

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**June 16, 2015
Tuesday - 7:30 PM**

7:15 PM Non-Public RSA 91A:3 II (d)
7:30 PM Call to order

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

**Roll Call: Councilors Tripp, Fischer, Osborne, Bourdon, Dimmock, Katsakiores and
Chairman Cardon**

Consent Agenda –

- 15-73** Approve Non-Public Minutes – **minutes sealed** - June 2, 2015
- 15-74** Approve Minutes – June 2, 2015
- 15-75** Approve Non-Public Minutes Special Meeting – **minutes sealed** –
June 3, 2015
- 15-76** Schedule Public Hearing – July 7, 2015 – Accept 2015 Justice Assistance
Grant
- 15-77** Schedule Public Hearing – July 7, 2015 – Amend Zoning Ordinance,
Article II, Section 165-5, Definitions to amend Article IV, Districts, Section
165-29, Enumeration of Districts to add a new district, General
Commercial IV (GC IV), to amend Article V, Zoning Map and District
Boundaries, Section 165-30, Zoning Map, to amend the date of the map
and rezone three parcels in the Office Medical Business District to
General Commercial IV and to remove seventy-seven parcels from the
General Commercial District and place them in the General Commercial
IV District, to amend Article VI, District Provisions, Section 165-32,
Section 165-33, Section 165-45, Section 165-49, permitted uses and to
add a new section, Section 165-32.3 General Commercial IV and to
establish the list of permitted uses for that zone

Approved as written

Chairman's Report – Tom Cardon

The Jr. Solar Sprint was held on Saturday, June 13. A special thanks to all the teachers and students who participated.

We are in receipt of several petitions and will hold a Special Meeting on Monday June 22nd, @ 6:00 p.m. to discuss these petitions.

Town Administrator's Report – Galen Stearns

We have 3 employees from the Fire Department who are being recognized by the Catholic Medical Center & the American Heart Association on June 25th at the Heart Savers Hero Dinner; they are Chris Belvin, Josh Ledbetter and Shawn Haggart.

Fox 25 "Zip Trip" did some preliminary work today on their program here at the Municipal Center, Pinkerton Academy and on Broadway. The first portion of the Show will be live on 7/1-7/15.

Councilor Tripp attended the American Flag Retirement ceremony recently that was held by the VFW and the Boy Scouts. There were 1,014 flags retired.

Councilor Trip stated you can drop off your tattered and torn flags at the Transfer Station box or at the VFW. The goal next year is 1,015 flags.

- The Fireworks are scheduled for July 4th at dusk.
- The Farmers Market starts tomorrow from 3-6 p.m.
- The Derry Police blood drive will be June 24th from 11 a.m. - 6 p.m at Promises to Keep in Derry.

Mr. Stearns stated that Council had asked about 2 Central Court Ext. and what was needed to clean that up. Mike Fowler has proposed there are 40-60 trees to remove at a cost of \$7500. Mr. Stearns suggested to Council just to approve cleanup of the overgrown brush. Council agreed.

Public Forum - *30 Minutes*

Open Public Forum

Mike Gendron, Old Auburn Rd – Questioned why no one has been requested to speak from Derryfest as it is on the agenda this evening.

The Town provides 10% of its services for this event and it is important to the Committee. He received the email from the Parks Department regarding the cut in overtime and not being able to provide assistance this year. The Committee met and decided to cancel Derryfest this year and look for alternate support for next year to replace the duties the Parks Department provided.

Mike Gill – Presented Council with a Free Petition under Article 3.1 of the Derry Town Charter. He read his petition and stated Derryfest Corporation voted to dissolve on 12/31/14 and turned over all assets and funds to the Greater Derry Arts Council.

There is precedence for the Town Council to support town events.

Ron DuPont, Red Oak Apartments – he has 75 rentals and 4 commercial rentals and he is opposed to the ordinance in the Central business district. This ordinance prevents him from building 35 apartments. It's an issue for him to put offices on the second floor. He will not build if this happens.

