

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday, April 21, 2026
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Spencer

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

Roll Call: Councilors Milz, Webb, Chase, Healey, Foote {Remote}, Flood, Chair Spencer

Absent: None

Present: TA Michael Fowler, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

Tom Cardon, Cunningham Drive - I had some comments about the Bird Enterprise property at 187 Hampstead Road. I attended the meeting last June where they had applied for a variance for a 50 square foot pylon sign and I think a 19 square foot message board. And, you know, according to the ordinance, 165.1 does not allow lit signs. It only allows 24 X 24. You know, I think there's a specific reason why the zoning is written that way and that is to keep the size and the scope of signs in a residential neighborhood the way it is. And, you know, Superior Court Judge from Hillsborough County agreed with that and reversed the decision of the zoning board. And then in January, code enforcement asked them to take it down. It was not taken down. They followed up in February, and it still wasn't taken down and then on March 30th, code enforcement sent another letter informing them that they had to take the sign down. And three days later, they went to the zoning board for yet another variance for the same sign that was supposed to have been taken down. And, you know, not to forget about the direct abutters. I mean, that's one of the big considerations. I mean, they had to put up with that sign for, I don't know, eight or nine months that was lit and one of the stipulations that was in the variance was that they had to be shut off at 9:00 and it never was. So, I mean, I don't know, where the zoning board goes from here. You know, I mean, in all honesty, the property that's there, what Bird Enterprises has, it's not a bad fit for that area and, you know, do they deserve a sign? Yes, they certainly do deserve a sign. But I don't think they deserve a, you know, a big pylon sign that, you know, that affects all the neighbors around. Thank you.

Motion by Councilor Webb to close public forum, seconded by Councilor Milz

Roll Call Vote: 7-0-0

Consent Agenda

- | | |
|--------------|--|
| 26-33 | Approve Non-Public Minutes – April 7, 2026 |
| 26-34 | Approve Minutes – April 7, 2026 |
| 26-35 | Approve Budget Workshop Minutes – April 9, 2026 |
| 26-36 | Resolution #2026-021 – Adopt Revised User Rate & Fee Schedules for Derry Water Customers |

- 26-37** Resolution #2026-022 – Adopt Revised User Rate & Fee Schedules for Derry Wastewater Customers
- 26-38** Resolution #2026-025 – Accept a Bureau of Justice Assistance Grant for Incident Management Equipment

Councilor Healey moves to approve the Consent Agenda, seconded by Councilor Webb
Roll Call Vote: 6-0-1 {Flood}

Chair Report – Chair Spencer

Board / Committee Appointments

Zoning Board of Adjustment

Chair Spencer moves to appoint Crystal Morin as a member of the Zoning Board of Adjustment for 2-year term to expire March 31, 2028, seconded by Councilor Healey
Roll Call Vote: 4-3-0 {Milz, Webb, Chase}

Councilor Webb - I'm going to be voting no as I did before and it's not directly to do with Ms. Moran. It is my belief that the zoning board needs to change. I do not support either Mr. Tripp or Ms. Moran. And I think that the zoning board needs to take a direction where it needs to follow the rule of law, and it has not been. And that may be a training issue. So, no matter what the vote is here today, I think maybe the town administrator can help, but it's to schedule training with the New Hampshire Municipal Association on the rule of law. We don't want to have a zoning board that does planning by variance. This happened in other communities and has created issues. I do not want to see that. I want to make certain that they follow the rule of law, that they follow the hardship criteria, and that they tighten up some of their policies and procedures.

Councilor Chase - I agree with Councilor Webb on this. I won't be changing my vote either. The zoning board has to change. And if the only way that we can do it is by changing the zoning board, I'm willing to do that. I made a mistake last time. I won't make that mistake again. I assure you all of the members are being looked at. And as far as going to a member and talking to them about the way that they are voting, that's very, very tricky because zoning is a quasi-judicial board and we do not want to have the appearance of malfeasance in, you know, trying to interfere with the board's vote and how they do that. Our only recourse is to set the board. And hopefully, if people that we do not feel are adhering to the rule of law and the five criteria, we vote them off and hopefully somebody that will get on the board that will.

