

## TOWN OF DERRY

Town Council  
Derry Municipal Center

June 20 2017  
Tuesday - 7:30 PM

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7:00 PM Non-Public Session RSA 91A:3 II (c)  
7:30 PM Call to order

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

**Councilor Tripp moves to seal RSA 91A:3 II (c), seconded by Councilor Foote**  
**Roll Call Vote: 7-0-0**

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

**Roll Call:** Councilors Chirichiello, Foote, Tripp, Wetherbee, Katsakiores, Morgan and Chairman Bourdon

Present: TA David Caron, Town Clerk Daniel Healey, CFO Susan Hickey

### **Consent Agenda**

**17-82 Approve Non-Public Minutes – June 6, 2017 – minutes sealed**

**17-83 Approve Minutes – June 6, 2017**

**Consent agenda approved**

### **Chairman's Report – Joshua Bourdon**

Councilor Wetherbee gave an update on the Derry Farmer's market and reported that the vendors have been doing well and more work is being done to try and partner with downtown businesses. At 6:15pm on Wednesday a group will be biking to Windham/Salem and then back if anyone wants to join.

Councilor Morgan suggests putting out an RFP on 19 Elm Street if zoning was not an issue to see the responses the town would get back. It is possible that the zone could be widened to include commercial use.

**Councilor Wetherbee MOVES THAT the Town Council release an RFP on 19 Elm St**  
**seconded by Councilor Katsakories**

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

**Councilor Morgan MOVES THAT the Town Council amend the motion to include Abbott Court, Seconded by Councilor Wetherbee**

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

Chairman Bourdon read a proclamation to recognize Police Chief Edward Garone on his 45 years of service to the Town of Derry.

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

The cable workshop was held on June 13 and HR will begin the recruitment process by advertising internally. When the notes are provided by the consultant, staff will present a strategic plan. Draft operating guidelines have been developed and are being circulated internally and with legal counsel for the sign at the Derry Opera House.

CFO Susan Hickey presented an outline of structural changes to the budget which will allow for more transparent comparisons between budget years, and consolidate some accounts to increase internal efficiencies.

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

**Open Public Forum – all agreed**

Marc Flattes: Linlew Dr – Congratulated Chief Garone. Likes Economic Development and RFPs, does not like the Zoning issues. Would like the council to come up with ideas for 19 Elm Street and suggests a public safety building.

Lynn Perkins: Woodland St – Presented some of the issues the school board faces with Pinkerton Academy and gave some direction and guidance to the council on how Pinkerton operates.

**Motion by Councilor Morgan to suspend the rules, seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

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

**Public Hearings**

**17-70 Sewer Commissioners: FY2017 Supplemental Appropriation of \$40,000 – Sewer Enterprise Fund**

David Caron presented the Supplemental Appropriation. The Derry Town Council adopted an FY2017 Sewer Enterprise Fund budget of \$2,220,563. As of 5/22/17, there is a remaining balance of \$348,900. After debt service payments and payroll to year end as well as utilities and other operating expenses, there is a projection of \$40,000 over-expenditure of the Sewer Enterprise Fund bottom line. FY2017 Sewer Fund expenses included an unanticipated 10% increase in pumping and aeration electrical costs of \$20,000 and an additional \$20,000 in repair costs to replace a 500 hp WWTP aeration blower motor drive. In accordance with Section 9.6 of the Town Charter, a supplemental appropriation of \$40,000 is requested to offset those expenses and to balance the budget.

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

No one from the public spoke.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-038, which reads as follows [*Read the Resolution*], seconded by Councilor Chirichiello**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**17-71** Zoning Ordinance – Amend Article II, Section 165-5, to add new definitions and to amend definitions for Commercial Service Establishment & Library  
George Sioras and Bob Mackey presented the revisions to the Derry Zoning Ordinance. The purpose of the changes is to define uses that are currently undefined in the ordinance and to clarify existing definitions or classes of uses. The Planning Board unanimously approved the revisions to the Derry Zoning Ordinance on May 3, 2017.

