

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday, May 19, 2026
3rd Floor Meeting Room

MINUTES

**6:07 PM Non-Public Session – RSA 91A:3 II (c) – Motion by Councilor Webb
to enter non-public session, seconded by Councilor Milz
All Agreed**

**Motion by Councilor Webb to leave the non-public session, seconded by Councilor Milz
Roll Call Vote: 7-0-0**

**Motion by Councilor Webb to seal the minutes per RSA 91A:3 II (c) indefinitely because it
could render a proposed action ineffective, seconded by Councilor Milz
Roll Call Vote: 7-0-0**

7:01 PM Call to order – Chair Spencer

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

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

Absent: None

Present: TA Michael Fowler, Deputy Town Clerk Brianna Haller

Public Forum - *30 Minutes*

**Motion by Councilor Foote to open public forum, seconded by Councilor Milz
All Agreed**

Stephen Trefethen, 13 North Shore Rd - I'm a business owner and a downtown real estate owner in the town, and builder. Just a couple of things. First of all, welcome, Mr. Healey. I didn't get to say that. You're in my district, so it's nice to have another voice in my district. I brought a drawing tonight. Previously, the town changed along Folsom Road from a general commercial zone to an I-industrial zone, an I-2 zone. I was not for that. I asked the Council for months not to vote it in right away, go through some of the things, make sure it's right. It really is your job. When the resolution came out, they voted it in that day. We had quite a bit of time, well over a year, to take a look at it and look a little closer. So now that I've talked to the engineer, there have been some issues with that zone that wasn't taken care of at planning. The Town Council would have had an opportunity to do that. So, I say that more for maybe the new Council members, because I think it's good to take a look if you have time, to take the time to do it. One of the things that came up while I was doing some engineering on that was that anywhere there's a residential home in an I-2 zone, it's a 50-foot setback. The problem with that is the lots are only 80 feet, so now you need a variance. Without the variance, you could render the lot useless. I've tried to scale down. We originally had a 40,000 foot plan I showed the Council. I tried to scale it down and now we're doing concepts, seeing what's feasible, what's not. It has

become tougher with the I-2. The engineer recommended we just do industrial. We can do metal buildings. It's I-2, there's no restrictions. We can do something that would be much easier to build, much cheaper, and as profitable. But I've started at the top end, and I'm working my way down. So, just so you'll have an idea, most of the lots over there are about 80 feet wide. I want to show this drawing because this is part of what we're looking at. You'll see these lots, they're all like the same size. And based on the setback, now being 50 feet from here, it's a variance. If they deny the variance which they could, then of course, there'd be no building. So that property's been offline, off the tax rolls for five or six or seven years now, about \$5 million in assessed value. I was against the \$5 million we gave back then to the State. One of the Town Council Chairs asked, I said I would have asked what we're getting for it in Derry before we give up \$5 million. That was the previous Council, none of you voted to give the \$5 million. And we ended up with what we ended up with. I wanted to show you that because sometimes your setbacks when you have another zone can be different, and you can restrict building. I think the council should ask more questions, and hopefully, they will the next time. Having said that, I've been told to go straight industrial because it's going to be a lot more profitable to me. But we're starting here. So, this is an area we own. There's a garage here with an auto sales. It would probably move into this building. And then this is some land. We're still working on it, whether it be with the State or wherever. If we could get a small portion of this, we might be able to do two. So that's where we're starting. But who knows, because now there's some variances involved and we have to do the math and all that. So, I just thought I'd bring that up to when you have the time as a Council, take the time before you wrote a resolution on the first night when you had a year and a half to do that. We could have worked a lot of these things out, and I would have been happy to help. Thank you. Thank you for giving me the extra time too.

Richard Tripp, 44 Windham Rd - I was going through paperwork to get my fraud thing from the Registry of Deeds. And it's amazing the amount of paperwork that you can generate, having a house and having paid off the mortgage and everything. But anyhow, that's not what I want to talk about tonight. Mr. Trefethen brought up something that I've observed in the few years that I've been on the Zoning Board. There are zoning regulations that appear to be antiquated. There are things that change in the annual updates that impact existing code. I believe that you guys update the zoning what, once a year? Oh, you don't have to answer that, I believe. And I also believe that the Planning Board are the ones that actually write the code updates, which is actually probably Elizabeth, since she's a little more involved with ordinances than the Zoning Board are. But, what I would like to recommend is that when you guys get together to start identifying what you're going to update in the ordinances, you give me a call because I have some ideas on changes that should be made because, like I said, there are conflicting ordinances that we on the Zoning Board have a hard time contending with. And I believe that it would be a better idea that rather than us have to operate on our own, that we get the Town to eliminate some of these conflicting ordinances. Thank you.