Melanie Davis- She has a similar visual perception as a downtown business owner. We need to revitalize a sleeping downtown. It's just waiting to expand. There is space unoccupied on West Broadway as some of the owners make leasing unfeasible. New buildings would beautify the downtown but limiting how space is used doesn't work

Steve Trefethen, Windham – met the Town Administrator two weeks ago to discuss how Derry could save money on two items by consolidating dispatch and increasing healthcare co-pays. We need to take control of school budget from school board. Shutting down Derryfest is a disgrace. Why did they not go to community for donations? He feels Section 8.7 of the Derry Town Charter was violated by Josh Bourdon. He also quoted other area of the charter.

Marc Flattes, Linlew Drive – suggested Council contact the U.S. Fire Marshalls office regarding the ethics of the Derry Firefighters Facebook page and have them look into it. He believes residents should start a petition to have Derry become a city and take over the school system.

Marion Schnitzlein, Bayberry Lane – thanked the Council for reducing taxes. We can change the way that Derry does business. She stated (to all the ill-mannered public officials) "You do not represent me, you embarrass me."

Will Stewart, President of the Derry/Londonderry Chamber of Commerce – spoke regarding the Downtown Central Business District and the effect of the proposed ordinance. He feels if this ordinance is passed as is, it will have the opposite effect. The downtown area needs flexibility.

Mandating office space on the second floor he stated that there may not be a market for it and is against this ordinance.

Michael Layon, Lee Circle - Spoke regarding the Justice Assistance Grant. He expressed disappointment regarding not having Derryfest. Has some suggestions on how the Town could save money and presented an idea.

Marijam Ijtsma, Stone Fence Dr – helps business find employees. She looks for young professionals and they like downtown areas because they are in walking distance to restaurants and shops. She thinks Council should hold off on passing the ordinance.

Eleanor Sarcione –thanked Council for the job they did on the budget and apologized for all screaming and bullying by some.

Close public forum

Public Hearing –

15-62 Increase in Veterans' Credit

Open Public Hearing Councilors Osborne & Bourdon 7-0-0

No public input

Close Public Hearing Councilors Katsakiores & Dimmock 7-0-0

Council last year committed to increase the Veteran's benefits over the next three years.

Pursuant to: RSA 72:28 and RSA 72:27-a(I.b) and (II), move that the Derry Town Council increase the Veteran's Tax Credit from \$350 to \$400 for 2015.

Motion by Councilor Fischer, seconded by Councilor Katsakiores

Vote: 6-0-1 (Councilor Katsakiores)

Old Business –

15-55 Amend Zoning Ordinance Article II, Section 165-5, Definitions; Article III, Section 165-13, Off-Street Parking for Non-Residential Uses; Article VI, Section 165-33, Central Business District; and Article VI, Section 165-49, Traditional Business Overlay District

Open Public Hearing Councilor Osborne & Katsakiores

George Sioras, Planning Director, stated the Planning Board looked at long term goals of the downtown area, multifamily and encouraged mixed use. These goals were the directive of the Town Council in conjunction with the Master Plan. The board's thought process was to continue mixed use to move forward as they began to look at the Abbott Court properties.

If there were to be a Community Block grant for this area, it would cause 51% to have low to moderate income residential because it is federal monies. Mr. Sioras believes this was a good first good attempt by the board to move forward. It can be looked at again at some time with Council encouragement. In regards to higher building heights, he explained at a lower point from sea level a building could have more floors.

Mark Connors, Cabot Drive - would like more information regarding subjects put on the agendas so people can understand what will be discussed. With this information, more people maybe present during board meetings on a subject. Something needs to be done

Bea Shea, Oasis Salon – is a business owner downtown, lives downtown and utilizes businesses daily downtown. It's important to try and keep business growing downtown.

Marc Flattes – Support what's on paper. People are concerned with change but give it a shot for a little bit. See how the ordinance works out.

Steve Trefethen – questioned if the residential units requiring 800 sq. ft. had a limit on the number of bedrooms. Mr. Sioras replied, no.
Mr. Trefethen feels 800 sq. ft. may too big. Office space on the second floor is not good.

Melanie Davis – feels these requirements are impossible for investors.

