



AGENDA

Town Council
Derry Municipal Center
14 Manning Street

Tuesday, October 20, 2026
3rd Floor Meeting Room

6:15 PM **Non-Public Session 91A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.**

6:30 PM **Site Walk – Derry Cable Television Studio**

7:00 PM **Call to order –**

(For General Information)

The Town Council voluntarily continues to offer remote participation:

To Attend this Meeting:

Use a PC, Mac, iPad, iPhone or Android device:

URL: <https://zoom.us/j/889403895> Your browser may ask you to install Zoom

Enter Meeting ID: 889-403-895

By Phone:

Phone numbers: 646-558-8656

Enter Meeting ID: 889-403-895

If you have problems calling in during a scheduled meeting time, contact 603-845-5585 or email cristinaquilford@derrynh.org

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**Pledge of Allegiance, warning of fire exits, handicap access and silence of cell phones.**

**Roll Call**

## Pledge of Allegiance

## Public Forum – 30 minutes

### Consent Agenda -

- 26-96 Approve Non-Public Minutes – October 6, 2026
- 26-97 Approve Public Minutes – October 6, 2026
- 26-98 Acceptance of Resignation – Conservation Commission
- 26-99 Approval to proceed with preliminary engineering on the Rail Trail Connecting Londonderry.

### Chair's Report –

- \*\*\*\*\* General Election – November 3, 2026 – **Town Clerk Tina Guilford presenting**
- \*\*\*\*\* Announcement of No Town Council Meeting on November 3, 2026 – General Election

### Town Administrator's Report –

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### Public Hearings –

- 26-89 Ordinance #2026-004 – To Adopt Chapter 40 of the General Code regarding Electioneering at Polling Places – **Town Clerk Tina Guilford presenting**
- 26-93 Resolution 2026-055 - To Approve a Reduction of Appropriations and Associated Lease Revenue to Purchase Capital Equipment and to Authorize the Execution and Delivery of a Master Lease Purchase Agreement to Purchase Capital Equipment - **CFO Mark Fleischer presenting**
- 26-94 Resolution #2026-056 – To Authorize the Town to apply, receive and expend a grant from the New Hampshire Department of Environmental Services for Milfoil Treatment – **DPW Director Tom Carrier presenting**
- 26-95 Resolution #2026-057 – To Authorize the Town to receive and expend a grant from the Beaver Lake Improvement Association for Milfoil Treatment– **DPW Director Tom Carrier presenting**

### Old Business

- 26-78 Resolution #2026-050 – To Accept the 2026 Community Wildfire Protection Plan – **Land Manager Beth Carver presenting**

### New Business

- 26-100 Resolution #2026-058 – To Revise the By-Laws of the Net Zero Committee – **Chair Jeff Moulton presenting**

- 26-101** Resolution #2026-059 – To Apply for and Accept Funding through the US Department of Justice - Bulletproof Vests Partnership Program – ***Police Chief George Feole presenting***
- 26-102** Resolution #2026-060 – To Enter into a Revised Memorandum of Agreement with NHDOT for the Exit 4A Corridor Project – ***Town Administrator Michael Fowler presenting.***

#### **Councilor Comments / Liaison Reports**

#### **Adjourn**

#### **Upcoming Meetings:**

|                                |                             |            |
|--------------------------------|-----------------------------|------------|
| <b>November 17, 2026 @ 7PM</b> | <b>Town Council Meeting</b> | <b>DMC</b> |
| <b>December 1, 2026 @ 7PM</b>  | <b>Town Council Meeting</b> | <b>DMC</b> |

#### **Advisory Notice...**

The Town Council may, during any public meeting, vote to convene a non-public meeting in compliance with RSA 91A:3 Section II. A motion to do so will be made in public session and the motion will cite the applicable subsection of the law. Further, in compliance with RSA 91A:3 Section I, the Town Council may recess a public meeting for a period of time in order to excuse itself for the purpose of discussing matters not subject to the definition of a meeting.

**Posted: 10/16/2026 – Derry Municipal Center, Derry Public Library, Taylor Library, Website**



Michael A. Fowler, Town Administrator  
mikefowler@derrynh.gov

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## Town Administrator's Report October 20, 2026

### General –

As fall starts to descend upon us, there are some upcoming events slated for the community.

- 1) Downtown Trick or Treat – Saturday, October 24, 2026 starting with a costume parade at Hood Park from 11am to noon, followed by downtown trick or treat noon to 3pm. We appreciate the participating businesses for this event. Further details are available on the Parks & Recreation Facebook page and the Town's website.
- 2) Saturday October 31, 2026 is Halloween. There has been a suggested trick or treat time of 6pm to 730pm which has been followed for many years. There is a misconception that the Town of Derry officially regulates when the event is scheduled by official ordinance or declaration. We do not. In a world where there are expectations of a concierge style experience, the Town does not need to get into legislating individual circumstances such as weather being too cold, too warm, too dark, conflict with youth sport event, etc. and reacting to predicted weather concerns. Several years ago (2019), there was a movement to postpone the traditional October 31 date due to a predicted storm. Other communities pushed their event out, but Derry held to October 31, and the night of Halloween was over 70 degrees. Derry Police will be in neighborhoods with a visible presence.

### Financial –

On October 7, the Town received notification of FY 28 insurance rates. The Town's overall cost will increase approximately 8.2% over current rates. By comparison FY 26 was up 15% and FY 27 was up 26% over the previous year. Town Council should expect about \$550k to \$600k of increased insurance costs to be wrapped into the preliminary FY 28 budget. There was a silver lining that all other coverages were flat or nominally increased over FY 27. It is important to note that NHRS contributions will be dropping next year to offset these increases.



AGENDA ITEM #: 26-89  
COUNCIL MTG OF: October 6, 2026 and October 20, 2026  
FROM: Administration  
OFFERED BY: Tina Guilford, Town Clerk  
PREPARED BY: Tina Guilford, Town Clerk  
SUBJECT: Adoption of Chapter 40 of the General Code - Electioneering at Polling Places

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STAFF REPORT  
*public hearing*  
*10-20*

## INTRODUCTION

During the 2026 State Primary and in the days after, Election officials have received multiple complaints about electioneering that occurred in the parking area of the polling location.

## BACKGROUND

Many voters complained about the pamphlets being left in the booth, many complained that they were feeling accosted, some said they felt threatened and intimidated by the person. There were complaints made to the Attorney General's office, both by the Moderator and by voters. We have requested a report of the complaints they received. However, one complaint caused the Attorney General's office to call the Moderator and request to speak to the officer in the building at that time, Captain Michaud.