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

Consent Agenda

- | | |
|--------------|--|
| 26-49 | Approve Non-Public Minutes – May 5, 2026 |
| 26-50 | Approve Minutes – May 5, 2026 |
| 26-51 | Acceptance of Resignation – Zoning Board of Adjustment Alternate |
| 26-52 | Resolution #2026-031 – CDBG Authorization for The Upper Room |
| 26-53 | Resolution #2026-032 – Update Housing and Community Development Plan |

- 26-54** Resolution #2026-033 – Accept a gift of a 30 Year Supply of energy drinks – Derry Fire Department
- 26-55** Resolution #2026-034 – Accept a New Hampshire the Beautiful Grant for Recycling Equipment.

Councilor Foote moves to approve the Consent Agenda as published, seconded by Councilor Milz
Roll Call Vote: 7-0-0

Chair Report – Chair Spencer

Goals Workshop

Councilor Webb suggested that the Goals Workshop be held at the Congregational Church in East Derry on June 30 at 7 o'clock.

They have just completed \$6 million in renovations that include the meeting room, foundation, new steeple, whole nine yards. I think it would be pretty cool to see what they've done and have a meeting there.

HB 1469 – *Councilor Charles Foote Presenting*

House Bill 1469 is a human trafficking bill that originated because a lot of what we're dealing here in Derry. The bill was put forward this past year. Many, many stakeholders involved, federal, state, local. And it seems to have had a few hurdles here and there. But it made it through the House on a 323 to 28 vote on a roll call vote last month. It then went to the Senate. The Senate passed it 5-0 out of committee. They made three minor amendments, nothing that was any impact to the underlying bill. They were all inconsequential. May 14, the full Senate passed it on consent. And I was just notified today that the House—because once it goes to the Senate and makes any changes, it comes back to the House to determine what happens to it. And I was informed today that the House side has non-concurred and are opting for a committee of conference, which means that there'll be representatives from the House and representatives from the Senate have to meet together and kind of hash it out and whatnot. I was told that I am going to be on the committee of conference to try to figure that out. That's all I know.

Chair Spencer - So you went back to committee in the House, and then they decided to send it?

Councilor Foote - So yeah, so the committee Chair, when it comes back to the House, the committee that it started in, that Chair makes a decision whether to concur or non-concur or do a committee of conference. And it was decided non-concur. It requests a committee of conference.

Chair Spencer - Do we know who the chair of that committee is?

Councilor Foote - Representative Layon.

Town Administrator's Report – Town Administrator Michael Fowler

I have a couple of items of community interest. Monday will be the town's Memorial Day festivities, and it will start with a parade. The Memorial Day parade will stage at Hood Commons, 55 Crystal Ave, at 10:00 AM. And the parade will kick off at 10:30 AM. The parade route works its way down Crystal Ave, finishing at McGregor Park, where there'll be some additional ceremonies at that location. All this information is on the town's website. I believe it's

linked through the town's Parks and Recreation Department, and I've seen it on Facebook a couple of times. Because of the America 250 anniversary, there's going to be a military flyover and also a static display of military equipment. So that's going to be enhanced from kind of the normal parades that we've seen in the past years. But many thanks to the Memorial Day Parade Committee, including VFW Post 1617 and their auxiliary, American Legion Post 9 and their auxiliary, Derry CAM and Derry Parks and Recreation for their contributions in planning this event. And I'm sure I hope I didn't leave anybody out, but that's going to be on Monday, May 25.

A couple of other governmental items of note, Tax Collector's Office. Again, I mentioned this at the last meeting. Their hours will be changing, effective July 6, 2026. This will also be in effect for the Town Clerk's Office. We will be open Monday through Friday, 7:00 PM to 4:00 PM, and we'll have a one-hour late on Wednesdays until 5:00 PM. So that change will be posted with a sign outside. It'll also be on our town website, I believe it already is. We'll continue to talk about that in future meetings just to make sure everybody is aware of that.

And then lastly, I was in contact with the Tax Collector. She indicates that the first half tax bills are almost done in their proofing process. And they will be distributed within the next 7 to 10 days. The due date on the first half tax bills for 2026 will be July 1, 2026. So that'll be coming in the mail. I do want to make sure that we talk about this openly. The first tax bill in 2026 is going to be at the \$18.99 rate. That's the tax rate that is determined at the end of the 2025 calendar year, so all the items that we went through the Town Council's budget and also through the school SB2 process is not included within this tax bill. A new rate will be determined in October 2026. That will be reflected in the bill that is due in December 2026, and a new rate will be determined. We, as the Town Council, will be holding to that 3.3% CPI rate. I do want to make sure that people understand that the way it works, you pay for the full value of 2026 based on that higher rate. And then you subtract out the first half tax that you paid. In some instances, let's just say it was a \$10,000 tax bill that was determined in the second half of the year. You paid \$4,000 based on the old rate. You would be due to pay the remaining \$6,000. The point I'm trying to make is that the bills going from June to December 2026 could be vastly different. I just want to make sure people are aware of that, not necessarily because of the town's 3.3% CPI, but you have county and school components that people should be aware of that were voted through and are in the process in the county situation. So just want to make sure everybody's aware of that. If there's any questions, feel free to reach out. But the tax bills will have the old rate at \$18.99 for the June or July due date and then a new rate in December. So that's all I have.