Close Public Hearing Councilors Bourdon & Katsakiores

To amend Article II, Section 165-5, Definitions, to amend Article III, Section 165-13, Off Street Parking for Non-Residential Uses, to amend Article VI, Section 165-33, Central Business District, and Section 165-49, Traditional Business Overlay District, to amend the permitted uses allowed in the districts, density requirements, building height, parking, and buffer zones.

Motion by Chairman Cardon, seconded by Councilor Dimmock.

Council Discussion:

Councilor Tripp – questioned changes to the lists on specific pages, he doesn't agree with residential space above the 3rd floor only.

Councilor Bourdon – prohibiting residential below 3rd floor asked how that helps Derry, how many vacancies are in downtown now and how many listings for office space is downtown now. Mr. Sioras replied many committees had thought of this information. This was to prohibit a certain percentage of low to moderate income housing and prevent a lot of subsidized apartments. He is guessing there maybe 5-6 empty store fronts downtown. This is not the fault of the Town it is the out of state landlords who will not work with the Town or community to fix up their buildings to code. There is no office space downtown now.

Councilor Bourdon cannot support the residential piece.

Vote: 5-2-0 (Councilors Tripp & Bourdon)

15-70 Economic Development Committee Update

Chairman Cardon moved to appoint:

Terri Pastori, Karen Blandford-Anderson, Janis DePozzo, George Sioras, Marc Flattes to the Economic Development Committee, seconded by Councilor Bourdon.

Vote: 7-0-0

Councilor Fischer asked who else would be on the committee. Other committee members would be Mr. Stearns, Councilors Cardon, Dimmock and Tripp.

15-72 Survey Development Committee Update

Move that the Derry Town Council establish a Survey Development Committee for the purpose of putting together questions for a town wide survey by using Survey Monkey.

Motion by Chairman Cardon, seconded by Councilor Bourdon.

Discussion:

Councilor Tripp didn't think that determining how this was going to be done had to be part of the motion.

Motion and second withdraw.

Move that the Derry Town Council establish a Survey Development Committee for the purpose of putting together questions for a town wide survey to be established.

Moved by Chairman Cardon, seconded by Councilor Bourdon.

Vote: 7-0-0

New Business –

15-78 2015 Justice Assistance Grant (JAG) Interlocal Agreement

Chief Garone stated this grant is applied for every year. It is an Interlocal Agreement with Rockingham County and they are the fiscal agent for this grant.

Council asked questions as to what the use of the funds would accomplish for Derry.

Chief Garone explained some of the types of equipment they may purchase through the grant. There was a discussion between Council and Chief Garone on the pros and cons of equipping police officers with cameras.

Move to grant authority to Town Administrator Galen Stearns to execute the 2015 Justice Assistance Grant Agreement between the Town and Rockingham County fillings associated with the 2015 Justice Assistance Grant process.

Motion by Chairman Cardon, seconded by Councilor Katsakiores

Vote: 7-0-0

15-79 FY2015 Budget Transfers including Capital Projects

Janice Mobsby, Controller, gave the overview of these budget transfers regarding a General Fund budget transfer, Capital Project budget transfer and Water Capital appropriation extension.

Move to transfer FY2015 general fund appropriations totaling \$118,000 as follows:

Increase: Highway (950) Transfer to Winter Maintenance Expendable Trust \$118,000

Decrease: Police (110) Salaries \$65,000, Police (200) Benefits \$35,000, Executive (390) Other Professional Services \$18,000.

Motion by Chairman Cardon, seconded by Councilor Bourdon

Vote: 7-0-0

Move to close Route 28 TIF capital project fund and transfer the unspent balance of \$124,670.37 to the general fund to be committed for future debt service of the Route 28 Tax increment financing district bond.

Motion by Chairman Cardon, seconded by Councilor Osborne

Vote: 7-0-0

Move to convene as Water Commissioners by Councilor Osborne, seconded by Councilor Dimmock – all agreed

Move to extend previously authorized capital appropriations for Water Capital improvements to lapse, if not used or encumbered on June 30, 2017. This motion includes fiscal 2012, 2014 and 2015 water appropriations of \$150,000, \$214,000 and \$220,000 for the purpose of Emerald Drive, Lawrence Street and Ferland Drive water main replacements.