## DISCUSSION

The Town Moderator has the power by RSA 659:43 to control Electioneering at the polling location, however that power does not extend to the parking lot itself. Upon review of various statutes, RSA 31:41-c gives the Town Council the power to set 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 such purpose in such town".

RSA 31:39 gives the Town Council the power to appoint who shall enforce these and can issue a penalty not exceeding \$1000.00.

With a large parking lot and the volume we have for large elections (18,148 voters in November 2024), the parking lot with the road closed has a lot of moving parts and having people handing things out and stopping the flow of traffic will be problematic to the police department.

## FISCAL IMPACT

None

## RECOMMENDED ACTION BY COUNCIL

Please review the attached ordinance under a new Chapter 40 in the general code. Two public hearings are required, the vote would be scheduled for October 20, 2026.



## ORDINANCE Number 2026-004

To Adopt an Emergency Ordinance

### Chapter 40 – Electioneering at Polling Places

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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, the Town Charter authorizes the Town Council to adopt Emergency Ordinances, and

WHEREAS, the Town has seen the need for regulations to immediately protect the integrity of the election process; and

WHEREAS, the State of New Hampshire has adopted an enabling statute for municipalities to make by-laws under RSA 31:41-c; and

WHEREAS, the adoption of Chapter 40 will enact certain requirements and standards to safeguard the health and safety of the citizens of Derry;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS Chapter 40 of the General Code, Regulating Electioneering at Polling Places, is hereby adopted as attached.

This Ordinance shall take effect immediately upon passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_  
John Q. Webb, Council Chair Pro-Tem  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Cristina Guilford, Town Clerk  
Date: \_\_\_\_\_



AGENDA ITEM #: 26-93  
COUNCIL MTG OF: October 20, 2026  
FROM: Michael A. Fowler, Town Administrator  
OFFERED BY: Mark A. Fleischer, Chief Financial Officer  
PREPARED BY: Mark A. Fleischer, Chief Financial Officer  
SUBJECT: Authorization to enter into a Master Lease Agreement and Budget Adjustment

## STAFF REPORT

*public hearing  
10-20*

INTRODUCTION: Obtain Council approval to enter into a FY27 Master Lease Agreement for capital equipment/vehicle purchases as approved in the FY2027 budget.

### TOWN ADMINISTRATOR COMMENTS

I have reviewed this proposal and concur with the CFO's recommendation.

### BACKGROUND

During the FY27 budget review in May 2026, it was determined that entering into a competitively bid master lease agreement for capital equipment/vehicle purchases over the next five to ten years would be cost effective for the town.

### DISCUSSION

After soliciting bids for municipal lease services, TD Bank was chosen for their guaranteed fixed interest rates and no fees passed onto the community. The interest rate as of 9/22/26 was 4.62% for a 5-year term, 4.66% for a 7-year term and 4.75% for a 10-year term. Interest rates on borrowing continue to change daily and we have locked into these rates until late November 2026. The FY27 lease amount approved in the budget was \$2,758,779.

| Description                                             | Activity Center               | FY27 Budget | Actual    | Variance   |
|---------------------------------------------------------|-------------------------------|-------------|-----------|------------|
| Replace Medic A Ambulance                               | Fire                          | \$446,500   | \$414,219 | (\$32,281) |
| Replace Engine 2-Pierce Pumper                          | Fire                          | 1,300,000   | 1,300,000 | 0          |
| Purchase RAM 5500 w/dump body                           | Highway                       | 165,000     | 157,531   | (7,469)    |
| Purchase RAM 2500 PU w/plow/service body                | VM                            | 65,000      | 73,744    | 8,744      |
| Purchase RAM 2500 PU w/plow/salter                      | B&G                           | 65,000      | 77,186    | 12,186     |
| Purchase RAM 2500 PU w/plow                             | Parks                         | 65,000      | 60,980    | (4,020)    |
| Purchase Ford Ranger                                    | Code                          | 60,000      | 35,970    | (24,030)   |
| Purchase Ford Ranger                                    | Highway                       |             | 36,000    | 36,000     |
| Replace Sidewalk Machine                                | Highway                       | 200,000     | 0         | (200,000)  |
| Replace (5) Detectives vehicles for Ford Explorer SUV's | Police                        | 392,279     | 413,415   | 21,136     |
| Totals                                                  |                               | 2,758,779   | 2,569,045 | (189,734)  |
|                                                         | Detectives Vehicle Trade In's |             | (64,000)  |            |
|                                                         | Adjusted Lease Amount         |             | 2,505,045 |            |

Note: Used Highway Sidewalk Machine was purchased using GWAY TIF Funds after the FY27 Budget was approved.

The vehicles and equipment to be purchased total \$2,505,045. As in recent years, market prices varied from the estimates used to prepare the FY27 budget. The Highway Department made two equipment substitutions. A sidewalk plow budgeted at \$200,000 for an FY27 lease was instead purchased used, in very good condition, for \$70,000 using FY26 Gateway TIF paving funds. The purchase saved \$130,000 and reduced scheduled FY27 lease funding by \$200,000. That savings will allow Highway to seek purchasing a Ford Ranger for their engineering staff at an estimated cost of \$36,000 and will be added to the lease.

Additionally, in GF activity center 35, lease revenue and associated expenses will be reduced by \$253,734 and \$64,000 trade-in revenue for (5) Police Detective vehicles will be added.

The adjusted amount to be financed by TD Bank will be \$2,505,045. We are seeking approval to enter into a master lease agreement with TD bank for these FY27 purchases. Lease payments will commence in FY2028.

#### FISCAL IMPACT

As purchases are made, funds available in the master lease will be applied to the purchases. Annual lease payments will be a legal obligation of the Town and will be made from Capital Reserve Funds or other resources as budgeted.

#### RECOMMENDED ACTION & MOTION BY COUNCIL

Recommendation is for the Town Council to adopt the resolutions as presented. (Please read Resolution #2026-055).