Town Council Liaisons/Ex-Officio Appointments

Conservation Commission Council Representative: **Councilor Foote**
Derry Housing & Redevelopment Authority Council Representative: **Councilor Webb**
Derry Public Library Council Representative: **Councilor Spencer**
Fiscal Committee Council Representative: **Councilor Healey**
Heritage Commission Council Representative: **Councilor Chase**
Highway Safety Committee Representative: **Councilor Chase**

Legislative Committee Members: **Councilors' Webb, Healey, & Spencer**
Net Zero Task Force Council Representative: **Councilor Healey**
Pinkerton Academy Liaison: **Councilor Flood**
Planning Board Council Representative: **Councilor Chase (Councilor Milz – alternate)**
Public Works Council Representative: **Councilor Milz**
Safety Departments Council Representative: **Councilor Webb**
School Board Council Representative: **Councilor Spencer (Councilor Milz – alternate)**
SNH Hazardous Materials Mutual Aid District Council Representative: **Councilor Webb**
Taylor Library Council Representative: **Councilor Flood**
TIF Advisory - DCC: **Councilor Milz**
TIF Advisory – Gateway: **Councilor Milz**
Record Retention – Designee: **Councilor Foote**

Councilor Spencer moves to approve the Liaison & Committee Appointments, seconded by Councilor Milz
Roll Call Vote: 7-0-0

Town Administrator's Report – Town Administrator Michael Fowler

As everybody's aware, we've spent a good portion of the month of April consumed in our budget meetings. We're kind of ramping down here towards the public hearing for the budget and CIP on the 23rd of April, and that's a Thursday night. Then we'll have our final vote for the budget on May 5th, 2026. So tonight I have prepared a list within the councilors' packets, and it's a very short list, of questions or comments that we've provided and staff has provided some responses to. I'd like to run through those very, very briefly. If there's any other questions, please reach out to me. But these will all be incorporated within the budget that you will see at the public hearing on the 23rd. So, when we met on the 7th, the fire department, there's a general question about the EMS collection rate. More or less, that response is 0 to 30 days is 44%, 31 to 60 days 26%, 61 to 90 days 10%, and 91 to 80 days is 11%. There's an overall collection rate of 91%. So that's been answered and that is above industry trends. In the Animal Control Department, there was a discussion about the concern that \$500 in that line item is not sufficient to support training needs. The chief has provided some commentary about some of the past, current, and future training opportunities for the ACO officer. I'd encourage you to take a look at that. In the Highway Division, there was a question about the pavement management list and there were a portion of was notated on a couple of the roads. DPW Director Carrier has put together a list that's in the councilors' packet that further explains the limits of where the start and ending points are for some of the roads that we're planning to pave with the FY27 budget. In the transfer station, there was a question about the C&D revenues. Again, DPW Director Carrier has put together some analysis on that, talking about kind of that differential between what we pay and what we charge. So that might be something that the council wants to take a look at in a future workshop or cycle as we get into Fiscal 27. Vehicle maintenance, there was a general question that had been brought up of all three departments about now that we don't have the state mandated vehicle inspections, what is the policy and procedure within each one of those departments? You'll see some commentary within there but the general sense is we do the same level or more for the vehicles that we have because many of them are rated as commercial vehicles. So regardless of what the state mandate was on removing stickers, we still will be going forward with that just for simple liability purposes. Code enforcement, there was a question or a suggestion to look into personal alert systems. So that has been going on as we speak. We'll continue to update the council on that. But there looks like some promising possibilities there. Then we talked about on the 9th, economic development. There was a question about marketing funds. There's three lines in the budget

