

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday May 3, 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, Wetherbee (Video), Foote, 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 Spencer

Roll Call Vote: 7-0-0

Chris Howe: Rockingham Rd – The conceptual review of the proposed development in the West Running Brook district has 70+ parcels on a 5 acre lot. The proposed buildings will be the largest building height wise in town.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

Consent Agenda

- 22-49** Approve Budget Workshop Minutes – April 12, 2022
- 22-50** Approve Budget Workshop Minutes – April 14, 2022
- 22-51** Approve Non-Public Minutes – April 19, 2022 – **Minutes sealed**
- 22-52** Approve Minutes – April 19, 2022
- 22-53** Approve Budget Workshop Minutes – April 21, 2022
- 22-54** Approval of Property Tax Credits and Exemptions
- 22-55** Resolution #2022-034 – Request an amendment to the Alexander-Carr Trust
- 22-56** Resolution #2022-035 – Authorize Issuance of \$1.6M in bonds to replace culverts
- 22-57** Resolution #2022-036 – Authorize Issuance of \$18.4M in bonds to construct a Central Fire Station
- 22-58** Resolution #2022-037 – Approve a supplemental appropriation for culverts
- 22-59** Resolution #2022-038 – Approve a supplemental appropriation to construct a Central Fire Station
- 22-60** Resolution #2022-039 – Approve a supplemental appropriation to the Fire Facilities Capital Reserve Fund
- 22-61** Resolution #2022-040 – Accept an ARPA Grant through NHDES for the Autumn Woods Water System

Councilor Chirichiello moves to approve the consent agenda, seconded by Councilor Foote

Roll Call Vote: 7-0-0

Chairman Report – Joshua Bourdon

Thanked the Town Administrator and staff for work on the budget. Would like to schedule a councilor goals workshop in June.

Town Administrator's Report – Dave Caron

The Town has been informed by Congressman Pappas' office that the \$4.2M Rte. 28S Sewer extension (Town slated to fund \$1.0M of this amount, to be bonded and paid from SNHRWP revenues) will be presented to the House Appropriations Committee for funding. Downtown Derry Derby day will be May 7th. There will be a fishing derby at Hood Park from 7:30am to noon, pop up family activities on Broadway from 10-4, Alan Shepard Exhibit at Adams Memorial from 10-4, and sidewalk sales and Kentucky Derby themed restaurant specials all day. Tree work is required at Alexander-Carr park in the vicinity of Rockingham Road which is adjacent to the proposed fire station but not associated with the project. The Director of Public Works Mike Fowler was contacted by the US Department of Energy to initiate the 500K earmark from Senator Shaheen's office for the Solar Project. DPW will install about a dozen flags prior to Memorial Day and taken down towards the end of September. The Rider Field parking lot was paved last week with striping to take place later in the summer and final finish coat in FY23. There will be a property auction taking place at 83 Chester Road on Friday at 3PM. Regarding Exit 4A, Contract A (I-93 to the area of the town line) was advertised by NHDOT with a bid opening 5/1/2022. There was an error with the last quarterly water bill. Some residents did not receive a bill and the town will be waiving the interest accrued.

Public Hearings

22-46 Resolution #2022-031 –Increase the income eligibility levels for the Elderly Exemption Program– *Town Administrator Dave Caron*

The Town Council continues its review of the Town's Elderly Exemption program; this program is authorized by State Statute and prescribes minimum eligibility requirements, including income and property assessment exemption levels. Communities may adjust (and most have adjusted) these requirements which results in more residents becoming eligible (by raising the income eligibility levels) and providing more benefit (by raising the exemption amounts). Currently, the total exemption value included in this program is \$26.4M, which is approximately 0.7% of the Town's taxable assessment base. This amount results in approximately \$653,000 in tax burden redistributed to other property taxpayers. It should be noted that for tax year 2018, the total exemption value included in this program was \$28.8M, which is approximately 1.0% of the Town's taxable assessment base. This amount results in approximately \$831,000 in tax burden redistributed to other property taxpayers. Since 2010, inflation has increased at the cumulative amount of 30.11%, which would result in new income eligibility of \$45,538 for a single applicant and \$58,549 for a married couple. Increasing each income level by \$10K to \$45K and \$55K, respectively, may result in a redistribution of property tax revenues approximating \$20,000 annually.