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

No one from the public spoke.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-003, which reads as follows [*Read the Ordinance*], seconded by Councilor Foote**  
**Roll Call Vote: 7-0-0**  
**Ordinance attached**

**17-72** Zoning Ordinance – Amend Article II, Section 165-5, definitions for Accessory Dwelling Unit and to amend Article II, Section 165-25 to revise the provisions regarding the creation of an Accessory Dwelling Unit  
George Sioras and Bob Mackey presented the revisions to the Derry Zoning Ordinance. The purpose of the changes is to conform to recent changes in the State RSA's which become effective at the end of June 2017. The Planning Board held several workshops over the last few months and unanimously approved the revisions to the Derry Zoning Ordinance on May 17, 2017.

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

Marc Flattes: Linlew Dr – Section C states that 4 parking spaces are needed. He questions how much green space is needed and what would happen if someone could not fit 4 spaces. He was told that a variance from the Zoning Board for a hardship could be granted.

Donald Burgess: High St – Gave his insight as an alternate member of the Zoning Board. Stated that certain things can be changed by the discretion of the Council.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-004, which reads as follows [*Read the Ordinance*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Ordinance attached**

**17-73 Supplemental Appropriation to transfer funds from Winter Maintenance Fund to the General Fund**

Mike Fowler presented the Supplemental Appropriation to transfer funds from the Winter Maintenance Fund to the General Fund. The Town of Derry Highway Division experienced an abnormally active winter. These operations require Derry Public Works overtime and contracted equipment to perform the required duties along with use of rock salt for ice control. The budget is for an average winter, but the winter of 2016/2017 exceeded that average. Expenses for other divisions with related tasks such as Buildings & Grounds and Vehicle Maintenance have support roles to the Highway Operation and incurred the same cost overruns due to the severity of the winter. It is recommended that the Council transfer \$218,000 from the Winter Maintenance Fund to cover winter related expenditures.

**Motion by Councilor Morgan to open public hearing, seconded by Councilor Katsakiores – all agreed**

No one from the public spoke.

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

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-039, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**17-74 Supplemental Appropriation transfer funds from DPW Capital Reserve to the General Fund**

Mike Fowler presented the Supplemental Appropriation to transfer funds from the DPW Capital Reserve to the General Fund. There were two unbudgeted capital items which required immediate attention due to the critical function of each piece of equipment. A vehicle lift that was put into service in 1998 was deemed unsafe during a routine annual inspection. The cost of a new lift was \$30,501 and was approved by the Town Administrator and placed into service in December of 2016. The second item was a new dump body truck. An inspection of the 2006 10 wheel dump truck revealed major safety issues due to corrosion of the existing dump body and slide-in spreader. The truck was not scheduled for replacement until FY2022 so a new dump body and slide-in spreader was purchased in order for the truck to be available for winter operations. This was a critical repair given that the Town only has three 10 wheel dump trucks in the fleet. The cost for the repairs was \$30,990. It is recommended that the Council transfer \$61,491 from the DPW Capital Reserve Fund to cover supplemental appropriations in the Highway and Vehicle Maintenance divisions.

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

No one from the public spoke.

**Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Wetherbee – all agreed**

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-040, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

#### **Old Business**

##### **17-86 Town Council direction on land offering**

The Council received information from a local realtor during public comment at the June 6 meeting regarding the availability of land on Rockingham Road. The council is not interested in this property.

#### **New Business**

##### **17-84 Zoning Board of Adjustment Appointment**

**Chairman Bourdon moves to appoint Michelle Navarro as a member of the Zoning Board of Adjustment for a 3 year term to expire March 31, 2020, seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**

##### **17-85 Highway Safety Committee Appointment**

**Chairman Bourdon moves to appoint Ronald Goldthwaite as a member of the Highway Safety Committee for a 1 year term to expire March 31, 2018, seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**

#### **Council Comments**

Councilor Tripp – The VFW had a flag retirement at Broadview Farm. Thanked the Conservation Commission and the Sea Cadets from Raymond for their help. 1,279 flag were retired.

