

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday, July 7, 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, Healey, Webb, Chase, Flood, Foote, Chair Spencer

Absent: None

Present: TA Michael Fowler, Town Clerk Tina Guilford

Public Forum - **30 Minutes**

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

Tom Cardon, Cunningham Drive - I want to speak about the Bird Enterprise property down on Hampstead Road. I went by there last Tuesday about it was about quarter after 10, and they have this topper cap on with lights going around it. There's, like, 64 lights going around it, and I thought, I mean, because it's been such a big issue, and especially the lighting has been a huge issue with everybody there. So, the lights were on, they got the topper cap on, and I was pretty sure that they weren't allowed to do that. So I did go home, I went through the through the meeting, and I want to tell Owen that you have that set up really good so that you can look at, you can look for your own hearing and you don't have to scroll through everything. So nice job. So anyway, so I went through that, and there was, they wanted to split it up into two motions. So, one motion was, for shorter signs, a little bit smaller sign, and definitely turn it off from dusk to 9. And then they asked to separate, and I didn't quite get that. So they separated it so that they could, so it would be no topper cap. And they, of course, talked about no lights. So, I was like, okay, so topper cap wasn't supposed to be up there. I didn't quite get why they separated that in the first place, but now I understand they, and I don't know exactly what their, what their plan is, but to me it was just a deliberate act of defiance to put that up, given the fact that there's been so much controversy with that sign. And, I really wasn't even going to say anything about it, and then I just thought of all the meetings that the zoning board has gone through and all the time and effort that they put in, and I thought about the people, some of the meetings that I went to, people were there for a couple of hours, waiting for their hearing, and they had to go back because these hearings for Bird Enterprise were going on for so long. There was one night that I was standing back here. I got here at quarter to 7, it was like, I don't know, 5 after 10 or something like that, and I was standing up and kind of not paying too much attention. And anyway, they stopped taking testimony, and so I had to get up there and they said, no, we got to wait. I'll be just another minute or so. So, I mean, the problem is they've just shown so little regard for the neighbors of the area, and they've ignored town directions, town policy, and obviously town rulings, and code enforcement has to chase them down to take the sign down. I'm sure that it's going to go to court, so it's going to be even longer. But at one of the meetings, the guy got up and he was complaining how everybody was saying stuff about him and he

wasn't too happy, and I kind of felt bad for him. I don't feel bad for him anymore. But I did look at enforcement here. I'm not going to read the stuff, but there are violations

Motion by Councilor Foote to extend time, seconded by Councilor Webb
All Agreed

Yeah, that's okay. I was trying to talk fast. But anyway, I mean, there are the violations and penalties, but they're going to have to go to superior court, I guess. Code Enforcement has to go to superior court, and again, just eating up more time and whatever. So anyway, it's just the whole thing is really unfortunate because it's a good fit for the area, but this sign thing has just gone on and on. It's just, it's out of control. But anyway, thank you for listening to me.

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

Consent Agenda

26-63	Approve Minutes – June 30, 2026, Goals Workshop
26-64	Ordinance #2026-001 – Amend Zoning Ordinance, Chapter 165

Councilor Webb moves to approve the Consent Agenda, seconded by Councilor Flood
Roll Call Vote: 7-0-0

Chair Report – Chair Spencer

Board / Committee Appointments

Planning Board

**Chair Spencer moves to appoint Andrew Young as an
alternate member of the Planning Board for 3-year term to
expire March 31, 2029, seconded by Councilor Milz**
Roll Call Vote: 7-0-0

Conservation Commission

**Chair Spencer moves to appoint Dr Katherine Arbour as an
alternate member of the Conservation Commission for 3-year
term to expire March 31, 2029, seconded by Councilor Milz**
Roll Call Vote: 7-0-0

I did have one other item. It's just a poll. We're trying to schedule the next joint meeting between the council and the school board. I had talked to Mr. Thiele about it, and we were looking at the 22nd, which is a school board night, doing it before their meeting, since we did it before our meeting last time, but I wanted to ask if that was a night that worked for all of you. September 22nd. This is for the joint meeting here, not the legislative committee. You don't need to let me know right now, I just wanted to put the date out there.

