



## AGENDA

Town Council  
Derry Municipal Center  
14 Manning Street

7:30 PM Tuesday, February 21, 2017  
3<sup>rd</sup> Floor Meeting Room

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**6:30 PM**      **Non-Public Session RSA 91A:3 II (a) – The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted**

**RSA 91A:3 II (b) – The hiring of any person as a public employee**

**RSA 91A:3 II (c) – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant**

**RSA 91A:3 II (d) - Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community**

**RSA 91A:3 II (e) – Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph**

**7:30 PM**      **Call to order**

Pledge of Allegiance, warning of fire exits, handicap access and silence cell Phones

**Roll Call**

**Consent Agenda**

**17-19**      Approve Non-Public Minutes – February 7, 2017

**17-20**      Approve Minutes – February 7, 2017

**17-21**      Schedule Public Hearing – March 7, 2017 – Exit 4A Environmental

- Impact Statement – authorization to reassign funds from a supplemental appropriation
- 17-22** Schedule Public Hearing – March 7, 2017 – Authorization to Reassign Bridge Improvement Funds

**Chairman’s Report –**

- \*\*\*\*\* Conservation Commission Report to Town Council
- \*\*\*\*\* Derry Revolving Loan Fund Presentation – Laurel Bistany

**Town Administrator’s Report –**

- \*\*\*\*\* FY2017 2<sup>nd</sup> Quarter Financial Report
- \*\*\*\*\* FY18-23 Capital Improvements Plan

**Public Forum – 30 minutes**

**Public Hearing –**

- 17-16** Supplemental Appropriation for the purchase of land on Island Pond Road for conservation purposes

**New Business –**

- 17-23** Resolution 2017-11 – To Authorize a Letter of Understanding between the Town of Derry and the Southeast Land Trust of NH Regarding the Acquisition of 138 Island Pond Road for conservation purposes
- 17-24** Resolution 2017-12 – To Appoint an Acting Town Administrator for a Specific Period of Time

**Councilor Comments –**

**Adjourn**

**Advisory Notice...**

The Town Council may, during any public meeting, vote to convene a non-public meeting in compliance with RSA 91A:3 Section II. A motion to do so will be made in public session and the motion will cite the applicable subsection of the law. Further, in compliance with RSA 91A:3 Section I, the Town Council may recess a public meeting for a period of time in order to excuse itself for the purpose of discussing matters not subject to the definition of a meeting.

**Posted: 02/17/17 – Derry Municipal Center, Derry Public Library, Taylor Library, Website**

AGENDA ITEM #: 17-21  
COUNCIL MTG OF: March 7, 2017  
FROM: M. Fowler, Public Works Director  
OFFERED BY: M. Fowler, Public Works Director  
PREPARED BY: M. Fowler, Public Works Director  
SUBJECT: Exit 4A – Environmental Impact Statement – NHDOT Services

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## STAFF REPORT

### PURPOSE

Staff seeks Town Council authorization to reassign funds from a \$1,116,598 supplemental appropriation made on June 7, 2016 for engineering work on the Exit 4A project.

### TOWN ADMINISTRATOR COMMENTS

The Council is encouraged to schedule a public hearing and affirmatively act to transfer \$100,000 for NHDOT Professional Services associated with the Exit 4A project.

### BACKGROUND

On July 15, 2014, the paradigm of the Exit 4A project changed when the former NHDOT Commissioner Christopher Clement expressed to the Derry Town Council that NHDOT would serve as project sponsor and seek federal funds for construction of the new interchange and collector roads. NHDOT has included the construction of Exit 4A in the approved statewide 10 year plan, to be completed by 2022.

On December 1, 2015, Derry Town Council voted unanimously to enter into an agreement with Londonderry and NHDOT committing to move forward on the Exit 4A project. This agreement memorialized the roles of each party and enumerated the maximum financial commitment from each community, not to exceed \$5,000,000. The towns are responsible for engineering costs related to generating the Environmental Impact Statement (EIS). The agreement also requires the towns to reimburse NHDOT for technical services on the Exit 4A project.

### DISCUSSION

NHDOT and the two Towns worked to negotiate a scope and fee agreement for Amendment #7 with CLD in the amount of \$2,333,197, with Derry's 50% cost share of \$1,116,598. Amendment #7 will address a number of topics including base mapping, traffic studies, air quality, noise mitigation, water quality technical reports, historic and cultural resource review. The extensive level of detail was deemed necessary as a result of feedback received by the consultant team and NHDOT. NHDOT is concurrently reviewing CLD's work product and providing feedback to CLD.

NHDOT has now brought forward a cost proposal of \$200,000 with Derry's share of \$100,000. Since Derry does not have a standing appropriation for each cost item in the Exit 4A project, Town Council needs to either appropriate new funds or reassign funds already appropriated in order to cover these costs for professional services.

FISCAL IMPACT

The Exit 4A agreement obligates Derry to expend \$5,000,000 as its share of the total project cost. Project accounting is presented below:

Funds spent before 2015	\$1,753,416
Amendment #6 CLD	\$ 104,371
<b>Amendment #7 CLD</b>	<b>\$1,116,598</b> ( <i>\$100,000 to be reassigned from CLD to NHDOT</i> )

**To Date Project Commitment      \$2,974,385**

**The impact of reassigning \$100,000 from CLD to NHDOT will not be realized until later in their scope of work. A \$100,000 appropriation will ultimately be required to pay remaining future balances on Amendment #7, later in calendar year 2017.**

RECOMMENDED ACTION BY COUNCIL

Staff recommends reassignment of \$100,000 from the \$1,116,598 supplemental appropriation approved on June 7, 2016 in Town Council Resolution #2016-008 for the purpose of reimbursing New Hampshire Department of Transportation for contractually obligated technical services on the Exit 4A project.