Public Hearing

26-45 Resolution #2026-029 – Accept a NH Highway Safety Grant for various traffic enforcement activities – Police Chief George Feole presenting.

Chief Feole is seeking authorization to apply for a NH Highway Safety Agency Grant for DUI enforcement patrols, distracted driving patrols, pedestrian and bicycle patrols, and mobilization patrols.

**Motion by Councilor Webb to open public hearing, seconded by Councilor Milz
All Agreed**

No one from the public spoke.

**Motion by Councilor Milz to close public hearing, seconded by Councilor Healey
All Agreed**

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-029 which reads as follows [Read the Resolution], seconded by Councilor Webb
Roll Call Vote: 7-0-0

New Business

26-56 Resolution #2026-019 – Accept a NH Highway Safety Grant for the purchase of Mobile Data Equipment – *Police Chief George Feole presenting.*

Chief Feole is seeking authorization to apply for equipment from the NH Highway Safety Agency, specifically 2 mobile computers with rugged keyboards and 1 headrest printer for our marked patrol fleet.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-019 which reads as follows [Read the Resolution], seconded by Councilor Webb
Roll Call Vote: 7-0-0
Resolution Attached

Chair Spencer - Representative Layon, do you have anything that is different than what was stated to add to this?

Representative Layon - I don't know everything that was stated, but I'd just like to provide an update on where it is. I'll be very brief.

Chair Spencer - We received an update already, so I will give you two minutes to give an update. But that's it, because that's what we received was an update on the bill.

Representative Layon - Thank you. So as far as the bill goes, House Bill 1469 came out of the Senate with a few changes. However, it was not updated to ensure that a natural person would be the person operating a massage establishment if they're not licensed as a massage therapist. This leaves a very large loophole for the problem that Chief Feole has been addressing when somebody has an LLC registered to a facility in one town and then swaps them out when somebody comes against them. What is necessary with this is to ensure that somebody can go to prison or jail for sex trafficking if this is happening in our communities. And if we cannot ensure that a natural person is holding that license, a health and safety inspection won't do anything to hold people accountable. So I appointed Representative Foote on the conference committee to ensure that his prime sponsor, all of his intentions of the bill are brought forward. And I'm sure that his intention is that people who are doing this will go to jail if necessary. And we were going to discuss this more afterwards. We formed this conference committee today because I received it from the Senate. This will move forward. This will pass. We will ensure that we are not having the massage establishments like we have seen in this town. And this is something that will move forward and become law. I believe that that had already been communicated to the stakeholders through some of the representatives who

spoke with the speaker. But I will give you my personal word that I will ensure that as long as a natural person is required to open a massage establishment, this will move forward, be signed into law, and make sure that we can get rid of these terrible false businesses. Thank you.

Councilor Comments –

Councilor Healey - I just want to remind Derry residents that the filing period for state offices is June 3rd through the 12th. And before that, on Tuesday, June 2nd, is the last day for party changes before the September 8th Primary. The Supervisors of the Checklist will be in session from 6:00 to 7:30 that evening to accept any party changes. So, if you want to check your party affiliation, you can go to the Secretary of State's website. You can look in the lobby. There's the alpha voter list down there. Make sure you're registered how you want to be, because on Election Day, if you're in one party, that's the ballot that you get. A lot of people don't realize that when you declare on Election Day, if you don't go to that change back table, you're in that party permanently. So, it's very important to check prior to June 2nd and just make sure you're affiliated the way you want to be.

Councilor Webb - Last Saturday, the Derry VFW had its Flag Day and annual award ceremony, and they selected several people to be recognized there. And the first one was Patrolman Josh Morse, who was a Police Officer of the Year. He was recognized for having to talk down an armed and dangerous subject and resolve the situation peacefully by himself. Firefighter Andrew Riau was recognized for his community work. Fire Department Paramedic Matt Tropiano was recognized for his work in the CAS accreditation, which he presented here, as well as Program Hunger 365. And Dispatcher Chuck Tinkham was also recognized for all the work he has done, particularly in moving the communications center from the old central to the new station. Jack Dormer, an Eagle Scout from the Boy Scouts of America, was recognized for his project. And there were also several Voice of Democracy winners. These are high school students who, with the VFW, wrote award-winning essays. And they were Elizabeth Rose-Ireland, Jack Giannetti, and Tiana Barton. And the VFW also recognized as Teacher of the Year, Nicole Stowers. The rest of the ceremony, unfortunately, I wasn't able to keep up with all the names. But they recognized many of their own members who have contributed to the hard work that they've been doing throughout the year in supporting veterans and organizing events such as the Flag Day ceremonies.

