

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday, September 15, 2026
3rd Floor Meeting Room

MINUTES

6:30 PM Non-Public Session – RSA 91A:3 II (c)

Motion by Councilor Foote to leave the non-public session, seconded by Councilor Milz
Roll Call Vote: 6-0-0

Motion by Councilor Webb to seal the minutes per RSA 91A:3 II (c) indefinitely because of matters which, if discussed in public, would likely adversely affect the reputation of someone other than a member of this board, seconded by Councilor Foote
Roll Call Vote: 7-0-0

7:00 PM Call to order – Vice Chair Webb

Roll Call: Councilors Milz, Healey, Chase, Flood, Foote, Chair Pro-tem Webb
Remote: Councilor Spencer
Absent: None
Present: TA Michael Fowler, Town Clerk Tina Guilford

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

Public Forum - *30 Minutes*

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

David Provencher, Miltimore Road – Last Tuesday was the primary, as I'm sure you're all aware. We had someone out in the parking lot handing out pamphlets. Now, I was previously under the assumption that that was against the rules, and we got a lot of complaints from a lot of people. I was standing where the candidates and supporters are supposed to stand, as defined by the town moderator. And even just there, walking by, I had a lot of people complaining about getting handed pamphlets in the parking lot. I don't want to start an arms race where everyone thinks that they have to be out in the parking lot and by the designated zone, and we end up with a Pinkerton parking lot completely covered in unnecessary pamphlets that are just littering everything. So, if you guys would please look into that and see what can be done before November, that would be great. Have a nice day. Thank you.

Charlie Buzzel, Eastgate Road - I just want to let you guys know September 20th, they're going to honor my grandmother Hattie Durgan. They're going to put up a tree at Central Station at 2:00 PM. I just want to let you guys know. Thank you.

Craig Cunningham, Hunter Drive - So last week, the Town Council was asked to make the school district a department of the town by way of a charter amendment. In 2015, the Town Council disregarded provisions in the town charter after unilaterally deciding to defund the police department, public works, the fire department, and other municipal functions. Members of the community were forced to raise money, to go to court, to force the town council to uphold the provisions in the charter. The town council used tax dollars to defend themselves. When they lost, they appealed, and we had to raise funds once again. For that reason, I would never agree to having the town take over the school department. In 2018, Representative Tripp and then Representative Chirichiello attempted to get an emergency amendment attached to a Senate energy bill that, upon passage, would have incorporated the school department into the municipal government. When a large contingent of concerned citizens voiced opposition at a Senate hearing, the Senate president realized that these two were pulling shenanigans and immediately withdrew the amendment. Last week, Mrs. Layon cited increased efficiency as the driver behind the proposed charter amendment. She failed to cite any savings projections or costs associated with the implementation. Representative Love, Representative Tripp, and Mr. Chirichiello cited high costs and the need for a tax cap. Last winter, any one of these people could have easily put a tax cap warrant article on the school ballot by following a remarkably uncomplicated process. It's outlined in Chapter 32, Section 5. They failed to follow the process. There's another uncomplicated process in RSA Section 49B that citizens can follow by working with the town clerk to put a charter amendment on the March ballot. So far, they've failed to initiate that process. There's also a straightforward process that, with 100 signatures, they could have come to you to request that a feasibility study be completed on bringing the school department in under the town charter. Apparently, they failed to consider that process. They request drastic changes from our town government. They haven't provided a financial analysis. There's been no legal or regulatory analysis. They haven't proposed any language. This is ludicrous. Anyone using even a little bit of critical thinking would question whether this is sincere effort or if this is simply a scheme to circumvent the three-fifths requirement in the statute to enact a school tax cap. This might just be another flavor of shenanigans. I've analyzed more than 15 years of school funding data. My analysis has provided me do I need to stop?

MOTION to extend time by Councilor Foote, seconded by Councilor Healey
Roll call Vote: 7-0-0

I've analyzed more than 15 years of school funding data. My analysis has provided me with objective data to demonstrate that the state reps in this town have harmed property taxpayers by millions of dollars through their votes. It might be possible to improve the accountability of our state reps if they were assigned to smaller districts. There's a process in RSA Chapter 662A for citizens to petition the town council to form a redistricting commission and then form legislative districts within the community. I'm following that process. I'm not seeking your approval or your assistance. I hope that you'll ask others who want to initiate changes in our town government to do the same. Thank you.

Brian Chirichiello, Rollins Street - My understanding is the council will be talking with the school district about HB 1331. And let's be clear. HB 1331, no one's asking this town council to make a decision whether you feel that the school should go underneath the town. The premise of the bill is to let the people of Derry make the decision. I don't care if you vote yes or no. I really don't. But to deny the people the right to have a say is wrong. And I'm glad Mr. Cunningham brought up 2015 because I led that charge. I was one of the people that led that charge. And the reason why people were angry was because they did not let the people have a choice. Secondly, I found out that there is a lawsuit at the state, currently now, that will probably get ironed out at the beginning of the year. And that lawsuit would overturn Clairmont. If that is successful, that would mean the town would have to come up with \$21 million plus. We all know what's coming

down the pike in two short months, okay? A \$10 million increase, or a \$8 million increase, actually. So, if that gets overturned and this council does not let the people have a choice to vote in March, they're going to come, and they're going to be very angry. So, I would recommend that when you have that discussion, think about it. It's not about whether you want the schools to be under the town. The question is do you want the people to have a say? Thank you.

