

TOWN OF DERRY

Town Council
Derry Municipal Center

August 13, 2019
Tuesday - 7:00 PM

6:30 PM Non-Meeting with Cable Counsel - RSA 91A:2 I.(a)
7:00 PM Call to order

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

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

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

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

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Tyler and Sojourney Adcox: Salvation Army – Introduced themselves and their children to the Derry Town Council and residents. This is their first appointment.

Steve Trefethen: Windham, NH – Thinks that the sidewalks look great but would like them to be painted earlier in the season and suggests springtime. There are dead trees downtown near properties he owns, and he would like to know if he can replace them on his own or if the town has any intention of replacing them. Follow up with Mike Fowler will take place.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Bourdon – all agreed

Consent Agenda

19-90 Approve Non-Public Minutes – July 16, 2019 – **minutes sealed**

19-91 Approve Minutes July 16, 2019

19-92 Approve Workshop Minutes – July 18, 2019

19-93 Ordinance #2019-008 – Amend Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to move four (4) parcels from the Medium High-Density Residential District and (2) parcels from the General Commercial District to the Office Business District

19-97 Acceptance of Resignation – Zoning Board of Adjustment

Consent agenda approved

Chairman's Report – Neil Wetherbee

Chairman Wetherbee moves to appoint John Potucek as a member of the TIF Advisory Board for a 2-year term to expire March 31, 2021, seconded by Councilor Tripp

Roll Call Vote: 6-0-0

Chairman Wetherbee moves to appoint Gordon Graham as a member of the TIF Advisory Board for a 3-year term to expire March 31, 2022, seconded by Councilor Tripp
Roll Call Vote: 6-0-0

Chairman Wetherbee moves to appoint Brad Benson as a member of the TIF Advisory Board for a 1-year term to expire March 31, 2020, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Chairman Wetherbee moves to appoint Derek Scheer as an alternate member of the Planning Board for a 1-year term to expire March 31, 2020, seconded by Councilor Bourdon
Roll Call Vote: 6-0-0

To Determine Whether to Pursue a Sports Betting Facility in Derry – *Town Administrator Dave Caron presenting*

The State Legislature recently passed HB 480, which establishes a system within the lottery commission for sports betting. The law further provides for the operation of no more than ten Sports Book Retail Operations throughout the State. Other level of sports betting including internet or mobile wagering or lottery games. The law appears to direct that all forms of sports betting except retail operations do not need local approval. For a community to be considered for a sports book retail operation, local approval is required. The Town maintains a permissive zoning ordinance, which means that the only uses allowed in the community are those specifically identified in the zoning ordinance. The local approval process somewhat mirrors the language enabling Keno as authorized by the Legislature in 2018. State law requires that cities either 1) require an affirmative vote of its governing body to place the issue before the voters at a regular municipal election or 2) allow placement of the matter before the voters upon receipt of a petition signed by not less than 25 of the community's registered voters. (The statute sets forth a mechanism for towns with a town meeting and cities, with no mention of town council communities, NHMA advises that Town Council communities should follow the procedure established for cities.) Upon receiving voter approval, entities located in or seeking to locate a sports book retail establishment in Derry would be authorized to apply for a license to the Lottery Commission. The second part of the authorization process involves the Town's zoning ordinance. As stated above, the Town maintains a permissive zoning ordinance whereby allowed uses must be specifically identified in the Town's zoning ordinance. Should the Council maintain interest in competing for a retail operation, the staff should be directed to identify suitable zones in the community and work with the Planning Board on this issue.

Town Administrator's Report – David Caron

Defelice Corporation will begin work on the Southern New Hampshire Water Connection project being on September 19th. It is anticipated that it will be completed sometime in the spring with a winter break. They will be installing 16-inch water line 7,000 feet beginning at Ryan's Hill to the Windham line. This project is 100% funded with the drinking water grant. The Coos County bill

is a bill that allows certain tax breaks for commercial and industrial uses. The law was recently adjusted to make the application process similar to a 79E. Approval will go before the Town Council on a case by case basis. The Staff of UNH will begin the recreation study on September 16th. They will be prioritizing enhancements and improvements to the recreation fields and buildings and Council will then decide how to invest the 1.8 million in bond funds. The study should be completed by the end of the calendar year. The next Master Plan meeting will take place on October 24th in the Derry Municipal Center 3rd floor meeting room. Last Wednesday there was a significant storm that came through during the late afternoon. There was a lightning strike in the vicinity of Adam's Memorial and Veteran's Hall. A fire panel was replaced at Adam's and a circuit board at Veteran's hall. There was also tree and pole damage at Hood Park and an insurance claim has been filed. The town liability is about \$1,000.

