

TOWN OF DERRY

Town Council
Derry Municipal Center

September 3, 2019
Tuesday - 7:00 PM

7:00 PM Call to order

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

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

Public Forum - **30 Minutes**

Open Public Forum – all agreed

Steve Trefethen: Windham, NH – The sidewalks look much better than they have in the past with the town painting them. They appear darker.

Paul Lindemann: Jewell Ln – There will be a Nutfield 300th booth at Derryfest where coins will be sold from Derry, Londonderry, and Windham. They are working on a new time capsule. The old time capsule was buried outside and then moved into the library in the NH Room with the combination to the safe on the back. The same safe will be used for the new time capsule.

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

Consent Agenda

19-101 Approve Minutes – July 29, 2019

19-102 Approve Non-Public Minutes July 29, 2019 – **minutes sealed**

19-103 Approve Minutes – August 13, 2019

19-104 Ordinance #2019-009 – Amend Article VI, District Provisions, Section 165-34, Office Business District, to amend the permitted uses, limitations, parking requirements, and maximum lot coverage

Consent agenda approved (Councilor Foote abstained from 19-103)

Chairman's Report – Neil Wetherbee

Derryfest will be held on Saturday, September 21, 2019 from 10am to 4pm at MacGregor Park in Downtown Derry. School Board Chairman Dan McKenna gave a presentation on the school budget where he discussed the budgeted vs projected expenditures, revenues, and State funding.

Town Administrator's Report – David Caron

By the Town using it's Public Works Department to paint the sidewalks downtown, it was significantly cheaper than in years past when a company was hired to complete it. The Town is receiving quotes to replace the trees downtown and it will come out of the TIF budget. There is a meeting regarding Exit 4A on September 18th in Concord. Derry and Londonderry have already signed off on the Record of Decision. The project is 20-30% over estimated and the cost has increased drastically. The milfoil at Beaver Lake continues to be removed. There will be a

sports betting presentation at the September 17th council meeting. At 8:30am at Brookstone in Derry, there will be a child lead poisoning presentation. The Town is contracted with CART out of Manchester and they will be merging with NTA. More services may be available to Derry with the merger. The Town will continue to follow its policy of not renting out town operated facilities.

Public Hearings –

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 – *Planning & Economic Development* Assistant Elizabeth Robidoux presenting

The Planning Board recommends that several parcels be rezoned along West Broadway and the Aiken/Valley/St. Charles Streets neighborhood to better align current and potential uses; to maximize potential Opportunity Zone developments; and to eliminate some properties from potential multi-family development. The Planning Board's original concept encompassed a much larger area however, after site inspections which included a review of the area's topography, input from the neighborhood and current town infrastructure, the current proposal better aligns the area for appropriate re-development with minimal impact to existing uses in the neighborhood. During the past year the Planning Board and Planning and Economic Development staff reviewed the permitted uses in the Office Business District. with the designation by both the Federal government and the Governor's office this area of town (per census district) and zoning district was designated as an Opportunity Zone to encourage new development as well as redevelopment opportunities. The Economic Development Office has indicated that there have been inquiries for potential development in this zone. With both the interest in potential development, in conjunction with the proximity of these parcels to Exit 4, the consensus of the Planning Board and staff was that this area of town would be attractive for future development. The Economic Development Department expressed to the Planning Board the potential opportunities for development as well as redevelopment. This zoning amendment as well as a forthcoming amendment to expand the permitted business uses in this district has the potential to allow for additional business expansion.

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

Councilor Tripp read a letter in opposition from Thomas May of Aiken Street. The letter is attached.

George Madden/Lisa Joslin: Aiken St – They would like the resident's voices heard and respected. This proposal has caused stress to many in the neighborhood. Wanted it left zoned residential.

Deborah Sullivan: Londonderry, NH – Wants to keep it zoned the way it is.

Marc Vagos: Aiken St – Agrees with George Madden and Thomas May and would like to keep it residential.

Brian Foley: Londonderry, NH – The stress is horrible on the residents. Wants the zoning to stay the way it is.

Steve Trefethen: Windham, NH – Would like a few conditions put on businesses if the zoning is changed. Would prefer to keep the zoning the way it is.

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

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Ordinance #2019-008, which reads as follows [Read the Resolution], seconded by Councilor Tripp

Roll Call Vote: 5-1-0 (Councilor Katsakiores)

Resolution attached

New Business

19-105 Resolution #2019-054 – Authorize Multi-Year Agreements for Property-Liability-Workers Com Coverage – *Town Administrator Dave Caron presenting*