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

Lisa Hultgren: Warner Hill Rd – Would like to know if the amount of the discount is going up and was told not at this time, just income eligibility.

Richard Tripp: Windham Rd – Asked how much it would cost the town and was told the estimate is about \$20,000 a year.

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

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-031 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 7-0-0
Resolution attached

22-47 Ordinance #2022-002 – Amend the Zoning Ordinance to establish buffer requirements in the WRB District – *Planning Director George Sioras and Economic Development Coordinator Bev Donovan*

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.

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

Tracey Zysk: Silver St – Speaking on behalf of 19 neighbors, planning board is trying to eliminate all buffers. The houses surrounding a proposed development are rooted in the neighborhood and they were told that the West Running Brook district would not impact the neighborhood. Not fighting the development, but wants buffers.

Mark Connors: Cabot Dr – Likes the overall idea and it was sold as a village concept but would like a buffer for the residents.

Gerry & Marc Siragusa: South Main St – Concerned with the buffers among other things mentioned. Would like things reviewed on a per plan basis.

John Potucek: Sunset Ave – 25 foot buffers have been granted by the Planning Board before. Would like to keep 100 foot buffers.

Karen Lincoln: Craven Terr – Shares concerns with many that have come up to speak. Questions how many people we expect the development to accommodate.

Richard Tripp: Windham Rd – There is a housing crisis in NH and there are a number of bills being proposed at the state house to rectify this. Buffers are not needed near the road.

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

Roll Call Vote: 7-0-0

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Ordinance #2022-002 which reads as follows [Read the Ordinance], seconded by Councilor Foote

Roll Call Vote: 3-3-1 (Councilors Katsakiores, Flood, Spencer – No, Councilor Wetherbee - Abstained)

Motion failed – no ordinance attached

New Business

22-39 Resolution #2022-028 – Adopt the FY 2023 Budget– *Town Administrator Dave Caron*

- Limits tax rate to \$7.43, half the potential increase authorized by the taxpayer-approved Tax Cap (Section 9.4 - Charter).
- Fully funds collective bargaining agreements approved in FY22.
- Adds no additional full-time positions unless funded outside of the property tax base.
- Adds one f-t Parks position beginning January 1 to sustain the community's \$2.0M investment into recreational facilities, funded by the DCC TIF and Alexander-Carr Park Trust.
- Continues to position Tax Increment Finance Districts for additional economic development growth and to fulfill service responsibilities.
- Maintains CIP funding transition from Fund Balance to a blend of Fund Balance/budget support at FYI 8 Debt Service Levels.
- Continues to utilize resources from the Derry Economic Recovery Trust for the multi-year stabilization of town finances.
- Absorbs \$489K in unanticipated inflationary increases in obligations and essential commodities.
- Although some minor revenue streams are trending toward pre-Pandemic levels, other major sources anticipate stagnation due to supply chain issues and other economic conditions.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-028 which reads as follows [Read the Resolution], seconded by Councilor Foote

Roll Call Vote: 7-0-0
Resolution attached

22-40 Resolution #2022-029 – Adopt the FY 23-28 Capital Improvements Program–
Town Administrator Dave Caron

Section 9.8 of the Town Charter vests in the Town Council the responsibility to adopt the Capital Improvements Plan by May 31st. The Planning Board has reviewed the plan and proposed no revisions. Pursuant to RSA 674:5, the plan is a budget tool to assist the Town Council in their consideration of the annual budget and the Town Council has reviewed the proposed plan and made any amendments to the plan as proposed by the Town Administrator. The Town Administrator has recommended a revised implementation process to account for potential revenue losses resulting from the Pandemic. The Town Council will adopt the FY 23-28 Capital Improvements Plan.