that have marketing funds. There's \$16,000 in the Economic Development Fund, \$15,000 in the DCC, and \$5,000 in the Gateway TIFS. So, we have a combined \$36,000 for various marketing purposes for use. Information technology. There was an ask by Doug Rathburn to add two PCs for \$600 total. That has been incorporated into the budget. And the bottom line has been adjusted. Tax collector. A question came up about the ratio of online versus in-person transactions. What we did was look at the most recent quarter that we had a full quarter on, which is October through December of 2025. In that area, it came up to 2,700 online, so 37%, and 4,729, so about 63% were in-person. So still shading towards more in-person as opposed to online registrations. Then we had the swap that was requested by Councilor Webb on the administration and human services. There was an amount of \$13,301 that was moved from the human services line for DHRA over to the human resources line for better recruitment opportunities. So those are all the items that had been flagged by council.

26-31

Resolution #2026-018 – Adopt the FY27 Town Budget – *Town Administrator Mike Fowler presenting.*

We will have a Public Hearing on April 23rd with a final vote on the budget expected on May 5th.

A couple of other general items. Community information, so as everybody's aware, we conduct an annual Household Hazardous Waste Collection Day. And that'll be coming up on Saturday, May 9th, 9:00 AM to 12PM. That'll be over at West Running Brook School. This will be one opportunity. It's a combined opportunity between Derry and Londonderry. There's another event right around a week or two before Thanksgiving in Londonderry where Derry residents can dispose of qualifying materials. If there's any questions, please reach out to the DPW office or go on the town's website. It's got a pretty explicit list of what's permitted to be dumped there on that day.

One of our staff members received an online petition from the online portal change.org. It was asking the Town Council and other boards to step in and protect the environment for the 41 Ashley Drive project. As a reminder, tonight we're going to be talking about accepting the easement that has been put forward. This project's been approved by the Derry Planning Board. I confirmed with the town clerk that a digitally submitted petition is not valid under state law as it wouldn't meet the criteria of an actionable petition as defined by the town charter and also under state law. The Town Council has the option to consider any initiative it sees fit, but the digital petition would certainly not meet the criteria for compulsory action on that. A lot of times, those things have individuals who may or may not be from the community. It's important to kind of put that into the pot there when you evaluate that.

And then lastly, within your packet, we're approaching the summer, believe it or not, as it's 40, whatever, 45 degrees outside. Typically, the Council looks at reducing the July and August dates down to one meeting date. So the suggested dates, would be the first meeting, which would be July 7th, and also the first meeting in August, which would be August the 4th.

Public Hearing

26-27

Resolution #2026-014 – Authorize the acquisition of property at 17 South Avenue LMG Master Agreement for Abbott Court – *Town Administrator Mike Fowler presenting.*

The Town is part of a larger master development deal that was extended last meeting. What we have here tonight is there's a small parcel that is attached or was attached to 17 South Avenue. It's a triangular parcel that is 4,376 square feet. It's to the south of the existing three parcels that the Town owns. There was an action taken at the planning board on March 18th to merge the three town properties. Then there will be a lot line adjustment once the Town Council's action is confirmed to bring those all into a single parcel. Eventually, what will happen is there'll be a condo complex, with a condo document, created that the Town and LMG are in a single condo arrangement. What that means is we have rights that we have management of the parking garage. They have management of the apartment complex. There's going to be some interaction because obviously, some of those spaces will be leased to LMG and some of the spaces will be retained by the town for general purposes for downtown parking. I can tell you that within this particular agreement, the proceeds to the seller is \$270,000. And as such, that's going to be covered within the project budget, the \$20.7 million bond plus the other proceeds that have been brought over for the parking garage to ensue. We're monitoring the progress of the construction as we speak. We feel confident that we haven't seen any substantive change that would change our ability to cover that. The Town Council's vote would allow us, pursuant to state law, to accept that triangular piece. Then the deed can be transferred and then we can move forward with all of the other land transactions to make the condominium document whole.

