

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday June 20, 2023
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Foote

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

Roll Call: Councilors Katsakiores, MacEachern, Flood, Granese, Spencer, Chirichiello and Chairman Foote

Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

Motion by Councilor MacEachern to open public forum, seconded by Councilor Spencer
All Agreed

Jim Deizel, Hunter Drive – Kelsen Plaza is on Ash Street Extension.

Motion by Councilor Chirichiello to close public forum, seconded by Councilor MacEachern
All Agreed

Consent Agenda

- | | |
|--------------|---|
| 23-69 | Approve Non-Public Minutes – June 6, 2023 – Minutes Sealed |
| 23-70 | Approve Minutes – June 6, 2023 |

Councilor MacEachern moves to approve Items 23-69 and 23-70 on the Consent Agenda, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-1 (Foote)

- | | |
|--------------|---|
| 23-71 | Ordinance #2023-003 – Amend Article V of the Zoning Ordinance to revert certain lots back to the Central Business District |
| 23-72 | Resolution #2023-045 – Accept & Expend Unanticipated Highway and Bridge Revenues from the State of New Hampshire |
| 23-73 | Resolution #2023-046 – To Approve a Supplemental Appropriation to Purchase Capital Equipment and to Authorize the Execution and Delivery of a Master Lease Purchase Agreement Therefore |

Councilor MacEachern moves to approve Items 23-71, 23-72 and 23-73 on the Consent Agenda, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Chairman Report – Charles Foote

**Councilor Chirichiello moves to MOVE Item 23-68 from New Business Agenda to NOW, seconded by Councilor Granese
Roll Call Vote: 7-0-0**

23-68 Resolution #2023-043 – To Appoint an Electric Aggregation Committee –
Director of Public Works Mike Fowler presenting.

This Resolution is for the Town Council to formally establish the Electric Aggregation Committee in order for the Town to explore efforts to provide community members with an opportunity to save on their utility bills.

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-043 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached**

Committee Appointment

Electric Aggregation Committee

**Chairman Foote moves to appoint Tom Cardon, John O'Connor, Michael Fodiman, Christopher Cox and Jeff Moulton as Members of the Electric Aggregation Committee for a term to expire upon completion of their report, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0**

Councilor Spencer will serve as the committee liaison.

Town Administrator's Report – Dave Caron

MV revenues have exceeded the amount anticipated for FY23. We expect all major revenue sources to exceed the budget by fiscal year end, with the exception of mattress recycling. The Northeast CPI-U, which is cited in the Town Charter as the measurement for the tax cap calculation, is down to a 3.1% annual increase as of the end of May. The measurement ended the last year at 6.1%. In regard to the Central Fire Station, the Alteration of Terrain Permit was applied for on 5/19/2023. Projection at this point is 90+ days based off State reporting with an estimated finish date of 8/21/2023. Early Bid Package Prep for Site Foundations, Electric and HVAC was completed on 6/2/2023. We are awaiting water collection/infiltration confirmation. Site Clearing, Strip Topsoil, Rock Removal starts 8/23/2023 and should finish around 11/14/2023. Foundations should be completed by 11/28/2023. Final Construction Documents including steel prep should be ready 9/4/2023. Building Construction, Parking Areas and Landscaping estimated date of completion 11/5/2024. The status of Exit 4A – Contract A is about 25% complete and on schedule to be complete in the fall of 2024, weather permitting. Contract B status is at 85% of design completion. Anticipated start date of Summer 2024. As you know a group of abutters filed suit against the Town and LMG when the Zoning Board granted several variances associated with the redevelopment of Abbott Court. That action has been resolved between LMG and the plaintiffs and the appeal to the NH Supreme Court has been withdrawn. LMG and the Town are now proceeding with a Master Development

agreement between the parties which will guide redevelopment of that land and will be before the Council for review and approval in either July or August. Simultaneously, LMG is preparing its plans and documents for review by the Planning Board.

New Business

- 23-67** Resolution #2023-042 – Amend the Intermunicipal Agreement with the Town of Londonderry to provide wastewater services – *Deputy Director Tom Carrier presenting*

In February 2021, the Towns of Derry and Londonderry approved a revised Intermunicipal Agreement (IMA) by which Derry provides wastewater service to the Town of Londonderry. On December 16, 2022, NH DES conducted an Industrial Pretreatment Program Compliance Inspection of Londonderry's program. A review of the Derry-Londonderry IMA was conducted by NH DES as part of that inspection. The Inspection recommended that the IMA add definitions consistent with the definitions used in Derry's sewer use ordinance and add an arbitration clause in the IMA.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-042 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 7-0-0
Resolution attached

- 23-74** Resolution #2023-044 – To Adopt the Town Council's FY24 Action Plan – *Town Administrator Dave Caron presenting.*