Richard Tripp, Windham Road - Good evening. Can you hear me? I have some good news for you tonight. Not anything that is going to get people upset. Anyhow, I attend most of the school board meetings. And at the last meeting, they talked about they're going to have a facility tour. And I waited till they posted the notice. But, anyhow, on the 17th, at 4 o'clock, the tour is going to start at South Range School. And from there, it's going to go to Gilbert H Hood, Grinnell, Ernest Barka, the new SAU building, which is what used to be Derry Village and then West Running Brook and East Derry Memorial. So, if you're interested in what the second year of the school renovation has done to the schools and what they look like and what improvements have been made, like I said show up at 4 o'clock at South Range, and I'll be there so we can we can make a tour with the school board. And the citizens can see what's going on in the schools. Thank you.

Erica Layon, Tsienneto Road - I just wanted just bring up some clarity on one of the things that Mr. Cunningham said. The town of Derry has a cooperative school district. It was the first cooperative school district formed in the state. When additional laws were passed about the process for cooperative school districts, we sort of got bundled in with everybody else because we had had 13 different districts within the town of Derry that ended up having to come together so that we could build Hood Middle School and just so we could do those processes. So as the first cooperative school district we actually were created by the state, not by the town. And the only way to make any change to the school district was by getting permission from the legislature. So, House Bill 1331 was required to do that, to give the people of Derry any voice into how the Derry Cooperative School District is administered. You know, obviously, the ball will be in your court or in the people's court to figure out what the process is going forward. But without that law passing, there would have been no way for the people of Derry to make a choice about how the schools would be managed. So, thank you.

Jenna Paradise, Hubbard Hill Road - I'm here today with my election worker hat on. I wanted to speak to what somebody came up earlier and mentioned was the electioneering at the last election. I've been an election worker for going on about 10 years in this town. And I don't think I'd ever heard or seen about people coming and being harassed so much by somebody out in the parking lot. From my understanding there was some sort of loophole that allowed him to be out there. I heard from several people coming in that he was pushing the pamphlets. And if people said that they did not vote for that party, that he was swearing at them, he was also telling people to leave them in the polls, which is illegal. And it also added a little bit more work for us. But that is beside the point. We had to do a constant sweep of the polls. And we found, many of the pamphlets being left in there. And from my understanding, there is a New Hampshire statutes that I'm just going to read to you on electioneering. And I'm hoping that the town of Derry can do something about this. Town shall have the power to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare, and rights of voters at any election held for any purpose in such town. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor shall such power extend to activities conducted wholly on private property so as to not interfere with people approaching or entering a polling place. And I definitely think that what this gentleman was doing was interfering with people entering the polling place. Even though it was a little bit beyond the gauntlet, it was still in the Pinkerton parking lot. And that was

the main parking lot and the main entrance for people to come into. So, I'm hoping that we can put something on the books before the next election in November. There's going to be quite a bit more people coming in, and I hope that we can do something to prevent this. As a side note, I really think that if you are going to be voting, that you should come in as an educated voter and not have to rely on somebody handing you a cheat sheet to know who you need to vote for. Thank you.

Michael Layon, 84 Tsienneto Road - Relative to the voting, I can see why so many of our students graduate with the inability to read. What happened at Pinkerton, which is private property, was 100% lawful. There were people who called the Attorney General of New Hampshire, who I think knows the law better than anyone else who has been up here. Nothing illegal happened. Yes, it was electioneering on private property. This town council, in addition to having an illegal meeting at the voting booths after that, right? You had a quorum there. A quorum was assembled there. That's unlawful. Absolutely. The behavior some of you have exhibited online far exceeded anything that gentleman did out there handing out cards. The language used up here, used online by some of these councilors to affect votes, was absolutely deplorable. Same stuff about myself, my family. Absolutely untrue. It's disgusting. If people want to electioneer, whether it's for conservatives, communists, Nazis, whatever you want, feel free. Some of us believe in freedom. And if you want to tarnish us, call us horrible names, that's a shame.

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

Consent Agenda

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| 26-84 | Approve Minutes – September 1, 2026 |
| 26-85 | Resolution #2026-052 – Accept a Bureau of Justice Assistant Grant for Law Enforcement Equipment |
| 26-86 | Resolution #2026-054 – Approve Covenants and Commercial Industrial Tax Relief Application for 12A Street |

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

Chair Report – Vice Chair Webb

State Primary Election – September 8, 2026 – Town Clerk Tina Guilford presenting

We had our primary last Tuesday. We had 4,903 voters. So, it was well within the estimate that I had given you. We had 2,523 Republican and 2,380 Democrat ballots. So that's kind of the breakdown. Results are available on the town website if anybody wants to look at those. I do want to issue thank yous to the town council for all your support. I do want to address one comment that was made. It is a requirement per the New Hampshire Constitution that a quorum of the council be present and it is something that the Attorney General's office inspects. It's on their checklist. So, four of you were there a good portion of the day. Three of you had pro tems. Thank you, Councilor Foote, Mills, and Healey for your pro tems. We did have, for a good portion of the day seven councilors present, which is great. The Attorney General's office does look for that. And you are all introduced to the inspector from the Attorney General's office as were your pro tems. So, I thank you. I'd like to thank my fellow election officials, our town moderator Dave Nelson for another late night. Our supervisors of the checklist doing a great job registering over 140 voters. I'd like to thank Derry Police and Derry Fire - I know they're in the