The Town has been securing its insurance coverages through a risk insurance pool for decades. We propose to enter into a three-year commitment from Primex to provide P/L and W/C coverage through FY 23. Primex is governed by a Board of local elected and appointed school, county and municipal officers, and has provided coverage to governmental units since 1979. The Town has benefited tremendously from participation in risk pools (the Town secures most of its health coverage through a different risk pool). The pools provide stability, both fiscally (through contribution cap programs) and operationally (risk management services, legal advice on contracts, training, etc.) Additionally, due to spreading losses and risks among all members, pricing is much more stable than private sector insurance, without risk of dropped coverage. The Contribution Assurance Program sets a cap on potential premium increases, past caps have maxed out at 9% annually, with the current cap at 6%. From a historical perspective, over the past five years, the Town's w/c premium increase has averaged 3.6%. In reality, the W/C rates have been flat, as the premium increase in that sector is largely driven by wage adjustments and the Town's experience modification (loss ratio adjustment factor). The Town's factor for W/C is .80 for FY 19 and has hovered predominantly in the 0.70 -0.80 range. For P/L, the average cost increase over the last five years has been 0.68%; the Town will be paid \$20,000 less in FY 19 than it paid in FY 14.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-054, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

19-106 Resolution #2019-055 –Revise the By-Laws of the Net Zero Committee – *Town Administrator Dave Caron presenting, Net Zero member Tom Cardon was present and answered questions from the Council.*

The Town Council previously created the Net Zero Task Force to promote energy conservation in public facilities. In 2018, the Council merged the Task Force and the Energy & Environmental Advisory Committee (EEAC) to promote operating efficiencies and encourage a more community-wide global approach to energy conservation. Suggested changes are shown in bold

italic in the attached By-Laws. As the Task Force has evolved, its Goals have adjusted to better reflect its direction in response to changes in the energy conservation realm. Additionally, the Task Force seeks to adjust its membership slightly to encourage additional public members to participate. The Task Force recommends that the alternate position of a Derry Business member be changed to a public member. As a Council created group, the Town Council should act upon any recommended changes to by-laws.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-055, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 6-0-0

Resolution attached

Councilor Comments

Councilor Foote – Thanked the Council for the card they sent to him a few weeks ago. Noticed that the meeting have a hard stop to viewers watching at home after 10pm and would like that fixed if possible.

Councilor Tripp – Would like a plaque for the fountain that was recently restored and brought to MacGregor park. The Derry Village rotary thought it was a great idea and they are working on it.

Councilor Chirichiello – Mid September the New Hampshire State Representatives return to Concord and they have 53 bills to deal with. New bills may be introduced at this time.


Chairman Wetherbee – There are only 4 more farmer's markets left this season.

Adjournment: 9:55 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk



Date



ORDINANCE Number 2019-008

Amend Zoning Ordinance to Move Parcels to the Office Business
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 the Londonderry town line, I-93 Exit 4 and West Broadway present redevelopment opportunities; including the designation by the federal government as an Opportunity Zone; 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: To 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 two (2) parcels from the General Commercial District to the Office Business District.

This Ordinance shall take effect thirty days after its adoption.

Adopted: September 3, 2019

Attest:

x 

Neil F. Wetherbee, Council Chair

Date: 9/3/19

x 

Daniel Healey, Town Clerk

Date: 9/3/19



RESOLUTION

Number 2019-054

To Authorize Multi-Year Agreements for Property-Liability-Workers Compensation Coverage

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

WHEREAS, the Town has participated in the PRIMEX insurance risk pools for over thirty years, having obtained insurance coverage for all the Town's risk exposures; and

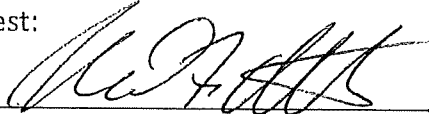
WHEREAS, participating in a multi-year program provides budget and operational stabilities;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to execute agreements to participate in PRIMEX's Contribution Assurance Program for property/liability and workers compensation insurance programs through FY 23.

This Resolution shall take effect immediately upon its passage.

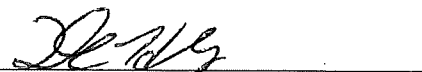
Adopted: September 3, 2019.

Attest:

x 

Neil Wetherbee, Council Chair

Date: 9/3/19

x 

Daniel Healey, Town Clerk

Date: 9/3/19



RESOLUTION

Number 2019-055

To Expand the Charge of the Net Zero Task Force

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 previously established the Net Zero Task Force whose mission was to promote energy conservation and energy efficiency in Town facilities; and

WHEREAS, the Town Council pursuant to Resolution #2018-011 the Net Zero Task Force absorbed the Energy and Environmental Advisory Committee which included expanded duties and responsibilities; and

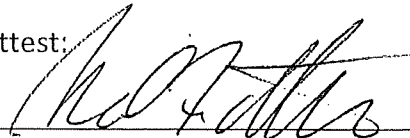
WHEREAS, the Task Force continues to review its activities and procedures and seeks efficiencies in operations and membership;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby approves the revised By-Laws of the Net Zero Task Force.

This Resolution shall take effect immediately upon its passage.


Adopted: September 3, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 9/3/19

x 

Daniel Healey, Town Clerk

Date: 9/3/19