

## TOWN OF DERRY

Town Council  
Derry Municipal Center

July 18 2017  
Tuesday - 7:00 PM

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5:45 PM	Consultation with legal counsel
6:30 PM	Non-Public Session RSA 91A:3 II (b)
7:00 PM	Richard Holmes - Recognition

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Councilor Katsakories read a proclamation from Governor Sununu.  
Councilor Chirichiello read a proclamation on the behalf of the New Hampshire State senate.  
Councilor Tripp read a declaration from the New Hampshire House of Representatives signed by Speaker Jasper and given by the 10 Derry State Representatives.

Karen Anderson - Worked with Richard and got her involved  
John O'Connor – Great with research and with kids, got the white potato recognized as being first grown in Derry  
Al Dimmock – Richard Holmes has done a great job in this town  
Margie Ives – Thanked Richard Holmes for all he's done  
Chief Garone – Thanked Richard Holmes wife  
Eileen Chabot – The cemetery walks inspired her son  
Marc Flattes – Thanked Richard Holmes for showing him the history of Derry  
Richard Holmes – Couldn't have done it without the support and love of his wife. Everyone in Derry is part of its history, he will still be around, thanked everyone.

**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 (b), 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**

- 17-86** Approve Cable Workshop Minutes – June 13, 2017
- 17-87** Approve Non-Public Minutes – June 20, 2017 – **minutes sealed**
- 17-88** Approve Minutes – June 20, 2017
- 17-89** Schedule Public Hearing – August 15, 2017 – Resolution #2017-51, to approve a Supplemental Appropriation for the Ash Street TIF District
- 17-90** Schedule a Public Hearing – August 15, 2017 – Resolution #2017-52 Supplemental Appropriation – Municipal Water System Extension

**Consent agenda approved**

**Chairman's Report** – Joshua Bourdon

Thursday July 20<sup>th</sup>, the Council will meet in the cable studio to discuss the councilor goals.

Senate President Chuck Morse and State Senator Regina Birdsell gave an update after concluding the legislative session for the year. A budget of 11.7 billion dollars was passed which did not raise any new taxes or fees. It doubles the funding for the opiate crisis. Full day kindergarten is now available, election integrity has been strengthened and 37 million has gone back to the towns for road and bridge work. Councilor Morgan discussed Derry's needs and revenue issue. He would like a committee to get together to further discuss this. The Senators recognize the importance of Derry and are willing to try to help.

Director of Public Works Mike Fowler and the Chairman of the Net Zero Committee Jeff Moulton presented some ideas for Solar Installation at Town Facilities. Several Town facilities were initially reviewed on criteria including most favorable sun exposure, return on investment and rebate structure. Out of that analysis, two locations were selected for possible solar panel installation. A roof mounted system for Marion Gerrish Community Center and a ground mounted system at the new Transfer Station were moved forward as the most viable candidates. Electricity produced at both sites would be used to power the building or exported to the grid when there is a surplus available. The systems are expected to have a 25 year service life. Electricity production at Marion Gerrish Community Center is estimated to be 28,718 kWh annually. Electricity production at the Transfer Station is estimated to be 145,500 kWh annually.

**Councilor Morgan moves to approve an RFP process at each site, seconded by Councilor Foote**  
**Roll Call Vote: 7-0-0**

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

David Caron selected Owen Provencher as the new Cable Division Coordinator and asked for the council's approval.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-046, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakories**  
**Roll Call Vote: 7-0-0**

CFO Susan Hickey presented the preliminary results of the FY17 budget. The State Legislature authorized the State Lottery Commission to issue license for the game of Keno; voter's in each community need to authorize the issuance of licenses within their city or town. Granite State Growler Tours is planning to expand its offerings to Derry by offering two tours on Saturday of brew pubs in and around Derry. Anne Struthers will meet with the Economic Development Advisory Group on July 17 to invite input and comments on the Strategy and Implementation Plan and last week Anne Struthers and David Caron met with Concord officials to discuss Economic Development. HB316 was enacted which allows communities to provide some degree of property tax relief for a limited time to new commercial and industrial developments. Anne Struthers and Planning Director George Sioras will be collaborating on an application which would provide technical assistance on a variety of land use and economic planning initiatives. Closing on the Caras property is scheduled for next Thursday. The Public Safety Communications Project RFP has been reviewed by counsel and will be advertised shortly. The

Town and both public libraries are collaborating with the Town's health insurance carrier to ensure that the libraries have access to our health pool. The Town was notified that the Frost Residents Cooperative was awarded a grant for almost \$500k for internal system improvements. The Governor signed SB38 Tuesday in a ceremony at the Boys' and Girls' Club which should provide Derry with an additional \$600k in road improvement funds for FY18. The Planning Board will be scheduling a public hearing regarding the Town sign at the Opera house for its September meeting. The council is asked to recognize Lt. Derek Tunberg and Private Joshua Ledbetter of the Derry Fire Department for successfully resuscitated patients while off-duty.

