

TOWN OF DERRY

Town Council
Derry Municipal Center

June 18, 2019
Tuesday - 7:00 PM

6:30 PM RSA 91A:3 II 9(d)
7:00 PM Call to order

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

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

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

Roll Call: Councilors Chirichiello, Foote, Tripp, Morgan, Bourdon and Chairman Wetherbee,
Absent: Councilor Katsakiores
Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Tom Cardon: Cunningham Dr – The Abbott Court presentation from the last meeting was a great idea but he has some concerns. Questioned the impact to the taxpayers and asked if the town would be operating the business. The property on Central Street that has received complaints over the past few meetings seems to be improving.

Motion by Councilor Chirichiello to close public forum, seconded by Councilor Foote – all agreed

Consent Agenda

- 19-67** Approve Non-Public Minutes – June 4, 2019 – **minutes sealed**
- 19-68** Approve Minutes June 4, 2019
- 19-69** Resolution #2019-037 – Apply for and accept AFG Grant for Fire Department SCBA

Consent agenda approved (Councilor Morgan abstained from 19-67 & 19-68)

Chairman's Report – Neil Wetherbee

The Don Ball Park SplashPad and Gallien's Town Beach are now open. The summer concert series at MacGregor Park has started. It is every Tuesday from 7-8:30pm until August 13th. There will be fireworks July 4th. A new mural was painted in downtown Derry that shows the town's history and prominent buildings.

Town Administrator's Report – David Caron

The façade improvement program has been well received with the entire \$100,000 appropriation obligated and several more business on the waiting list. Over \$250,000 in private investment has been leveraged with the \$100,000 town match. It is proposed that the program be expanded to include the entire Derry Commerce Corridor, stretching from Manchester Road

through Crystal Avenue, encompassing portions of Birch, East Broadway, and West Broadway. The fund balance of the Derry Commerce Corridor TIF would be used to fund the program.

Net Zero Task Force Committee Chair Jeffrey Moulton and Director of Public Works Mike Fowler presented an update on the Landfill Solar Project. The committee is now recommending a 1 mega watt field. This solar project will save about 33,000 in electricity per year and will be added to the consent agenda at the July meeting.

The U.S. Census Bureau is recruiting, more information is available on the Town website. There is a new monitor in the lobby of the Municipal Center that shows the production from the Solar field at the transfer station. The Tax Office will be renovating, and they have been collaborating with Finance. The Master Plan process is continuing.

Public Hearings

19-63 Ordinance #2019-004 – Amend Article III, General Provisions of the Zoning Ordinance to allow Electric Vehicle Charging Stations –*Planning Director George Sioras presenting*

Planning Board member and State Representative John O'Connor brought to the attention of the Planning Board and staff legislation at the state level (SB 517) which establishes rules under the Department of Environmental Services for municipalities and property owners with regard to electric vehicle charging stations. The purpose of the amendment is to allow vehicle charging stations in all zoning districts of the Town in a parking lot that contains six or more designated parking spaces. The revision also removes Electric Vehicle Supply Equipment as a permitted use from the Central Business District and the Traditional Business Overlay District.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-004, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 6-0-0

Resolution attached

19-64 Resolution #2019- 036 – Authorization to accept reimbursement from the Federal Emergency Management Agency – *Chief Financial Officer Susan Hickey presenting*

In September 2018, Lt. James Hoffman of the Derry Fire Department was deployed to areas impacted by Hurricane Florence as part of the Federal Emergency Management Agency, Urban Search and Rescue Program. The deployment was based on a Presidential Disaster Declaration. Lieutenant Hoffman's straight time pay, benefits along with backfill of overtime and benefits to cover his Derry scheduled shifts were reimbursed by FEMA in the amount of \$13,901.08. Lt. James Hoffman is a member of the Urban Search and Rescue Task Force. In a Presidential Emergency Declaration, members of the task force can be deployed to areas impacted by natural disasters. In September 2018, Hurricane Florence impacted the southern