Motion by Councilor Osborne, seconded by Councilor Katsakiores

Vote: 7-0-0

Move to reconvene as Town Council by Councilor Osborne, seconded by Chairman Cardon – all agreed.

15-80 Solar Farm Presentation

Mike Fowler, Public Works Director - stated the PWD and the EEAC initiated an effort to explore feasibility of placing an array of solar panels on the Town owned landfill in 2014. The landfill

was considered for this application as it must remain essentially as a capped landfill and this kind of technology would not impact the landfill. Public Works now maintains this area by mowing the vegetation. There is a proposal with AMERESCO for a 20 year lease to the Town of Derry at \$25,000 per year. There would be an estimated tax revenue of \$10,000 per year and a one-time building permit fee estimated to be \$12,000 - \$15,000. This agreement is conditional upon regulatory NHDES permits, and a site plan review by the Planning Board.

Marc Flattes EEAC solar is more environmentally acceptable. On a different note Marc is asking the Town to dedicate and name this area after the first Chairman of the EEAC who recently passed away as the Tom Minnon Solar Farm.

Councilors asked questions regarding the effect on the residential area of Kendall Pond and Michael Avenue and the concern there was over the vegetation and residents. Also asked if other cites or towns that are doing this.

Jim Walker, VP of AMERESCO, responded and gave examples of their other projects in Massachusetts.

Move that the Derry Town Council approve the terms of a 20 year land lease with AMERESCO for the purpose of installing solar panels and selling electricity produced at the Kendall Pond Road Landfill. I further authorize the Town Administrator to execute the agreement on behalf of the Town Council.

Motion by Chairman Cardon, seconded by Councilor Bourdon

Vote: 7-0-0

15-81 Derryfest

Chairman Cardon – Derryfest is a privately funded event and it appears that Derryfest cannot hire the Parks Department for this event but I don't think money is the issue. He thinks this can be worked out whether Council needs to hold a public hearing to accept money from Derryfest He thinks there is a volunteer issue.

Councilor Fischer – Derryfest is a positive for community. The Derryfest Committee should look to how we could move forward without town funding.

Councilor Osborne – We have 3 months ahead to plan to make Derryfest happen. He's not convinced businesses and volunteers cannot find the funds privately or operate as voluntary organization. He's optimistic Derryfest can happen. He recalled when the Town decided not subsidize the Farmer's Market and people negatively said it would no longer be, but it is. He encourages people to volunteer, stating he would volunteer.

Councilor Katsakiores – Derryfest is the biggest thing that happens in this Town. It's a happy occasion. She would volunteer to keep Derryfest going.

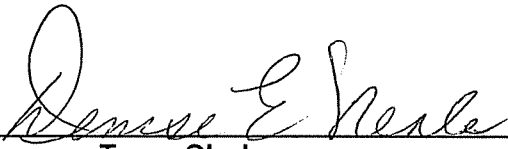
Councilor Dimmock – we were told this has nothing to do with the Town. He has supported it right along. It's a great opportunity to get together.

Councilor Bourdon – is disappointed that this has gone this far. He's done research and talked to committee members. There's lack of help and not enough people are coming forward to help out. Parks provides equipment for set up. It would require getting volunteers with this kind of equipment. He wishes everyone could have communicated better. He asked if there was some way to pay for the overtime in the Parks Department.

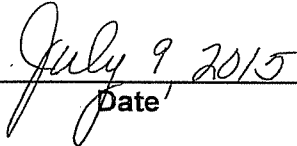
Mr. Stearns explained the process of unassigned funds vs over expenditure of the Parks budget. Chairman Cardon stated there has to be a way for Derryfest to pay the parks department. Ms. Hickey replied under RSA 31.95B unanticipated revenue this is possible.

**Motion to adjourn by Councilor Fischer, seconded by Councilor Cardon
Vote: 4-3-0 (Councilors Tripp, Katsakiores and Bourdon)**

Adjourned 10:00 p.m.



Town Clerk



Date

Recorded and Transcription by Denise E. Neale, Town Clerk