Town Administrator's Report – Town Administrator Michael Fowler

Good evening. I've got a number of items today and I've got a couple of presentations, so, bear with me, but there's a lot of items that I want to pass along this evening. First item in the community information column, the Derry Planning Department is pleased to announce that the Town of Derry will be first to partner with Southern New Hampshire Planning Commission for the Southern New Hampshire Housing Implementation Project. The information that's gathered from this project will be incorporated into the Region's Comprehensive Plan. Your feedback is going to be valuable and will help guide future planning efforts. The survey may be accessed at Southern New Hampshire Planning Commission, on their website. There's also a signboard downstairs with some additional information on the first floor. That survey will remain open until July 10th.

The solar project had passed its witness test on June 25th. The project is going to be flipped on officially July 9th. So, we should see electrons flowing and at a later date I'd like the council to do a ribbon cutting, so I'll send some information out, coordinate with our contractor on that. That's very exciting. Once we start to get some data in on some of the costs that have been averted by taking that in, I'll pass that along. But it's really exciting, and it took a long time to get here, and thanks to everybody that had a part in doing so. Also, on the energy efficiency front, we just did some reporting to the Department of Energy for the two Equinox electric vehicles that we use for the code enforcement department. The usage thus far has been very, very positive. It's only been costing us between \$120 and \$180 per month for both of those vehicles' total, to be utilized. So that's been very positive. There hasn't been a lot of mileage on them. They've been used just in town, but it's been very, very positive from a cost aversion standpoint, so we're really happy to see that that project, and again, all the costs of those vehicles were funded by the EECBG grant and a tax credit that we are still in the process of chasing down from the federal government.

Another note on electricity costs, so just to let the residents of Derry know, most of our grid is on the Eversource default, and that rate effective August 1st is going to be 14.009 cents per kilowatt hour. That's up from 11.3 cents. So unfortunately, that is going to be something that the residents are going to have to deal with. We are looking for some vendors on community power. If you recall, back in 2023, we had worked to try to identify somebody. We're going to reignite that and hopefully we'll have some competitive pricing to provide to the residents. The town buildings, just to clarify, are going to be on the net metering agreement that comes out of the solar project, so we are going to be buffered from those cost increases, and we've always been on a third-party supply. So that's at least been positive on the town's front.

The tax collector's office and town clerk's office changed their hours effective Monday, July 6th. The hours are now Monday through Friday, 7:00 to 4:00 p.m., and there's an extra hour on Wednesday until 5:00 p.m. So that's in effect now.

I also wanted to note that the town council is advised of a new calculation of a police detail rate that's effective July 1, 2026. Per a previous council resolution there's an automatic provision which makes the changes effective to mirror changes in the employee pay rates at the beginning of that fiscal year.

On personnel, I just want to congratulate DPW Highway Crew Chief Billy Buxton. He announced his retirement at the end of July after 42 years with the community. It's pretty wild. He started with the community on June 18th, 1984. So, to put that in perspective, gasoline was \$1.20 back then. There was no such thing as the internet, and we still had stores in town like Ames and Radio Shack, so that takes you back a long, long time. I had the pleasure of working side by side with Billy, for everything, snowstorms, floods, things of that nature. He was often the first to respond at the onset of the storm, usually the last to leave. He was committed to the town first and I just wish Billy the best in his retirement. He should be proud of what he's accomplished,

and he'll find it probably an adjustment to be able to sleep through his first winter storms, but congratulations from my seat and I will obviously stop by and see Billy before he officially steps aside. So just wanted to pass that along. So that's all I have on the town administrator's comments.