Councilor Morgan – The Economic Development Advisory Committee compliments Liquid Blue and all the local contractors that helped. Kudos to the staff and Dave Caron. There will be a Buxton report at the August or September town council meeting. The Council voted to release an RFP for 19 Elm Street tonight. There will be a realtor's conference in August where the development in Derry could be discussed. The Derry Veteran's Assistance Fund handed the keys to the veteran at 213 Island Pond Road and there was a contractor's barbeque at the Derry Boys and Girls club. Wanted to recognize Ernie St. Pierre for all the work he has done for the Veteran's Assistance Fund.

Councilor Chirichiello – There's a sub-committee on the Planning Board working on agenda action items. The Hazmat Committee met tonight and they are working on some issues.

Councilor Foote – The Taylor Library has many events coming up including Tiny Tot Story Hour, Don Ball Park Story Hour, Lego Club, Carnival Night, and a Teddy Bear Sleepover. More information can be found on their website at: [taylorlibrary.org](http://taylorlibrary.org). The Derry Housing and Redevelopment Committee has been doing a great job. Congratulated Chief Garone on his 45 years of service. Made a general PSA to not leave dogs in the car during the heat, he has personally seen 3 cases of this.

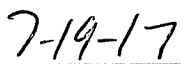
Councilor Katsakiores – The Heritage Commission presented the Boston Post Cane to 97 year old James Bilotta. He is a Pearl Harbor survivor and was sponsored by the VFW.

Councilor Wetherbee – The Conservation Commission closed on the Sawyer Property and an RFP process has been started. Conservation is close to closing on the Willow Street property.

Chairman Bourdon – The Energy and Environmental Advisory Committee held the biggest Jr. Solar Sprint this past weekend and everyone had a great time. Thanked Randall Kelley for his help. The Net Zero Task Force has been working closely with Mike Fowler and Dave Caron and they hope to be able to present something to the Council at the next meeting in July. Discussed the upcoming goals workshop and meetings. This weekend is the 3rd Annual Run for Recovery with the proceeds going to the Derry Friendship Center. It is a 5k race/walk that starts at 9am.

**Adjournment: 9:35 p.m.**

  
\_\_\_\_\_  
Town Clerk

  
\_\_\_\_\_  
Date

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





## RESOLUTION

Number 2017-038

To Approve a Supplemental Appropriation for FY17 Sewer Enterprise Fund  
Budget

WHEREAS, Section 9.6 of the Town Charter authorizes the Town Council to approve appropriations not included in the annual budget as adopted; and

WHEREAS, the Derry Town Council, in May of 2016 acting in its capacity as the Sewer Commissioners, approved a \$2,220,563 Fiscal Year 2017 budget for the Sewer Enterprise Fund; and

WHEREAS, there is a projected \$40,000 shortfall in the Sewer Enterprise Fund budget due to unanticipated electrical and maintenance repair costs, and

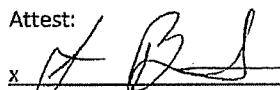
WHEREAS, the Sewer Fund is an Enterprise Fund which relies upon sewer fees and other non-property tax revenues to fund its expenses;

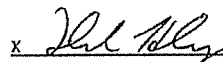
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council, acting as the Sewer Commissioners, approves a supplemental appropriation to the FY2017 Sewer Enterprise Fund in the amount of \$40,000.

This Resolution shall take effect immediately upon its passage by a 2/3 vote of the entire Council.

Adopted: June 20, 2017

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 6/20/17

x   
Daniel Healey, Town Clerk  
Date: 6/29/17

Archival Ref: TC agenda Item #17-70





ORDINANCE  
Number 2017-003

Amending Article II Section 165-5 Definitions to Add New Definitions  
and Amend Existing Definitions for Commercial Service Establishments  
and Library

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, a goal of the Planning Board is to review and update portions of the Zoning Ordinance, particularly Definitions; and

WHEREAS, the Planning Board has identified necessary changes and additions to Definitions as they pertain to Commercial Service Establishments and Library, 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 II, Section 165-5, Definitions to Add New Definitions and Amend Existing Definitions for Commercial Service Establishments and Library.

This Ordinance shall take effect thirty days after its adoption.

Adopted: June 20, 2017.