Public Hearings – (Informational Packets were available at the back of the room for all public hearings)

**19-74 Resolution #2019-038 – Supplemental Appropriation – Façade Improvement –
Town Administrator Dave Caron presenting**

The Town Council in September 2017 recapitalized the Derry Revolving Loan Fund in the amount of \$250,000, which is managed by the Rockingham Economic Development Corporation (REDC) with guidance from the Derry Revolving Loan Fund Review Committee. At that time, the Council further directed that \$100,000 of this amount be earmarked for downtown revitalization and directed staff to return to the Council with proposed rules on this segment of the program. On December 5, 2017 the Council adopted rules for the Downtown Façade Improvement Program, which provided a 50:50 match up to \$5,000 per storefront in the Downtown. Downtown business owners responded enthusiastically to the program, currently, the entire \$100,000 appropriation has been obligated with several more businesses on a 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.

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

Steve Trefethen: Windham, NH – Is in favor of the supplemental appropriation expansion. Would like some type of theme downtown.

Kevin Coyle: 21 E. Broadway – Asked about appropriation for a business owner that would like to do a tear down and rebuild. Was told that it is in the rules regarding façade improvement.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-038, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

19-75 Resolution #2019-041 – Authorize a long-term land lease at the Landfill – *Public Works Direction Mike Fowler and Net Zero Task Force Committee Chair Jeff Moulton presenting*

The Net Zero Committee has been working towards the development of a solar field at the closed landfill. Options reviewed included an outright purchase and operation of the array, leasing the land to a third party with an option to purchase after year five, those previously mentioned arrangements with either a 1-Megawatt project, a 5 MW project, or a 1 MW convertible to 5 MW. The Committee received proposals from qualified vendors; given the costs and current legislative restrictions, the Committee recommends that the Town Council authorize a 1MW project by issuing a and lease to the developer, with an option for the Town to purchase after Year 5 of operation. The economics of the project were presented to the Council at the June 4 meeting. Based upon the Committee's recommendation, it will not be seeking a Supplemental Authorization to invest in the project at this time but will be requesting Council authorization to enter into a land lease of a duration which may exceed five years. State statutes allow the Governing Body (Town Council) to enter into a lease up to five years and allows longer lease periods by the Legislative Body (Town Council after public hearing). It is estimated that the Town will save approximately \$33,000/year in electrical cost as the solar field is operated by the developer. Year 5 outright purchase (if authorized by the Town Council then sitting) is anticipated at \$1.25M, with the annual anticipated savings at that point of \$235K+. As the solar field will be constructed in a federally designated Opportunity Zone, staff has researched to determine if these circumstances would provide more favorable financial terms and conditions. The Town has reached out to 8 national Opportunity Zone Funds to alert them of this project and has heard back from a few of the investment firms. It appears that the best use of Opportunity Zone funding would be linkage between the investment firms and the vendor. The Town will play a role in coordinating these parties, should there be mutual interest.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-041, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 6-0-0

Resolution attached

19-76 Ordinance #2019-005 – Amend Traffic Ordinance to prohibit parking on a section of Martin Street – *Director of Public Works Mike Fowler and Highway Safety Committee member James Roddy presenting*

Based on concerns raised about vehicles parked on the east side of Martin Street preventing turning truck traffic from entering the road, the Highway Safety Committee discussed the issue at their June 20, 2019 meeting. The members determined that parking should be prohibited along the easterly side of Martin Street for 100 feet from the intersection of West Broadway. The Highway Safety Committee unanimously recommended that the Town Council amend the Traffic Ordinance Article I Section §150-4 - Prohibited Parking. The west side of Martin Street already has a 2-hour parking restriction for the first 150 feet northerly from West Broadway. The east side has never had defined parking spaces although the adjacent lot now hosts the Farmer's Market for several months during the summer.

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

No one from the public spoke.

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

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-005, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp
Roll Call Vote: 5-1-0 (Councilor Chirichiello)
Ordinance attached**

19-77 Ordinance #2019-006 – Amend Chapter 5, Article V of the Municipal Code, Disposition of Town Property – *Tax Collector Diane Mulholland presenting*
There are specific state statutes which set forth the manner by which properties can be sold after being acquired by tax deed, the current ordinance needs to be updated to provide the Town with the flexibility granted by the Legislature when returning these properties to the tax rolls, including securing the services of a real estate agent as now authorized. The purpose of the amendment is to introduce further efficiencies into Town operations and to expand the allowable methods to be used when disposing of tax deeded properties.