room - for all your support. We're gearing up for November now. I'd like to thank everybody here at town hall. I do know that when it's election time, Tina kind of takes over lots of spaces. And the assessing department and the tax department, they just kind of smile and nod, and they don't complain. I really appreciate that support. I appreciate the town administrator's support, and the finance department. This is a team effort. We cannot do this by ourselves. I want to thank our poll workers. We had almost 100 people that we hired for the primary. I'd especially like to thank the ones who actually volunteered their time. We actually had one poll worker who worked the polls open to close entirely as a volunteer and did not get paid. So again, I thank them for their volunteerism. And I want to thank our voters who came out to vote. We had over 200 ballots that had to be fully hand-counted due to overvotes. I say this again as a friendly reminder, our state rep race is a vote 10. Even though we're in District 13, you don't get to vote for 13. You vote for 10. Some people had some issues with that last Tuesday. We had just shy of 1,000 write-ins. They are, again, available on the town website. I really don't understand the ones who fill the bubble and then don't write anything at all. It is a lot of time for us to put eyeballs on all of those, which is why we're there till almost 2:00 AM. Our supervisors of the checklist will be having their next session on September 29th. That means that all the people that have come in since the primary - and there have been quite a few, changing their party affiliation because they were in the wrong party. So those changes will take effect on the 29th. So, I advise everyone, not that party matters in November, but that on the 30th, you start checking online, check your party affiliation, make sure you're in the party that you're in because the presidential primary will be coming in January 2028. And I would love to see a primary where our poll workers are not screamed at because you're in the wrong party. It is disappointing. And I do understand that the cutoff will probably be at the end of September, beginning of October. And you're not thinking about anything about the presidential primary in 2027. So just while it's in your brain now, make sure you're in the party that you want to be in. Graphic. We're going to move to the state general election, November 3rd, at Pinkerton Academy, 7:00 AM to 8:00 PM. The bypass will be closed. We will be posting videos that the fire department made for us in 2024 for the traffic patterns so that everybody knows which way to go. There will be signs up around town reminding people. I am really hopeful that it will go as well as it did in 2024 because I didn't get a lot of complaints in 2024. I did get a lot of complaints about the primary that just passed last Tuesday, most of them centered on the electioneering. So, you'll be hearing more from me on that, but in the future. That is what I have.

Councilor Healey - I just want to thank our town clerk for another very successful election and all our election officials that worked that day. And also on the lead-up to elections, not a lot of people know all the work that goes in with the machine testing, the tabulator testing, counting the ballots, absentees, and all, all that work leading up to that day. So, it's not just on that day. It's all the lead-up and the late day on election. I ran into Tina at 2:30 in the morning as she was finishing up.

Town Clerk Guilford - Yes. We met at the Derry Police Station. He was turning in his results. I was turning in mine so they could be delivered to the state police to go to Concord.

Councilor Spencer - I just want to echo off of what Tina said, and everybody's already kind of heard this. Election workers, I want to point out that Tina worked really hard along with our moderator, Dave Nelson. And our printed tapes of our results, so all the results that came through a ballot machine were posted within the hour of the polls closing. You always know you're going to have some hand counts. We did have some confusion with 13 versus 10, so that caused a little extra. But almost 1,000 writ-ins, I'm frankly frustrated. We have people come almost every week that like to complain about wasting of money and taxpayer money being used. The taxpayers caused a waste of money on Tuesday. When you write in names, I would never take away somebody's right to have a write-in vote. However, if you vote for somebody

who is a cartoon character, dead, or does not live in the town, district, or state, and is not eligible for the race, you are wasting taxpayer money. The town clerk has to stay there, and all of the team has to stay. You paid fire. You paid police. You paid election workers to stay for hours after the elections closed because of write-ins that were not valid votes. So, I encourage people if you think you have to fill something in, you don't. And I encourage the people that vote for absolutely invalid people or cartoon characters, which are a lot, to think about that next time you do it, that each one of those adds time that hand counts have to happen, reconciliations have to happen to make sure we see it, and then read it, and that people have to stay and get paid while that happens. And that is costing taxpayers money. And that's all I have to say. Well, actually, no. I will also say thank you to all those people that stayed late and did all that. And that's all. Thank you.

Town Clerk Guilford - I do have two comments. I'm a stipend, so I don't get paid to be there or to be here in this building at 5:00 AM and to not get home until almost 3:00AM. No. I didn't get paid anything extra. I will also say we need more poll workers. So, if you're someone who likes to write in these things, I challenge you to sign up and come work and count at the end of the night. Come join us so you can see what it's like.

Councilor Webb - I just have one. It's, you already stole my thunder on write-in votes, but, thank you for your hard work. And also thanks to the public works and Pinkerton staff who helped clean up when the election was over. Everybody works hard for this to make this actually happen, yes, there were some hiccups, but it was a very smooth day logistically. So, thank you for organizing it. Thank you to the moderator Dave Nelson, for organizing everything. And again, if you really want to understand democracy, go work the polls. And I don't mean by holding signs. I mean, actually go physically in there and assist the workers count the ballots.

