

TOWN OF DERRY

Town Council  
Derry Municipal Center

June 16, 2020  
Tuesday - 7:00 PM

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7:00 PM Call to order

*Although the Stay at Home Order has expired, Emergency Order #16 as issued by Governor Sununu remains in effect, which waives the requirement that a quorum be physically present in the meeting room; a meeting of a public body may be conducted with most or all members participating electronically. The Municipal Center is still closed to the public until July 6. There is a contact number at the bottom of the Derry TV Cam screen with a phone number where members of the public can listen in and participate in the Public Forum and Public Hearing portions of the meeting. This access number was also posted along with the agenda and posted on the exterior doors of the Municipal Center. Please note that due to the physical absence of some Councilors, all votes taken shall be done by Roll Call.*

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

**Roll Call:** Councilor's Tripp, Katsakiores and Chairman Foote in-person and Councilor's Morgan, Bourdon, Chirichiello, and Wetherbee by Video.

Present: TA David Caron, Town Clerk Daniel Healey, CFO Mark Fleischer

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

**Motion by Councilor Katsakiores to open public forum, seconded by Councilor Tripp**

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

No one from the public spoke.

**Motion by Councilor Katsakiores to close public forum, seconded by Councilor Tripp**

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

**Consent Agenda**

**20-63** Approve Non-Public Minutes – June 2, 2020 – **Minutes Sealed**

**20-64** Approve Minutes – June 2, 2020

**20-65** Acceptance of Resignation – Conservation Commission Alternate member  
AnnMarie Chase

**Motion by Councilor Katsakiores to approve the consent agenda, seconded by Councilor Tripp**

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

**Consent agenda approved**

**Chairman's Report – Charlie Foote**

Police Chief Ed Garone gave a presentation on the recruitment, training, policies, procedures, and how police misconduct is handled. The Town Council will be meeting on July 21 and August 18 during the next two months for their summer schedule.

**The Election Sub-Committee determined that Calvary Bible Church would be the best option to hold the September 8, 2020 State Primary. The Town Council took a roll call**

**vote on if they would be in favor of the change with the official resolution to follow at the next meeting.**

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

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

Emergency Management Director and Fire Chief Mike Gagnon gave a report on the Town's response to COVID-19.

CFO Mark Fleischer gave a FY20 Financial Update. At this juncture, there is no need for budget adjustments. Governor Sununu has announced in a conference call with the State's Mayors his intention to fully fund state revenues as the estimated Meals and Rooms receipts and the State Infrastructure Grant are encapsulated in State Law.

The Derry Dog park has been reconstructed and is now open to the public. Work continues on all fields as authorized by the Council via transfer of funds from the Parks Facilities Fund. The Derry Municipal Center will be reopening to the public on July 6<sup>th</sup>. This date is past the deadline for Part A property taxes, which generates a significant amount of traffic. For June 30 and July 1, the town will establish a separate vehicular lane for property tax payments; some payments will be collected on foot from staff (checks only) and all cash transactions will be directed to the drive-thru.

**Public Hearing**

**20-61** Ordinance #2020-007 – Amend Chapter 150 of the General Code to allow Parklets in Public Rights of Way – *Economic Development Director Bev Donovan Presenting*

The Economic Development Department has developed guidelines for restaurants located in the Traditional Business Overlay District (TBOD) to allow them to offer seasonal outdoor dining. The TBOD is defined as all frontage lots located on East and West Broadway between Crystal Ave/Birch Street and Maple Street. Permits would be required annually and coincide with the permits for Outdoor Dining. The permits are issued by the Town Council, with review of the permit application and oversight from Planning, Public Works, Code Enforcement, Health and Fire Prevention. The purpose of amending the Ordinance is to promote and encourage outdoor dining and to prioritize pedestrian vibrancy in the Town of Derry. This Ordinance is especially helpful for restaurants wishing to establish an area for outdoor dining but who do not have the space to allow it on their own lots. The Parklet Ordinance allows restaurants to establish outdoor dining areas in public parking spaces between April 1 and October 15. Applicants would be allowed to utilize up to three parallel, or up to four perpendicular parking spaces to create the parklet. The application would initially be reviewed by the Planning Department to determine the application is complete. It would then be forwarded to Public Works, Code Enforcement, Health, Fire Prevention, and the Police Department to obtain the necessary permits and reviews from those departments. A separate Parklet Design Guideline has been developed that lays out the required barrier design and type, seating area elements, access, and circulation requirements. Particular attention was given to the protection of patrons from vehicular traffic in the adjoining

travel way. The draft ordinance and design guidelines were reviewed by Fire Prevention, Health, Code Enforcement, DPW, and Planning. Input from those departments has been incorporated.

