

TOWN OF DERRY

Town Council
Derry Municipal Center

November 20, 2018
Tuesday - 7:00 PM

7:00 PM Call to order

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

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

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Steve Trefethen: Windham, NH – Asked for the snow to be removed from the sidewalks on Broadway. Explained that he understands the math on the tax bills and discussed Exit 4A.

Motion by Chairman Morgan to extend Mr. Trefethen's time, seconded by Councilor Katsakiores – all agreed

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

Consent Agenda

18-130 Approve Non-Public Minutes – October 2, 2018 – **minutes sealed**

18-131 Approve Minutes – October 2, 2018

Consent agenda approved

Chairman's Report – James Morgan

Chairman Morgan discussed the November 6th General Election. There have been a few meetings since which focused on the traffic issues and what needs to be done in the future. The school department will try to make their schedule to have school closed on the day of a General Election or a Primary. Chairman Morgan would like the councilors to try and tour all Municipal buildings. The Chair proposed a redevelopment packet with a focus on a break at dumping materials at the transfer station. A few of the other councilors would like more details on what the break entails. There will be a TIF District workshop on the 29th of November. The Veteran's Tax Credit bills will be on the agenda for a December meeting. Starting January 1, 2019, the combat credit can range from \$50-\$500 depending on what each municipality votes. The Town Council would like to include a survey in with the tax bills to find out how many residents are eligible for Veteran's tax credits.

Town Administrator's Report – David Caron

There will be a public hearing on the Hood Pond Dam on Tuesday January 8th. More information will be released as it is available. An organization had asked about placing a monument at the cemetery and after review, there is no further action until the council decides what they would like to do. The council stated that they would like advice from legal about what they can and

cannot allow if they approve monuments. Staff is aware of the snow on Broadway and it will be getting cleared as soon as possible. Town Administrator David Caron gave a presentation on the 2018 Tax Rate as tax bills just went out in the mail. The presentation is available for viewing on the Town of Derry website.

Public Hearings

18-118 Resolution #2018-059 – Release of Public Servitude – Eastman Drive to Sheldon Road – *Director of Public Works Mike Fowler*

Mary Morgan of 4 Sheldon Road has submitted a formal request asking the Town of Derry to release a section dedicated right-of-way between the end of Eastman Drive and Sheldon Road from public servitude. The right-of-way connecting Eastman Drive to Sheldon Road was dedicated in a 1980 plan, but this section of right-of-way was never constructed, and Eastman Drive terminates with a circular turn-around. The area requested for release is approximately 475 feet by 50 feet. It should be noted that the petitioner is not a direct abutter along the right-of-way and she has raised questions about the underlying title and land ownership of Eastman Drive right-of-way. A Town Council action to release public servitude should be considered independent of any private action by the petitioner and/or the abutters to acquire the underlying land. Department Heads have reviewed this request and responded to the Town Administrator. There were no objections as there is no need to connect the two streets given that Eastman Drive is a developed subdivision with single family homes and has access to Hampstead Road via Spollett Drive. RSA 231:52 is the mechanism by which a municipality may discharge a dedicated public right-of-way. If Town Council votes to release this portion of Eastman Drive from public servitude, each abutter has default rights to the center of the former right-of-way.

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

Steve Trefethen: Windham, NH – Asked how the Town would benefit by releasing the public servitude.

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

Motion by Councilor Wetherbee to table 18-118 – Release of Public Servitude for legal opinion on potential issues, seconded by Councilor Foote

Roll Call Vote: 7-0-0

18-119 Frost Resident's Cooperative Community Development Block Grant Project – *Town Administrator David Caron*

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility and housing projects, up to \$350,000 for emergency activities, and up to \$12,000 is available per planning study grant. All CDBG projects must primarily benefit low- and moderate-income persons. The purpose of the hearing is to update the public on, and take public comment, on the progress of the Frost Resident's

Cooperative CDBG project toward the financing of the interconnection into the municipal water and sewer systems. The Frost Residents Cooperative is a 30 unit manufactured housing park located at 139 Rockingham Road in Derry. Water main is installed. Individual unit services are 95% complete. Connection into the municipal water system will begin next week. Within the next two weeks the sewer installation and connection into the municipal system main will occur. The pump station will be demolished soon. Trench patching will occur in early December. Then the project will shut down for the winter. Final paving and grass seeding will occur in spring.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Chirichiello – all agreed

No one from the public spoke.

Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Chirichiello – all agreed

18-125 Resolution #2018-065 – Relative to a supplemental resolution for downtown enhancements – *Town Administrator David Caron.*

At the September 18, 2018 Town Council meeting, a directive was given to the Department of Public Works to expand upon holiday decorations in the downtown area for the 2018 holiday season. A contractor specializing in creating decorative landscapes was immediately contacted to gather conceptual ideas and price quotes for the 2018 season. Each of the 30 light poles in downtown will have garland, lights, bows and associated decor strung around them. LED light fixtures in the shape of snowflakes or bells will also be mounted on top of each light pole. The cost of the initial purchase and installation/removal is \$22,500. A subsequent request for \$5,500 is required for mounting Christmas lights in front of the Police Station. An existing tree will be decorated with multi-color lights. This estimate includes a one- time cost for the installation of a new underground conduit and wire to provide electricity. Funding was not included as part of the approved FY 2019 budget, requiring a supplemental appropriation to cover these expenses. The first-year total cost is \$28,000, representing upfront capital costs to purchase the lights and appurtenances. Annual future costs are estimated at \$9,000, to install, maintain and remove all lights and decorations each season.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Bourdon – all agreed