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

No one from the public spoke.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-006, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Ordinance attached**

19-88 Ordinance #2019-007 – Amend Various Article of the Zoning Ordinance to create the West Running Brook District – *Economic Development Coordinator Bev Donovan and Planning Assistant Elizabeth Robidoux presenting*

Over the last year staff from the Planning Department and Economic Development Office have been working with the Planning Board to review the Commercial IV Zoning District along Route 28/South Main Street/Rockingham Road/Webster's Corner area to review the permitted uses as well as addressing potential interest for development opportunities in this part of town. After review staff recommended the creation of a new zoning district to be called West Running Brook District to reflect the historical nature and character of this area. The purpose of the amendment is to allow for the best and highest use of the properties that are included in the West Running Brook District. These properties include both vacant parcels for potential development as well existing commercial properties and redevelopment opportunities. This district is now serviced by municipal water and sewer. Re-zoning of the parcels will allow the Economic Development Office to market the properties to potential developers. There is current interest in some of the properties and owners have expressed an interest to see new commercial and mixed-use developments.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-007, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 6-0-0

Ordinance attached

Old Business

19-96 Resolution #2019-049 – Adopt the Town Council's FY 2020 Action Plan -*Town Administrator Dave Caron presenting*

The Town Council has established an Action Plan to ensure that public funds are expended in a manner which reflect community priorities, and the Action Plan as developed by the Council is a result of the Council's interactions with the public, Town boards and commissions, staff and other stakeholders

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-049, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

New Business

19-98 Appeal of Sewer Assessment – *Derry residents Kathleen and Kevin Coyle presenting*

The Town of Derry has extended both its water and sewer systems throughout the community over many years. The statute allows, and the Town has assessed betterment assessments to pay for all/a portion of the costs associated the expense of constructing and maintaining the sewers or paying off any associated capital debt or interest incurred. While some communities opt to establish a town-wide fee, the Town Council has historically established the fee on a project specific basis, which is not prohibited under the law. The Coyle's purchased a property within the area served by an extension of the municipal sewer to the area of Beaver Lake, the Derry Town Council at that time established a betterment charge of \$9,500 per living unit, which could be amortized over a number of years. Vacant lots were not assessed until built upon. The Coyle's received a variance to subdivide a lot in order to build upon the property at issue. The Coyle's object to the amount of the assessment as compared to other assessments levied by past Councils to properties in other areas of the community benefitting from public sewer. Based upon the May 28, 2019 memo from Tom Carrier, it is evident that the previous Town Councils made their decisions based upon a rational nexus to the cost of the improvements, as contemplated under RSA 149-I:7- Levying. The Town maintained an equitable system by assessing all lands equally that are located within the same project area.

Councilor Morgan moves to grant the Appeal of Sewer Assessment, seconded by Councilor Bourdon

Roll Call Vote: 2-4-0 (Councilor's Chirichiello, Bourdon, Tripp, and Chairman Wetherbee)

19-94 Resolution #2019-050 – Transfer funds for the Transfer Station Solar Project –
CFO Susan Hickey presenting

In 2018 a payment was made from the Department of Public Works Capital Reserve Fund to finance a solar project located at the Transfer Station and generating power to the Transfer Station, Highway Garage, Vehicle Maintenance Building and Wastewater Facility. The total amount of the loan was \$226,240 and was estimated to be paid back to the DPW Capital Reserve Fund in ten years. The project has been completed and a meter located at the Transfer Station is tracking the amount of solar power generated. The amount to be reimbursed by the general fund and wastewater facility is \$26,522. The Wastewater Facility had estimated a payment of \$12,138. This transfer was included in the FY19 budget and has been completed. The Transfer Station contribution is estimated at \$9,880. The remaining amount is \$4,504, which is being recommended to be transferred from the Wastewater Facility given the share estimates of 1/3rd Transfer Station and 2/3rd Wastewater Facility.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-050, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

19-95 Resolution #2019-051 –To Authorize an Adjustment of Ambulance Fees –
Assistant Fire Chief James Richardson and EMS Director Chuck Hemeon

The Derry Fire Department currently bills for EMS medical transports and services related to those transports. The Derry Fire Department has operated the Ambulance Service since 1972. In 1990 Derry Town Council modified the user fee to the existing billing practices. The revenue collected from EMS transports underwrites the cost of EMS services rendered by the Fire Department. The ambulance fee schedule was last adjusted September 2018. Personnel cost and operational expenses, including ambulances and disposable medical supplies increase each year. A recent comparison of ambulance billing rates for like size departments providing