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

**Open Public Forum – all agreed**

Nancy Francis: Gulf Rd – The First Baptist Church will be having a fundraiser on January 17<sup>th</sup>, 2018 at noon at the town beach. It is being called the Pantry Plunge and will benefit the food pantry. An insurance rider will cover the insurance and they just seek permission to use the beach and this is the first step.

Steve Trefethen: Windham, NH – Discussed the property he recently presented to the town council.

Marc Flattes: Linlew Dr – Questioned the veteran status of a Derry resident.

**Councilor Morgan POINT OF ORDER, the veteran has a DD214**

Donald Burgess: High St – Stated that he applied to be on the Zoning Board but his application was not received at the last meeting. Would like the application process changed.

**Councilor Morgan POINT OF ORDER to extend Mr. Burgess' time, seconded by Councilor Katsakories – all agreed**

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

**Public Hearings**

**17-91** Amend Resolution #2017-29 relative to the acceptance of Willow Street & Lilac Court as Class V Town Roads

Director of Public Works Mike Fowler presented the Road Acceptance of Willow St. and Lilac Court. The 24 lot subdivision named Ettlingen Homes, Inc. or also known as Willow Bend Subdivision was approved by the Derry Planning Board in 1997. The development consists of two separate roads named Willow St. and Lilac Ct. The roads were substantially completed in 1999 but due to a slow housing market, several punch list and clean-up items were not completed until 2006. Subsequently, a final escrow release was executed in 2006 and due to an oversight these roads were not included in a street acceptance submission that year. The Town of Derry DPW has been maintaining both Willow St. and Lilac Ct. since 2006. The Planning Board voted on April 5, 2017 to recommend the acceptance of this street to the Town Council. The Derry Town Council voted on April 18, 2017 to accept these streets as presented. During a title examination for the Town's grant funded acquisition of the Caras parcel, legal counsel sought formal language that the stub was also included in the April 18, 2017 acceptance by

Town Council. It was determined that the Town Council should explicitly state the intent to also accept the stub, thus requiring another affirmative action by the Town Council.

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

No one from the public spoke.

**Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Katsakories – all agreed**

**Councilor Tripp MOVES THAT THE TOWN COUNCIL Adopt Resolution #2017-029A, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**New Business**

**17-92** Resolution #2017-047 – To set the compensation of the Town Clerk  
By New Hampshire State Law, the governing body of the town is required to set the Town Clerk's salary. This is done annually after the budget has been approved. The fiscal impact will remain the same as what the town council approved on 5-16-17 during the overall budget approval. The Town council would like more information on the past clerks salary and comparable towns and suggests tabling this agenda item until the next meeting.

**Councilor Chirichiello moves to table 17-92 until the next meeting, seconded by Councilor Morgan**  
**Roll Call Vote: 5-2-0 (Councilors Wetherbee and Katsakories)**

**17-93** Appointments to Zoning Board of Adjustment

**Chairman Bourdon moves to appoint Victoria Houle Adams as an alternate member of the Zoning Board of Adjustment for a 1 year term to expire March 31, 2018, seconded by Councilor Morgan**  
**Roll Call Vote: 6-0-1 (Councilor Katsakories)**

**17-94** Resolution #2017-048 – Relative to the sale of cemetery lots to a non-resident  
Public Works Director Mike Fowler presented the sale of cemetery lots. A written request was submitted by William McGrath regarding permission to purchase two lots at Forest Hill Cemetery. The Forest Hill Cemetery Policies and Procedures states "Burial lots shall be sold exclusively to current residents of the Town of Derry; however, exceptions may be granted and/or reviewed by Cemetery Trustees." Mr. McGrath was born and raised in Derry and was employed by the Derry Fire Department. After retirement, he relocated to Florida but returned to the area and now lives in Hudson, NH. The Town council would like Mr. McGrath's claims to be looked into further before making a decision.

**Councilor Chirichiello moves to table 17-94, seconded by Councilor Tripp**

**Roll Call Vote: 2-5-0 (Chairman Bourdon, Councilors Wetherbee, Katsakories, Foote, and Morgan)**

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL Adopt Resolution #2017-048, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakories – No Vote**

**Councilor Chirichiello moves to table 17-94, seconded by Councilor Morgan**

**Roll Call Vote: 2-5-0 (Chairman Bourdon and Councilors Wetherbee)**

**17-95** Resolution #2017-049 – Moonlight Meadery – samples at the Derry Homegrown Farm & Artisan Market

The Police Department received a request from Michael Fairbrother, Managing Member of Moonlight Meadery LLC, to provide free samples of ciders and meads at the Derry Homegrown Farm & Artisan Market. Mr. Fairbrother is seeking authority from the Town in accordance with the mandates of NH RSA 179:444, which requires that such activity be authorized by the town or city's governing body and that the authorization must be in writing.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL Adopt Resolution #2017-049, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan**