Motion by Councilor Milz to open public hearing, seconded by Councilor Healey
Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Milz to close public hearing, seconded by Councilor Healey
Roll Call Vote: 7-0-0

There will be a vote on May 5, 2026.

26-30

Resolution #2026-020 – Authorize the Conservation Commission to accept a Conservation Easement at 41 Ashleigh Drive and 37 Scobie Pond Road – *Town Administrator Mike Fowler presenting.*

The property at the end of Ashleigh Drive, known as 41 Ashleigh Drive & 37 Scobie Pond Road, is a fairly substantial piece of property. There's an industrial development that has been approved by the planning board. One of the key elements for this particular development to move forward was in order to get environmental permits through US Army Corps of Engineers, through the New Hampshire Department of Environmental Services, and New Hampshire Fish & Game, there was a requirement to place a protective easement on 28.7 acres of that parcel. The developer had brought this through, had hired some consultants to look at what was required, what would be acceptable to the various agencies. And as you can imagine, the more people that you get involved, the more intricate that it gets. But we were presented with an initial version of the stewardship easement in which the town would take the easement and be required through the conservation committee to perform the full stewardship activities.

And we brought that through to leadership for the Derry Conservation Commission. There were some concerns. We brought those back to the development team. They were willing to work through those concerns. And essentially, now the stewardship agreement is much more friendly towards the town and town's needs. So essentially, we're going to be able to obtain an upfront payment of \$7,500. There is a \$1,000 annual payment plus a 2% escalator to assist with our stewardship efforts. If there's some deficiency that's found by our land manager or anybody else working on behalf of the Derry Conservation Commission, the requirement to fix, to amend would go back to the existing owner for them to deal with the issue. The only way this would work through the state so that the permits could go forward is that the town had to be the one who was holding the easement. We would actually accept a deed. You're going to be giving me permission if you vote affirmatively to proceed with signing the deed to accept the easement. I do want to point out just for full transparency, the Conservation Commission considered the full details of this agreement at their March 16th, 2026, meeting and they voted 5-2 to accept the final draft easement on that. With an affirmative vote, the permitting can move forward. I would expect that we will see further efforts towards finding a final suitor for this building and moving forward with breaking ground. Looking at the larger tax impacts, this building has the likelihood of producing some significant tax revenue. It is within the DCC TIFF district. So ultimately, it's supporting the funds that go into that particular district.

Motion by Councilor Webb to open public hearing, seconded by Councilor Milz
Roll Call Vote: 7-0-0

David Provencher, Miltimore Road – I just have like one quick question about this property that's being developed there. Do you have an approximate idea of how many trees are going to have to get torn up, bulldozed to develop this warehouse?

Town Administrator Fowler - No, unfortunately, I don't. A lot of the land back there is already cleared because it's the power line easement part of that property. There is a significant buffer towards the residential. I think it's towards the north and the east of that parcel. That's the area that's being maintained. It will provide a buffer, a treed buffer towards the residents on that north side. But the development primarily is towards the southern part. And it also pushes over towards M&R wood recycling, which some of that has been, you know, cleared already as well.

Provencher – All right. Thank you. That's all I wanted to know.

Motion by Councilor Webb to close public hearing, seconded by Councilor Milz
Roll Call Vote: 7-0-0

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2025-020 which reads as follows [Read the Resolution], seconded by Councilor Healey
Roll Call Vote: 6-1-0 {Foote}

New Business

26-38 Resolution #2026-023 – Authorize an Agreement for Broadview Farm Rental Agreement – *Town Administrator Michael Fowler presenting.*