Attest:

x [Signature]  
Joshua Bourdon, Council Chair  
Date: 6/20/17

x [Signature]  
Daniel Healey, Town Clerk  
Date: 6/20/17

Archival Ref: Agenda Item #17-71



## ORDINANCE

Number 2017-004

Amend Article II Section 165-5 Definitions and Amend Article III,  
Section 165-25 Accessory Dwelling Units

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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 has directed that Accessory Dwelling Units be allowed in communities throughout the State; and

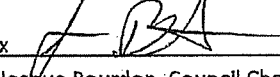
WHEREAS, the Planning Board has identified necessary amendments to bring the Town into compliance with state statutes, has held the requisite public hearing and voted to recommend this amendment to the Town Council;

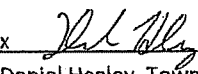
NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows: Article II Section 165-5 Definitions and Amend Article III, Section 165-25 Accessory Dwelling Units.

This Ordinance shall take effect thirty days after its adoption.

Adopted: June 20, 2017.

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 6/20/17

x   
Daniel Healey, Town Clerk  
Date: 6/20/17

Archival Ref: Agenda Item #17-72



## RESOLUTION

Number 2017-039

To Approve a Supplemental Appropriation from the Winter Maintenance  
Fund

WHEREAS, Section 9.6 of the Town Charter authorizes the Town Council to approve appropriations not included in the annual budget as adopted; and

WHEREAS, the Town experienced an abnormally active winter which resulted in the over-expenditure of a number of expense accounts, resulting in an anticipated shortfall in the overall FY17 Department of Public Works budget; and

WHEREAS, previously the Council established a Winter Maintenance Fund for the express purpose of funding excessive snow removal expenses, with said Winter Maintenance Fund replenished with unexpended appropriations which may result after mild winters;

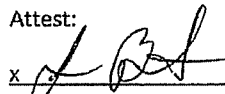
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the following supplemental appropriation to the FY17 DPW budget is approved by transferring \$218,000 from the Winter Maintenance Fund to the following accounts:

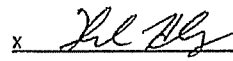
Highway Overtime	\$ 58,200
Highway Contracted Snowplowing	\$ 83,470
Highway Supplies – Maintenance	\$ 51,786
Buildings & Grounds Overtime	\$ 18,941
Vehicle Maintenance Overtime	<u>\$ 5,603</u>
	\$218,000

This Resolution shall take effect immediately upon its passage by a 2/3 vote of the entire Council.

Adopted: June 20, 2017

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 6/20/17

x   
Daniel Healey, Town Clerk  
Date: 6/29/17

Archival Ref: TC agenda Item #17-73



## RESOLUTION

Number 2017-040

To Approve a Supplemental Appropriation from the DPW Capital Reserve  
Fund

WHEREAS, Section 9.6 of the Town Charter authorizes the Town Council to approve appropriations not included in the annual budget as adopted; and

WHEREAS, the Town experienced two unanticipated expenses related to capital items which resulted in \$61,491 in unplanned costs in FY17; and

WHEREAS, typically the Department of Public Work would attempt to reprioritize its budget to cover these costs; that strategy was not feasible in FY17 due to exceptionally high snow removal costs during the abnormally active winter; and

WHEREAS, both unanticipated expenses were related to capital items which are customarily funded from the DPW Capital Reserve Fund;

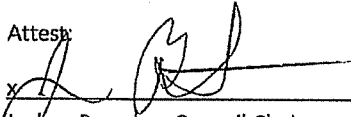
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the following supplemental appropriation to the FY17 DPW budget is approved by transferring \$61,491 from the DPW Capital Reserve Fund to the following accounts:

Vehicle Maintenance Machinery	\$ 30,501
Highway Machinery	<u>\$ 30,990</u>
	\$ 61,491

This Resolution shall take effect immediately upon its passage by a 2/3 vote of the entire Council.

Adopted: June 20, 2017

Attest:

x   
Joshua Bourdon, Council Chair

Date: 6/20/17

x   
Daniel Healey, Town Clerk

Date: 6/20/17

Archival Ref: TC agenda item #17-74