

## TOWN OF DERRY

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday February 7, 2023  
3rd Floor Meeting Room

### MINUTES

#### **7:00 PM      Call to order – Vice Chair Spencer**

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

**Roll Call:** Councilors Katsakiores, Chirichiello, Wetherbee, Flood, and Vice Chair Spencer  
Present: TA Dave Caron, Town Clerk Tina Guilford

#### **Public Forum - \*30 Minutes\***

**Motion by Councilor Wetherbee to open public forum, seconded by Councilor Katsakiores**  
**All Agreed**

Mark Connors, Cabot Drive – This council took a vote to not get involved. HB introduced by Representative Steve Pearson, Katherine Prudhomme O'Brien, and David Love. It has been in front of the Finance committee for a while now. The bill has been amended to remove some language to put people in jail. I have asked the Town Council to attend. Thanks to Brian for attending. Councilor Chirichello was asked if cost was not a factor, would he choose the tunnel, he said yes. The Chair of the Committee is taking this very seriously and there are a lot of questions about how DOT went about this, including letter from Mr. Cass about the cost that was received shortly before your vote, that influenced your vote. The bill retained by Finance; they need to hear from you. Finance has a lot of questions as to how this all happened. NHDOT is doing a bait and switch. The alternative plan is the new plan. The tunnel has always been in the plan.

**Motion by Councilor Wetherbee to extend, seconded by Councilor Flood**  
**All Agreed**

Please get involved. DOT is pointing at this 7-0 vote as the Town Council wanting the alternate plan, when all you did was vote to not get involved. Depreciating the tunnel is the only way to make it more expensive, otherwise it will be more cost effective for Derry in the long run. Please reach out to the Finance Committee they want to hear from you.

Councilor Chirichiello – Just to clarify, I was asked if I was king for a day and there was no cost involved, would I want the tunnel. I said yes, as long as there are no additional delays in construction.

Calvin Kilbert, Little John Court – I am here to ask for a Stop Sign. Northbound on Fordway Extension at the intersection of Bowers Road. It is posted that it is 35 MPH zone and people go over 50 MPH. I just want to make the area a little bit safer and wanted to present the idea to you.

Councilor Wetherbee – This needs to go to the Highway Safety Committee that meets on the 3<sup>rd</sup> Thursday of every month at 10 AM.

Richard Tripp, Windham Road – Bowers Road, I have brought that up multiple times, I have brought up a crosswalk there because people drive a little fast and there is a crossing there. Also with the Rail Trail, the Scenic crossing, I refuse to call it spaghetti, I watched the Finance hearing last week. Lots of Rail Trail people were there and then finally DOT got to testify, but then Finance adjourned and DOT is still waiting to tell their side. It sounds like maybe they finally got to tell their side today.

**Motion by Councilor Wetherbee to extend, seconded by Councilor Katsakiores  
All Agreed**

If there was no cost to the Town and no delay, I would be fine with a tunnel. They have already started to build the exit off of 93.

Mark Connors, Derry Rail Alliance, President – Representative Pearson was allowed to speak for as long as he wanted, its his bill. The corner lots have houses on them now, but they are being rezoned commercial. It will be a busy intersection. They are going to be valuable lots, and it looks like we will have the busiest Rail Trail in the state, and the Trail will be going through parking lots with this alternate plan. Once the road is built, that's it. We need to make the right choice for Derry now.

Richard Tripp, Windham Road – I have looked at the maps, the tunnel does not go down. This tunnel is going to raise the road 10 feet. If you have looked at Folsom Road, its like a ski hill.

**Motion by Councilor Chirichiello to close public forum, seconded by Councilor Katsakiores  
All Agreed**

**Consent Agenda**

- |              |  |
|--------------|--|
| <b>23-14</b> | Approve Minutes – January 17, 2023   |
| <b>23-15</b> | Resolution #2023-012 – Approve a Supplemental Appropriation for the purchase of land on English Range Road for conservation and water system purposes. |

**Councilor Wetherbee moves to approve the Consent Agenda, seconded by Councilor Katsakiores  
All Agreed**

**Chairman Report – Erin Spencer**

Conservation Commission – *Chair James Degnan presenting*

The Commission met 14 times in 2022. We assist in protecting the water and natural resources and promoting conservation. One of our major wins is working with UNH in a study about the wildlife in Derry. The Commission has authorized an additional 3 years with the UNH Study. We are working with additional towns around us to map trails that interconnect to make one map system for Rockingham County. We will be updating signage at Broadview Farm due to some dog fouling issues. We will be reopening the trail system at Shepard as the trail getting to the picnic tables have gotten overgrown. The Doolittle property needs some invasive treatment. We have 2 vacancies on the board.