I received an email from land manager Elizabeth Carver. She had indicated that the Derry Conservation Commission was seeking to continue agricultural activities on Broadview Farm that they had always traditionally done through a handshake agreement. There's a new person that's going to be taking over some of those agricultural activities. We worked through the terms of a lease agreement that they were going to be asking the Town Administrator to authorize and execute, and then obviously the individual who will be leasing the land from the town. In the past, the way it always had worked was the individual was out there and provided in-kind services, whether it was clearing, use of machinery, brush hogging, things of that nature. We expect that to continue, although there is a possibility of a straight-up donation in the event that the individual is not able to provide those in-kind services. The deal is a three-year deal with the Derry Conservation Commission having the management. If there are any issues or concerns, there are clauses to break the agreement with 90 days' notice. And if there's any other items, there's insurance that never existed before. We also have other provisions that align with other contracts that the town has leases for. This is just a formal document to bring into compliance with other properties for a three-year agreement for the use of Broadview Farm.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-023 which reads as follows [Read the Resolution], seconded by Councilor Healey
Roll Call Vote: 7-0-0

26-39 Resolution #2026-024 – Accept Wellness Grant Funding from Healthtrust
– *Town Administrator Michael Fowler presenting.*

Each year, Health Trust, our carrier for health insurance, provides grants to communities in an effort to try to promote employee engagement and employee awareness of certain programs that they have within their spectrum of services. We've received this grant in the past before. The 2026 version is \$1,000. This is something that the Town Council needs to formally accept as a gift.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-024 which reads as follows [Read the Resolution], seconded by Councilor Healey
Roll Call Vote: 7-0-0

26-41 Resolution #2026-026 – Authorize an Interagency Agreement for a Justice Assistance Grant with Rockingham County – *Police Chief George Feole presenting.*

We seek authorization tonight to enter into an interlocal agreement with Rockingham County. You may recall from the past when we get justice assistance grants through the Justice Assistance Grant Program, JAG programs as they are commonly called, that requires us to because we are a disparate community, the county has to be the applicant agency on our behalf. We were notified last week that we're eligible to receive an award of \$14,407. The county will keep 7% for their administrative fee. So, we have a net of \$13,399 that we have available to us to spend on law enforcement programs. I'll be back before you on the 5th for a public hearing on my plan to spend those funds. So tonight, we just seek authorization to sign the interlocal agreement with the county.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-026 which reads as follows [*Read the Resolution*], seconded by Councilor Healey
Roll Call Vote: 7-0-0

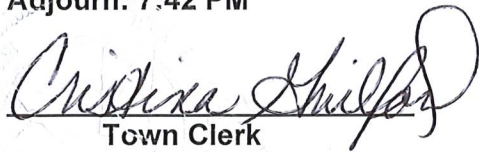
Councilor Comments –

Councilor Milz - I subbed very ably and was complimented on the planning board in Councilor Chase's absence. They said it had never run quite so smoothly. I was upset, though. I had my flannel shirt, and I went to a costume shop to rent a mustache like that because I wanted to make an entrance. And unfortunately, I couldn't find it, but it went well anyway. And thank you for the opportunity.

Councilor Spencer -I just want to congratulate Lieutenant Livoli on completing the Boston Marathon this week and everybody else who did it. Every year, I watch the marathon, and every year, I think, "I should do that someday, but I will never do that." So, it's not going to happen. I'm lucky if I can run a mile, never mind 26. Congratulations to all those that did. I was watching yesterday.

Motion by Councilor Milz to ADJOURN, seconded by Councilor Flood
All Agreed

Adjourn: 7:42 PM


Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk

May 5, 2026
Date



RESOLUTION

Number 2026-024

To Apply for and Accept Wellness Grant Funding from Health Trust

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the State; and

WHEREAS, the Town has participated annually in HealthTrust's Wellness Coordinator Program to raise awareness of the physical activity, social, and mental health of Town employees and their families; and

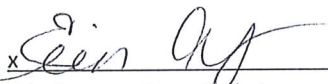
WHEREAS, these grant funds will be used to promote and fund activities designed to maintain and enhance the health of the Town's workforce;

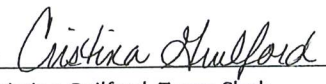
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend \$1,000.00 in Wellness Coordinator Grant funds from HealthTrust.

This Resolution shall take effect immediately upon its passage.

