

TOWN OF DERRY

Town Council
Derry Municipal Center

October 18, 2016
Tuesday - 7:30 PM

7:30 PM Call to order

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

Roll Call: Councilors Bourdon, Foote, Tripp, Fischer, Katsakiores, Morgan and Chairman Chirichiello

Present: ATA Stephen Daly, Town Clerk Daniel Healey

Councilor Tripp requests to remove 16-139 from the consent agenda

Consent Agenda

16-137 Approve Non-Public Minutes – October 4, 2016

16-138 Approve Minutes – October 4, 2016

16-139 Approve Non-Public Minutes – October 11, 2016 - **minutes sealed**

Consent agenda approved (excluding 16-139)

Chairman's Report – Brian Chirichiello

Town Moderator Mary Till discussed the procedures for the General Election that will take place on November 8th from 7AM – 8PM.

Director of Public Works Mike Fowler and Deputy Director Tom Carrier discussed the current drought. The Town of Derry is strongly urging its residents to make significant water conservation efforts. Mandatory bans and significant water shortages are possible. Derry is a very small portion of Manchester Water Works and Derry is required to follow what they say. Manchester Water Works will be meeting this Thursday to discuss the drought further. Helpful links are on the town website.

Town Administrator's Report – Stephen Daly

Fire Chief Mike Gagnon presented the David J. Connor Memorial EMS Appreciation Award to Firefighter/Paramedic Todd Donovan. The award was created to recognize a very special individual for their unrelenting, heartfelt, dedication to emergency medical services in New Hampshire Trauma and EMS system.

Acting Town Administrator Stephen Daly announced that Planning Director George Sioras was presented with the James W. Tethers award at the 50th annual meeting of the Southern New Hampshire Planning Commission. George Sioras has been the planning director in Derry for the past 31 years.

The Fire Department will be sponsoring its 2nd Annual American Red Cross Blood Drive from 2pm-7pm on November 18th at the Upper Village Hall. The Derry Public Library is initiating a poet laureate program and would like to come before the town council. 19 Elm Street is now in

presentable shape and it will be on the list of properties coming up later in the meeting that will be for sale by auction unless handled differently.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Marc Flattes: Linlew Drive – Read a letter from an attorney regarding the past election. Discussed the previous week's workshop and questioned a comment made at that workshop on eminent domain.

Ernest St. Pierre: Sunset Ave – Would like a system to be put in place to determine how many veterans are in the state or the town. Asked for a survey to be sent out with the tax bills.

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Read parts of a letter from a lawyer regarding the past election and gave her interpretation on it.

Tom Cardon: Cunningham Drive – The public has the right to complain during the public forum. Would have liked more information on the town administrator search but thinks the council made a good choice.

David Love: Maple Street – Believes elected official should be held to the scrutiny of the residents

Steve Trefethen: Windham, NH – Thanked Stephen Daly, Chief Garone, Chief Gagnon, and Mike Fowler. Fiscally he likes Mr. Caron's plans and thinks Derry has a lot of good things here.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Bourdon – all agreed

Public Hearings

16-134 NH Highway Safety Agency Grants for Sustained Traffic Enforcement Patrol (STEP) Patrols, DWI Patrols & Bicycle/Pedestrian Patrols

Police Chief Edward Garone would like the council to accept grants from the NH Highway Safety Agency. Periodically the NH Highway Safety Agency distributes funds to support selective traffic enforcement patrols. The Police Department has received contracts for three such programs. The first, entitled Sustained Traffic Enforcement (STEP), the second, DWI Patrols and the third, entitled Bicycle/Pedestrian Patrols, all run from October 1, 2016 through September 30, 2017. The Sustained Traffic Enforcement Patrol grant provides \$19,601.40 in funding to cover 280 hours of patrols. The DWI Patrols grant provides \$5,294.95 in funding to cover 72 hours of patrols and the Bicycle/Pedestrian patrols grant provides \$5,600.40 for 88 hours of patrols. The three grants total \$30,496.75.

Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Fischer – all agreed

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Morgan – all agreed

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-030, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan
Roll Call Vote 7-0-0**

Resolution attached

16-140 NH Highway Safety Agency E-Crash/E-Ticket Equipment Grant

Police Chief Edward Garone would like the council to accept grants from the NH Highway Safety Agency. In July, the Police Department presented to the Town Council a grant application to the NH Highway Safety Agency for equipment needed to utilize two new programs titled E-Crash and E-Ticket. The grant provides printers, scanners, and GPS devices for marker cruisers that are used for traffic enforcement and are equipped with mobile data stations. The Town Council approved the application via resolution number 2016-022. On September 14, 2016 the department was notified by the NH Highway Safety Agency that the grant was approved in the amount of \$9,900 to cover the equipment for all 11 of its vehicles that need equipment.

Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Foote – all agreed

Bob Uliss: Linlew Drive – Would like more speed limit enforcement near Fireye. Believes motorists go way over the 30mph limit in that area.

Motion by Councilor Morgan to close public hearing, seconded by Councilor Foote – all agreed

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-031, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon
Roll Call Vote 7-0-0**

New Business

16-141 Economic Development Manager – Update

There were 6 responses to the ad for an Economic Development manager. An evaluation team was created consisting of Terri Pastori, Laurel Bistany, George Sioras, and Jim Morgan. They took the 6 candidates and narrowed those down to 3. The 3 candidates were then interviewed this past Friday but none of them met the requirements that the evaluation team was looking for so they are now back at square one. The evaluation team would support hiring Buxton but would like to resolve the Economic Development Manager first.

16-142 Schedule Public Hearing – November 1, 2016 – Approve Inter-Municipal Agreement with Allentown Sewer Commission

Director of Public Works Mike Fowler and Deputy Director Tom Carrier would like the town council to renew the agreement between the Town of Derry and the Allentown Sewer Commission for the acceptance of septage generated by Derry property owners and hauled by private licensed septage haulers at the Suncook Wastewater Treatment Facility. Public sewer is approximately 1/3 of Derry properties. The average cost is about \$250.

Councilor Tripp moves to schedule a public hearing for 16-142 Approve Inter Municipal Agreement with Allentown Sewer Commission, seconded by Councilor Morgan – all agreed

16-143 Discussion – Municipal Sewer Extension: Brady Avenue

Director of Public Works Mike Fowler and Deputy Director Tom Carrier would like to initiate a discussion with the council relative to the merits of extending municipal sewer service to Brady Avenue. The Derry Sewer Facilities Plan identifies the area known as Sunset Acres/Maple Hills as in need of public sewer due to the density of the residential development, the age of the existing septic systems and the nature of the soils in the area not being suited to properly support the new septic systems. This area includes Brady Ave. which is located just off of Rockingham Rd. where the Town has just completed the new sewer lines for Route 28. There are 53 homes which were built in the early 1970's and the average lot size is 0.7 acres. According to the Town's building files, 31 homes in this neighborhood have neither replaced nor made any repairs to their septic systems. 2017-2018 is the expected range of construction. The council questions if residents delay, will the cost be higher and they are told yes. They would like the residents polled to get their thoughts.

16-144 Schedule (2) Public Hearings – November 1 & November 15, 2016 – Sale of Town Tax Deeded Property

Tax Collector Dawn Enwright seeks approval and authority to dispose of tax deeded property. The town-owned properties acquired by Tax Collector's deed may be disposed of in accordance with RSA 80:80. All properties have been reviewed by Town Department Heads, the Planning Board, Conservation Commission, and Heritage Commission. None of these properties are recommended for retention for Town use. All are recommended for sale. Minimum price and conditions can be attached.

Councilor Fischer moves to take 19 Elm Street off the list, seconded by Councilor Katsakiores
Roll Call Vote 5-2-0 (Councilor's Tripp and Bourdon)

Councilor Tripp moves to schedule a public hearing for 16-144 Sale of Town Tax Deeded Property, seconded by Councilor Katsakiores – all agreed

16-145 Approve Derry Police Patrolman's Association Collective Bargaining Agreement – Cost Items

Acting Town Administrator Stephen Daly stated that the town council has reviewed all of the terms of the contract in a consultation with the labor council and have been fully informed of the cost of the contract and it is read for town council action.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-033, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote 7-0-0

16-146 Approve Derry Police Supervisors Association Collective Bargaining Agreement – Cost Items

Contract for the police supervisors union which has gone through the same process and the same review in vetting by the council to understand the major differences of this contract and the former one as well as the cost items and their impact for the duration of the contract

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-034, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon
Roll Call Vote 7-0-0**

16-147 Discussion – Alan Shepard Project

After reviewing many locations around town, the only place that the town can deem suitable at the moment is the Adams Memorial Building. The council discussed if there are any other options available that they could possibly look at and cannot come up with any at the time. The council asks Marie Manion if they would like to use the Adams Memorial Building or extend their deadline past November 1st. Marie Manion of the Alan Shepard Project decided to then withdraw her request from the Town of Derry.

Council Requests / Open Discussion

Councilor Katsakiores – Connie Young, the Derry Parks and Recreation, and Parkland Medical Center are sponsoring a workshop tomorrow at Marion Gerrish from 12:30 to 1:30 on the first floor on all the changes to come forth on Medicare in 2017.

Councilor Morgan – Defended his rights as a town councilor and a resident of the town. Addressed the letter that was mentioned during the public forum. Thanked Stephen Daly.