***Vote Required: Simple majority of Councilor's present for the lease and 2/3 majority for the reduction of appropriations.***



## RESOLUTION

Number 2026-055

**To Approve a Reduction of Appropriations and Associated Lease Revenue to Purchase Capital Equipment and to Authorize the Execution and Delivery of a Master Lease Purchase Agreement to Purchase Capital Equipment**

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations and budget reductions after the annual budget is adopted; and

WHEREAS, the Town Council approved the purchase of Capital Equipment as part of the FY27 budget adoption; and

WHEREAS, recent quotes and bids have created a reduction of appropriations and revenues related to these purchases; and

WHEREAS, the Town customarily finances these acquisitions through a lease purchase program; and

WHEREAS the Town of Derry, a body politic and corporate duly organized and existing as a political subdivision of the State ("Lessee"), is authorized by the laws of the State of New Hampshire to purchase, acquire and lease personal property for the benefit of Lessee and to enter into contracts with respect thereto; and

WHEREAS Lessee desires to purchase, acquire, finance and lease certain equipment with a cost not to exceed **\$2,505,045** constituting personal property necessary for Lessee to perform essential governmental functions (the "Equipment"); and

WHEREAS Lessee proposes to enter into that certain Master Lease Purchase Agreement (the "Agreement"), with TD Equipment Finance, Inc. ("Lessor"), the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS the funds made available by Lessor under the Agreement will be deposited into an account designated in writing by Lessee for the purpose of administering the Funding Amount pursuant to this Lease (the "Funding Account") or pay to Lessee an amount equal to the Funding Amount.

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WHEREAS the Equipment is essential for Lessee to perform its governmental functions; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS the governing body of Lessee deems it for the benefit of Lessee and for the efficient and effective administration thereof to enter into the Financing Documents and any other documentation necessary, convenient or appropriate for the purpose of financing the Equipment on the terms and conditions described therein;

**NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that to complete the purchase of capital equipment, FY2027 General Fund appropriations will be reduced by the sum of Two Hundred Fifty-Three Thousand Seven Hundred Thirty-Four Dollars (\$253,734) in activity center 35-Capital along with associated lease revenue of the same amount. Additionally, vehicle trade-in revenue in activity center 35-Capital will be added to the FY2027 budget in the amount of Sixty-Four Thousand Dollars (\$64,000).**

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE, that Lessee is hereby authorized to execute and deliver the Agreement with principal components of rental payments in an aggregate amount not to exceed **\$2,505,045**.

BE IT FURTHER RESOLVED that the Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Town Administrator of Lessee and any other officer of Lessee with the power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents and any and all instruments, documents and certificates which may be required by or provided for in the Financing Documents or as may otherwise be required for or necessary, convenient or appropriate to the financing described in this resolution together with any changes, insertions and omissions therein as may be approved by the officer(s) who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The Town Administrator of Lessee and any other officer of Lessee with the power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

BE IT FURTHER RESOLVED that the proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

BE IT FURTHER RESOLVED, that pursuant to Section 265(b) of the Internal Code of 1986, as amended (the "Code"), Lessee hereby specifically designated the Agreement as a "qualified-tax-exempt obligation" for purposes of Section 265(b)(3) of the Code.

BE IT FURTHER RESOLVED, that nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to Lessee as incurring a pecuniary liability or charge upon the general credit of Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Agreement are special limited obligations of Lessee as provided in the Agreement.

BE IT FURTHER RESOLVED, that if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

This Resolution has been adopted by a two-thirds majority of the entire Council as required by Charter and shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

\_\_\_\_\_  
John Q. Webb, Council Chair Pro-Tem

Date: \_\_\_\_\_

\_\_\_\_\_  
Cristina Guilford, Town Clerk

Date: \_\_\_\_\_

Archival Ref: TC Agenda Item #26-93



## STAFF REPORT

*public hearing  
10-20*

AGENDA ITEM #: #26-94 and #26-95  
COUNCIL MTG. OF: October 6, 2026  
FROM: Michael Fowler, Town Administrator  
OFFERED BY: Tom Carrier, Director Public Works  
PREPARED BY: Tom Carrier, Director of Public Works  
SUBJECT: 2027 Milfoil Treatment at Beaver Lake

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### INTRODUCTION:

To seek authorization to continue working with the Beaver Lake Improvement Association (BLIA) to provide milfoil treatment at Beaver Lake.

### TOWN ADMINISTRATOR COMMENTS

Town Council is encouraged to continue to support volunteer and Town staff efforts to combat milfoil in Beaver Lake.

### BACKGROUND

Milfoil is an invasive species which has infiltrated Beaver Lake. Since FY20 the Town Council voted to appropriate funds to assist with the control and future eradication of the plants. Before that date, BLIA exclusively assumed this responsibility, with grant assistance from the State Department of Environmental Services. The Council, recognizing both the financial burden upon a private organization preserving a public body of water, and the potential adverse impact upon property values should milfoil not be controlled, earmarked approximately \$6,000 in FY 26 toward this effort.

### DISCUSSION

The Beaver Lake Improvement Association (BLIA) had set aside up to \$3,000 toward the Milfoil eradication each year from 2022 through 2026. The BLIA estimated a local match of up to \$3,000 again for 2027. For 2026, the total cost of the herbicide treatment was quoted not to exceed \$29,990. NH DES awarded the Town an Exotic Aquatic Plant Control grant in the amount of \$14,995 which is a 50% local match grant. Less BLIA's \$3,000 commitment, Derry's estimated commitment in FY27 would be not to exceed \$11,995. For 2027, the Town is assuming a similar estimate as in 2026.

The BLIA volunteer divers and spotters continue to spend significant time in and on the water each year removing milfoil. The volunteers typically contribute over 100 hours and as much as 200 hours per year, removing invasive milfoil plants. In 2020 BLIA invested in sea scooters to travel underwater at much faster speeds. With the use of this type of equipment BLIA covered a tremendous amount of acreage in a fraction of the time increasing the number of gallons of milfoil removed per diver hour.

In 2025 and 2026 no milfoil treatment was needed based on DES and BLIA inspections. This is a positive indication that the BLIA and Town efforts are addressing the presence of milfoil. The Town will, however, continue to participate in this program and apply for available grants to

conduct any treatment necessary depending on the prevailing lake conditions. Grant funds may also be used to address other invasive species as approved by NH DES.

**FISCAL IMPACT:**

The Town cost share would not exceed \$12,000 as its share of the 50% match for the herbicide treatment based on last year's contractor proposal, which is allotted entirely to the Herbicide Treatment and is included in the FY27 budget. The final grant award will be determined by NHDES during winter 2026.