RECOMMENDED MOTION

The Derry Town Council MOVES to reassign \$100,000 from a supplemental appropriation of \$1,116,598 for Engineering Amendment #7 on the Exit 4A project. The purpose the funds will be cover staff costs for NHDOT to steer the Environmental Impact Statement (EIS) document for the Exit 4A project. The source of the funds will remain undesignated fund balance.

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AGENDA ITEM #: 17-22  
COUNCIL MTG OF: March 7, 2017  
FROM: M. Fowler, Public Works Director  
OFFERED BY: M. Fowler, Public Works Director  
PREPARED BY: M. Fowler, Public Works Director  
SUBJECT: Bridge Improvement Fund – Specific Project Reassignment

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## STAFF REPORT

### PURPOSE

Staff seeks Town Council authorization to reassign the specific project designated for this capital project fund.

### TOWN ADMINISTRATOR COMMENTS

The Council is encouraged to schedule a public hearing and affirmatively act to maintain the same purpose of bridge rehabilitation and reassign funds to different bridge (culvert) projects.

### BACKGROUND

On May 3, 2011, Derry Town Council approved the creation of dedicated Bridge Improvement Fund to serve as a capital project fund. The two projects originally designated were the replacement of the North High Street/Folsom Road bridge and the Tsienneto Road culvert near Route 102.

### DISCUSSION

Since the inception of this fund, NHDOT has stepped forward to actively promote the construction of the Exit 4A project at a total cost of \$53.5 million. The two referenced projects are within the construction area and NHDOT would likely be addressing these locations under the construction funds for the Exit 4A project.

Staff is seeking to reassign these funds to design and construct the following culvert replacements:

FY 18 – North Shore Road – Beaver Lake - \$375,000 design and construction

FY 20 – North Shore Road – Island Pond - \$485,000 design and construction

As of March 7, 2017, this fund has a balance of \$775,782.00, which includes a promised payment from NHDOT of approximately \$180,000 for Bridge Aid reimbursement, due in FY 2019. Both projects listed above are eligible for the NHDOT Bridge Aid program which only reimburses 80% of design costs or \$128,000. After factoring in anticipated reimbursements, there is ample balance to fund both projects.

### FISCAL IMPACT

Reassigning funds to the two different culvert projects on the CIP leverages Derry's ability to fully fund them without raising taxes to do so. The North High Street/Folsom Road project and the Tsienneto Road project would still be completed by NHDOT under Federal and/or State funds. Essentially, the Town is able to have four culverts/bridges replaced as opposed to two.

### RECOMMENDED ACTION BY COUNCIL

Staff recommends Town Council to approve the subject motion to change the designated use of the Bridge Improvement Fund from North High Street/Folsom Road and Tsienneto Road to North Shore Road – Beaver Lake and North Shore Road – Island Pond.

**RECOMMENDED MOTION**

The Derry Town Council **MOVES** to change the designated use of the Bridge Improvement Fund from North High Street/Folsom Road and Tsienneto Road to North Shore Road – Beaver Lake and North Shore Road – Island Pond.

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AGENDA ITEM #: 17-16 & 17-23  
COUNCIL MTG OF: February 21, 2017  
FROM: D. Caron, Town Administrator  
OFFERED BY: D. Caron, Town Administrator  
PREPARED BY: D. Caron, Town Administrator  
SUBJECT: Purchase of Conservation Land – 138 Island Pond Road

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## STAFF REPORT

### PURPOSE

Staff and the Derry Conservation Commission seek Town Council approval for the funding, acquisition and preservation of a tract of land on Island Pond Road for conservation purposes.

### TOWN ADMINISTRATOR COMMENTS

The Council is encouraged to approve a supplemental appropriation to assist with the purchase of this parcel, approve the use of Conservation Commission funds to finalize the purchase, and further approve a Letter of Understanding with the SE Land Trust to complete the purchase and for ongoing monitoring responsibilities.

### BACKGROUND

The Council met with the Conservation Commission chair to discuss the acquisition of 138 Island Pond Road for conservation purposes on December 6, 2017.

### DISCUSSION

The Town Council and Conservation Commission have identified the preservation of open space as a priority; this particle parcel consists of approximately 78 acres of land, with an overall project cost of \$465,697, which includes acquisition, soft costs and ongoing monitoring by the SE Land Trust. The Council previously agreed to present a supplemental appropriation of \$250,000 (from Unassigned Fund Balance) to a public hearing for input and action, supported by \$215,697 from the Conservation Commission. Of the initial appropriations, it is anticipated that the Town will recover approximately \$75,000 (net) from the subdivision and sale of one, 3.0+/- acre parcel; the Conservation Commission has been approved and is scheduled to receive a reimbursement from the Merrimack Partnership in the amount of \$15,697.

The SE Land Trust will actually purchase the land, convey title to the Town, and accept a conservation easement on the property. SELT will further accept stewardship responsibilities on the parcel

### FISCAL IMPACT

After reimbursements, the Conservation Commission will have invested \$200,000 in this transaction; it is anticipated that the Town Council will have invested approximately \$175,000 from UFB after the anticipated recovery of \$75,000 net from the sale of the lot.

### RECOMMENDED ACTION BY COUNCIL

Staff recommends Town Council approve both Resolution #2017-10 (Supplemental Appropriation for the Purchase of Land) and Resolution #2017-11 (Approval of a Letter of Understanding between the Town and SELT).

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