



AGENDA ITEMS #: 23-15  
COUNCIL MTG OF: February 7, 2023  
FROM: David Caron, Town Administrator  
OFFERED BY: Administration  
PREPARED BY: Administration  
SUBJECT: Seek Supplemental Appropriation for Purchase of Conservation Land

**STAFF REPORT**  
*Public Hearing 2-21-23*

**PURPOSE:** To seek Town Council approval of a Supplemental Appropriation for \$100,000 to purchase land at 82 English Range Road for both conservation purposes and the potential site for a municipal water tower. A public hearing is required and can be scheduled for February 21, 2023.

**TOWN ADMINISTRATOR COMMENTS:** Please see comments within this staff report.

**BACKGROUND:**

The Town Council met with James Degnan, ConsCom Chair on September 20 to discuss the potential acquisition of 42.7 acres of land from the Donald Ball Irrevocable Trust. The purchase would involve approximately 43 acres of the 50.9-acre parcel; the land being secured by the Town would remain predominantly in conservation, with a carve out for a potential location for a water tank for the municipal water system as envisioned in the water system master plan. The Town Council authorized the Town Administrator to sign a letter of intent to purchase the property at the January 17 Council meeting.

**DISCUSSION:**

The property is being sold to a third party, who is aware of this transaction. Further, the potential buyer is seeking relief from the Zoning Board of Adjustment for the portion of the property which is planned for development. Thus, it is in the Town's best interest that all parties are aware of the potential future uses of this property.

This action would earmark \$100,000 from Unallocated Fund Balance as the General Fund contribution to this purchase. The Letter of Intent which the Town Council authorized the Town Administrator to sign commits to the purchase pending satisfaction of the following:

- Purchase price of \$494,000 for 42.7 acres
- Property must appraise, at a minimum, for the purchase price
- Town Council supplemental appropriation of \$100,000 in unallocated fund balance
- Conservation Commission appropriation of \$394,000
- Satisfactory title search, survey, Phase 1 environmental.
- Other site assessments as the Buyer deems prudent.

Should all conditions be met to effectuate the sale, the following actions would still need to occur:

- Conservation Commission public hearing on the proposed acquisition
- Town Council approval of the ConsCom's recommended purchase
- Town Council approval of a Supplemental Appropriation from UFB in the amount of \$100,000 after public hearing.

The Town Council at the January 17 meeting expressed interest with initiating the Supplemental Appropriation process.

**FISCAL IMPACT:**

- 1) The Town's share of \$100,000 recognizes the potential to locate a water tower on the site. Per the FY22 audit, the Town maintains a fund balance \$1.4M in excess of the Town Council's minimum retention and after the Council authorized transfer of UFB to fund the Capital Improvements Program.
- 2) The Conservation Commission share of \$394,000 would be drawn from its fund which currently has a balance of \$818,832.52.

**RECOMMENDED MOTION:**

After the February 21 public hearing, please see and act upon Resolution #2023-012.

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RESOLUTION  
Number 2023-012

To Approve a Supplemental Appropriation for the Purchase of Land on  
English Range Road for Conservation and Water System Purposes

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 real property for the benefit of the Town and to appropriate funds for such purposes; and

WHEREAS, The Town Council at its January 17, 2023 meeting authorized the Town Administrator to sign a Letter of Intent to contribute to the purchase of a certain parcel of land located at 82 English Range Road, which will preserve open space and provide land for municipal water system facilities; and

WHEREAS, the Derry Conservation Commission is in the process of acquiring the parcel; and the Town Council is desirous of reserving its share of the purchase from Unallocated Fund Balance;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that a Supplemental Appropriation in the amount of One Hundred Thousand Dollars (\$100,000) from Unassigned Fund Balance is hereby approved as the General Fund contribution towards this project, contingent upon completion of the transaction by the Derry Conservation Commission;

This Resolution shall take effect immediately upon its passage.

Adopted: February 21, 2023.

Attest:

X \_\_\_\_\_

Joshua Bourdon, Council Chair

Date: \_\_\_\_\_

X \_\_\_\_\_

Cristina Guilford, Town Clerk

Date: \_\_\_\_\_