**RECOMMENDED ACTION BY COUNCIL** It is recommended that the Council authorize the Town Administrator to apply for, accept and expend up to \$15,000 in NH DES Exotic Aquatic Plant Control Grant Program funds for the treatment of milfoil in Beaver Lake and any other invasive species as may be approved by NH DES.

Further, it is recommended that the Council accept and expend up to \$3,000 in funds from the Beaver Lake Improvement Association to be applied toward the required 50% matching funds under the grant.

Action #1 – Support Resolution #2026-056 which will allow the Town to receive up to \$15,000 in NHDES Grant Funds;

Action #2 – Support Resolution #2026-057 which will allow the Town to receive up to \$3,000 in funds from Beaver Lake Improvement Association.

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## RESOLUTION

### Number 2026-056

To Authorize the Town to apply, receive and expend a grant from the New Hampshire Department of Environmental Services for Milfoil Treatment

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

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

WHEREAS, milfoil is an invasive aquatic weed which has been introduced in Beaver Lake; and

WHEREAS, left untreated, milfoil will continue to grow, damaging the Lake and potentially negatively impacting property values; and

WHEREAS, it is in the best interest of the Beaver Lake Improvement Association and the Town to eradicate milfoil from Beaver Lake;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend up to Fifteen Thousand Dollars (\$15,000) in grant funds from the Department of Environmental Services and to execute all necessary documents to provide for milfoil treatment on Beaver Lake.

This Resolution shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_  
John Q. Webb, Council Chair Pro-Tem  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Cristina Guilford, Town Clerk  
Date: \_\_\_\_\_

## STAFF REPORT

*Public  
hearing  
10-20*

AGENDA ITEM #: #26-94 and #26-95  
COUNCIL MTG. OF: October 6, 2026  
FROM: Michael Fowler, Town Administrator  
OFFERED BY: Tom Carrier, Director Public Works  
PREPARED BY: Tom Carrier, Director of Public Works  
SUBJECT: 2027 Milfoil Treatment at Beaver Lake

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### INTRODUCTION:

To seek authorization to continue working with the Beaver Lake Improvement Association (BLIA) to provide milfoil treatment at Beaver Lake.

### TOWN ADMINISTRATOR COMMENTS

Town Council is encouraged to continue to support volunteer and Town staff efforts to combat milfoil in Beaver Lake.

### BACKGROUND

Milfoil is an invasive species which has infiltrated Beaver Lake. Since FY20 the Town Council voted to appropriate funds to assist with the control and future eradication of the plants. Before that date, BLIA exclusively assumed this responsibility, with grant assistance from the State Department of Environmental Services. The Council, recognizing both the financial burden upon a private organization preserving a public body of water, and the potential adverse impact upon property values should milfoil not be controlled, earmarked approximately \$6,000 in FY 26 toward this effort.

### DISCUSSION

The Beaver Lake Improvement Association (BLIA) had set aside up to \$3,000 toward the Milfoil eradication each year from 2022 through 2026. The BLIA estimated a local match of up to \$3,000 again for 2027. For 2026, the total cost of the herbicide treatment was quoted not to exceed \$29,990. NH DES awarded the Town an Exotic Aquatic Plant Control grant in the amount of \$14,995 which is a 50% local match grant. Less BLIA's \$3,000 commitment, Derry's estimated commitment in FY27 would be not to exceed \$11,995. For 2027, the Town is assuming a similar estimate as in 2026.

The BLIA volunteer divers and spotters continue to spend significant time in and on the water each year removing milfoil. The volunteers typically contribute over 100 hours and as much as 200 hours per year, removing invasive milfoil plants. In 2020 BLIA invested in sea scooters to travel underwater at much faster speeds. With the use of this type of equipment BLIA covered a tremendous amount of acreage in a fraction of the time increasing the number of gallons of milfoil removed per diver hour.

In 2025 and 2026 no milfoil treatment was needed based on DES and BLIA inspections. This is a positive indication that the BLIA and Town efforts are addressing the presence of milfoil. The Town will, however, continue to participate in this program and apply for available grants to

conduct any treatment necessary depending on the prevailing lake conditions. Grant funds may also be used to address other invasive species as approved by NH DES.

FISCAL IMPACT:

The Town cost share would not exceed \$12,000 as its share of the 50% match for the herbicide treatment based on last year's contractor proposal, which is allotted entirely to the Herbicide Treatment and is included in the FY27 budget. The final grant award will be determined by NHDES during winter 2026.

RECOMMENDED ACTION BY COUNCIL It is recommended that the Council authorize the Town Administrator to apply for, accept and expend up to \$15,000 in NH DES Exotic Aquatic Plant Control Grant Program funds for the treatment of milfoil in Beaver Lake and any other invasive species as may be approved by NH DES.

Further, it is recommended that the Council accept and expend up to \$3,000 in funds from the Beaver Lake Improvement Association to be applied toward the required 50% matching funds under the grant.

Action #1 – Support Resolution #2026-056 which will allow the Town to receive up to \$15,000 in NHDES Grant Funds;

Action #2 – Support Resolution #2026-057 which will allow the Town to receive up to \$3,000 in funds from Beaver Lake Improvement Association.

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## RESOLUTION

Number 2026-057

To Authorize the Town to receive and expend a grant from the Beaver  
Lake Improvement Association for Milfoil Treatment

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

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

WHEREAS, milfoil is an invasive aquatic weed which has been introduced in Beaver Lake; and

WHEREAS, left untreated, milfoil will continue to grow, damaging the Lake and potentially negatively impacting property values; and

WHEREAS, it is in the best interest of the Beaver Lake Improvement Association and the Town to eradicate milfoil from Beaver Lake;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend up to \$3,000 from the Beaver Lake Improvement to provide for milfoil treatment on Beaver Lake.

This Resolution shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_  
John Q. Webb, Council Chair Pro-Tem  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Cristina Guilford, Town Clerk  
Date: \_\_\_\_\_

**STAFF REPORT**

AGENDA ITEM #: 26-78  
COUNCIL MTG OF: October 20, 2026  
FROM: Gregory Laro, Fire Chief; DCC Land Manager Beth Carver  
OFFERED BY: Gregory Laro, Fire Chief; DCC Land Manager Beth Carver  
PREPARED BY: Gregory Laro, Fire Chief; DCC Land Manager Beth Carver  
SUBJECT: Adoption of 2026 Community Wildfire Protection Plan

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PURPOSE: To Adopt the 2026 Community Wildfire Protection Plan (CWPP)

TOWN ADMINISTRATOR COMMENTS: An extensive effort has been made to assess the Town's strengths and vulnerabilities regarding wildfire prevention. Town Council is urged to adopt the CWPP.

