

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**November 10, 2020
Tuesday - 7:00 PM**

6:00 PM Non-Public Session – RSA 91A:3 II (c, d)

7:00 PM Call to order

Although the Stay at Home Order has expired, Emergency Order #12 as issued by Governor Sununu remains in effect, which waives the requirement that a quorum be physically present in the meeting room; a meeting of a public body may be conducted with most or all members participating electronically. There is a contact number at the bottom of the Derry TV Cam screen with a phone number where members of the public can listen in and participate in the Public Forum and Public Hearing portions of the meeting. This access number was also posted along with the agenda and posted on the exterior doors of the Municipal Center. Please note that due to the physical absence of some Councilors, all votes taken shall be done by Roll Call.

**Motion by Councilor Tripp leave non-public session, seconded by Councilor Morgan
Roll Call Vote: 7-0-0**

**Motion by Councilor Tripp to seal RSA 91A:3 II (c, d), seconded by Councilor Morgan
Roll Call Vote: 7-0-0**

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

Roll Call: Councilor's Katsakiores, Morgan, Tripp and Chairman Foote in-person and Councilor's Bourdon, Chirichiello and Wetherbee by Video.
Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

**Motion by Councilor Tripp to open public forum, seconded by Councilor Morgan
Roll Call Vote: 7-0-0**

Anne Copp: Tsienneto Road –Again requested that Councilor Morgan resign for cause and questioned Councilor Bourdon berating her on Facebook. She has sought legal counsel and will take it further at the next meeting. Suggested that her legal counsel will be attending.

**Motion by Councilor Tripp to extend, seconded by Councilor Morgan
Roll Call Vote: 6-1-0 (Councilor Wetherbee)**

Tom Cardon: Cunningham Dr – Defended Councilor Morgan and said it is part of politics. Previous town councilors had their own shows and did not always speak nicely of others in town. Thanked the election officials including Town Clerk Daniel Healey, Town Moderator Tina Guilford, the poll workers and the Town Council.

Steve Trefethen: Windham, NH – There is a tree in front of one of his properties at 40 W Broadway that is dead. Does not know if it was missed in being replaced or has already died. Would like it replaced. Has an 11 unit warehouse building breaking ground in January behind Shaw's. Hoping to relocate some of the businesses being bought out by Exit 4A.

Motion by Councilor Tripp to extend, seconded by Councilor Morgan
Roll Call Vote: 7-0-0

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

Consent Agenda

20-103 Approve Minutes – October 6, 2020

20-110 Approve Non-Public Minutes – October 20, 2020 – **Minutes Sealed**

20-111 Unseal Non-Public Minutes of May 5, 2016; July 13, 2016; and September 15, 2016

Motion by Councilor Tripp to approve the consent agenda items 20-103 & 20-110, seconded by Councilor Morgan

Roll Call Vote: 7-0-0

Motion by Councilor Tripp to approve the consent agenda item 20-111, seconded by Councilor Morgan

Roll Call Vote: 6-0-1 (Councilor Wetherbee)

Consent agenda approved

Chairman's Report – Charlie Foote

There was a walk-through at Pinkerton Academy at the request of the NH Secretary of State as this was the polling location for the General Election. Councilor's Morgan, Wetherbee, Chirichiello and Bourdon along with Chairman Foote attended. No official Town business was conducted, and the notice was only given for transparency purposes. The Town Council reviewed the Citizen's Complaint against Councilor Morgan and found no violations occurred. The signed letter is available for public review on the town website or can be requested at the Municipal Center. Town Moderator Tina Guilford gave an election wrap-up from the General Election on November 3, 2020. No major issues occurred, and everything ran smoothly. Chairman Foote would like an ordinance related to campaigning during Zoom meetings. A draft of the ordinance will be available at the next Town Council meeting for the other councilors to review.

Town Administrator's Report – David Caron

At the December 1, 2020 meeting the Council will be requested to transfer funds from the COVID-19 Trust to cover extraordinary election expenses. On December 1, the auditors will report out on the FY20 audit and financials; the Fiscal Committee will meet prior to the Council meeting. The CFO reports there are no areas of concern currently regarding the Town's revenue streams. The State Department of Revenue Administration is required by law to set the tax rate and it will be set by Monday. All town operations functioning at capacity, but a second wave is here. The Town continues to work with the business community, particularly the hospitality industry by remaining flexible for those who wish to continue modified outside dining through to next Spring. The Town has given permission until the Governor rescinds Emergency Order or on May 1, whichever occurs later. NHDES has allocated \$1.5M from the Drinking Water and Groundwater Trust Fund to assist residents throughout the State who have experienced insufficient water or no water due to drought conditions. Construction continues on the Rail Trail/Hood Pond Dam with an anticipated completion date of late November. HVAC

units at the Police Department, Vets Hall and Adams Memorial are in the process of replacement, to be completed by weeks end. There is a survey on Hood Park on the town website. The downtown holiday decorations have been mounted to streetlight poles on November 5th with lighting taking place on November 28th and the same with the downtown tree. A Very Derry Holiday will take place on Saturday November 28 with modified activities taking shape including a drive by parade at Pinkerton access road in lieu of a traditional parade, tree lighting on November 28 but no formal event, distanced Santa appearance and kids activities, and live music at The Wandering Stage next to the tree between 10am to 5pm which will be featuring local music and schools. Small business Saturday will take place on November 28. For every \$5 spent at a Derry business on Small Business Saturday, folks can get a raffle ticket to be entered into a drawing featuring local gift cards and merchandise.