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

Alana Wentworth: Pond Rd – Excited to have the opportunity outside of Cask and Vine.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2020-007, which reads as follows [*Read the Ordinance*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Ordinance attached**

#### **New Business**

**20-51** Resolution #2020-027 – Amend the boundaries of the Derry Commerce Corridor TIF District – *Town Administrator Dave Caron Presenting*

The Town Council expanded the Rte. 28N TIF District to include the Downtown into the Derry Commerce Corridor TIF District during the adoption of the FY 20 budget. The District boundaries were expanded to include Crystal Avenue, sections of Birch, E & W Broadway, and streets off E & W Broadway to support the Council goal to create commerce expansion and depth throughout the Downtown area. At that time, Hood Park was included in the new district as a recognition of its importance supporting Downtown Commerce; the land upon which the rail trail is constructed was not totally included in the District. Only that portion of the lot from South Avenue to Rollins Street was included; the intention was to also include the portion of the lot from Rollins to North Main Street. The Town Council previously recognized the importance of recreation tourism as a component of the Derry Commerce Corridor by including Hood Park and portions of the rail trail within the Downtown. Correcting the oversight by adding this portion of the lot containing the rail trail between Rollins Street and North High Street would create consistency with the Downtown section and allow resources to redevelop this section and Hood Park into one vision.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-027, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**20-66** Resolution #2020-031 – Implement Phase 1 of the Recreation Facilities Plan – *Town Administrator Dave Caron Presenting*

The Town Council approved a \$1.8 million bond in January 2019 for improvements to the Town's recreation facilities. Prior to approval, the Recreation Division reached out to various groups seeking input on the original proposal to invest in the Carr-Park Lodge, erection of lights at a baseball diamond at Don Ball Park, and installation/replacement of playground/exercise

equipment. Subsequent to the affirmative Council vote, groups expressed interest in seeking improvements to a variety of town recreation facilities. Recognizing that the demand for improvements would exceed available funding, the Council authorized the completion of a needs assessment by UNH Recreation Management and Policy Department. The report has been received and was presented to the Council on June 9. The Council reviewed the report and other information, and took testimony as well, on the needs, resources and priorities of the Town regarding recreation facilities. As a result of those discussions, the following Phase I Implementation Plan received approval to proceed by the Town Council:

1. Revitalize Hood Park - Staff may proceed to apply for an AARP Grant to fund a charette and planning process to convene all stakeholders to develop a Master Plan for the redevelopment of Hood Park.
2. Derry Rail Trail
  - a. Phase I to authorize staff to advertise for bid enhancements to the dam and completion of this section of the rail trail from Manning Street to North High Street.
  - b. Phase II to authorize conversations with property owner regarding acquisition.
3. Multi-Purpose Rectangular Field -- Engage with the School District to concur with the completion of a rectangular field with lights and complete cost estimates.
4. Carr-Park - Inventory exterior amenities to develop repair/expansion plan, investigate potential uses of lodge to support outside activities, investigate funding options with legal counsel for the use of Trust funds.
5. Multi-generational Community Center - No action at this time pending availability of existing school or other facility for repurpose.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-031, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**

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

**Resolution attached**

**20-67** Resolution #2020-032 – Set the compensation of the Town Clerk and provide employee benefits – *Town Administrator Dave Caron Presenting*

Annually, non-represented employees are eligible for a 3% merit increase. It is therefore recommended that the Town Clerk's compensation be adjusted by 3%. By New Hampshire State Law, the governing body of the town is required to set the elected Town Clerk's salary. This is acted upon annually after the fiscal year budget has been approved.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-032, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**

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

**Resolution attached**

#### **Councilor Comments / Liaison Reports –**

Councilor Tripp – From June 15<sup>th</sup> - August 15<sup>th</sup>, 2020, the Derry Public Library will be collecting letters about your life, right now, to be archived in the NH room.

Councilor Chirichiello – The owner of the rail trial connection land has been approached and the town anticipates working out a deal but the owner is not willing to move right now until construction begins.

Councilor Wetherbee – Gave a shoutout to Pinkerton Academy for their adjustments this year. The 3 day graduation and the senior salute have both been great events.