Director Carrier has put together an extensive report for the council to highlight over the last year and where we are on specific projects, but I won't go through each one of those individually, but I did want to point out that the Rand Shepherd Hill and Barkland Acres project, the water interconnection project, which was sorely needed for those neighborhoods, that has been deemed substantially complete. We're going to be working to finalize the scope of the final pavement in some of those areas, but that project moved along really efficiently, really well, worked through some tough areas, a lot of ledge. So that is a huge benefit to those neighbors in terms of being able to connect to municipal water. Exit 4A, also, you can see is still moving along. There was some significant work on the North High Street end over the last couple of weeks. There's been some paving and some grading in that area, so, I think they're still trying to find places that they can work while the final determination of the tunnel is being situated. So that is also going on, and there's been a little bit of work in the intersection at Ross's corner to put up the temporary signal. So, project will continue along. Beyond that, if you have any other questions on some of these construction reports, please reach out, but essentially it just goes through all the statuses of those, and I think it was just informative for the council to have as part of the goal setting.

So, I just wanted for the public's information to go through the process of goal setting. It's been done a little bit differently for each council, each administrator, but basically, it's an opportunity for the town council to furnish the town administrator with goals for implementation through the staff that we have. Each councilor was provided with an update of what we had for goals in fiscal '26, and then looking forward all the councilors were asked to provide their goals for the upcoming fiscal '27 cycle. Council met for a workshop on June 30th, 2026, and then there was a list that was compiled and sent out to the councilors individually, asking them to then rank the goals one through five individually. What we'll do is we'll compile those goals and then at the August 4th meeting, put those out and publish those as the official goals moving forward. We came up with 29 different goals. These are not ranked in any order. This is just a random order, but I will go right through those. New police facility, revisit the veterans' credits and exemptions, review or revise the animal control policies, review health insurance via an employee town committee, develop recruitment, hiring, and marketing plans, part-time social worker through opioid funds, continue the downtown development momentum, Route 28 South infrastructure improvements, review of potential charter amendments, evaluate housing needs and plan to meet the needs, water wastewater expansion to support future growth, evaluate town needs facility, town hall space study, non-representative employee compensation study, appointment of town councilor policies move forward with 19 Elm Street development, increase availability of one and two-bedroom housing units, a traffic management plan related to post Exit 4A, implement the Hood Park revitalization, replenish and grow the CBA trust by FY28, improve ZBA customer service and training of members, Derry cable funded and maintain a high level of service, coordinate the CIP between Pinkerton and Derry School District, continue coordination between SAU 10 and the town, safe development and expansion of the bike pedestrian paths, study feasibility of a senior center attached to the police department, ensure control of economic development, land use, housing, planning, zoning, all the boards, combining together enforcement, education, eliminate human trafficking and illegal spas, increase fund balance to 15% by fiscal '29, and then continue employee customer service and public access. Those are the goals.

Councilor Spencer – I ask that everyone get your rankings into Mike so that he has time to compile the final list before the next meeting.