Board / Committee Appointments

Conservation Commission

**Chair Webb moves to appoint Linda Comrie as a member of the Conservation Commission for a term to expire March 31, 2028, seconded by Councilor Milz
Roll Call Vote: 7-0-0**

Just to reiterate for Charlie Buzzell, Hattie Durgan was a huge supporter of East Derry and Derry firefighters throughout her entire life. It is nice to see that the fire department will be honoring her by planting a tree on, September 20th. If you want more information, please contact the fire department or check their website and give you the schedule of events. The next thing is I just want to congratulate our own Councilor Doug Flood. The charity that he helped found, the Jason R. Flood Memorial and Pizza Stock, a charity to help educate people about mental health and suicide prevention, particularly with teenagers through music and counseling, has been recognized by the Greater Derry Chamber of Commerce as Charity of the Year. So, congratulations, Doug, your wife, Danielle Flood, as the president, vice president, Mike Karthus, Treasurer Lee Madeiros, Secretary Craig Cunningham, and members of the board, Jennifer Besant Cuthbert, Gina Sino, Steve DeVino, and Josh Tubbs. And again, thank you, Doug, for founding it.

Last issue is regarding House Bill 1331. The Derry Town Council has heard the request and comments on House Bill 1331 and, of those that spoke at the last meeting and this meeting. So,

we have asked the TA to gather facts and information on this complex issue so that we may act in an informed and appropriate manner and do our due diligence. In the meantime, we ask everyone to be patient. Thank you.

Town Administrator's Report – Town Administrator Michael Fowler

FBI Law Enforcement Executive Development Association Trilogy Award – *Police Chief George Feoli and Chief Operating Officer for FBI LEEDA Michael Robinson presenting.*

Michael Robinson - I'm the Chief Operating Officer for FBI LEEDA. FBI LEEDA is an organization that does law enforcement leadership training across the world. Each year, for the last couple of years, we've trained about 20,000 law enforcement professionals across the United States as well as in foreign countries as well on leadership. And there are very few departments that will show the level of dedication that this department here has shown in Derry, New Hampshire. They've shown a commitment to investing in their personnel. Thank you, town council, or whoever handles the budget to support that effort because we know it's not a singular issue. It takes the whole town to actually support departments when they're pursuing something such as the FBI LEEDA Trilogy Award. As the chief has stated, the Trilogy Award goes to agencies who have made the commitment to ensure that each member of their executive team, specifically members of their command staff, have completed our flagship program. And the flagship program for us, and it has been for quite some time, is our supervisory leadership course, which talks about everything you need to make sure that individuals are aware of and understand the perspective of the first-line supervisor. Then there's the Command Leadership Institute, where we focus on those that are in the command ranks and those individuals who assist the chief in running that department. And they gain a perspective at that level. And then there's the Executive Leadership Institute. Those individuals learn this perspective of the chief, and they get a clear understanding that the chief has to answer to a lot of people, including many individuals in this room as well as the town that you guys serve as well. So, it's quite an honor for us to be here. I came in a little early because we're actually holding a class up in Bow, New Hampshire, this week. So, I got a chance to meet and talk with individuals who were in that class. We do about 700 classes a year. And this year, only three departments in the state of New Hampshire achieved the FBI LEEDA Agency Trilogy Award. Thus far, since we've started issuing the Agency Trilogy Award for police departments across the country, there've only been six now in the state of New Hampshire. And your department is one of them, of course. And there've only been 303 across the country. And keep in mind, there are about 18,000 police departments in the United States of America. And your department is one of those who have achieved the FBI LEEDA Trilogy Award. So, on behalf of our executive director, Jacques Batiste, as well as our president of our organization, Mr.

Christopher Workman, it is quite the honor to present tonight the FBI LEEDA Agency Trilogy Award to Chief Feole as well as your amazing command staff. Congratulations, Chief.

Town Administrator Michael Fowler

On September 1st town council members attended a ribbon cutting at the town's landfill. And that was to commemorate the opening of our solar panel field that has a 25-year power purchase agreement lease with Encore Renewable Energy. Some of the stats that are important to talk about is the town is purchasing electricity at 6.5 cents per kilowatt hour as compared to the Eversource default rate of 14 cents, just over 14 cents per kilowatt hour as of August 1st.

The Net Zero Task Force was instrumental in working through the proposals, and we finally have tangible electricity production. For order of magnitude, the solar array will generate approximately 4.2 million kilowatt hours of electricity annually, some of which will be consumed at the wastewater treatment plant, and then the other product will be distributed into the grid, and the town would be receiving net metering credits. So, we are projecting over the 25-year period a minimum of \$4 million of averted cost, whether when you compare to what the default rate is for electricity. So, I'll continue to update the council. At some point as we go into the winter, we are going to talk a little bit about fuel costs and where those may or may not be for impacts to the budget. We were expecting diesel and heating oil and things of that nature. We made some projections. So, we'll talk about that a little bit. But I did want to note that our solar project is online and currently generating electricity. On a related note, the town also recently signed a consultant agreement with Freedom Logistics to initiate the electricity aggregation also known as community power effort. This endeavor is going to kick off with pricing in early 2027, which will be offered to all residential parties in the Eversource, Unitil, and Liberty franchise area. The goal of this program would be to offer electricity supply at a lower rate than the default utility. So, this is for everybody in the community. We talked about, a few years ago, putting community power into place where perhaps if there's a higher rate from Eversource at 14 cents, our buying power combined would allow us to potentially be somewhat less expensive than that. We're going to be pricing that, and that would be something we'll roll out some information in hopes that we can save all of our residents some money on their electricity bills. And then lastly, just as a query for the council, setting up meetings, you have the 22nd, you're going to be meeting with the school board for a workshop at 5:30. You have regular town council meetings on October 6th and October 20th. And then November 3rd is the General Election Day. That would align with your regular meeting schedule dates. So just let me know if you have some thoughts. I'm assuming that you want to postpone and not hold a meeting that day. But if you want to just meet November 17th as the only meeting of the month, that could be accommodated on the normal third Tuesday of the month. But we can talk about that at the next meeting and make sure we let the viewers know if we are having a meeting or not on November 3rd.