BACKGROUND: This plan was a collaborative effort among the following stakeholders: Derry Conservation Commission, NH Department of Natural and Cultural Resource - Division of Forests and Lands, Derry Fire Department. The process to develop the plan included a survey sent to residents, a community meeting and site visits to various strategic locations throughout Town. The purpose of this plan is to identify potential hazard concerns in our community and establish mitigation plans to reduce the possibility of a major wildfire occurring in Derry.

The plan assessed the inventory of parcels which may be vulnerable. The CWPP reviewed past incidents in the community and cross referenced them with the Town's GIS mapping capabilities. The CWPP is pending adoption by the Town Council. The CWPP will be an accompanying document to the recently updated 2025 updated Town Hazardous Mitigation Plan.

DISCUSSION: The CWPP will serve as a valuable resource to Derry Fire Department in planning and training for personnel to mitigate the impact of wildfires. The Derry Conservation Commission and other Town Departments may utilize the plan to guide future development efforts as well.

Pursuant to comments from the 9/15/26 public hearing – the following editorial changes have been made to the plan:

- ***Included large format map of Fire Grids as an Appendix***
- ***Removed the "Parcel Data Excel Sheet" linked at the bottom of the details sections of each WUI zone***
- ***Removed family names referenced in the details section of each WUI zone***
- ***Fixed a clerical error on page 14 and some formatting on the Cover page and pages 77-80***

FISCAL IMPACT: No additional impact.

RECOMMENDED ACTION: It is recommended that the Town Council adopt the 2026 Community Wildfire Protection Plan.

RECOMMENDED MOTION: Please read Resolution #26-050



## RESOLUTION

Number 2026-050

To Approve the 2026 Community Wildfire Protection Plan

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WHEREAS The Town of Derry recognizes the threat that natural hazards pose to people and property within Derry; and

WHEREAS the Town of Derry has prepared mitigation plan, hereby known as the 2026 Community Wildfire Protection Plan; and

WHEREAS the 2026 Community Wildfire Protection Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Derry from the impacts of future wildfires; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the 2026 Community Wildfire Protection Plan is hereby approved and adopted.

This Resolution shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_  
John Q. Webb, Council Chair Pro-Tem

X \_\_\_\_\_  
Cristina Guilford, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_



AGENDA ITEMS #: 26-100  
COUNCIL MTG OF: October 20, 2026  
FROM: Michael Fowler, Town Administrator  
OFFERED BY: Administration  
PREPARED BY: Administration  
SUBJECT: Legislative Committee By-Laws

## STAFF REPORT

**PURPOSE:** To amend the Net Zero Task Force By-Laws to slightly revamp the membership composition.

### TOWN ADMINISTRATOR COMMENTS:

The Council is requested to affirmatively act upon Resolution #2026-058.

### BACKGROUND:

Town Council created the NetZero Task Force to promote sustainable and cost-effective solutions for reducing energy use for Town owned facilities. The original by-laws were structured as a Town committee with representations from various departments and stakeholders. The last modification to the by-laws occurred on January 4, 2022. A few editorial changes are needed to accomplish the following goals:

1. Revamp the membership composition by changing the Derry Public Works Department Designee from a member to an alternate member. Additionally, remove Economic Development Advisory Committee as a member and remove Local Derry Business Member as an alternate member.
2. The NetZero Task Force will now be composed of nine appointed members and four alternate members. This was formerly eleven members and three alternates.

### DISCUSSION:

These recommended amendments allow the Committee to better manage quorum requirements.

**FISCAL IMPACT:** There is no fiscal impact.

**RECOMMENDED MOTION:** Please see Resolution #2026-058.

**Town of Derry**  
**Net Zero Task Force**  
**Bylaws**

**I. Mission**

The Task Force Mission is to explore and achieve cost effective solutions for reduced energy use and sustainable energy development on ~~town-controlled~~town-controlled property, municipal buildings, vehicles and schools, while developing a comprehensive plan to achieve the goal of "Net Zero" compliance by all key stakeholders by end of year 2025. Additionally, to promote energy conservation, energy efficiency, and explore other ways to reduce carbon emissions among the Town's residents and businesses. Lastly, to reduce water usage where feasible. Net Zero is the act of producing as much energy as one consumes.

**II. Goals**

1. Determine current energy, electric, water use and waste. Based on these results, the committee will work toward Derry's energy usage becoming net zero by the year 2025.
2. Determine what municipal, school and Pinkerton properties could be targeted for improvement. Determine the feasibility of implementing these improvements.
3. Determine logical and stretch goals including short and long term.
4. Determine the costs and benefits to the community as a whole. Seek funding in the form of grants from State and Federal governments to help reduce the burden on taxpayers.

5. Goals shall include public awareness campaigns to help residents and businesses reduce energy consumption.
6. Support local initiatives which are consistent with the Mission of this Task Force.
7. The committee will work with town officials to help meet certification standards as outlined by the Green Vehicles/Green Buildings Initiative.

### III. Membership

One member from each group, as named by the Appointing Authority of each group:

Conservation Commission/Go Green

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~~Economic Development Advisory Committee~~

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Planning Board

Derry Cooperative School District

Pinkerton Academy

~~Derry Public Works Department Designee~~

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The Town Council shall appoint the following representatives:

Four members of the community

Town Council Liaison

~~Three-Four~~ Alternate members:

Code Enforcement, Town of Derry

Two members of the community

~~Derry Public Works Department Designee~~

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~~Local Derry Business Representative~~

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Terms for the Task Force members shall be for three years.

#### **IV. Officers**

The Task Force shall elect the following officers at its first meeting of the group after the scheduled appointments:

- A. Chairperson shall preside at all meetings of the Task Force when he or she is present and shall direct the work of the Task Force. The Chair may appoint chairs of any standing sub-~~committees~~committee from the membership (including alternate members) as approved by the Task Force. The chair shall submit a report to the Town Council after the Task Force has met for 6 months. The Chair shall ensure continuing liaison between the Task Force, the Town Council and other town agencies and departments. The Chair shall set the agenda, send the approved minutes to the Town Clerk and post notices of Task Force meetings and give notice to members when necessary.
- B. Vice chairperson shall assume all duties and powers of the chairperson in his or her absence. The Vice Chair shall assist the Chair in all Task Force planning and activities.
- C. Secretary shall keep minutes of all meetings and proceedings of the Task Force and record any action taken.