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-029 which reads as follows [Read the Resolution], seconded by Councilor Foote

Roll Call Vote: 7-0-0
Resolution attached

22-62 Resolution #2022-032 – Expand authority to serve liquor samples at the Derry Homegrown Farm and Artisans Market– *Town Administrator Dave Caron*

The Derry Homegrown Farm and Artisans Market is planning its 2022 season and has requested the Town Council to expand the authority to serve samples to include liquor to those vendors authorized to do so under state statute. Resolution #2022-032 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 Governor signed SB18 into law during the 2021 session which expands the authority to serve samples such as wine, beer and other spirits to include liquor. This Resolution would grant such authority to all vendors who were previously approved by the Council to provide samples, further providing that those vendors are so authorized to manufacture liquor pursuant to RSA 179.

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-032 which reads as follows [Read the Resolution], seconded by Councilor Spencer

Roll Call Vote: 6-0-1 (Councilor Wetherbee)
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Wetherbee – Clarified that the proposed development would not be for over 100 residential units.

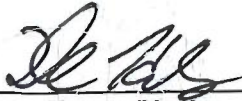
Councilor Chirichiello – If a 100 foot buffer is maintained, nothing will be able to go in.

Councilor Spencer – Represented the Council for the loyalty day at the VFW. There was a ceremony to recognize those in the community that have done some amazing things. 3 Derry Police officers and 2 Firefighters received awards on Sunday. There will be a rabies clinic

Saturday May 21 from 9am to 12pm at the Derry Municipal Center. It will be for dogs only and residents will be able to license their dogs during this time.

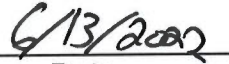
Chairman Bourdon – Suggests that councilors get educated as possible to vote and do their duties. Would like more information provided during presentations than just to trust us.

Adjourn: 9:15PM



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk



Date



RESOLUTION

Number 2022-031

To Increase the Income Eligibility Levels for the Elderly Exemption
Program

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 has previously adopted RSA 72:39-a which allows towns to provide a partial or full exemption from property taxes to qualifying property owners beginning at age 65; and

WHEREAS, the Town Council has not amended the program limits since 2010 which has resulted in the disqualification of previously eligible property owners due to nominal annual increases in income sources such as social security; and

WHEREAS, the Town Council seeks to minimize these financial disruptions to our elderly property owners on fixed incomes;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby increases the income eligibility limits to no greater than \$45,000 for a single person and no greater than \$55,000 if married.

This Resolution shall take effect April 1, 2022.

Adopted: May 3, 2022.

Attest:

x

Joshua Bourdon, Council Chair

Date:

5/3/22

x

Daniel Healey, Town Clerk

Date:

5/3/22

Archival Ref: Agenda Item #22-46



RESOLUTION

Number 2022-028

To Adopt the FY23 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

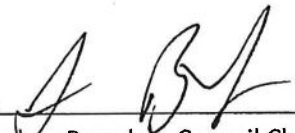
WHEREAS, the Town Council has reviewed and made revisions to the budget as proposed by the Town Administrator, and has acted upon Resolutions necessary to effectuate various services and programs within the budget;

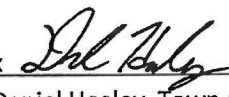
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts an FY 23 Town Budget in the amount of Fifty-Three Million One Hundred Seven Thousand Seven Hundred Thirty-Six Dollars (\$53,107,736) as set forth in the attached summary.

This Resolution shall take effect on July 1, 2022.