Adopted: April 21, 2026

Attest:

x 
Erin Spencer, Council Chair
Date: April 21, 2026

x 
Cristina Guilford, Town Clerk
Date: April 21, 2026

Archival Ref: Agenda Item #26-39



RESOLUTION

Number 2026-023

To Authorize an Agricultural Lease of a Portion of Broadview Farm

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and

WHEREAS, RSA 41:11-a authorizes the Legislative Body to enter into land leases; and

WHEREAS, the Town and Derry Conservation Committee has benefited from a long-standing agreement to cultivate and maintain the property; and

WHEREAS, the Derry Conservation Committee serves as stewards of Broadview Farm and seeks to continue applicable agricultural uses of the property; and

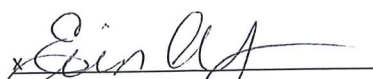
WHEREAS, a new lessee seeks to continue these efforts in partnership with the Town;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all necessary documents with DCC and the lessee for a three-year lease for use of 9.5 acres +/- at Broadview Farm.

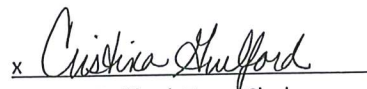
This Resolution shall take effect immediately upon its passage.

Adopted: April 21, 2026

Attest:

x 
Erin Spencer, Council Chair

Date: April 21, 2026

x 
Cristina Guilford, Town Clerk

Date: April 21, 2026

Archival Ref: Agenda Item #26-38



RESOLUTION

Number 2026-020

To Authorize the Town Council to accept an Easement at 41 Ashleigh
Drive and 37 Scobie Pond Road

WHEREAS, the Section 5.1 of the Town Charter establishes the Town Council as the legislative and governing body of the Town; and

WHEREAS, the conditions for environmental permitting approval require Town acceptance of a 28.7 acre +/- protected Easement at 41 Ashleigh Drive and 37 Scobie Pond Road; and

WHEREAS, RSA 36-A:4 I authorizes the receipt of gifts subject to the approval of the governing body; and

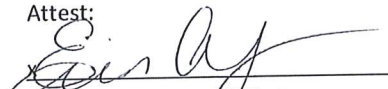
WHEREAS, the acceptance of this Easement was previously reviewed and endorsed by the Derry Conservation Commission;

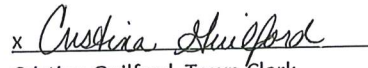
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all required documents for acceptance of a protective Easement on 28.7 +/- acres at 41 Ashleigh Drive and 37 Scobie Pond Road.

This Resolution shall take effect immediately upon its passage.

Adopted: April 21, 2026

Attest:


Erin Spencer, Council Chair
Date: April 21, 2026

x 
Cristina Guilford, Town Clerk
Date: April 21, 2026

Archival Ref: TC agenda item #26-30



RESOLUTION

Number 2026-026

To Authorize an Interagency Agreement with Rockingham Couty for a US Bureau of Justice Assistance Grant for Incident Management Equipment

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, the Town Council has long recognized the need to keep up with technological advances for emergency services; and

WHEREAS, Rockingham County has received a Bureau of Justice Assistance Grant in the Federal FY25 Budget; and

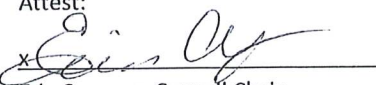
WHEREAS, the Town of Derry qualifies as a sub-recipient by signing an interagency agreement;

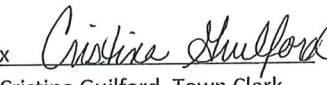
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, that the Town Administrator is hereby authorized to sign the Interagency Agreement with Rockingham County as a prerequisite to receive US Bureau of Justice Assistance Grant funds.

This Resolution shall take effect immediately upon its passage.

Adopted: April 21, 2026

Attest:

x 
Erin Spencer, Council Chair
Date: April 21, 2026

x 
Cristina Guilford, Town Clerk
Date: April 21, 2026

Archival Ref: Agenda #26-41