Public Hearing

26-64 Ordinance #2026-003 – Amend Chapter 119 of the General Code –
Hawkers, Peddlers and Itinerant Vendors – *Police Chief George Feoli*
presenting.

I am here this evening to talk a little bit about Chapter 119 in our town code, Hawkens and Peddlers, and Itinerant Vendors Town Ordinance. I noticed a short while ago that the ordinance needed some revision because there are some state statutes that have since been repealed and are referenced in our ordinance. So, I'll just go quickly through that. It's really housekeeping measures more than changes to the ordinance with the exception of price increase for the permit fee itself. The ordinance refers to Chapters 320 and 321. Both of those were repealed in 2023. Those citations are no longer valid within the document and need to be removed. We wanted to correct what I perceived as a deficiency in the permit fee. We were last set at \$50 per year. I did some investigation and found that we should be in the \$150 a year range to align with other communities around us. And that would, of course, generate increased revenue. Specifically, Section 119-3, we remove the New Hampshire RSA Chapter 321 license requirement. We renumber the sections accordingly to maintain consistent ordinance structure. In Section 119-5, we remove the phrase pursuant to 321-3 and reference to Hawkens and Peddlers as defined in 321 as those RSAs were repealed also. Section 119 and 110, these are housekeeping measures as I indicated we would add as amended September 15th, 2026 if you

elect to make that change this evening. And then Section 119-10, add effective date language. This article takes effect January 14th, 2021, and as amended September 15th, 2026. The current Hawkers and Peddlers fee license permit fee is \$50. As you can see Manchester is \$150 a year. Nashua was \$100. Portsmouth is \$250. Keene is \$150. Rochester is \$100. I thought that we should be at \$150. Now, at current this year, we've issued 24 licenses since April. We did generate \$1,200. With a \$150 fee, we would have generated \$3,600. So, we'll triple that revenue. There's no negative fiscal impact to the budget. The fee increase from \$50 to \$150 will generate increased revenues to the town. So that's a positive. The council is asked to consider those amendments to Chapter 119 this evening.

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

David Provencher, Miltimore Road - You mentioned that you suspect that the income would triple. So, you think that there'll be a 100% conversion rate from people paying \$50 a year to the \$100?

Chief Feole – That is the assumption based on a 100% conversion rate.

Provencher - So you don't think that any that number would be too high for anybody to just say, "Nah, no, it's not worth it"?

Feole – No. I spoke with other law enforcement agencies that charge a much higher rate than we do, and they saw no significant drop in applications.

Provencher – I just wanted to be sure that was considered.

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

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Ordinance #2026-003 which reads as follows [Read the Ordinance], seconded by Councilor Healey
Roll Call Vote: 7-0-0
Ordinance Attached

26-78 Resolution #2026-050 – Accept the 2026 Community Wildfire Protection Plan – *Conservation Commission Land Manager Beth Carver and State of New Hampshire Community Wildfire Mitigation Coordinator John Neely presenting.*

We're here to introduce the plan and its recommendations to reduce wildfire risk in Derry. We'll start with why create a CWPP in the first place. So, Derry actually faces a higher wildfire risk than 96% of other communities in New Hampshire. Wildfires in Derry are generally small, but human-caused, and they're frequent and can become structural fires. So, the CWPP looks at all kinds of things, looks at vegetation, weather, topography, infrastructure access, and a lot more, in order to make recommendations so that we can reduce the risk of a fire before it starts. So, uh, what is a CWPP? It's a collaborative effort between the state and members of local government, to assess what the risk is and prioritize what actions we can take and then to act on those. We have a list of actions. It's going to benefit Derry, because it provides in-depth recommendations that you all and other town officials can take on actionable steps to lower our wildfire risk and, importantly, secure federal funding. So having a CWPP in place, is a benefit

when it comes to applying for these community wildfire defense grants. But it also provides just simple actionable steps that residents can take to make their homes and neighborhoods more resilient to wildfire. So after we did all that analysis, we came up with four goals and 17 actions that are inside the CWPP. Those main four goals, we'll use the best available science and information to identify present and future vulnerabilities to wildfire within Derry. We'll provide residents and land managers information and tools to reduce wildfire risk and structural ignitability on their lands. Address ways to improve wildfire response with training, equipment, and technology, and identify ways to improve communication and participation among town officials, residents, and stakeholders regarding wildfire risk reduction in Derry. So that's all for our presentation.

Motion by Councilor Foote to open public hearing, seconded by Councilor Milz

Roll Call Vote: 7-0-0

Erica Layon, Tsienneto Road - I learned about this community wildfire protection plan, and I did have some email discussions with Chief Laro about this and the development of the plan on August 14th. I had asked for more details, but he said at that point that it was a draft form and it was not available for dissemination. Looking through the 111-page document, my parcels that are owned by my family are called out by name. And I am concerned that as landowners who were flagged in this process, we were not part of the process of discussing this, especially given that I had reached out to the chief trying to get information on this plan. But secondarily, beyond the fact that we have land that we are managing, we are conserving, and we're reducing the wildfire risk on, I have other questions and concerns that'll impact far more people in the town of Derry. I grew up in a high wildfire area, and my brother has now had to cut all of the vegetation basically on his property. Looking at the defensible zones that are listed in here, I would like to know whether or not this plan means that people of Derry will have to cut down trees that are providing shade to their home because of the potential wildfire risk. Because this looks like the same plan that's used in Southern California, and Southern California and Derry, New Hampshire, have very, very different fire risks. So, I'd like to know whether or not people are going to be told to cut down their trees so that they don't have shade, what other changes they'll need to do if people will be able to continue to build with wood cladding on their homes, with trees close by, or if we are going to be pushing people into different structural choices in order to chase federal dollars. Now, I appreciate that we're trying to deal with wildfire risk, but I'm just trying to make sure that the glove actually fits in this and that what we are doing is something that addresses the needs of Derry as opposed to flying in California-style policies. So, I would like to know about the impact for people. Thank you.