Councilor Bourdon – Thanked Stephen Daly for his service in Derry. On behalf of the Sunshine Soup Kitchen and the First Baptist Food Pantry, wanted to thank all the local businesses that sponsored this event. Challenged the community to raise \$2,500 and Councilor Jim Morgan matched the donation raised. November 12th, the 2nd annual Keep Our Veteran's Warm event. The event will raise awareness for the many homeless vets in the state and it will help collect winter coats.

Councilor Foote – Last week the Derry Village Rotary Club held the annual golf tournament, there was a great turnout, and a big success.

Councilor Tripp – The VFW will be hosting a candidate's forum on October 27th from 7pm to 9pm and they will be taking questions from the audience.

Councilor Fischer – Reminded the council that Councilor Tripp had requested to meet after the meeting.

Chairman Chirichiello – Thanked Stephen Daly.

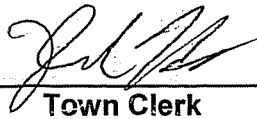
Councilor Morgan moves to suspend the rules, seconded by Councilor Bourdon – all agreed

**Councilor Tripp moves to enter non-public pursuant to RSA 91-A:3 II (b) The hiring of any person as a public employee, seconded by Councilor Fischer
Roll Call 7-0-0**

Councilor Tripp moves to leave non-public, seconded by Councilor Katsakiores – all agreed

Councilor Fischer moves to accept the revised minutes of 16-139, seconded by Councilor Morgan – all agreed

Adjournment: 10:20 p.m.



Town Clerk

11/3/16
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2016-030

To Accept 2017 Sustained Traffic Enforcement Patrol, DWI Patrol and
the Bicycle/Pedestrian Patrol Grants

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

WHEREAS, such funding has been offered by the State of New Hampshire Highway Safety Agency to reimburse the Derry Police Department for the labor costs incurred to engage in Sustained Traffic Enforcement Patrols (STEP), DWI Patrols and Bicycle/Pedestrian Patrols during the period from October 1, 2016 through September 30, 2017; and

WHEREAS, the \$30,496.75 of the grant funding offered will pay for an additional 440 hours of enhanced supplemental highway safety enforcement that will aid in promoting safe streets in Derry; and

WHEREAS, a public hearing was held by the Town Council on October 18, 2017 as required by the granting authority;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend such grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: October 18, 2016.

Attest:

x Brian Chirchiello

Brian Chirchiello, Council Chair

Date: 10-18-16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 10-18-16



RESOLUTION

Number 2016-031

To Rescind Resolution #2016-022 and Authorize Application for a NH
Highway Safety Agency E-Crash/E-Ticket Equipment Grant

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

WHEREAS, such funding is available from the State of New Hampshire Highway Safety Agency for the acquisition of certain equipment to improve the efficiency of processing traffic enforcement and motor vehicle accident scenes; and

WHEREAS, by way of Resolution #2016-022, the Council authorized application for funding of on-half of the number of devices needed to outfit the Police Department's fleet of patrol vehicles through the E-Crash/E-Ticket Grant Program; and

WHEREAS, since the adoption of Resolution #2016-022, THE State granting authority has generously increased the amount of the grant funding offered to the Town to \$9,900, which will pay for equipping all eleven of the Town's patrol vehicles;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Resolution #2016-022 is hereby rescinded in its entirety; and

FURTHER, BE IT RESOLVED that the Town Administrator is hereby authorized to apply for, accept and expend such grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: October 18, 2016.

Attest:



Brian Chirichiello, Council Chair

Date: 10-18-16

x 

Daniel Healey, Town Clerk

Date: 10-18-16



RESOLUTION

Number 2016-033

To Approve and Fund a Collective Bargaining Agreement with the Derry
Police Patrolman's Association

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the Derry Police Patrolman's Association for the period July 1, 2016 through June 30, 2021; and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the Derry Police Patrolman's Association for the Period July 1, 2016 through June 30, 2021" are hereby approved.

This Resolution shall take effect immediately upon its passage.


Adopted: October 18, 2016.

Attest:

x 

Brian Chirichiello, Council Chair

Date: 10-18-16

x 

Daniel Healey, Town Clerk

Date: 10-18-16



RESOLUTION

Number 2016-034

To Approve and Fund a Collective Bargaining Agreement with the Derry
Police Supervisors Union

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the Derry Police Supervisors Union, SEIU Local 1984, for the period July 1, 2016 through June 30, 2021; and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the State Employees' Association of New Hampshire, SEIU Local 1984, for the period July 1, 2016 through June 30, 2021" are hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: October 18, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 10-18-16

x Daniel Healey

Daniel Healey, Town Clerk

Date: 10-18-16

Archival Ref: TC agenda item #16-145