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

**17-96** Resolution #2017-050 – NH Clean Water State Revolving Fund – Stormwater Asset Management Planning

In January 2017, the US Environmental Protection Agency (USEPA) issued the final Municipal Separate Storm Sewer System General Permit (MS4GP) which mandates the Town of Derry implement a Stormwater pollution prevention plan incorporating requirements to measures. One of these measures includes a detailed mapping and upgrade program of Stormwater infrastructure and best management practices. The Town can implement this program through the development of a Stormwater Asset Management Program. Asset management is the inventorying of and condition evaluation of critical infrastructure such as roads, bridges, and water and sewer systems. The Derry Water and Sewer Divisions successfully initiated an asset management program in 2013 in order to prioritize maintenance and capital improvements based on the criticality and condition of its water distribution and sewer collection system. The Stormwater Asset Management Program will build on the existing program while focusing on Stormwater infrastructure and evaluating opportunities for improving Stormwater pollutant reduction. The asset management program will aid in determining the adequacy and sustainability of appropriations available to maintain and replace our infrastructure to an acceptable level.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL Adopt Resolution #2017-050, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**

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

#### **Council Comments**

Councilor Morgan – Doing this job is a challenge. There was a disgusting display of classless disregard during the public forum. The Veteran was vetted.

Councilor Tripp – Would like to see some of the town data functions automated; for example reporting pot holes and curbside damage. He recommends Derry citizens visit the library.

Councilor Wetherbee – Would like to have the amount the town paid for the Abbott Street properties at the next meeting. The Derry Farmer's Market currently has 24 vendors with the 25<sup>th</sup> being added this week making them maxed out.

Councilor Katsakiores – Echoed Councilor Morgan's comments. Thinks that negativity during public forum will deter other residents from helping. Commended everyone that worked on the effort for the veteran.

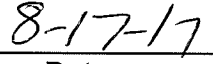
Councilor Foote – The comments during public forum were off base and classless. Hood Pond, Beaver Lake, and Big Island Pond have readings that are under advisory. There is no signage and what does it mean. Congratulated the two Derry Fire Fighters.

Councilor Chirichiello – Residents disgusting for questioning veteran.

Chairman Bourdon – People have the right to speak during the public forum and he encourages debates to continue.

**Adjournment: 9:45 p.m.**

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

  
\_\_\_\_\_  
Date

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



## RESOLUTION

Number 2017-029A

To Accept Willow Street and Lilac Court as Class V Town Roads

WHEREAS, RSA 674:40 and 674:40-a authorizes the Town Council to accept streets as shown on a subdivision plan approved by the planning board; and

WHEREAS, the Derry Planning Board approved a subdivision in 1997 which resulted in the construction of Willow Street and Lilac Court and included a dedicated access stub leading to Map 2, Lot 70 (and formally noted as Lot 0270) as shown on an approved plan recorded in the Rockingham County Registry of Deeds as Plan D-25280, and which lies between Lots 0269-14 and 0269-15 as shown on said plan; and

WHEREAS, the roads were considered complete in 2006, have been maintained by the Town since that date, but were never formally accepted by the Council due to an administrative oversight until April 18, 2017; and


WHEREAS, the Council should further accept the access stub as previously described, and the Derry Planning Board will vote to clarify that the acceptance included the stub as an administrative agenda item at its July 19, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Resolution 2017-29 as voted by the Town Council to accept Willow Street and Lilac Court Class V roadways is hereby amended to include the access stub as previously described.

This Resolution shall take effect immediately upon its passage.


Adopted: July 18<sup>th</sup>, 2017

Attest:

x 

Joshua Bourdon, Council Chair

Date: 7/20/17

x 

Daniel Healey, Town Clerk

Date: 7/20/17

Archival Ref: TC Agenda Item #17-91



## RESOLUTION

Number 2017-049

To Authorize Moonlight Meadery to serve 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 Moonlight Meadery is hereby authorized to provide tasting samples in accordance with state statues during all Derry Homegrown Farm and Artisan Market events for the 2017 season.

This Resolution shall take effect immediately upon its passage.

Adopted: July 18, 2017

Attest:

x

Joshua Bourdon, Council Chair

Date: 7/20/17

x

Daniel Healey, Town Clerk

Date: 7/20/17

Archival Ref: Agenda Item #17-95





## RESOLUTION

Number 2017-050

To Authorize Participation in the NHDES Storm water Asset Management  
Planning Program

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WHEREAS, the Town Council recently adopted the FY 18 budget which included funds in the amount of \$30,000 for Storm Water Asset Management Planning; and

WHEREAS, the New Hampshire Department of Environmental Services invites communities to participate in its Clean Water State Revolving Fund loan program;

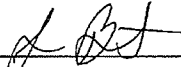
WHEREAS, by participating in the program, the Town may be eligible for up to \$30,000 of principal forgiveness;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, and enter into a loan agreement with the State of New Hampshire Department of Environmental Services to receive funds for the purchase of software licensing and associated costs and to cover staff time to implement the Derry Storm Water Asset Management Program and further to accept and expend such funds derived from the NHDES CWSRF Program.

This Resolution shall take effect immediately upon its passage.

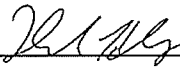
Adopted: July 18, 2017.

Attest:

x  \_\_\_\_\_

Joshua Bourdon, Council Chair

Date: 7/20/17

x  \_\_\_\_\_

Daniel Healey, Town Clerk

Date: 7/20/17

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Archival Ref:      Agenda Item #17-96