Michael Layon, Tsienneto Road – I am also is a peer in the community wildlife protection plan. First, kudos to the people that put this together to put science up there. I think that's actually very important. Where the fire science is based, for the record, I'm not a fire scientist. I have read fire science, and I'm curious why so much of the fire science is not based on the geography of New England. For convenience, I have a couple numbers here that may be of interest to the council as well as interested members of the community. New Hampshire, yes, we're number one in poverty, which is gonna come up relative to fire risk in a minute. We're the second most forested state in the entire country. We're second only to Maine. If you look at the actual fire risk of wildfires to the state, if I told you that only 150 acres, less than that, burned last year statewide, would you be surprised?

Less than 150 acres. We are one of the least fire-prone states in the entire country. In the field of medicine, there are little lies, big lies, and statistics. On this report, and I understand how federal grants work. I've written many myself and received many for different types of research. Derry is 96% more likely to burn than the rest of the state. That is true. That is absolutely true. However, if you look at the overall risk for the entire state, it is super small. And a huge portion of a very small number is still a very small number. Contained within here, if you look, the committee, I again, give kudos. 25 years of data in here. Look how much wildfire has actually burned in Derry. I'm just trying to understand what the need is for such restrictions that are being suggested in here. I was only able to access this today despite trying to get this before. Page 24. If you look, 25 years, a quarter of a century, quarter of a century, less than 100 acres burned in Derry. Less than 100 acres. In a quarter of a century, it's absolutely amazing. While wildfires are a big number, in Derry, if you look at the size of the fires, we don't stand out from the rest of the state. Yes, we've had higher incidents. We also are the fourth biggest population in the state. These things go hand in hand. If you look at the population, this is not mentioned in there other than briefly in demographics. I mentioned we are number one in lowest poverty in the whole country by far. By far. Poverty and fire risk are directly correlated. There are actually book chapters written on this, which are pretty amazing. Finally, on this leading end, if you look all around us, all of the states in New England that surround us are all top 10 lowest fire risk, which offers some opportunities for us at no cost to taxpayers. Just going through this report, I made several notes on here. I would urge the council and this committee to take with strong caution the rationale for this. The Palisades Fire in Southern California. My wife mentioned the biomes of California and New Hampshire have nothing in common. Whether you look at Southern New California or you look at Northern California, the biomes have absolutely nothing in common. Are there softwoods and hardwoods between them? Sure. If you wanna get down to that, if you look at the understory structure, the soil composition, the actual fuel that's there to burn, they are very different. And I might add, California, Oregon, and Washington enacted a ban on sustainable forestry in 1991. They are now the most at-risk states of having large wildfires. Elsewhere contained in this document are perhaps true, very small local levels. If you look at the national level, by far, the biggest risk of wildfire is on public land. New Hampshire in this report says 65% home ownership. If you discount the fact that 14% of the state's owned by the federal government, if you will, with White National Forest, home ownership is a percent of land, and the state increases significantly. The risk for wildfires is actually lowest on private land. And I think that's important to mention. There's a lot in here to digest, and I think a lot is being left on the table. That the fire department's gonna come out and identify invasive species, trees. Hey, that's to be commended. I'm gonna call out the state representatives because there was a bill put in last year to restrict homeowners or force homeowners to label Japanese knotweed before they just they sold their home. I asked state legislators across party lines. Almost no one could identify what it was. Is this really gonna help us fight fires? There are already private organizations. There's an ash organization, literally for ash trees that have come and climbed ash trees on our property to get the seeds from. There's an American Chestnut Society that is very active here in New Hampshire. We actually have an American native chestnut on our property that is guarded by many trail cameras. We've had other trees cut down on the property. That's a jewel that we have. These are all called out in the report. Is this really gonna reduce an almost nonexistent fire risk? There are many other resources that are already