ALS ambulance transportation services, as well as, Client Rate Comparison prepared by Quick Med Claims (March 2019) revealed that the Derry Fire Department fee scheduled is less than other like sized departments in our area. By comparison, Derry charges approximately 45% less than Windham Fire, Salem Fire, Epping and Bedford Fire which are municipal departments providing the same level of service. Because of Derry's lower rates the Town is not capturing all revenue that insurance companies are willing to compensate for.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-051, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

Councilor Chirichiello moves to extend the meeting 10 minutes, seconded by Councilor Morgan – all agreed

19-99 Resolution #2019-052 – To Authorize a Purchase and Sales Agreement – *Town Administrator Dave Caron presenting*

The Town requested proposals for the redevelopment of vacant, town-owned property located at 19 Elm Street. The deadline for response was June 1, 2019. The Town is interested in a development that stimulates economic activity and is a catalyst for smart, sustainable growth and will consider proposals that are creative, visionary and benefit the community. The site is approximately 1.69 acres in size located within five minutes walking distance of the Hood Park Recreational Area, the Derry Rail Trail and Downtown Derry. The sole proposal received was reviewed by Economic Development and Planning staff, who met the development team on-site to discuss the concept. Staff agrees with the overall concept of the plan, as it meets the spirit of the recent rezoning effort and fits the goals of the Master Plan. The proposers submitted a bid of \$130,000 and included a stipulation in the offer/response limiting environmental costs to \$20,000; subsequent negotiations resulted in a purchase price of \$150,000, removal of the environmental remediation cap, and allowed the proposers to re-open negotiations based upon the results of their subsurface investigation. If subsequent investigations reveal significant contaminants and the agreement is not finalized, the Town still owns the property and could initiate a Brownfield program application.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-052, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 6-0-0

Resolution attached

19-100 Resolution #2019-053 – To Authorize an Agreement to Sell Tax-Deeded property – *Tax Collector Diane Mulholland presenting*

Article 5 of the Town's Administrative Code sets forth the procedure to dispose of tax-deeded properties, and the Tax Collector has complied with said procedures in addition to complying with RSA 80:80, the controlling state statute, and the previous owner has expressed a desire to reclaim ownership of their home which was deeded to the Town due to non-payment, and the Council believes that conveyance of this property to the former owner is in the best interest of both the homeowner and the Town of Derry; that the property at By-Pass 28 #41 shall be conveyed to the previous homeowner, subject to the terms and conditions of the agreement, which the Town Administrator is hereby authorized to execute

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-053, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon
Roll Call Vote: 6-0-0
Resolution attached

Councilor Comments

Councilor Tripp – Requested a blinking light near Bowers Road on the Rail Trail and was told that it is not necessary. Would like some type of pedestrian crossing signs so people driving know. There's a lot of action being taken on the Master Plan update and people should know what is going on. Suggested that people in the town, if they have any interest, should go to the Planning department website to see what has been included.


Councilor Morgan – Dave Caron gave a document to the Council on July 18th regarding the property maintenance ordinance research that they did. Wonders what our ordinances are now compared to how tough they can actually be. Does not see that in the report and would like to know what the Town Council is allowed to do under State Law that is over and above what we already have on the books if anything at all.

Adjournment: 10:10 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk



Date



Resolution #2019-038

To Approve a Supplemental Appropriation to Recapitalize and Expand the Downtown Façade Improvement Grant Program

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, On December 5, 2017 the Council adopted Resolution #2017-08 which recapitalized the Derry Revolving Loan Fund and initiated the Downtown Façade Improvement Program; and

WHEREAS, local businesses have actively supported the program by investing in private properties, resulting in the expenditure of the original appropriation; and,

WHEREAS, expansion of the program throughout the Derry Commerce Corridor would further support economic revitalization activities; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council hereby appropriates Two Hundred Fifty Thousand Dollars (\$250,000) from the Derry Commerce Corridor TIF Fund Balance to recapitalize the Downtown Façade Improvement Program; and,

FURTHER, RESOLVED that the Program shall be expanded to all eligible properties within the Derry Commerce Corridor TIF District, pursuant to the following formula:

50:50 matching grant for improvements <\$200,000 at \$5,000/grant =	\$100,000
50:50 matching grant for blight removal at \$5,000 =	\$ 50,000
Grant for façade improvement work >\$200,000 at \$20,000/grant=	\$100,000

Archival Ref: Agenda #19-74

This Resolution shall take effect immediately upon its passage.