Highway Safety Committee – *Public Works Director Mike Fowler presenting*

This committee was created in the 1960's as a way to gain State and Federal funds. It has evolved into a citizens committee that is responsive to requests for traffic issues. There were 7 meetings last year and we reviewed 9 cases. When we receive a concern about speeding, we put down a speed strip for about a week to get information so that we can gain insight to what is actually happening in the area. They meet at 9AM on the Third Thursday of every month. There will be openings in March on the committee.

**Town Administrator's Report – Dave Caron**

FY23 Q2 Financial Report – *Chief Financial Officer Mark Fleischer presenting*

December is 50% through the fiscal year. FY23 General Operations are at 80% of Revenues and 70% of expenses. Revenues and expenses can run higher due to contractual obligations booked for the entire year. Operations does not include Taxes, Overlay, TIF, Capital and EMT Revenues or Expenses. At 12/31/2022, the 20M Fire Station and Culvert bonds and bond premium proceeds have accrued \$275,199 in interest which can be spent on the projects. The interest rate at 12/31/22 was 4.45%. The Town's average General Fund interest rate was 2.47% for December 2022. December 2021 the average rate was .12%. This increase in rates has contributed to GF Interest Revenue exceeding budget.

The Town of Derry's Frost Festival will be taking place on Saturday, February 18, 2023 from 12PM to 3PM. The central location for the event will be the Benson's Lawn located at 1 West Broadway. The Annual Frost Festival Spaghetti Supper is taking place at Pinkerton Academy's Senior Café on Friday, February 17<sup>th</sup>. The supper is free. There will be Smores Kits and music on Benson's Lawn and Ice Sculptures at Sabatino's. Weather permitting there will be skating rinks at Hood Park. Sledding at Alexander Carr. If you want to take a break from the cold, you can visit Vet's Hall or the Derry Museum of History which will be open to the public.

We are in the midst of reviewing the draft FY24-29 Capital Improvements Plan and will be presenting to the Planning Board on February 15. Upon completion of the CIP we will begin working on the FY24 budget. As you know, the Town's budget is subject to a tax cap based upon the change in the Northeast Consumer Price Index as of December 31. The max increase per charter is 6.1% but our goal is to bring it at 3%.

Chief Feole was notified that the South-Central Public Health Network will be providing an additional ten Naloxboxes. Staff will be meeting identify the most effective placement of these resources in public facilities.

**Public Hearings**

**23-06**

Resolution #2023-007 – Accept a Gift from the Derry Rail Trail Alliance –  
*Public Works Director Mike Fowler presenting*

The Town has some great partnerships with organizations in Town. State statute requires a public hearing for the Town Council to accept donations whether in the form of cash or physical equipment. The Derry Rail Trail and the Alexander Eastman foundation have teamed up to purchase two sets of flashing safety beacon signals to be located at Broadway and South Ave

totaling \$16,430.00. The Department of Public Works is happy to recommend this motion and will be happy to install them in the spring.

**Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Chirichiello**  
**All Agreed**

Mark Connors, Cabot Drive, President, Derry Rail Trail Alliance – We are very pleased to be here to help promote safety with our Rail Trail. I am sorry Dave from the Alexander Eastman Foundation was unable to be here tonight. We have been working on the Bowers Road situation for years. In the 80's, the bridge that was there was removed and a culvert was put in and we will continue to look into what can be done at Bowers. We are excited to put these beacons in. Even with all the issues over the Tunnel, we have worked well with the Town and we hope that continues.

Richard Tripp, Windham Road – I want to thank Derry Rail Trail and the Alexander Eastman for the donation. This will make things much safer. The blinking lights draw the attention. Maybe someday we will be able to do something at Bowers Road.

**Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Katsakiores**  
**All Agreed**

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-007 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 5-0-0**  
**Resolution attached**

**23-07** Resolution #2023-008 – Accept a deed for dedicated access upon Lot #10115-23, Village Brook Lane and to ratify Resolution #2022-066 –  
*Town Administrator Dave Caron presenting*

Resolution 2023-008 emanates back from this past summer and fall when the Council considered laying out a Class A Trail located at 29 Village Brook Lane. The Council approved that action on September 20, 2022. During the course of the investigation, we have learned that the developer was to provide a deed for that dedicated access. Our legal counsel reached out to the original developer, and we have now received a deed for that piece of land, we are asking that 1) the Council accept the deed and 2) to ensure that this action does not negate the September action, we are asking the Council to reaffirm the Class A Trail designation.

**Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Katsakiores**  
**All Agreed**

No one from the public spoke.

**Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Katsakiores**



**All Agreed**

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-008 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 5-0-0**  
**Resolution attached**

**New Business**

**23-16**

Resolution #2023-013 – Accept Road names associated with the Exit 4A project – *Public Works Director Mike Fowler presenting*

To confirm selected names for two short segments of road to be created as part of the Exit 4A layout. In October of 2021, the Council confirmed the staff recommendation that Londonderry should name the connector road from the I93 interchange to the intersection of North High Street in Derry. They have confirmed the name Olde Rum Trail as the official name of the connector road. The two new roads being created in Derry led us to consult with the retired Town Historian, Rick Holmes. He suggested Aghadowey Avenue, which refers to the town in North Ireland from which Derry's original settlers came from. The second road is to allow for future access of the current 5 Madden Road, American Excavating. In deference to American excavating, whose business will require an address change, they suggested Haley Drive, a family name.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-013 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 5-0-0**  
**Resolution attached**

**Councilor Comments / Liaison Reports –**

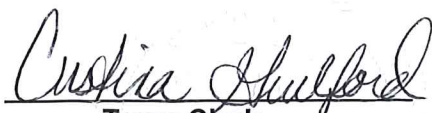
**Councilor Katsakiores** – Would like to thank all the people at the Transfer Station for working on the coldest day and did a great job.

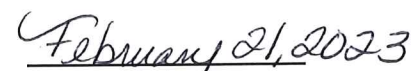
**Councilor Chirichiello** – Would like to Thank Councilor Wetherbee and Councilor Bourdon for their service as neither is running for reelection.

**Councilor Spencer** – Please watch out for a Be The Match Event happening at the Derry Public Library in March.

**Motion by Councilor Wetherbee to ADJOURN, seconded by Councilor Flood**  
**All Agreed**

**Adjourn: 8:12PM**

  
Town Clerk

  
Date

**Recording & Transcription by: Cristina Guilford, Town Clerk**



## RESOLUTION

Number 2023-007

To Accept A Gift from the Derry Rail Trail Alliance

WHEREAS, RSA 31:95-e authorizes the Town Council to accept gifts, other than money, to be used for any public purpose; and

WHEREAS, the Derry Rail Trail Alliance (DRTA) has provided equipment to augment the use of the multi-use recreation path through Derry; and


WHEREAS, DRTA has received a grant from the Alexander Eastman Foundation to support DRTA's efforts to provide crossing beacons at two intersections;

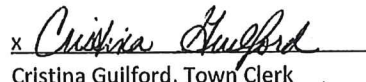
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept a gift of personal property at a value of \$16,430 for crossing beacons.

This Resolution shall take effect immediately upon its passage.

Adopted: February 7, 2023

Attest:

x   
Erin A. Spencer, Chair Pro-Tem  
Date: 2.13.23

x   
Cristina Guilford, Town Clerk  
Date: February 7, 2023

Archival Ref: TC agenda Item #23-06



## RESOLUTION

Number 2023-008

To ratify the acceptance of a deed for a dedicated easement and an earlier vote to accept the easement as a Class A Trail at Harvest Estates

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, RSA 231-A provides for the acceptance of a dedicated access easement as a Class A Trail; and

WHEREAS, an "Easement for Future Access"—a dedication—is shown on a plan recorded in the Rockingham County Registry of Deeds as Plan D-18363 and said access runs from Lot 10115-23 (also known as 29 Village Brook Lane) and land that was later subdivided as Harvest Estates;

WHEREAS, the developer that dedicated the easement from then undeveloped land to the subdivision known as Belle Brook Estates, Cooper Homes, Inc., has now deeded the access to the Town of Derry; and


WHEREAS, the Town Council voted on September 20, 2022 to accept the dedicated access pursuant to RSA 231-A:5 as a Class A trail;

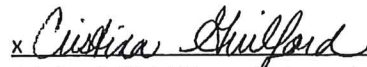
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the deed for the dedicated access is accepted and the Council's September 20, 2022 vote to accept the dedication as a Class A Trail across lot 10115-23 as shown on the Plan D-18363 with all of the restrictions and rights noted in the September 20, 2022 vote is hereby ratified.

This Resolution shall take effect immediately upon its passage.

Adopted: February 7, 2023.

Attest:

  
Erin A. Spencer, Chair Pro-Tem  
Date: 2.13.23

  
Cristina Guilford, Town Clerk  
Date: February 7, 2023

Archival Ref: TC Agenda Item #23-07



## RESOLUTION

Number 2023-013

To Accept Road Names Associated with the Exit 4A Project

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 has partnered with the New Hampshire Department of Transportation to design and construct the Exit 4A interchange and corridor; and

WHEREAS, the design requires the creation of new two new road layouts; and

WHEREAS, NHDOT has requested that the Town name these two new roads;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Council hereby names the spur off Madden Road as Aghadowey Avenue and the road at the intersection with North High Street as Haley Drive.

This Resolution shall take effect immediately upon its passage.

Adopted: February 7, 2023

Attest:

x Erlin A. Spencer  
Erlin A. Spencer, Chair Pro-Tem  
Date: 2.13.23

x Cristina Gullford  
Cristina Gullford, Town Clerk  
Date: February 7, 2023

Archival Ref: TC Agenda Item #23-16