

TOWN OF DERRY

Town Council
Derry Municipal Center

June 6 2017
Tuesday - 7:30 PM

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

Councilor Wetherbee moves to leave non-public session, seconded by Councilor Morgan – all agreed

**Councilor Morgan moves to seal RSA 91A:3 II (c), seconded by Councilor Katsakories
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

Consent Agenda

- 17-66** Approve Non-Public Minutes – May 16, 2017 – **minutes sealed**
- 17-67** Approve Minutes – May 16, 2017
- 17-68** Elderly & Disabled Tax Deferral Application
- 17-69** Approve Veterans' Credits / Elderly Exemptions / Blind Exemptions
- 17-70** **Sewer Commissioners:** Schedule Public Hearing – June 20, 2017 – FY2017 Supplemental Appropriation of \$40,000 – Sewer Enterprise Fund
- 17-71** Schedule Public Hearing – June 20, 2017 – Zoning Ordinance – Amend Article II, Section 165-5, to add new definitions and to amend definitions for Commercial Service Establishment & Library
- 17-72** Schedule Public Hearing – June 20, 2017 – Zoning Ordinance – Amend Article II, Section 165-5, to add new definitions and to amend 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.
- 17-73** Schedule Public Hearing – June 20, 2017 – Supplemental Appropriation to transfer funds from Winter Maintenance Fund to the General Fund
- 17-74** Schedule Public Hearing – June 20, 2017 – Supplemental Appropriation transfer funds from DPW Capital Reserve to the General Fund
- 17-81** Acceptance of resignation – Zoning Board of Adjustment member

Consent agenda approved

Chairman's Report – Joshua Bourdon

The summer schedule for town council meetings will be July 18th and August 15th. There will be a workshop on July 20th and potentially another workshop on August 17th. The Energy Committee will be hosting a Junior Solar Sprint event on June 10th. This even has young kids working together in small teams building solar cars. Students from Hood Middle School and West Running Brook will be competing against each other. It is a National program focusing on Science, Technology, Engineering, and Mathematics. Chairman Bourdon read a proclamation

declaring June as Men's Health Month and encouraged all citizens to pursue preventative health practices and early detection efforts.

Councilor Chirichiello POINT OF ORDER to read the items on the consent agenda for the public

Councilor Wetherbee discussed the farmer's market that will open tomorrow, Wednesday June 7th between 3pm-7pm at 1 West Broadway. More information can be found on the website: derryhomegrown.org. They are at capacity for space.

Town Administrator's Report – David Caron

There will be a cable workshop facilitated by Bill Jennings on Tuesday June 13th at 6:30pm in the cable studio. On June 20th an outline of structural changes to the budget will be returned to the council. The Capital Improvement Plan will be returned to the Council over the summer months with a revised format to enhance transparency and the amount of information which will be made available to increase the public's understanding of this budgeting tool. Public Works has received proposals for the Opera House sign and they are in the process of developing operating guidelines prior to going to the Planning Board. Police Captain George Feole gave a presentation on SafetyNet Tracking Systems. The Police Department recently purchased radio tracking equipment that will aid in the search of missing individuals who are enrolled in the program. 15 officers were trained to use the equipment and they can train other members of the department. The Derry Police Department is now certified and equipped to use the equipment. Fire Chief Gagnon and Deputy Fire Chief Scott Jackson coordinated with the State Bureau of Emergency Management to sponsor a drill on the Town's emergency management capabilities. The drill was held on May 26, with participation from all town departments, the School District, Pinkerton Academy, Eversource, and Parkland Medical Center. The drill consisted of a tornado scenario and lasted 3 hours.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Steve Trefethen: Windham, NH - Discussed a piece of land that he is trying to sell near Robert Frost Farm for Conservation purposes.

Marc Flattes: Linlew Dr – Discussed a piece of land near Robert Frost Farm for Conservation purposes.

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

Old Business

- 17-60** Amend the Tax Increment Financing Plans for the Ash Street & Route 28 North Tax Increment Financing (TIF) Districts

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-026, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

New Business

17-75 Rockingham Brewery Company – samples at the Derry Homegrown Farm & Artisan Market

17-76 From the Barrel Brewing Company – samples at the Derry Homegrown Farm & Artisan Market

17-77 Backyard Brewery & Kitchen – samples at the Derry Homegrown Farm & Artisan Market

The Town recently received a request from three breweries to provide free samples of beer at the Derry Homegrown Farm & Artisan Market and are seeking authority from the Town in accordance with the mandates of NH RSA 179:44, which requires that such activity be authorized by the town's governing body and that the authorization must be in writing. The authority requested is narrow as to the location and time of operation of the Market, specifically on Wednesdays between the hours of 3:00PM and 6:00PM beginning June 7th and ending on September 20th.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-041, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakories

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

Resolution attached

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-042, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakories

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

Resolution attached

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-043, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