Adopted August 13, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 8/13/19

x 

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Agenda #19-74



RESOLUTION

Number 2019-041

To Authorize a Long-Term Land Lease at the Closed Landfill

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

WHEREAS, RSA 41:11-a authorizes the Legislative Body to enter into land leases exceeding five years in length; and

WHEREAS, staff and the Net Zero Committee have been evaluating proposals to develop a solar field on the Town's closed landfill; and

WHEREAS, the most cost-effective partnership is a twenty five-year Power Purchase Agreement with a Town option to purchase the facilities at the end of year five; and

WHEREAS, the purchase provision in the Agreement is a decision of the then-sitting Town Council, thus authorization for a long-term land lease is necessary should the then-sitting Town Council opt not to exercise the purchase option;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all necessary documents with Ameresco for the lease of land at the closed landfill to facilitate the development of a solar field;

FURTHER, to authorize the Town Administrator to negotiate a Power Purchase Agreement with Ameresco and return to Council for approval.

This Resolution shall take effect immediately upon its passage.

Adopted: August 13, 2019

Attest:

X

Neil Wetherbee, Council Chair

Date: _____

X

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Agenda Item #19-75



ORDINANCE

Number 2019-005

Amendment to Traffic Ordinance, Section 150-4
Prohibited Parking – Martin Street

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 is responsible for adopting and amending town ordinances; and

WHEREAS, the Highway Safety Traffic Committee has reviewed and recommended that parking be prohibited on a certain section of Martin Street; and,

WHEREAS, public safety will be enhanced through this action;

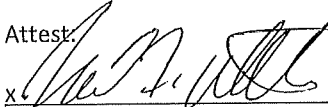
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Traffic Ordinance, Section 150-4, Prohibited Parking, is hereby amended to add the following:

Martin Street East side For a distance of 100 feet in a northerly direction from the intersection of West Broadway.

This Resolution shall take effect 30 days after its passage.

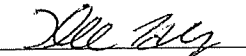
Adopted: August 13, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 8/13/19

x 

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Agenda #19-76



ORDINANCE

Number 2019-006

Amending Chapter 5, Article V of the Municipal Code,
Disposition of Town Property

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 Town Council is to encourage efficiencies in town operations; and

WHEREAS, the Town Council amended the Municipal Code in 2018 to align the Town's process governing tax deeded properties with State Statutes; and


WHEREAS, the State Legislature later amended RSA 80:80 to provide additional flexibility when disposing of tax-deeded properties;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Municipal Code, Chapter V, Article V, Disposition of Town Property is amended per the attached revisions.

This Ordinance shall take effect thirty days after its adoption.

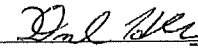
Adopted: August 13, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 8/13/19

x 

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Agenda Item #19-77



ORDINANCE

Number 2019-007

Amend Zoning Ordinance to Create West Running Brook District

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 Planning Department and the Economic Development Department have collaborated to identify additional economic opportunities in the community; and

WHEREAS, the area along Rte. 28 South is serviced by municipal utilities and presents favorable development opportunities; and

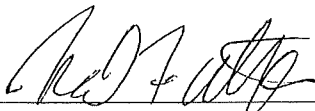
WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows: amend Article IV, Districts, Section 165-29, Enumeration of Districts, to add Number 24, West Running Brook District; and Article V, Zoning Map and District Boundaries, to AMEND Section 165-30, Zoning Map, to add the West Running Brook District, and to AMEND Article VI, District Provisions to add a new Section 165-32.4, West Running Brook District.

This Ordinance shall take effect thirty days after its adoption.

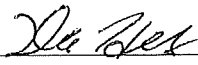
Adopted: August 13, 2019

Attest:

x 

Neil F. Wetherbee, Council Chair

Date: 8/13/19

x 

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Agenda Item #19-88



RESOLUTION

Number 2019-049

To Adopt the Town Council's FY 20 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 as developed by the Council is a result of 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 FY20 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: August 13, 2019

Attest:

x

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

Neil Wetherbee, Council Chair

Date: 8/13/19

x

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

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Item #19-96



RESOLUTION

Number 2019-050

Transfer Funds for the Transfer Station Solar Project

WHEREAS, Section 9.7 of the Town Charter empowers the Town Council to transfer any unencumbered appropriation balance; and

WHEREAS, the Town Council approved the use of Public Works Capital Reserve Funds to fund the construction of the solar array at the Transfer Station; and

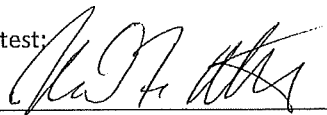
WHEREAS, a year-end transfer is required for the annual reimbursement to the Capital Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum \$9,880 from the Transfer Station budget (Line #410) and \$4,504 from the Wastewater Budget (Line #410) for a total of \$14,384 to the DPW Capital Reserve Fund.