states and deployment to assist in rescue efforts was issued. The Town of Derry is reimbursed by the amount received as a reimbursement for Lt. Hoffman's time and benefits as well as any overtime incurred by the Town of Derry to fill local shifts in Lt. Hoffman's absence. Under RSA 31:95-b, unanticipated revenue greater than \$10,000 require the Town Council to hold a public hearing to accept the revenues received. The total amount received is \$13,901.08 and will be reflected in the Fire Department's revenue and expenditure activity accordingly. The calculation is based on hourly pay rates, benefit costs and overtime costs incurred by the Town. The amount attributed to Lt. Hoffman is approximately \$4,700 with the remaining \$9,200 being costs to fill shifts locally as overtime and related benefits associated with those employees. Receipt of these funds allows the Town to incur no financial costs as a result of Lt. Hoffman's deployment and the necessity to fill his vacated shifts through overtime, as all costs are being reimbursed under this action.

Motion by Councilor Bourdon to open public hearing, seconded by Councilor Foote – all agreed

No one from the public spoke.

Motion by Councilor Bourdon to close public hearing, seconded by Councilor Foote – all agreed

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-036, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan

Roll Call Vote: 6-0-0

Resolution attached

New Business

19-70 Resolution #2019-039 – Establish the Derry Commerce Corridor TIF Advisory Board – *Town Administrator Dave Caron presenting*

The Town authorized the creation of two Tax Increment Finance Districts in the Town in the last 15 years. The Districts were established to provide a mechanism to fund infrastructure and other improvements with the end goal to stimulate business activity and enhance the Town's tax base. State statute requires the creation of an Advisory Board to ensure that property owners or occupants within the Districts have an opportunity to contribute to the TIF Development Plan and Financing Program. The number of Advisory Board members is at the discretion of the Town Council however, a majority must reside or own real property in or adjacent to the TIF District. The Derry Commerce Corridor as recently created by the Town Council extends the TIF District from its original location at Manchester Road to now include Crystal Avenue and portions of Birch, East Broadway and West Broadway. It is recommended that the Town Council appoint three eligible owners or occupants from this area, as well as including two members of the Economic Development Advisory Committee. Per statute, the Board would ensure TIF District compliance with reporting requirements, provide feedback on District activities, and can appeal decisions or actions to the Council. It is envisioned that the Board would meet infrequently, after the District development plan is finalized. The by-laws were edited to change the members from the Economic Development Advisory Committee from appointed by the committee chair to recommended.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-039, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 6-0-0
Resolution attached

19-71 Resolution #2019-040 – Authorize a study of Recreation Facility needs – Town Administrator Dave Caron presenting

An RFP is requested for the purpose of looking at all recreational fields in town and developing a 7-year improvement plan that allows the Town to map out the costs and see the extent of the needs. The company hired would look at all current field conditions, utilization, design, available land, parking, field services, and school facilities including Pinkerton and determine what the best professional planned route for Derry would be. They would use information provided by this Council, Town of Derry staff, the leagues and the parents. It is requested that \$15,000 is budgeted for this study. With the expected surplus in the current budget a supplemental appropriation before the end of the fiscal year would have no impact on the tax rate or our set budget for FY19. It was agreed that another public hearing should take place on the bond since the original intention of the resolution has changed.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-040, which reads as follows [Read the Resolution], seconded by Councilor Morgan

Roll Call Vote: 6-0-0
Resolution attached

Councilor Comments

Councilor Morgan – Had concerns about candidates running up municipal fees during elections due to increased security needed for higher profile candidates.

Councilor Tripp – The mural downtown is complete, and it is a great thing for the town. Attended the Civil War Encampment with his grandsons and they were quite impressed with the Parrott Gun. The Lincoln reenactor spoke for about 30 minutes and was very interesting.

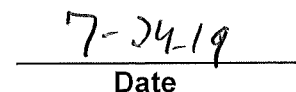
Councilor Foote – Lt. Dennis Livoli from the Derry Fire Department received the 2019 Boy Scouts of America Silver Beaver Award. The Silver Beaver Award was introduced in 1931 and is a council-level distinguished service award of the Boy Scouts of America. Dennis joined the Boy Scouts in 1982 and during his twenty-seven plus years of service, he has held many positions, volunteered countless hours, and has been awarded several honors.