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

Resolution attached

17-78 Highway Safety Committee Appointment

Chairman Bourdon moves to appoint James Roddy as a member of the Highway Safety Committee, for a 1 year term to expire March 31, 2018, seconded by Councilor Katsakories

Roll Call Vote: 7-0-0

17-79 Bulletproof Vest Partnership with US DOJ

Police Captain George Feole presented the Bulletproof Vest Partnership. The Police Department was notified by the Bureau of Justice Assistance (BJA) that they are eligible to receive an award under the Fiscal Year 2017 Bulletproof Vest Partnership (BVP) program. The

award may be used for National Institute of Justice (NIJ) compliant armored vests. Based on history and current needs, the department projects that they will need to purchase fourteen bulletproof vests. They anticipate that the BJA will award \$5,600 and request authorization for the Town Administrator to accept the grant funds which will not exceed \$5,600.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-044, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp
Roll Call Vote: 7-0-0
Resolution attached

17-80 Accept gift from Derry Rotary Club for SafetyNet Tracking System
Police Captain George Feole presented the gift from the Derry Rotary Club. The Police Department purchased electronic tracking equipment that will assist in locating community members who become lost. The tracking equipment purchased by the department requires that a personal locating unit be worn by the community member who may be at risk of wandering or becoming lost. The personal locating unit can be purchased for \$500 each. The Derry Rotary Club has purchased 10 personal locating units to donate to the Police Department. The Police Department needs the town councils approval to accept this gift.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-045, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakories
Roll Call Vote: 7-0-0
Resolution attached

Council Comments

Councilor Tripp – The Derry VFW and American Legion are retiring worn flags. They can be dropped off at the transfer station or at the VFW. There will be a fire pit at Broadview Farm on June 17th to burn them and the Derry Fire Department will be present.

Councilor Morgan – The Derry Veteran's Assistance Fund will have the veteran's home completed in the next few days. They have formulated a board and are now 501 C3. Kudos to the two Derry Rotaries and the Boys and Girls Club for the Veteran's Dinner. It was attended by Senator Jeanne Shaheen. Over 330 veterans attended which was 85 more than RSVP'd. Recently met with Gordon Graham, Dan McKenna, and State Senator Birdsell to discuss the State's budget. Would like representatives to vote no on the State's budget proposal.

Councilor Chirichiello – The original governor's budget had 15% for retirement that was removed. The current Senate budget has nothing for retirement and nothing coming back to the towns. It is not finalized yet, there will be a committee conference, the house will have some say but Speaker Jasper has been informed of what is going on in Derry.

Councilor Foote – Thanked the veteran's that made the ultimate sacrifice. Attended one of the emergency response team training sessions at Pinkerton's Hackler Gymnasium. Gave kudos to the Fire Chief and his staff. Attended Touch-a-Truck and thanked everyone that made it possible, it was a great event.

Councilor Katsakories – Agreed with what the other councilors mentioned on the State budget. Touch-a-Truck was an amazing event and it could only get bigger and better. So proud of this town.

Councilor Wetherbee – The Farmer's market is this Wednesday and every Wednesday from 3pm – 7pm. If anyone has any issues in town, they should step up and try to fix it. The volunteer effort in this town is very big.

Chairman Bourdon – Come out to the Farmer's market, shop local, and spread the word. When done shopping, venture off to another local business. Questioned when the next movie night will be at MacGregor Park. Every Thursday starting June 22nd – August 3rd, the Greater Derry Track Club puts on a kids fun run at Pinkerton's football field. Ages 2-9 run at different lengths per age group. Registrations start at 6pm and the race starts at 6:30pm. On June 24th the 3rd Annual Run for Recovery will take place with the proceeds going to the Derry Friendship Center. It is a 5k race/walk that starts at 9am.

Adjournment: 9:10 p.m.



Town Clerk

6-22-17
Date

Recording & Transcription by: Daniel Healey, Town Clerk



Resolution #2017-026

To Amend the Tax Increment Financing Plans for the Ash
Street and Rte. 28 North Tax Increment Financing (TIF)
Districts

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 by investing in their development for the benefit of the Districts and the entire community; and,

WHEREAS, the Council has identified enhancing economic opportunity as a priority and has recently established an economic development office to support this goal; and

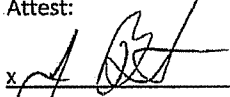
WHEREAS, it is equitable and appropriate that all commercial and industrial properties throughout the community share in the investment of maintaining the economic development office through their current property tax obligations;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council, pursuant to RSA 162-K:9, hereby amends the Tax Increment Financing Plans for the Ash Street and Rte. 28N TIF Districts, to provide funding for a share of the economic development office budget in proportion to all other commercial and industrial properties in the community, and further authorizes the annual review and recalculation of the TIF share to maintain proportionality.