The last item that I think is going to drive a lot of the decisions because a lot of the goals that are out there have a monetary tag to them in some regards. So, I think one of the things that, besides the budget, we have to look at is the unassigned fund balance. So, I just wanted to go through this. I am not expecting any action tonight. This is more just a primer for a discussion probably in October, but at least it gets everybody thinking about where we might want to be. If there's questions that come out of that, I'd be happy to answer those with the help of Mark. There's some work to do on this, but I at least want to start the process of thinking about what you may or may not want to do to either, A, help fund some of your goals, or B, look at ways we want to look at the future with this fund. All right, so just talking about how we get here. So, the town collects revenues from various sources and disperses them through payments throughout the year to support town services. When we get to the end of the fiscal year, which just happened last week, June 30th, we reconcile the budget. Mark's finance team goes through, finalizes, closes out all purchase orders, and comes to what we basically believe is the end of the fiscal year. That starts the process with the auditor. So, each year you usually will have some form of fund balance either from unspent expenditures or revenues that came in higher than what you expected and we've had some pretty good years because we've had a difficult time filling all our vacancies, and we've also had some positive numbers with interest, motor vehicle revenues, and some grants. So, things have been going well from the financial perspective. To talk about our fund balance policy, the town councils of the past have established multiple policies about how the fund balance itself is managed. It supports several capital funds, including fire, police, DPW, the IT capital reserve, and then the buildings and grounds, expendable maintenance trust. So, each year when we come to town council to talk about the annual budget and some of those funds to support those particular capital reserves, which support those purchases, come and trickle down from fund balance. So besides that, you also have a retained percentage. Looking at this, the policy as we currently sit is 9.5% of the total tax levy the town should have as a recommended number in its retained fund balance. So, what is the total tax levy? It includes the town, school, Derry's share of the county tax, and the state education tax. So, when you put that together for 2025, the total tax levy is just over \$137 million. Now, that number will go up somewhat significantly next year. We'll have some ideas on what that is, but because of the school budget in terms of the way that that went up, I think we'll be over \$150 million in the total tax levy between those four elements. So, if you use the formula for this year, you can see that it dictates or mandates that we should have just over \$13 million in our retained fund balance as good practice. At the end of each fiscal year our auditors and finance department come up with the unassigned fund balance figure. So as of last fiscal year, it was \$18,787,000. If you subtract out what our retained requirement is, you have about \$5.7 million that is available above the policy recommendation. But again, I just want to stress that when you raise that number for the levy, that's also going to raise the amount that you have to retain. So, we won't know the number for probably another three months. So that's why I'm talking about or suggesting that we push this discussion out into October, but it just gets everybody thinking about where we will be and what those numbers will look like. One of the questions that'll be put forth to the council is how do we want to look at the accounting guidelines? There's no single rule book that mandates that you must do X or Y. They're general recommendations or best practices. The New Hampshire GFOA recommends 8 to 17% of operating expenditure or 5 to 15% of operating appropriations. National GFOA recommends two months of operating expenditures, and New Hampshire DRA recommends 5 to 17% of total appropriation. So it's within a range, but by no means is the town in its future decision-making going to be bound within a really tight range. So, it's really a policy decision from the council's standpoint, but I wanted to make sure that you all had this information just for good practice and see where we land on that. So just again, want to throw out some ideas based on some of the goals that had been put out preliminarily, but if you increase using \$150 million as your total tax levy in a future year, if we increase the retained amount, each 1% is a million five that you're going to have to take from the excess fund balance and put it into the retained column. So that's

just something to think about as a starter. If there's a goal of 15% or some other number, just keep in mind that each percent that you increase from 9.5% is going to cost a \$1.5 million from that bank. We also talked about restoring the CBA trust. We utilized about \$1.2 million. It is a goal of mine as well to get that into a more stable situation after utilizing a lot of that this year in fiscal '27. Allocate some funds to support the compensated absence fund. That has been done regularly in the past. And again, it's good practice to make sure we have those funds to pay out paid time off when employees leave and whatnot. Increase veterans' credits and exemptions. Again, I heard that goal many times at our workshop. There is an opportunity there potentially that you either are going to look to subsidize other items within your budget allowing you some capacity to look at these credits, or you may want to make a one-time boost to make sure that we can allocate some funds for that. So that's an opportunity to look at. The fire facility is going to look to need about \$200,000 to complete that. The building itself, if you recall, is going to be funded through a benevolent grant. The cost came in at right about the value of the grant that we have. So, we're going to be looking perhaps for a supplemental appropriation in that \$200,000 range. And then finally, you may decide to look at increasing the allocation of the capital reserve funds. Like anything else, everything that we are purchasing has now multiplied by two, probably from 10 years ago just because of the cost. It's a fire truck, a dump truck, things of that nature. So that number that has been allocated towards the capital reserve funds has not really been amended over the last seven years. I think that's another area to take a look at. I think this is just a tidbit of where we will be going in the future, but I think it just gives us an opportunity to kind of have some talking points and give you some guidelines of where we're at. So just action moving forward, no vote tonight. This is just to propose that we'll look at an agenda item for October. The preliminary FY26 audit is not completed until at least September. We should finalize town council goals that will help us prioritize where we want to be monetarily and support those goals. Then in October, we're going to have a more precise vision of the political landscape relative to town absorption of the school district. That also may or may not play a role in this, but I figured it should be something that we should at least articulate and we'll have some better ideas as to where that may or may not be heading. So that with that, that's all I have relative to the UFB discussion.