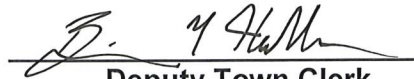
Chair Spencer - I got one before we go. I just always, every year, I say, I think I say this right before Memorial Day. And I just encourage people. I know that it is our first sign of summer. And everybody wants to get to the cookout. But please, I just really ask people to take a moment to realize Memorial Day is about our veterans that we have lost who have defended this country, whether it's when they've defended or when they've been defending the country or after. And an hour of your time to go to a Memorial Day ceremony, we do a great job here in town. If you have a hometown you want to go to, but an hour out of your day to go honor those veterans who put their lives on the line for us before you go to your cookout would be much appreciated.

Councilor Milz - I would like to recognize and thank both Representatives Foote and Layon for their update and their commitment to the Massage Parlor Bill. Thank you very much for that.

Councilor Foote - To Councilor Webb, also, the VFW this past weekend had a Ruck March, very well attended. I saw kids as little as, I'm guessing, maybe four or five years old, up to gentlemen in their 80s that were running it and walking. It was a very good turnout. I believe it'll be May 15th next year, so mark your calendars.

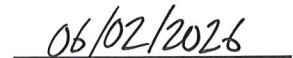
**Motion by Councilor Milz to ADJOURN, seconded by Councilor Foote
All Agreed**

Adjourn: 7:40 PM



Deputy Town Clerk

Recording & Transcription by: Brianna Haller, Deputy Town Clerk



Date



RESOLUTION

Number 2026-029

To Accept a NH Highway Safety Agency Grant for
Various Traffic Enforcement Activities

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

WHEREAS, funding is available through the NH Highway Safety Agency; and

WHEREAS, the Town may receive funds for various traffic enforcement activities; and

WHEREAS, these activities enhance the safety of the travelling public in Derry;

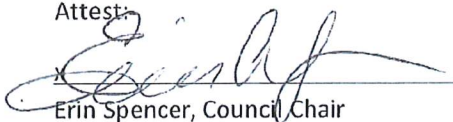
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to apply for, accept and expend \$24,300 derived from NH Highway Safety Agency grants and to enter into agreements with the State of New Hampshire as may be necessary to finalize receipt of this grant funding for the following

- Speed Enforcement Patrols - \$12,000.00 = (40) 4 Hour Patrols
- DUI Enforcement Patrols - \$1,600.00 = (5) 4 Hour Patrols
- Distracted Driving Patrols - \$4,000.00 = (13) 4 Hour Patrols
- Pedestrian/Bicycle Patrols - \$3,000.00 = (10) 4 Hour Patrols
- Mobilization Patrols - \$3,700 = (12) 4 Hour Patrols

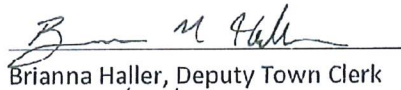
This Resolution shall take effect immediately upon its passage.

Adopted: May 19, 2026

Attest:


Erin Spencer, Council Chair

Date: 5.19.26


Brianna Haller, Deputy Town Clerk

Date: 5/19/26

Archival Ref: Agenda #26-45



RESOLUTION

Number 2026-019

To Accept a NH Highway Safety Agency Grant for
Mobile Data Equipment

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

WHEREAS, funding is available through the NH Highway Safety Agency; and

WHEREAS, the Town may receive funds for various traffic enforcement activities; and

WHEREAS, these activities enhance the safety of the travelling public in Derry;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to apply for, accept and expend \$7,030.61 derived from NH Highway Safety Agency grants and to enter into agreements with the State of New Hampshire as may be necessary to finalize receipt of this grant funding for the following

(2) Getac A140 Fully Rugged Tablet	\$3,948 each	\$7,896 Total
(2) Getac Rugged Keyboards	\$227 each	\$454 Total
(1) Brother Pocket Jet 8 Printer	\$350.61	\$350.61 Total

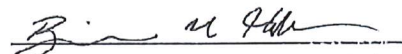
Total Project Cost: \$8,700.61 – Grant covers \$7,030.61

This Resolution shall take effect immediately upon its passage.

Adopted: May 19, 2026

Attest:


Erin Spencer, Council Chair
Date: 5.19.26


Brianna Haller, Deputy Town Clerk
Date: 5/19/26

Archival Ref: Agenda #26-56