The FY24 Action Plan.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-044 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 7-0-0
Resolution attached

- 23-75** Resolution #2023-047 – To Authorize the Restoration of Involuntarily Merged Lots – *Planning Director George Sioras presenting.*

RSA 674:39-aa Restoration of Involuntarily Merged Lots provides relief to taxpayers who had their lots merged prior to September 18, 2010 by municipal action for zoning, assessing or taxation purposes without consent of the owner. Map/Lot 02-057, 2 Bowers Road, was "merged" together for assessing and tax purposes, however a title search shows 2 distinct referenced lots dating back to 1963. This resolution would allow for the restoration of Map/Lot 02-057 back to its pre-involuntarily merged status consisting of lots #2 and #3 as shown on a plan recorded at the Rockingham County Registry of Deeds, surveyed by DL Kimball dated March 18, 1963.

Councilor Granese MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-047 which reads as follows [Read the Resolution], seconded by Councilor Spencer

Roll Call Vote: 7-0-0
Resolution attached

- 23-76** Resolution #2023-048 – To Authorize the Use of Bond Proceeds for Hood Park Facility Improvements – *Public Works Director Mike Fowler presenting.*

The Town Council authorized the issuance of a 1.8-million-dollar bond in 2018 to improve parks & recreation facilities. Currently, there is a balance of \$500,000 of unspent and unassigned bond proceeds. We would like to designate \$125,000 to furnish lighting at O'Hara field. Reduce the initial allocation to Alexander-Carr Lodge renovations by \$50,000. Rescind the implementation of lighting upgrades at Don Ball Park in the amount of \$75,000. Obligate the sum of \$500,000 from the bond for completion of the Hood Park project.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-048 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

- 23-77** Resolution #2023-049 – To Approve the Purchase of Land on English Range Road for Conservation and Water Division Purpose – *Town Administrator Dave Caron presenting.*

This Resolution is for Town Council approval to sign all documents necessary to partner with the Conservation Commission to purchase land at 82 English Range Road for both conservation purposes and the potential site for a municipal water tower. After the appraisal was completed, the purchase price was reduced to \$435,000 which reflects the value of the raw land plus the land for the water tower site.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-049 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

- 23-78** Resolution #2023-050 – To Approve the Placement of a Historical Marker Commemorating Alan Shepard – *Town Administrator Dave Caron presenting.*

The Town received a request from Griffin Hansen to support his request to the State of New Hampshire to place a Historical Marker at the birthplace of Alan Shepard on East Derry Road. The Marker, if approved by the State, would be erected and maintained by NHDOT.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-050 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 7-0-0
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Flood – July 22nd there will be a Pizzastock event at the Boy's and Girl's Club of Derry from 12PM to 8:30PM. This is a musical event of some amazing local youth talent, and everyone should come and listen. We will also be having a proclamation for the Survivors of Suicide Day.

Councilor Katsakiores – Today was the grand opening of the New Hampshire State Liquor Store. I am glad it has returned to Derry.

Motion by Councilor MacEachern to ADJOURN, seconded by Councilor Spencer
All Agreed

Adjourn: 8:05PM


Town Clerk


Date

Recording & Transcription by: Cristina Guilford, Town Clerk



RESOLUTION

Number 2023-050

To Authorize the Placement of a Historical Marker Honoring Alan Shepard

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

WHEREAS, Alan Shepard is one of Derry's most famous citizens, having graduated from Pinkerton Academy and was the first American in space and the fifth to walk on the moon; and

WHEREAS, the State of New Hampshire sponsors the Historical Highway Marker Program which illustrate the depth and complexity of the state's history and the people who made it; and

WHEREAS, the Town has received a request to support placement of a marker commemorating Mr. Shepard's time in Derry;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby endorses the placement of a historical marker on East Derry Road at the site of Alan Shepard's birthplace.

This Resolution shall take effect immediately upon its passage.

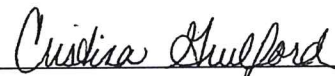
Adopted: June 20, 2023.

Attest:

x 

Charles Foote, Council Chair

Date: June 20, 2023

x 

Cristina Guilford, Town Clerk

Date: June 20, 2023

Archival Ref: TC agenda item #23-78



RESOLUTION

Number 2023-049

To Approve the Purchase of Land on English Range Road for
Conservation and Water Division Purposes

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

WHEREAS, the Conservation Commission has indicated an interest in conserving 42.7 acres at 82 English Range Road; and

WHEREAS, the location of this parcel has been identified by the Water Division as preferable for the potential future location of a water tank; and

WHEREAS, the Derry Conservation Commission has authorized its participation in the conservation of this land by pledging \$335,000 towards this acquisition; and

WHEREAS, the Town Council under Resolution #2023-012 has appropriated \$100,000 for the potential water tank site;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council pursuant to authority granted under RSA 36-A:4 I hereby approves the Conservation Commission's acquisition of 42.7 acres at 82 English Range Road and authorizes the Town Administrator to execute all necessary documents on behalf of the Town.