working on this that it would cost the town council. It would cost this committee absolutely nothing. Eversource, where high power lines are mentioned as a fire risk, Eversource has been doing an amazing job. And for the Conservation Commission, I've been working with them. I can put you in contact with their vegetation managers, all three of them, from the regional manager to the two local ones. They have done an amazing job, not only battling all kinds of invasive species, preserving native species. They have been harassed when accidents happen. They're acutely aware of fire risk and have done a lot, not only on our property to help mitigate fire risk, to allow me to do work on our property to restore native plants at the same time as reducing fire risk. I think this is, if will be so bold as to say if anyone in this town has done more for conservation to reduce fire risk on their own land in the last six years than the Layon family and our friends, stand up and say it 'cause I don't think anyone else has. With that said, on here, an assessment was made of properties. This was supposedly completed last year. I haven't seen anyone on our trail cameras. The entire property has trail cameras all over it. The fire department or anyone from this committee who's been to our property, who called it out, I'd love to know. I would have welcomed it. I would have given you a tour. Do you wanna walk? Do you wanna ride in the 4x4? Be happy to give you a tour. There's information being reported as complete in there that hasn't even been looked at. Hasn't even been looked at. This is unfair to the residents of Derry, not just myself, but the people that aren't even aware that they're on here. This is absolutely amazing. If I can just briefly, I will be done in a minute. I made notes throughout this. I went over the 150. I think there's some fire reduction with the paper that was printed here. I would just draw the council's attention as well. These fire maps, they look pretty, but do these really mean anything? Do we have such great risk? Do we need so many different maps? I think everyone wants the fire department trained to be able to respond to wildfires. New Hampshire is unique. This is called out in national data. We have a rather dense population. Even though we're considered semi-rural or suburban, however you wanna word it, access to land from public roads is almost unprecedented, even in New England. Massachusetts has beat us in that, only by a little, and they don't have anything to show as far as less fire destroyed. This again, I mentioned Eversource is a key stakeholder. I would encourage you to please reach out to them. They have done a lot. They have spent a lot of money. It actually impacts all of our electrical bills, but they have done a lot to reduce the fire risk. English Range, which borders our property, was listed as one of the high-risk areas where a fire had burned before. Again, if anyone on the town council, anyone from the community wants to, please get a hold of us. I'll give you a tour of the property and show you what we've done to reduce fire risk. And I hope other people will not follow in California's footsteps. The last are the recommendations here. And if I can, let me just find these on here. So, I mentioned this was page 84, the first one, absolutely not complete. You guys haven't been to the lands. Unless you just pulled this from satellite data. It's, it-it's absolutely not complete there. Action plans, I will leave it at this. Please contact other stakeholders, especially landowners who may not be aware that their names appear on this document. I would hope you hope that this council, members of this committee, would also lobby your state government to eliminate useless prohibitions that make land management with fire prevention, fire mitigation, much more difficult. That would include the production of burning to produce something called biochar. If you're an organic farmer, you've probably heard of it. If not, it's made by burning large pieces and controlling the way they burn and eliminating the only one in the nation, the useless five-inch rule. Please ensure that

recommendations are based on reality not just grant availability. If there's questions, I'm happy to take them.

Richard Tripp, Windham Road - The first thing I wanna say is I hope you're not voting on this tonight. It appears to me that there's a lot of questions that haven't been answered. You know, I'd like to know, you know, usually with a grant, there comes some strings, you know. So, what exactly does the town of Derry have to do to, you know, benefit from this grant? You know, is it there gonna be further inspections of people's property, you know, telling them that they like Mr. Layon said that in order to qualify for this wildfire protection plan, you have to cut down trees or whatever. You know, I too would like a copy of this plan, you know, so that I can take a look at it. But, you know, I would probably have a lot more questions if I had a copy of the plan, but I don't. So, once again, I hope you are not intending to take any action on this tonight.

David Provencher, Miltimore Road - Hi, Beth. How are you today?

Neth Carver - Great. How are you?

Provencher - How long have you and the Conservation Commission been working on this plan?

Carver - For about a year. The process started in March of 2025 and then really got ramped up, about this time last year.

Provencher - Okay. So, you think in that year, you've done your due diligence?

Carver - I think that there is still a lot to do, but the point of the plan is to get that process started. And some of the actions in the plan are, you know, it's the work to be done.

Provencher - Okay. Thank you. I'm pretty sure that you were.

Carver - Yes. Due diligence indeed. Yes.

Provencher - Yeah. The Mr. Layon just spent, oh God, what was it, 12 minutes talking about his various grievances with this plan. The Conservation Commission work hard, and they do their job well. So, if Beth says it's good, I agree with her. Thank you.

Colton Ratey, Meadowbrook Road - This is my first time to a meeting like this. I just moved here. I didn't know what to expect. I came here specifically for this wildfire protection plan. It sounded interesting. I also haven't seen the document. I kind of came here expecting to have a little more information on the specifics of it. I mean, I would also like to read the plan. I will say, though, just in general, we all experienced a couple months ago the wildfires in Canada. The sky was hazy and orange and hard to breathe for people with asthma. It was very scary. I think we definitely should have a plan, and I wanna thank everyone who worked hard on that plan. It is much appreciated.

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

Beth Carver - I would like to address some of the questions that were that were voiced and the comments that were made. So first of all, I just want to make sure that the public is aware that nobody is going to be asked to cut down trees and that that would be counterproductive, right? The healthy green trees are helping to prevent wildfire, actually, because the shade that they provide, when trees die and they're no longer providing that shade, then the duff underneath can become dry and easily more flammable. Certainly, nobody is going to be asked to cut down trees or be prevented from using wood cladding or whatever they want to use on their homes. The number of acres burned was mentioned in 25 years. We just want to make it known that that still takes resources, right? So, the idea is that, our fire department's resources are not being used putting out these wildfires, or mulch fires or things that are human caused that can be preventable. And that's kind of one of the main goals of this plan. I also just wanna make sure that the public is aware that we were not looking at data from California, nor are we looking at the topography of New Hampshire like it's from California. John did very extensive analysis of data that is from data in New Hampshire and very specific to our town. And we broke the town into multiple zones so that we could look specifically at those zones. The properties of Mr. and Ms. Layon being called out by name. I don't think that they were personally called out by name, but their properties may have been. That is, again, part of the process of what this community wildfire protection plan is, is to identify those properties and, through the actions in this plan to analyze them. The properties that we analyzed were a few conservation properties that we were able to, within the time that we were creating those as sort of a baseline of what we are working towards with this. Um, let's see.