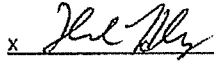
This Resolution shall take effect with the adoption of the FY18 budget.

Adopted June 6, 2017.

Attest:

x 

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

x 

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

Archival Ref: Agenda Item #17-60



RESOLUTION

Number 2017-041

To Authorize Rockingham Brewery Company to serve beer 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 authorize the provisions of RSA 179:44; and

WHEREAS, RSA 179:44 II-a authorizes wine manufacturers, beverage manufacturers, nano breweries and brew pubs to provide samples for tasting at a farmers' market, contingent upon written authorization by the Governing Body;

WHEREAS, the community is attempting to grow the Derry Homegrown Farm and Artisans Market to better serve the community, and authorizing such activities will assist with that goal;

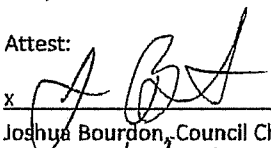
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Rockingham Brewery Company is hereby authorized to provide beer tasting samples in accordance with state statutes during all Derry Homegrown Farm and Artisan Market events for the 2017 season.

This Resolution shall take effect immediately upon its passage.

Adopted: June 6, 2017

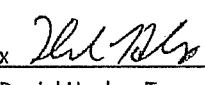
Attest:

x


Joshua Bourdon, Council Chair

Date: 6/6/17

x


Daniel Healey, Town Clerk

Date: 6/6/17

Archival Ref: Agenda Item #17-75



RESOLUTION

Number 2017-042

To Authorize From the Barrel Brewing Company to serve beer 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 authorize the provisions of RSA 179:44; and

WHEREAS, RSA 179:44 II-a authorizes wine manufacturers, beverage manufacturers, nano breweries and brew pubs to provide samples for tasting at a farmers' market, contingent upon written authorization by the Governing Body;


WHEREAS, the community is attempting to grow the Derry Homegrown Farm and Artisans Market to better serve the community, and authorizing such activities will assist with that goal;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that From the Barrel Brewing Company is hereby authorized to provide beer tasting samples in accordance with state statutes during all Derry Homegrown Farm and Artisan Market events for the 2017 season.

This Resolution shall take effect immediately upon its passage.

Adopted: June 6, 2017

Attest:

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

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

Archival Ref: Agenda Item #17-76



RESOLUTION

Number 2017-043

To Authorize Backyard Brewery to serve beer 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 authorize the provisions of RSA 179:44; and

WHEREAS, RSA 179:44 II-a authorizes wine manufacturers, beverage manufacturers, nano breweries and brew pubs to provide samples for tasting at a farmers' market, contingent upon written authorization by the Governing Body;


WHEREAS, the community is attempting to grow the Derry Homegrown Farm and Artisans Market to better serve the community, and authorizing such activities will assist with that goal;

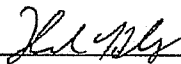
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Backyard Brewery is hereby authorized to provide beer tasting samples in accordance with state statutes during all Derry Homegrown Farm and Artisan Market events for the 2017 season.

This Resolution shall take effect immediately upon its passage.

Adopted: June 6, 2017.

Attest:

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

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

Archival Ref: Agenda Item #17-77



RESOLUTION

Number 2017-044

To Accept a Bureau of Justice Assistance Grant for Personal Body Armor

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

WHEREAS, funding is available through the Department of Justice, Bureau of Justice Assistance for Personal Body Armor; and

WHEREAS, the Town foresees the need to purchase fourteen vests during this budget period, and the DOJ would reimburse the Town for 50% of the cost of this purchase (\$5,600); and

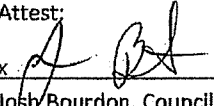
WHEREAS, the availability and use of Personal Body Armor is vital to an officer's safety;

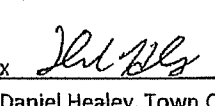
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend such funds derived from the Department of Justice, Bureau of Justice Assistance grant and to enter into agreements with the DOJ as may be necessary to finalize receipt of this grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: June 6, 2017

Attest:

x 
Josh Bourdon, Council Chair
Date: 6/6/17

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

Archival Ref: Agenda #17-79



RESOLUTION

Number 2017-045

To Accept a Donation from the Derry Rotary Club for the SafetyNet Tracking System
Program

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

WHEREAS, the Derry Police Department recently purchased electronic tracking equipment that will assist in locating community members who become lost; and

WHEREAS, the most effective use of the program is to have Personal Locating Units (PLU) available to community members most at risk; and

WHEREAS, the Derry Rotary Club has generously offered to purchase 10 PLUs to donate to the Town;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that a gift in the amount of \$3,999.99 from Derry Rotary Club to purchase 10 PLUs is hereby accepted with thanks and appreciation from the Derry community.

This Resolution shall take effect immediately upon its passage.

Adopted: June 6, 2017

Attest:

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

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

Archival Ref: Agenda #17-80