This Resolution shall take effect immediately upon its passage.

Adopted: June 20, 2023.

Attest:

x 

Charles Foote, Council Chair

Date: June 20, 2023

x 

Cristina Guilford, Town Clerk

Date: June 20, 2023

Archival Ref: TC agenda item #23-77



RESOLUTION

Number 2023-047

To Authorize the Restoration of Involuntarily Merged Lots

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

WHEREAS, the Town is required to comply with state statutes; and


WHEREAS, RSA 673:39-aa requires the Town to allow lots previous merged by the community without the consent of the owner an opportunity, upon request, to restore the properties back to their original individual lots; and


WHEREAS, the lots under consideration meet all applicable statutory requirements;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that, pursuant to RSA 674:39-aa the restoration of Map/Lot 02-057 back to its pre-involuntarily merged status consisting of lots #2 and #3, as shown on a plan recorded at the Rockingham County Registry of Deeds surveyed by D.L. Kimball dated March 18, 1963, is hereby granted.

Adopted: June 20, 2023.

Attest:

x 
Charles Foote, Council Chair
Date: June 20, 2023

x 
Cristina Guilford, Town Clerk
Date: June 20, 2023

Archival Ref: Agenda #23-75



RESOLUTION

Number 2023-044

To Adopt the Town Council's FY 24 Action Plan

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 has established an Action Plan to ensure that public funds are expended in a manner which reflect community priorities; and

WHEREAS, the Action Plan results from the Council's interactions with the public, Town boards and commissions, staff and other stakeholders;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the attached FY24 Action Plan is hereby adopted, and the Town Administrator is directed to report back to the Council on a quarterly basis with updates on the plan's implementation.

This Resolution shall take effect immediately upon its passage.

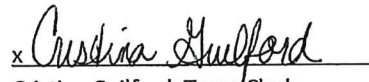
Adopted: June 20, 2023

Attest:

x 

Charles Foote, Council Chair

Date: June 20, 2023

x 

Cristina Guilford, Town Clerk

Date: June 20, 2023

Archival Ref: Item #23-74



RESOLUTION

Number 2023-042

To Amend the Intermunicipal Agreement with the Town of Londonderry
to Provide Wastewater Services

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

WHEREAS, the Department of Public Works has maintained a lengthy relationship with the Town of Londonderry by providing wastewater disposal services; and

WHEREAS, the Town Council approved a revised Intermunicipal Agreement with Londonderry pursuant to Resolution #2021-015; and

WHEREAS, the New Hampshire Department of Environmental Services has requested amendments to the Agreement to include definitions, periodic review period and a dispute resolution process.

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator and the Town Council Chair are hereby authorized to execute an Intermunicipal Agreement, pursuant to RSA 149-I:4, between the Towns of Derry and Londonderry to continue providing Wastewater Services by adding definitions, a periodic review period and a dispute resolution process.

This Resolution shall take effect immediately upon its passage.

Adopted: June 20, 2023

Attest:

A handwritten signature in black ink, appearing to read "C. Foote", written over a horizontal line.

Charles Foote, Council Chair

Date: June 20, 2023

A handwritten signature in black ink, appearing to read "Cristina Guilford", written over a horizontal line.

Cristina Guilford, Town Clerk

Date: June 20, 2023

Archival Ref: Agenda Item #23-67



RESOLUTION

Number 2023-048

To Authorize the Use of Bond Proceeds for Hood Park Facility Improvements

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

WHEREAS, the Council previously authorized a Supplemental Appropriation for Recreation Facilities pursuant to Resolution #2018-067; and

WHEREAS, the Town Council previously authorized the Town Administrator to implement the Recreation Facilities Plan pursuant to Resolutions #2020-031 and 2023-014; and

WHEREAS, a combination of market conditions, prioritization of projects to be completed and the amount of available funds require a reallocation of resources among those projects;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to implement the following:

1. Designate \$125,000 to furnish lighting at O'Hara Field.
2. Reduce the initial allocation to Alexander-Carr lodge renovations by \$50,000.
3. Rescind implementation of lighting upgrades at Don Ball Park in the amount of \$75,000.
4. Obligate the sum of Five Hundred Thousand Dollars (\$500,000) from the Recreation Facilities Bond for the completion of the Hood Park project.

Adopted: June 20, 2023

Attest.

A handwritten signature in black ink, appearing to read "Charles Foote".

Charles Foote, Council Chair

Date: June 20, 2023

A handwritten signature in black ink, appearing to read "Cristina Guilford".

Cristina Guilford, Town Clerk

Date: June 20, 2023

Archival Ref: TC agenda item #23-76