New Business

26-65

Resolution #2026-038 – Authorize expenditures from the Police Revolving Fund – *Police Chief George Feole presenting.*

Good evening, Council. We are seeking permission tonight to utilize funds from the police detail revolving fund, a revenue fund, to purchase a new FARO laser scanner for our crime scene processing efforts. We have one now, but it is no longer covered under warranty. The item is not going to be supported by the company we purchased it from. So, we seek to replace that old equipment. The cost of this new device, which includes the scanner, a camera, a tripod, and all the software associated, is \$51,181. We have in our fund at the time of writing of this staff report \$354,466 available in the detail revolving fund. Important to note that all of those funds are raised by private contractors, billing and invoicing those for the special details when they hire police officers. There are no tax dollars involved in this request. So, I seek authorization to move forward with purchasing the laser scanner and associated software and equipment. Happy to answer any questions.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-038 which reads as follows [*Read the Resolution*], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution Attached

Councilor Comments –

Councilor Webb - This may take about five minutes, but where we just had July 4th, I just want to read something. My father wrote this as a newspaper editor back in 1976, and it was selected by the International Society Weekly Newspaper Editors as one of their 12 best editorials written in 1976. I happened to reread it the other day and thought it was particularly appropriate on our 250th. "Tomorrow with the celebration of Independence Day, the United States enters the 200th year of its existence as a nation. There are those who suggest that the country is in the early stages of a decline, that its best days are behind it. These warriors are unduly pessimistic. They overlooked the fact that the United States is unique in all the world because it is unique. Its problems are unique. Since Americans live daily with these problems, their magnitude is more impressive to us than are the difficulties experienced internally in countries less familiar to us. Let's look at our country for a few minutes. Our geographic area is vast in comparison with most of the world's nations. Our population's more widely diverse in racial, religious, and national background than that of any other country. Most important as it applies to the varied background of American citizens is that the people of the United States are citizens of this country through their own free will. They were not absorbed into citizenship through conquest. Many Americans have ancestral roots in countries which no longer exist as individual nations because of the expansions of neighbors. Although we are realizing that there are limitations to natural resources, our supply is great in comparison to that of the majority of the world's countries. We are not a one-resource country. As may be said of some of the oil producers, for example, we're less dependent upon imports than are the great majority of the world's nations. Our technological skills are the envy of the world. In themselves, and in their continued development, they are the resource to which lends unmatched strength to our ability to cope with natural resources and environmental problems in a manner possessed by no other society. Imperfect, though we construe it to be at times, our system of government is demonstrably strong and amazingly resilient. The intermeshing of various political subdivisions into federal whole in which all are relatively compatible is a true governmental wonder. That we find fault with government is a virtue rather than an impediment. Impatience is an American characteristic and is our frequently demonstrated in our criticisms of the process of government. We are not a passive people easily subject to dictatorial control. Our freedom of thought and our ability to look at ourselves and our institutions introspectively has been demonstrated over and over again. It is impossible to imagine that the governments of Russia or China, our major world rivals, would now or in the foreseeable future view themselves as sufficiently secure to allow their public examination of their intelligence apparatus to which we are subjecting the CIA. We are pragmatic enough to realize the importance of intelligence gathering as an internal safeguard but dedicated to the idea that our government may not spy on us or seek to utilize an intelligence force as a means of imposing its will upon us. It is a sign for all the world to see of our inner strength that we can act in this fashion. With all its weaknesses, our economic system provides greater opportunities for Americans than exist for individuals anywhere else in the world. Even the huge size of some of our corporate structures reflects a form of ownership