#### **V. Meetings**

The Task Force meetings shall be open to the public in accordance with NH RSA 91-A and be held the third Thursday of the month from 6-7:30pm in Room 207 of the Derry Municipal Building. The time and place of each meeting shall be posted in accordance with these requirements. All meetings will be held in accordance with the Derry Town Charter and will follow Robert's Rules of Order.

Five members shall constitute a quorum. Members shall make every effort to attend all meetings and perform such duties as are assigned. Any member unable to attend a meeting shall notify the Chair of the Task Force in advance whenever possible.

## **VI. Amendments**

These by-laws can be amended anytime by any member bringing forward that amendment at a scheduled public meeting. A discussion will follow and a second reading of the amendment will be read at the following scheduled public meeting. If there are no changes a motion and second must be made then a vote of the majority present will be taken. If the vote is in the affirmative, then this amendment will become active immediately. If the vote is a tie or a no vote then the amendment will fail. Amendments shall not become effective until approved by the Town Council.

Revised & Approved: 09/03/19  
01/04/22

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# RESOLUTION

Number 2026-058

To Revise the Membership of the Net Zero Task Force

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

WHEREAS, the Town Council previously established the Net Zero Task Force whose mission is to promote energy conservation and energy efficiency in Town facilities; and

WHEREAS, the Town Council pursuant to Resolutions #2019-055 and #2022-004 the Net Zero Task Force bylaws were amended to include expanded duties and responsibilities; and

WHEREAS, the Task Force continues to review its membership to enhance efficiencies and participation;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby approves the revised By-Laws as recommended by the Net Zero Task Force.

This Resolution shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_  
John Q. Webb, Council Chair Pro-Tem

X \_\_\_\_\_  
Cristina Guilford, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**STAFF REPORT**

AGENDA ITEM #: 26-101  
COUNCIL MTG OF: October 20, 2026  
FROM: Michael A. Fowler, Town Administrator  
OFFERED BY: Chief George R. Feole  
PREPARED BY: Captain David M. Michaud  
SUBJECT: United States Department of Justice, Bulletproof Vest Partnership

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**PURPOSE:** Consider applying for and accepting funding from the United States Department of Justice, Bureau of Justice Assistance, for Personal Body Armor under the Bulletproof Vest Partnership Program.

**TOWN ADMINISTRATOR COMMENTS:** Town Council is urged to authorize the application to seek 50% grant funding for 11 bulletproof vests, which are already being budgeted in the FY 27 Town budget.

**BACKGROUND:** Recently we were notified by the Bureau of Justice Assistance (BJA) that the Derry Police Department is eligible to receive an award under the Federal Fiscal Year 2026 (FFY26) Bulletproof Vest Partnership (BVP) program. We have participated in the program for several years.

The FFY26 award may be used for National Institute of Justice (NIJ) compliant armored vests. The awarded funds can be used until August 31, 2028.

Based on our history and current needs, we have projected that we will need to purchase eleven (11) bulletproof vests during this timeframe. We anticipate that the BJA will award us \$9,015 which is half of the cost of the estimated eleven (11) bulletproof vests. The BJA would reimburse the police department for up to 50% of each vest after the purchase has been made.

**DISCUSSION:** Authorization is requested for the Town Administrator to accept the grant funds which will not exceed \$9,015 for the purchase of personal body armor.

**FISCAL IMPACT:** The acceptance of these funds will have minimal impact on the budget since the purchase of the armor is considered in our operating budget as well as the anticipated revenue received as a result of this program.

**RECOMMENDED ACTION BY COUNCIL:** Grant authority to the Town Administrator to apply for, accept and expend without further Town Council action, grant funds associated with the United States Department of Justice, Bureau of Justice Assistance, FFY26 Bulletproof Vest Partnership Program in the amount of up to \$9,015.

**RECOMMENDED MOTION:** See Resolution Number 26-059

\* \* \* \* \*



## RESOLUTION

Number 2026-059

To Authorize Application for and Expenditure of Grant Proceeds to  
Fund Acquisition of Protective Vests for Police Personnel

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WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and in that the expenditure of grant funds is authorized by way of appropriation; and

WHEREAS, grant funding is available to law enforcement agencies through the U.S. Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Program, under which the Derry Police Department is eligible; and

WHEREAS, periodic replacement of bulletproof vests is essential to the safety of police personnel and has been budgeted for in the FY2027 operating budget; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for grant funding in the amount of Nine Thousand and Fifteen Dollars (\$9,015.00), that being the sum the Derry Police Department is eligible to receive, and furthermore, to accept award of that sum and to expend such funds upon their receipt.

This Resolution shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_

John Q. Webb, Council Chair Pro-Tem

X \_\_\_\_\_

Cristina Guilford, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## STAFF REPORT

AGENDA ITEM #: 26-102  
COUNCIL MTG OF: October 20, 2026  
FROM: Michael A. Fowler, Town Administrator  
OFFERED BY: Michael A. Fowler, Town Administrator  
PREPARED BY: Michael A. Fowler, Town Administrator  
SUBJECT: Approval of Memorandum of Agreement – NHDOT Contract 13065B (Exit 4A)

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### PURPOSE

The purpose of this document is to seek Town Council authorization to execute a Memorandum of Agreement with the NHDOT and Federal Highway Administration (FHWA) work associated with the Exit 4A Contract 13065B Project.

### TOWN ADMINISTRATOR COMMENTS

The Town Council is urged to approve Resolution #2026-060 to keep progress moving on the tunnel redesign.

### BACKGROUND

The New Hampshire Department of Transportation (NHDOT) was sued by a group of stakeholders seeking to change the design of the Rail Trail at-grade crossing in favor of a tunnel under Old Rum Trail at the intersection of North High Street. NHDOT was required to modify the design to a tunnel which then required efforts to restart review by several regulatory agencies including the New Hampshire Department of Historical Resources to review historic impacts.

### DISCUSSION

The Town of Derry is a required participant in the proposed Memorandum of Agreement. The Town of Derry is essentially reiterating past concurrence on several design elements to be incorporated into the final tunnel design. Those elements include:

1. Inclusion of Interpretive Signage
2. The Town of Derry will be consulted for the aesthetic design of the precast concrete tunnel wingwalls.
3. Preservation and relocation of a tell-tale structure as a historic element.