This Resolution shall take effect immediately upon its passage.


Adopted: August 13, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 8/13/19

x 

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: Item #19-94



RESOLUTION

Number 2019-051

To Adopt a Revised Fee Schedule for Ambulance Transport and
Associated Emergency Medical Services

WHEREAS, Section 7.2 of the Town Charter empowers the Town Council regulate all fees for the use of the services of the Town; and

WHEREAS, the current fee schedule for ambulance transport and associated emergency medical services requires adjustment to meet the cost of providing such services; and

WHEREAS, it is the intent and policy of the Town Council to maintain as prudent a tax rate as possible by making appropriate and reasonable use of user fees for certain Town services;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the proposed Schedule of Fees for Ambulance Transport and Associated Services, dated August 13, 2019 and attached hereto, is hereby approved; and

BE IT FURTHER RESOLVED that the Town Administrator is instructed to cause the newly approved schedule of fees to take effect no later than October 1, 2019.

This Resolution shall take effect immediately upon its passage.


Adopted: August 13, 2019.

Attest:

x 

Neil Wetherbee, Council Chair

Date: 8/13/19

x 

Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: TC agenda Item #19-95

2019 Proposed Fee Schedule
August 13, 2019
Effective no later than October 1, 2019

Derry Fire Department	Current Rates 2018	Proposed 2019
BLS Non-Emergency	\$667	\$800
BLS Emergency	\$667	\$800
ALS 1 Emergency	\$1245	\$1495
ALS 2 Emergency	\$1745	\$2094
SCT Emergency	\$1935	\$2322
ALS Treat and Release	\$200	\$300
Mileage	\$22	\$35
Assist the Invalid/Lift Assist	\$0	\$100

Archival Ref: TC agenda Item #19-95



RESOLUTION

Number 2019-052

To Authorize a Purchase and Sales Agreement on 19 Elm Street

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 purchase and convey real property for the benefit of the Town; and

WHEREAS, the Town Council has previously remediated 19 Elm Street and seeks to return the property to the tax rolls; and

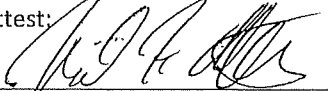
WHEREAS, the Town issued a Request for Proposal to redevelop the property and has received and reviewed a proposal which is deemed to be in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to execute a Purchase and Sales Agreement and all other documents necessary to finalize the sale with Healyford Realty, LLC, Spofford Homes, LLC and American Excavating.

This Resolution shall take effect immediately upon its passage.

Adopted: August 13, 2019.

Attest:

x 

Neil Wetherbee, Council Chair.

Date: 8/13/19

x



Daniel Healey, Town Clerk

Date: 8/13/19

Archival Ref: TC agenda Item #19-99



RESOLUTION

Number 2019-053

To Authorize an Agreement to Sell Tax-Deeded Property

WHEREAS, Article 5 of the Town's Administrative Code sets forth the procedure to dispose of tax-deeded properties; and

WHEREAS, the Tax Collector has complied with said procedures in addition to complying with RSA 80:80, the controlling state statute; and

WHEREAS, the previous owner has expressed a desire to reclaim ownership of their home which was deeded to the Town due to non-payment; and

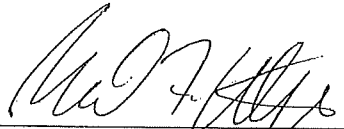
WHEREAS, the Council believes that conveyance of this property to the former owner is in the best interest of both the homeowner and the Town of Derry;

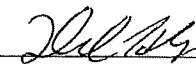
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, that the property at By-Pass 28 #41 shall be conveyed to the previous homeowner, subject to the terms and conditions of the attached agreement, which the Town Administrator is hereby authorized to execute

This Resolution shall take effect immediately upon its passage.

Adopted: August 13, 2019

Attest:

x 
Neil Wetherbee, Council Chair
Date: 8/13/19

x 
Daniel Healey, Town Clerk
Date: 8/13/19

Archival Ref: TC agenda item #19-100