**Councilor Katsakiores motions to adjourn, seconded by Councilor Bourdon**  
**Roll Call Vote: 7-0-0**

**Adjournment: 9:40 p.m.**



**Town Clerk**

**Recording & Transcription by: Daniel Healey, Town Clerk**

9-3-2020  
**Date**



## ORDINANCE Number 2020-007

Amend Chapter 150 of the General Code to allow Parklets in Public  
Rights of Way

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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, there is a need to amend Chapter 150, Vehicles and Traffic, to allow for parklets in public rights of way, predominantly parking spaces;

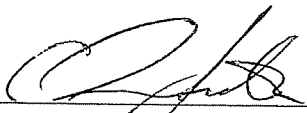
WHEREAS, this amendment would further promote economic development while maintaining public health and safety;

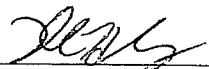
NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapter 150 of the General Code, Streets and Sidewalks is hereby amended as attached.

This Ordinance shall take effect 30 days after its adoption.

Adopted: June 16, 2020

Attest:

x   
Charles Foote, Council Chair  
Date: 6/16/2020

x   
Daniel Healey, Town Clerk  
Date: 6/16/2020

Archival Ref: Agenda Item #20-61



## Resolution #2020-027

### To Amend Boundaries of the Derry Commerce Corridor Tax Increment Financing (TIF) District

WHEREAS, The Town previously enacted the provisions of Chapter 162-K, Municipal Economic Development and Revitalization Districts; and

WHEREAS, the Town established and actively supports its two TIF Districts (Gateway and Derry Commerce Corridor) by investing in their development for the benefit of the Districts and the entire community; and,

WHEREAS, pursuant to Resolution #2019-012 the Council approved a revised Derry Commerce Corridor TIF District; and


WHEREAS, the Council desires to correct an oversight in the District boundaries;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council, pursuant to RSA 162-K:5, hereby amends and expands the area of the Derry Commerce Corridor Tax Increment Financing District by including that portion of Map 30 Lot 023 between Rollins Street and North High Street, as depicted on the attached map.

This Resolution shall take effect upon its passage.

Adopted June 16, 2020.

Attest:

x   
Charles Foote, Council Chair  
Date: 6/16/2020

x   
Daniel Healey, Town Clerk  
Date: 6/16/2020

Archival Ref: Agenda Item #20-51

Archival Ref: Agenda Item #20-51



## RESOLUTION

Number 2020-031

To Authorize Implementation of Phase I of the Recreation Facilities Plan

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 Council issued a multi-purpose bond in January 2019 which includes \$1.8M for Recreation Facilities; and

WHEREAS, the Town has assembled information and secured the assistance of UNH Recreation Management and Policy Department to complete a Needs Assessment of Facilities and report back to the Council; and

WHEREAS, the Council received the Assessment and convened in workshop session to prioritize investments in Town recreation facilities;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to implement Phase I of the Recreation Facilities Plan as attached.

This Resolution shall take effect immediately upon its passage.

Adopted: June 16, 2020

Attest:

  
Charles Foote, Council Chair

Date: 6/16/2020

x   
Daniel Healey, Town Clerk

Date: 6/16/2020

Archival Ref: : Agenda Item #20-66





## RESOLUTION

### Number 2020-032

To Set the Compensation of the Town Clerk and Provide Employee Benefits

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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

WHEREAS, Section 8.6(C) of the Charter empowers the Town Administrator to fix the compensation of all town officers and employees appointed by the Town Administrator; and

WHEREAS, the Town Clerk is an elected official whose compensation is not fixed by the Town Administrator, doing so is therefore a legislative action and a duty of the Town Council;

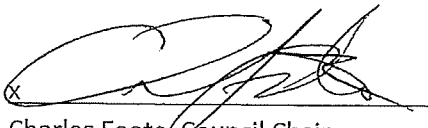
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Clerk base annual compensation is hereby fixed at \$46,867 (Forty-Six Thousand Eight Hundred Sixty-Seven and 00/100 Dollars); and

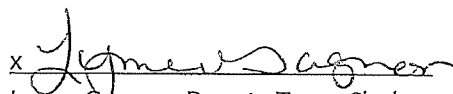
FURTHER, BE IT RESOLVED that the Town Clerk is hereby provided with access to the full range of employee benefits available to non-represented employees.

This Resolution shall take effect immediately upon its passage.

Adopted: June 16, 2020.

Attest:

  
Charles Foote, Council Chair  
Date: 6/16/2020

  
Lynne Gagnon, Deputy Town Clerk  
Date: 6/17/2020

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Archival Ref: TC agenda item #20-67