NHDOT requires that Derry execute a Memorandum of Agreement detailing the obligations of NHDOT. All design elements will be incorporated into the final design at no cost to Town of Derry.

### FISCAL IMPACT

None

### RECOMMENDED ACTION BY COUNCIL

Staff recommend that the Town Council authorize the Town Administrator to execute the attached Memorandum of Agreement for Contract 13065B.

### RECOMMENDED MOTION

See Attached Resolution #2026-060

**UPDATED MEMORANDUM OF AGREEMENT  
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,  
THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,  
THE TOWN OF DERRY,  
AND THE  
NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE DERRY-LONDONDERRY 13065 PROJECT**

**WHEREAS**, the New Hampshire Department of Transportation (NHDOT) and the towns of Derry and Londonderry have requested approval and federal-aid highway funds from the Federal Highway Administration (FHWA) for a new Interstate Access point/Interchange, pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, 54 U.S.C. § 306108; and

**WHEREAS**, the undertaking consists of the NHDOT creating a new interstate interchange between exits 4 and 5 in the town of Derry and Londonderry. The new corridor will be approximately 3.2 miles, including about one mile of new roadway construction, and 2.2 miles of existing roadway reconstruction; and

**WHEREAS**, FHWA has defined the undertaking's area of potential effects (APE) as shown in Attachment A; and

**WHEREAS**, FHWA has determined that the undertaking will have an adverse effect on the Manchester-Lawrence Railroad Historic District which is eligible for listing in the National Register of Historic Places, and has consulted with the New Hampshire State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

**WHEREAS**, FHWA has consulted with ten Consulting Parties (Chris McCarthy, Derry property owner; Colleen Madden, Derry property owner; Cowasuck Band of Pennacook-Abenaki People; Mike Fowler, Town of Derry; Dave Topham, NH Rail Trails Coalition; Wayne Morris, Windham Rail Trail Alliance; Mark Samsel, Windham Rail Trail Alliance; Jeff Latimer, Granite State Rail Trail; Kevin Gordon, Derry Rail Trail; Alex Vogt, Committee to Save the Derry Rail Trail Tunnel) regarding the effects of the undertaking on historic properties; and

**WHEREAS**, the revised proposed design for the undertaking conforms to the terms of a Settlement Agreement and Release effective February 9, 2026, related to Civil Action No. 1:24-cv-262 in the United States District Court for the District of New Hampshire; and

**WHEREAS**, this MOA supersedes a previous version signed May 7, 2024; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not* to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, FHWA, NHDOT and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

FHWA/NHDOT shall ensure that the following measures are carried out:

- I. **Interpretive Signage** – NHDOT will work with the Town and the Derry Heritage Commission, to develop an interpretive panel that will focus on the history of the Manchester-Lawrence Railroad, and its association to the town of Derry. The panel's content and material will be prepared by a 36 CFR 61-qualified architectural historian. NHDOT, the Town, and the Derry Rail Trail Alliance will be provided 15 days to review the initial draft of the panel. The SHPO will be provided an opportunity to review one (1) draft of the panel's content with a review period of thirty (30) days. Upon approval of the panel by NHDOT, it will be fabricated and installed at a location along the M&L railroad to be determined in consultation with the Town of Derry and the Derry Rail Trail Alliance. Digital copies of the panel will be provided to NHDOT and the Town of Derry.
- II. **Rail Trail Underpass Aesthetic Treatment** – NHDOT, and its consultant, will work with the Town of Derry on the aesthetic treatment to the newly constructed underpass headwalls. The concrete design will be chosen in consultation with the Town. The style of lighting will be chosen in consultation with the Town.
- III. **Rail Trail Branding Program** – NHDOT, and its consultant, will work with the Town of Derry on the development of a signage program for the Derry Rail Trail. The signage will involve a railroad post indicative of what was historically present along the rail corridor. The railroad posts will be located in up to six (6) locations along the Derry Rail Trail. Locations may include the following intersections: Bowers Road, Kendall Pond Road, Norton Street, South Avenue, West Broadway (NH 102), and Folsom Road. The final appearance and locations will be chosen in consultation with the SHPO and the Town.
- IV. **Tell-Tale Relocation** – NHDOT will preserve a tell-tale identified within the Manchester-Lawrence Railroad Historic District, north of the current Madden Road. The tell-tale was removed and is being preserved during construction. It will be reinstalled to the north end of the Folsom Road intersection prior to completion of construction of this segment of the project, in proximity to the future extension of the Derry Rail Trail. The SHPO will be provided an opportunity to provide input on the installation location.
- V. **Archaeological Resources and Stonewalls** – NHDOT commits to ensuring all phases of archaeology will be completed at the sensitive locations prior to any ground disturbing activities. Should National Register eligible sites be identified and potentially impacted, NHDOT will ensure that an Archaeological Discovery Plan be completed. This plan will be written by the archaeologist on the project and will outline the steps for both the archaeologist and contractor pertaining to the sites. All archaeological studies shall be completed in accordance with the Secretary of the Interior's Standards as outlined in 36 CFR 800, the Guidelines for Archaeological Documentation (48 FR 44720-44726).

Stonewall assessments, per the NHDOT Stonewall Policy, have been completed on all stonewall segments within the APE that may be impacted. Treatment options per the policy will be coordinated with the Town and any impacted property owners.

#### **VI. DURATION**

This MOA will expire if its terms are not carried out within seven (7) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with the Amendment Stipulation below.

#### **VII. POST-REVIEW DISCOVERIES**

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, NHDOT shall contact the signatories to this agreement. Should human remains be uncovered, NH RSA 227-C. IV shall be followed. If unanticipated archaeological sites or features are discovered, that portion of the project shall stop immediately. The resident engineer shall notify the NHDOT Cultural Resources Program Specialist/Archaeologist or Cultural Resources Program Manager and the State Archaeologist at the NH SHPO so that the proper steps may be taken by these agencies to determine proper procedures. Regulation 36 CFR 800.13(b) states that if historic properties are located after the conclusion of the Section 106 process as "post review discoveries," for example those arising during construction, the federal agency official shall ensure that every reasonable effort will be taken to avoid, minimize, or mitigate the effect of the project on the properties. In such situations in which the NHDOT must recover archaeological remains in a short time period and they do not involve human remains, the identified features and artifact concentrations shall be recovered following the guideline for Phase III excavations as closely as possible. Construction monitoring of the affected area may follow this recovery if the type of archaeological site, deposit, landscape, vegetation, and project allows this approach to be effective.