Chairman Wetherbee – The Beaver Lake Improvement Association will be meeting Saturday at 10am. A New Hampshire representative from DOT will be there discussing Exit 4A.

Adjournment: 9:00 p.m.


Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk


Date



ORDINANCE

Number 2019-004

Amend Article III, General Provisions
to Allow Electric Vehicle Charging Stations

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 has established an Electric Vehicle Charging Stations Infrastructure Commission to make recommendations on development, rule changes, and funding sources, and

WHEREAS, the Planning Board recognizes the advancements in and popularity of electric vehicles and seeks to encourage their use in the community; and

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

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows: Article III, General Provisions, to add Section 165-41.1, Electric Vehicle Charging Stations, to allow the use in all zoning districts with restrictions and amend Article VI, District Provisions, Section 165-33.B.25 and Section 165-49.B.20, to remove Electric Vehicle Supply Equipment as a permitted use.

This Ordinance shall take effect thirty days after its adoption.

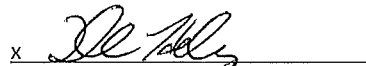
Adopted: June 18, 2019

Attest:

x 

Neil F. Wetherbee, Council Chair

Date: 6-18-19

x 

Daniel Healey, Town Clerk

Date: 6-18-19

Archival Ref: Agenda Item #19-63



RESOLUTION

Number 2019-036

To Accept Reimbursement from the Federal Emergency Management Agency

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

WHEREAS, a member of the Derry Fire Department was activated to assist with emergency relief efforts after Hurricane Florence; and

WHEREAS, the Federal Emergency Management Agency (FEMA) reimburses the Town for both the cost of the employee and the cost to fill the vacated shifts at Derry Fire;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept such funds from FEMA in the amount of \$13,901.08 to reimburse the Town for all expenses associated with Lt. Hoffman's deployment.

This Resolution shall take effect immediately upon its passage.


Adopted: June 18, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 6-18-19

x 

Daniel Healey, Town Clerk

Date: 6-18-19

Archival Ref: Agenda #19-64



RESOLUTION

Number 2019-039

To Establish the Derry Commerce Corridor TIF Advisory Board

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

WHEREAS, the Town Council established the Derry Commerce Corridor TIF District; and

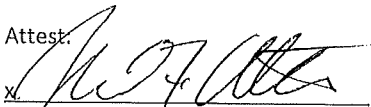
WHEREAS, State Statutes requires that an Advisory Board be created provide input and guidance on TIF District activities;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby establishes the Derry Commerce Corridor TIF District Advisory Board, to operate in accordance with the attached By-Laws.

This Resolution shall take effect immediately upon its passage.

Adopted: June 18, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 6-18-19

x 

Daniel Healey, Town Clerk

Date: 6-18-19

Archival Ref: Agenda Item #19-70



RESOLUTION

Number 2019-040

To Authorize a Study of Recreation Facility Needs

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

WHEREAS, Section 9.7 of the Town Charter authorizes the Town Council to make transfers of appropriations; and

WHEREAS, the Town Council recently authorized \$1.8M in bonds for recreation facilities; and

WHEREAS, the community's recreation offerings and facilities are complex and result in competing demands for additional resources; and

WHEREAS, it is in the best interest of the Town to commission a review of recreation resources and needs prior to making a final decision on investments into recreational facilities;

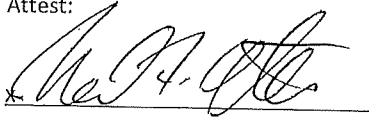
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to seek proposals and execute a contract to produce recommendations for investments in recreation facilities, and establish a target cost of \$15,000 to be funded from FY 19 appropriations;

FURTHER, should circumstances warrant that the Town Administrator shall return to the Council for a Transfer of Appropriations pursuant to Section 9.7 of the Town Charter.

This Resolution shall take effect immediately upon its passage.

Adopted: June 18, 2019

Attest:



Neil Wetherbee, Council Chair

Date: 6-18-19

x 

Daniel Healey, Town Clerk

Date: 6-18-19

Archival Ref: Agenda Item #19-71