Councilor Webb - So, if I understand, this plan is more of a strategic plan to identify goals and how to move forward.

Carver - It is a working document. Thank you for that clarification. It's not meant to just be a plan, close the book, and sit on a shelf. It's meant to be a framework to provide the process that is an ongoing process of preventing wildfire because preventing wildfire isn't really something that you can just close the book on and say we did it. It's an ongoing process. I also just wanna make sure that the public knows that nobody is going to be coming onto their property to inspect it, if they are not consenting to that. And if they would like to consent to that, there is a program called Firewise Communities, and that is called out in the plan. And one of the goals of the plan is to do neighborhood assessments, within the framework of this Firewise Communities program to help homeowners take an active role in reducing the wildfire risk in their neighborhoods.

Councilor Foote MOVES THAT THE TOWN COUNCIL table Resolution #2026-050 until October 20, seconded by Councilor Healey
Roll Call Vote: 7-0-0

New Business

26-87 Resolution #2026-051 – Direct the Tax Collector Not to Execute Certain Tax Deeds – *Tax Collector Stacey Beliveau presenting.*

This Resolution is to refuse to accept a deed on certain properties as acceptance of the deed would not be in the Town's best interest.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-051 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution Attached

26-88 Resolution #2026-053 – Authorize an Interagency Agreement for a Justice Assistance Grant with Rockingham County – *Police Chief George Feole presenting.*

The US Department of Justice has announced the 2026 Justice Assistance Grant (JAG) Awards. The Town is eligible for an award of \$14,341. Rockingham County, being the fiscal agent will receive 7% of the funds, so the net award to Derry is \$13,338. Our proposal is to purchase expired ballistic plates that are carried in the cruisers.

Councilor Milz MOVES THAT THE TOWN COUNCIL adopt Resolution #2026-053 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution Attached

Councilor Comments –

Councilor Spencer - It continues to impress me how much our departments and individuals working for the town, they're constantly improving professionally. I just think that we're a standout. They set an example for other towns between our police this evening, our town clerk a couple of months ago. It seems there's always somebody or some department, really looking to advance and do better for the community. And I just want to thank them for that and acknowledge that, I think we're pretty special in that.

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

Adjourn: 8:51 PM


Town Clerk


Date

Recording & Transcription by: Cristina Guilford, Town Clerk



ORDINANCE Number 2026-003

Amend Chapter 119 of the General Code – Hawkers, Peddlers and
Itinerant Vendors

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, there is a need to amend Chapter 119, Hawkers, Peddlers and Itinerant Vendors, governing the issuance of associated permits; and,

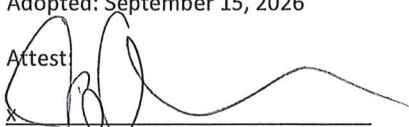
WHEREAS, changes have been made to State law and the Town ordinance requires several amendments to remove references to repealed State statutes; and,

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapter 119 of the General Code, Hawkers, Peddlers and Itinerant Vendors is amended by removing references to repealed State statutes RSA 320:1 and RSA 321:3 and amending the license fee to \$150 per year.

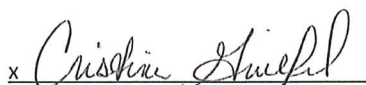
This Ordinance shall take effect 30 days after its adoption.

Adopted: September 15, 2026

Attest


John Q. Webb, Council Chair Pro-Tem

Date: September 15, 2026

x 
Cristina Guilford, Town Clerk

Date: September 15, 2026

Archival Ref: Agenda Item #26-77



RESOLUTION

Number 2026-053

To Authorize an Interagency Agreement with Rockingham Couty for a US Bureau of Justice Assistance Grant for Law Enforcement 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 FY26 Budget; and

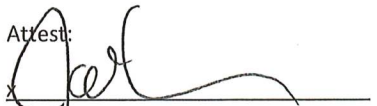
WHEREAS, the Town of Derry qualifies as a sub-recipient by signing an interagency agreement;

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.

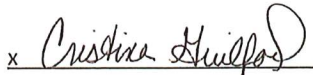
Adopted: September 15, 2026

Attest:

A handwritten signature in black ink, appearing to read "J. Webb", written over a horizontal line.

John Q. Webb, Council Chair Pro-Tem

Date: September 15, 2026

x A handwritten signature in black ink, appearing to read "Cristina Guilford", written over a horizontal line.

Cristina Guilford, Town Clerk

Date: September 15, 2026

Archival Ref: Agenda #26-88



RESOLUTION

Number 2026-051

To Direct the Tax Collector not to Execute Certain Tax Deeds

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

WHEREAS, RSA 80:76 sets forth the procedure for conveying tax deeded properties to the Town; and

WHEREAS, pursuant to RSA 80:76 II and II-a, the Governing Body may refuse to accept a deed on certain properties, whenever in its judgment acceptance and ownership of those properties would subject the municipality to undesirable obligations or liability risks; and

WHEREAS, the Town has identified properties eligible for tax deed however acceptance of ownership would not be in the Town's best interest;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed not to execute a tax deed as set forth on the attached list; pursuant to RSA 80:76 III, the Council may revisit this decision at any time and may later direct the Tax Collector to issue a deed for the property subject to this directive.

This Resolution shall take effect immediately upon its passage.

Adopted: September 15, 2026

Attest:

John Q. Webb, Council Chair Pro-Tem

Date: September 15, 2026

x Cristina Guilford, Town Clerk

Date: September 15, 2026

Archival Ref: Agenda Item #26-87