#### **VIII. MONITORING AND REPORTING**

Each year following the execution of this MOA until it expires, is terminated or completed, NHDOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this MOA.

#### **IX. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

- A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes

into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30)-day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### **X. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

#### **XI. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation X, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by FHWA, NHDOT, and SHPO and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

NH FEDERAL HIGHWAY ADMINISTRATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Patrick A. Bauer  
Division Administrator

NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Nadine Miller  
NH Deputy State Historic Preservation Officer

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kevin T. Nyhan  
Administrator, Bureau of Environment

**INVITED SIGNATORIES:**

TOWN OF DERRY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mike Fowler  
Administrator

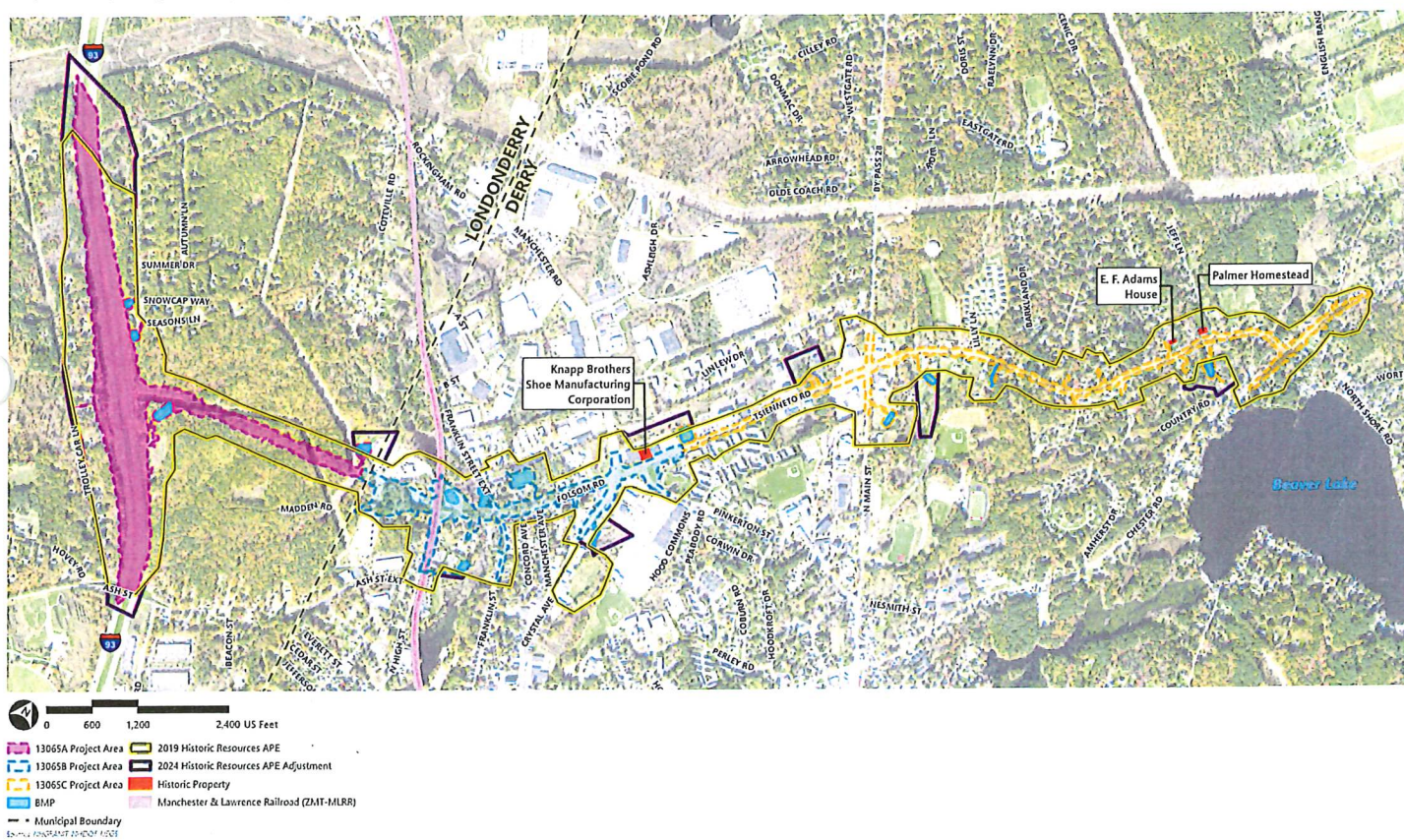
CC: Wendy Johnson, NHDOT  
Marc Laurin, NHDOT  
Jamie Sikora, FHWA  
Mike Weirbonics, ACOE  
Liz Schneible, SHPO  
Kevin Smith, Town of Londonderry  
Dave Fenstermacher, VHB  
Gene McCarthy, McFarland Johnson

CONSULTING PARTIES

Chris McCarthy, property owner in Derry  
Colleen Madden, property owner in Derry  
Cowasuck Band of Pennacook-Abenaki People  
Dave Topham, NH Rail Trails Coalition  
Wayne Morris, Windham Rail Trail Alliance  
Mark Samsel, Windham Rail Trail Alliance  
Jeff Latimer, Granite State Rail Trail  
Kevin Gordon, Derry Rail Trail Alliance  
Alex Vogt, Committee to Save the Derry Rail Trail  
Tunnel

INTERESTED PARTY

Evan Sneed, The Mohegan Tribe





## RESOLUTION

Number 2026-060

To Enter into a Memorandum of Agreement with NHDOT for the Exit 4A Corridor  
Project

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

WHEREAS, the Town has partnered with NHDOT on the Exit 4A project, which includes extensive road improvements in Derry; and

WHEREAS, NHDOT seeks to change the design to facilitate a tunnel for connectivity of the Rail Trail; and

WHEREAS, NHDOT has determined the various design elements which will meet regulatory needs of the New Hampshire Department of Historical and Cultural Resources; and

WHEREAS, this revised Memorandum of Agreement replaces the previous document; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign a Memorandum of Agreement with NHDOT which will govern the execution of this work.

This Resolution shall take effect immediately upon its passage.

Adopted: October 20, 2026

Attest:

X \_\_\_\_\_  
John Q. Webb, Councilor Chair Pro-Tem

\_\_\_\_\_  
Cristina Guilford, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Archival Ref: Agenda #26-102

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