unrivaled except in the statism of industry in the frankly socialistic countries. When Karl Marx wrote that the ownership of the tools of production belong in the hands of workers, he couldn't have imagined his theory would be so solidly exemplified in a capitalistic structure as it is in the American free enterprise system. Through their ownership of the common stock of these industrial and commercial giants, either as individuals or subscribers to mutual funds, as contributors to pension funds, or as investors in insurance policies, Americans and American workers do, in fact, own the tools of production. Directly or indirectly, the majority of American families are shareholders in the industries which serve them. The fault finders, the viewers with alarm are too narrow in their viewpoint. This is a great and strong and vibrant country which can celebrate its anniversary in pride and with confidence for the future." This was written 50 years ago, and I still think it's true today.

Councilor Milz – I'd like to make sure we include that entire article word for word in our minutes of this meeting for the future.

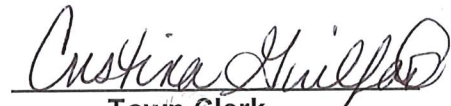
Councilor Spencer – Of course.

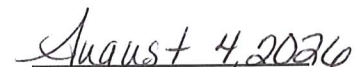
Councilor Flood - Since this is the last meeting before, on August 1st, we'll be having my organization's town community event. It'll be held at Pinkerton Academy up by the football field. The whole town is invited. It's free to attend. There'll be approximately 30 community organizations there. If you're feeling for kids who feel left out, alone, parents who need information for their kids if they're struggling. There'll be events there for little kids from preteens to teenagers and elementary school kids to grandparents. There'll be something for everyone. So, reach out to me if you want information on it. Hopefully, we'll see you there on August 1st.

Councilor Spencer - I just wanted to thank everyone that worked through the holiday to make sure that we had a successful weekend from our first responders keeping us safe to everybody that worked to pull off our fireworks. They sounded nice from my house. I have a very worried dog, so I was not there, but having been somebody who and I know several others here probably worked several holidays, thank you for those that were here through the holiday weekend working to keep our town safe and keep our town happy. So, thank you, everyone.

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

Adjourn: 7:40 PM


Town Clerk


Date

Recording & Transcription by: Cristina Guilford, Town Clerk



RESOLUTION

Number 2026-038

To Authorize Expenditures from the Police Revolving Fund

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to adopt resolutions and ordinances, including the appropriation of funds; and

WHEREAS, the Derry Police Department provides special detail services for businesses, groups and individuals requiring specialized traffic control, crowd control and other security; and,

WHEREAS, the Town Council under Resolution #2017-020 authorized the creation of a Police Detail Revolving Fund pursuant to RSA 31:95-h to separately account for and expend funds for this purpose; and,

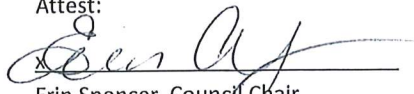
WHEREAS, sufficient excess revenues now exists in this fund and the Police Department is in need of additional funding to purchase a laser scanner to replace obsolete equipment; and,

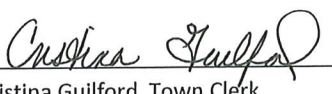
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby authorizes the withdrawal of \$51,181 from the Police Detail Revolving Fund to assist with the purchase of a laser scanner.

This Resolution shall take effect immediately upon its passage.

Adopted: July 7, 2026.

Attest:


Erin Spencer, Council Chair
Date: July 7, 2026

x 
Cristina Guilford, Town Clerk
Date: July 7, 2026

Archival Ref: Agenda Item #26-65