

TOWN OF DERRY

Town Council
Derry Municipal Center

February 18, 2020
Tuesday - 7:00 PM

6:30 PM Non-Public Session – RSA 91A:3 II (a,c)
7:00 PM Call to order

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

Councilor Tripp moves to seal RSA 91A:3 II (a,c), seconded by Councilor Bourdon
Roll Call Vote: 7-0-0

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

Roll Call: Councilors Chirichiello, Katsakiores, Morgan, Foote, Bourdon, Tripp and Chairman Wetherbee

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

No one from the public spoke.

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

Consent Agenda

20-14 Approve Non-Public Minutes – February 4, 2020 – **Minutes sealed**

20-15 Approve Minutes – February 4, 2020

20-16 Accept Planning Board Member resignation

Consent agenda approved

Chairman's Report – Neil Wetherbee

There was a moment of silence for the passing of Roberta Robie. Town Moderator Mary Till gave a Presidential Primary election recap. There were no major issues to report on election day. The most common complaint was undeclared voters not changing back to undeclared after a primary and being upset about which ballot they received.

Town Administrator's Report – David Caron

The exit 4A project is moving forward. A record of decision has been filled and there is a 30-60 day review process. The Town is in the final stages of the hiring process for a new Parks and Recreation Director and at the 2nd meeting in March UNH will present the recreation study to the council. The Town put in its support for SB 460 and some of the sponsors on the bill are Representatives O'Connor, Milz, and Chirichiello along with Senator Birdsell. The Planning Board voted at their last meeting to adopt the Master Plan. There will be \$920,000 in HVAC replacements in the upcoming budget and the town will be receiving bids soon. Fire Chief

Michael Gagnon introduced members of the CERT team and they gave a brief presentation of what they do to the council. They are a volunteer response group that is called upon to assist emergency personnel when dealing with real-life emergency situations that may impact the area. Town Council Chair Neil Wetherbee read a proclamation from the council.

Public Hearings –

20-13 Resolution #2020-008 – Schedule a vote to allow the operation of Sports Book Retail Locations in Derry – *Town Administrator Dave Caron*

The State Legislature recently passed HB 480, which created RSA 287-1, allowing sports betting in New Hampshire. With the passage of this law, mobile sports wagering and participation through traditional lottery retail locations are authorized throughout the State. The third platform to participate is at up to ten sport book retail locations throughout the State; these locations would be developed by the Lottery Commission's selected vendor(s). However, unlike mobile sports wagering or retail lottery locations, local approval is needed to allow sports book retail in a municipality. The local approval process is similar to the Keno approval process from 2018, state law requires that cities either 1) 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 5% 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, the Lottery Commission's selected retail sports betting vendor(s) are authorized to locate a facility in Derry; the Council recently passed a Zoning Ordinance which identifies which zones now allow this use. Similar to other forms of gambling, the State Lottery Commission would be responsible for regulating and enforcing applicable laws and regulations.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2020-008, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Ordinance attached

Councilor Comments

No Councilor comments

Adjournment: 7:50 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

3-18-2020
Date



RESOLUTION

Number 2020-008

To Schedule a Vote to Allow the Operation of Sports Book Retail
Locations in Derry

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to implement laws as may be enacted by the State Legislature; and

WHEREAS, the State Legislature passed legislation authorizing the State Lottery Commission to administer sports betting in the State of New Hampshire; and

WHEREAS, said legislation includes a local option which requires voter approval prior to operating sports book retail locations in any community in the State; and

WHEREAS, any such vote shall be held during the regular municipal election;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that a question shall be placed on the Official Ballot of the March 10, 2020 municipal election, worded as follows: "Shall we allow the operation of sports book retail locations within the Town of Derry?"

This Resolution shall take effect immediately upon its passage.

Adopted: February 18, 2020

Attest:



Neil Wetherbee, Council Chair

Date: 2/18/20



Daniel Healey, Town Clerk

Date: 2-18-2020

Archival Ref: TC agenda Item #20-13