Derry Commerce Corridor Program Fiscal 2020 – *Beverly Donovan & Elizabeth Robidoux*

- \$250,000 amount originally set aside for program
- \$11,993 expended to date
- \$32,500 encumbered for open projects
- \$205,507 available in the program

Derry Revolving Loan Fund Program Status – *Laurel Adams*

- Provides start-up funds provided by the Town to local businesses
- Program managed on behalf of the Town by Regional Economic Development Center (REDC)
- Current program balance is \$132,111 (Available)
- Some clients remained in forbearance during the Governor's Stay at Home Order
- Council under Res. 2020-026 approved a COVID-19 Emergency Fund to assist businesses struggling with the Pandemic

Light Up Derry – *Parks and Recreation Director Kim Walsh*

Through a friendly holiday decorating competition for Derry Residents, community members are encouraged to decorate their homes, showcase their holiday cheer, and outshine their neighbors. Derry Parks and Recreation is asking for picture submissions of their decorated homes to be sent to derryrecreation@derrynh.org by Sunday, December 6th. Emails should also include the participant names, address, and a contact number. Only a photo and address will be posted. Submissions will be displayed on the Town of Derry's Facebook page, but residents are also encouraged to drive around and view the displays in person. Voting will open on Monday, December 7th and close on Friday, December 18th. The Winners (1st, 2nd, and 3rd place) will be determined by the people. Go to the Town of Derry's Facebook page and "like" your favorite holiday display.

New Business

20-112 Resolution #2020-056 – Apply for and accept grant funding related to Household Hazardous Waste Collection – *Public Works Director Mike Fowler presenting*

The Town has access to various grant funds from the New Hampshire Department of Environmental Services for environmental programs within the Town. In the past, grants have

been received for Landfill Closure, Household Hazardous Waste Collection Day, Watershed Assessment, improvements to the Town's Recycling Center and Do-It-yourself Used Oil Collection Center, and Municipal Sewer Improvement Projects. Section 9.15 of the Town Charter authorizes the Town Council to apply for and accept State Federal and other governmental grants. NHDES requires such grant applications and contract agreements be signed by an authorized official of the Town (i.e. the Town Administrator) and that the Town execute a Certificate of Authorization stating that the official (i.e. Town Administrator), by vote of the Town Council, is authorized to sign such grant agreements on behalf of the Town. In order to proceed with this process NHDES requires that 1) an HHW Collection Grant application signed by an authorized official of the Town be submitted, 2) upon approval of the application, a Contract Agreement be executed by the authorized official of the Town, 3) the authorized official be granted such authorizations by vote of the Council, 4) the Town authorize by vote of the Council to apply for and enter into an agreement with NHDES to hold a HHW collection event in FY22, and 5) the above authorizations be certified. The DPW is eligible and is in the process of applying for up to \$9,000.00 in matching grant funds from NHDES for the Household Hazardous Waste Collection program in FY22.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-056, which reads as follows [Read the Resolution], seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports –

Councilor Morgan – Anyone that makes a complaint against a Councilor should stick around to hear the reply. Ms. Copp is fabricating events. Derry is a political arena and sometimes it can be difficult. Councilor Morgan stated he has received unsolicited and harassing text messages from Ms. Copp. He has worked hard over the last 5 years to unite people in town and she is trying to do the opposite. Councilor Morgan would like Town Administrator Caron to send a letter to Dick Hinch in Concord and would like the ethics policy on State Representatives. He will be contacting his attorney as he continuously is being harassed and is a protected class. Suggests keeping the public forum to 3 minutes per person and that is it. Would like a running spreadsheet on the cost associated for this complaint. Would like the newly elected State Representatives to think about the Derry taxpayers.

Councilor Tripp – Happy Thanksgiving.

Councilor Bourdon – Congratulated Councilor's Tripp and Katsakiores on their election to State Representative.

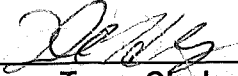
Councilor Chirichiello – Thanked Veterans for their service.

Chairman Foote – Believes this council has been fair and honest. Thanked all veterans and wished everyone a Happy Thanksgiving.

Councilor Morgan moves to adjourn, seconded by Councilor Tripp

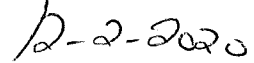
Roll Call Vote: 7-0-0

Adjournment: 9:15 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk



Date



RESOLUTION

Number 2020-056

To Apply for and Accept Grant Funding Related to Household
Hazardous Waste Collection

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the State; and

WHEREAS, the Town annually has hosted a Household Hazardous Waste Collection Day to provide residents with a convenient and safe method by which to dispose of household hazardous waste; and

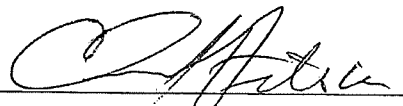
WHEREAS, matching grant funding from the NH Department of Environment Services is available to the Town to help defray expenses associated with this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with NHDES for up to \$9,000 in matching funds and further authorize the Town to hold a Household Hazardous Waste Collection event in Spring, 2022.

This Resolution shall take effect immediately upon its passage.

Adopted: November 10, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 11/10/20

x 

Daniel Healey, Town Clerk

Date: 11/10/2020

Archival Ref: TC agenda item #20-112