Adopted: May 3, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 5/3/22

x 
Daniel Healey, Town Clerk
Date: 5/3/2022



Archival Ref: Agenda Item #22-39

FY23 Town Budget -TA Proposed - Operations			
Department/Function	FY23	Offsetting Revenues	Taxation
Emergency Management	44,256.00	-	44,256.00
Executive			
Administration	588,870.00	3,400.00	585,470.00
Human Services	288,900.00	13,500.00	275,400.00
IT	1,034,467.00	58,388.00	976,079.00
Community Development	180,653.00	-	180,653.00
Finance			
Finance	669,770.00	600.00	669,170.00
Assessing	445,268.00	94,354.00	350,914.00
Tax Collector	859,117.00	6,845,700.00	(5,986,583.00)
Other Municipal Obligation	3,859,942.00	4,173,850.00	(313,908.00)
Fire			
Prevention & Emergency Services	11,779,226.00	1,843,339.00	9,935,887.00
Libraries			
Derry Public Library	1,409,543.00	-	1,409,543.00
Taylor Library	198,532.00		198,532.00
Planning	307,623.00	34,275.00	273,348.00
Police			
Police	10,176,778.00	340,892.00	9,835,886.00
Animal Control	102,551.00	2,800.00	99,751.00
Public Works			
Health	151,612.00	79,485.00	72,127.00
Highway	3,981,625.00	889,579.00	3,092,046.00
Buildings & Grounds	830,319.00	138,591.00	691,728.00
Cemeteries	171,692.00	113,200.00	58,492.00
Code Enforcement	369,770.00	234,325.00	135,445.00
Parks	994,033.00	69,809.00	924,224.00
Recreation	607,315.00	148,056.00	459,259.00
Transfer Station	2,365,205.00	963,284.00	1,401,921.00
Vehicle Maintenance	624,559.00	500.00	624,059.00
Town Clerk & Elections			
Town Clerk	170,933.00	84,318.00	86,615.00
Elections	88,046.00	125.00	87,921.00
Total for Town Operations	42,300,605.00	16,132,370.00	26,168,235.00
FY23 Town Budget -TA Proposed - Special Funds and Capital Outlay			
Capital Improvements			
Expendable Maintenance Trust	125,000.00	125,000.00	-
Capital Improvements	2,147,265.00	2,147,265.00	-
Wastewater Dept.	2,819,152.00	2,819,152.00	
Water Dept.	3,726,094.00	3,726,094.00	
Cable	682,226.00	682,226.00	-
TIF Districts	1,307,394.00	1,307,394.00	-
TOTAL	\$ 53,107,736.00	\$ 26,939,501.00	\$ 26,168,235.00

Archival Ref: Agenda Item #22-39



RESOLUTION

Number 2022-029

To Adopt the FY 23-28 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 proposed plan and made any amendments to the Plan as proposed by the Town Administrator;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the FY 23-28 Capital Improvements Plan.

This Resolution shall take effect on July 1, 2022.

Adopted: May 3, 2022

Attest:

x 

Joshua Bourdon, Council Chair

Date: 5/3/22

x 

Daniel Healey, Town Clerk

Date: 5/3/2022

Archival Ref: Agenda Item #22-40



RESOLUTION

Number 2022-032

To Expand Authority to Serve Liquor 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 was amended to authorize liquor manufacturers to provide samples for tasting at a farmers' market, contingent upon written authorization by the Governing Body; and

WHEREAS, the Town Council previously authorized various wine and beverage manufacturers, nano breweries and brew pubs to provide samples at the Derry Homegrown Farm and Artisans Market; and

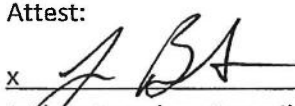
WHEREAS, the Derry Homegrown Farm and Artisans Market has requested that vendors be able to provide liquor samples;

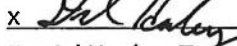
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that those vendors previously authorized by the Town Council to provide samples of alcoholic beverages are hereby authorized to provide liquor samples, further providing that those vendors are so authorized by the State Liquor Commission pursuant to RSA 178.

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

Adopted: May 3, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 5/3/22

x 
Daniel Healey, Town Clerk
Date: 5/3/2022

Archival Ref: Agenda Item #22-62