19,438,397.00	27,538,638.00
FY24 Town Budget - TA Proposed - Special Funds and Capital Outlay			
Capital Improvements			
Expendable Maintenance Trust	265,000.00	265,000.00	-
Capital Improvements	800,009.00	800,009.00	-
Wastewater Dept.	3,786,569.00	3,786,569.00	-
Water Dept.	4,220,290.00	4,220,290.00	-
Cable	719,856.00	719,856.00	-
TIF Districts	1,943,294.00	1,943,294.00	-
TOTAL	\$ 58,712,053.00	\$ 31,173,415.00	\$ 27,538,638.00
Veterans' Credit			564,967.00
Property Tax Overlay			300,000.00
Total to be raised			28,403,605.00
Assessed Valuation			4,785,088,782.00
Archival Ref: Agenda Item #23-51 Anticipated Town Tax Rate			\$ 5.94



## ORDINANCE Number 2023-002

Amend Chapter 150 of the General Code Restricting Parking  
at Rider Field

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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 recently completed improvements to the Rider Field Parking Lot;

WHEREAS, the area is being used as a parking lot by Pinkerton Academy students; and

WHEREAS, said use has resulted in disturbances to the neighborhood, maintenance issues and public safety concerns.

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapter 150, Article I, Section 150.6-D of the General Code, Streets and Sidewalks is hereby amended to institute a two hour time restriction at Rider Field from 7AM to 3PM on weekdays during the school year.

This Ordinance shall take effect 30 days after its adoption.

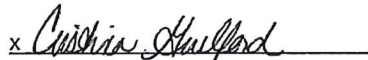
Adopted: May 2, 2023

Attest:

x 

Charles Foote, Council Chair

Date: May 2, 2023

x 

Cristina Guilford, Town Clerk

Date: May 2, 2023

Archival Ref: Agenda Item #23-41





## ORDINANCE

Number 2023-001

### Amend Zoning Ordinance to Adjust Age Requirements in the Independent Adult Community Overlay District

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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 State Legislature enacted HB 1661 during the 2022 session which amended RSA 674:17 impacting the Town's Independent Adult Community Overlay District, and

WHEREAS, the Planning Board reviewed the impact of this law and recommends revision to Article XIX of the Town's Zoning Ordinance; and

WHEREAS, adoption of this amendment would encourage the continued orderly development of the community;

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

To AMEND Article XIX Independent Adult Community Overlay District by:

- 1) Increase the age of age-restricted developments to 62 years of age or older; and
- 2) For those developments classified as aged 55 and older, 80% of the units must be occupied by at least one person aged 55 or older and the remaining 20% of the units would not have any age restrictions.

Adopted: May 2, 2023

Attest:

x 

Charles Foote, Council Chair

Date: May 2, 2023

x 

Cristina Guilford, Town Clerk

Date: May 2, 2023

Archival Ref: Agenda Item #23-40



## RESOLUTION

Number 2023-028

To Adopt the FY 24-29 Capital Improvements Plan

WHEREAS, Section 9.8 of the Town Charter vests in the Town Council the responsibility to adopt the Capital Improvements Plan by May 31; and

WHEREAS, the Planning Board has reviewed the Plan and proposed no revisions; and

WHEREAS, pursuant to RSA 674:5 the Plan is a budget tool to assist the Town Council in their consideration of the annual budget; and


WHEREAS, the Town Council has reviewed the plan as proposed by the Town Administrator and made any amendments to the Plan;

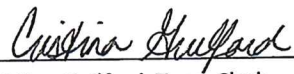
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the FY 24-29 Capital Improvements Plan.

This Resolution shall take effect on July 1, 2023.

Adopted: May 2, 2023

Attest:

x   
Charles Foote, Council Chair  
Date: May 2, 2023

x   
Cristina Guilford, Town Clerk  
Date: May 2, 2023

Archival Ref:      Agenda Item #23-52



## RESOLUTION

Number 2023-032

To Increase the Optional Veterans' Tax Credit to \$550

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 adopt resolutions and ordinances, including the appropriation of funds; and

WHEREAS, the Town Council has previously adopted RSA 72:28 II which allows towns to provide a veterans' tax credit up to \$750.00 per eligible veteran; and

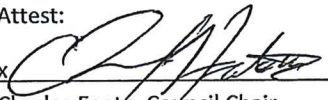
WHEREAS, the Town currently provides a credit in the amount of \$500.00 per eligible veteran and the Town Council wishes to further recognize the sacrifices made by our veterans;

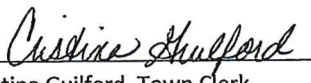
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby increases the veterans' credit to \$550.00 per eligible veteran pursuant to RSA 72:28 IV.

This Resolution shall take effect April 1, 2023.

Adopted: May 2, 2023.

Attest:

x   
Charles Foote, Council Chair  
Date: May 2, 2023

x   
Cristina Guilford, Town Clerk  
Date: May 2, 2023

Archival Ref:      Agenda Item #23-53