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-065, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

18-126 Resolution #2018-066 – To accept a NH Highway Safety Agency Grant for various traffic enforcement activities – *Police Chief Edward Garone*

Periodically, the NH Highway Safety Agency distributes funds to support selective traffic enforcement patrols and or equipment. The Police Department has received a contract for seven such programs as follows:

- Sustained Traffic Enforcement (STEP) - \$11,593 = 40 4-hour Patrols
- Operation Safe Commute - \$3,161=124-hour Patrols
- Join the NH Clique - \$468 = 2 4-hour Patrols
- Distracted Driving - \$5,652 = 20 4-hour Patrols
- Pedestrian/Bicycle Patrols - \$6,587 = 24 4-hour Patrols
- DWI Patrols - \$9,880 = 24 6-hour Patrols
- Speed Enforcement/Data Collection Equipment - \$24,324, requires 50% match of \$12,162

The seven grants total \$49,503 in grant funds. The NH Highway Safety Agency will reimburse the Town for 100% of the salary-related expenses plus associated roll up costs for all hours worked under the grants. The Town is responsible for in kind cost matches for the 6 patrol grants totaling \$9,335.25 those costs are soft match costs and are funds already budgeted for administering the grants, prosecuting any cases resulting from the enforcement efforts and equipment costs associated with the conducting the patrols i.e. vehicle and fuel costs. Enforcement patrols will be scheduled throughout the grant period as one-man patrols. Officers assigned will be reimbursed at their respective overtime rate.

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

No one from the public spoke.

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

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-066, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

New Business

18-132 Cable Advisory Committee Member Appointment

Chairman Morgan moves to appoint John Medina as a member of the Cable Committee for a 2 year term to expire March 31, 2020, seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

18-133 Economic Development Advisory Committee Alternate

Chairman Morgan moves to appoint Solomon Goldiamond as an alternate member of the Economic Development Committee for a term to expire March 31, 2020, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

18-134 Zoning Board of Adjustment Alternate Member Appointment

Chairman Morgan moves to appoint Michael Fodiman as an alternate member of the Zoning Board of Adjustment for a term to expire March 31, 2019, seconded by Councilor Tripp
Roll Call Vote: 7-0-0

18-135 Resolution #2018-064A – To Amend Resolution #2016-025 for a Master Lease/Purchase Agreement to finance the acquisition of certain capital equipment – *Town Administrator David Caron*

During the budget review in May 2016, it was determined that entering into a competitively bid master lease agreement for capital improvement purchases over the next five years would be cost effective for the town. A bid was produced and sent to local and national banks and lending institutions for quotes of interest rates and terms for a master lease agreement for capital purchases. The FY2019 lease amount is \$1,605,413. Bank of America was chosen again for their guaranteed fixed interest rates and no fees passed onto the community. The interest rates are 3.3% for both five and seven-year terms. Equipment incorporated in this master lease agreement include public works vehicles (including cemetery, highway, parks and the transfer station). Other equipment includes fire vehicles including a pumper engine. Although the Council's approval of Resolution #2016-025 contemplated adjustments to the list of acquisitions, Bank of America has requested a formal Council amendment to the Resolution for FY2019 purchases. Although the Council approved Resolution #2018-064 on October 23, Bank of America has requested additional edits, which has resulted in the development of #2018-064A. 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.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-064A, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Wetherbee – Congratulated Tim Powers for being named Pinkerton Academy headmaster.

Councilor Chirichiello – There will be an Exit 4A meeting December 5th at West Running Brook Middle School. The Master Plan is being updated and residents should come to the meetings with ideas.

Chairman Morgan – The audio at the last Exit 4A meeting was terrible. This next meeting NHDOT will be bringing their own equipment.

Councilor Tripp – There is a solar monitor available for the Town of Derry to use from a grant they received. Councilor Tripp would like it placed at the Municipal Center or the library.

Councilor Foote – Saturday November 24 will be the Holiday parade. Rotary will be collecting donations of food.

Adjournment: 9:10 p.m.



Town Clerk

12-5-18
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2018-065

To Approve a Supplemental Appropriation to Fund Downtown and Other Enhancements

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 after the annual budget is adopted; and

WHEREAS, a goal of the Town Council is to support Derry's Downtown to enhance commerce; and

WHEREAS, the Town is host to a Holiday Parade which brings many visitors to the community; and

WHEREAS, the seasonal decorations in Downtown and throughout the community are in need of refurbishment and remain an important component to enhancing aesthetics;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Twenty-Eight Thousand Dollars (\$28,000) is hereby raised to replace seasonal displays in the Downtown area, and to make electric repairs to the outdoor lighting at the Police Department to promote commerce in the Town's northern retail area.

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: November 20, 2018

Attest:

A handwritten signature in black ink, appearing to be "James Morgan", written over a horizontal line.

James Morgan, Council Chair

Date: 11/20/18

A handwritten signature in black ink, appearing to be "Daniel Healey", written over a horizontal line.

Daniel Healey, Town Clerk

Date: 11/20/18

Archival Ref: TC agenda item #18-125



RESOLUTION

Number 2018-066

To Accept a NH Highway Safety Agency Grant for
Various Traffic Enforcement Activities

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

WHEREAS, funding is available through the NH Highway Safety Agency; and

WHEREAS, the Town may receive funds for various traffic enforcement activities; and

WHEREAS, these activities enhance the safety of the travelling public in Derry;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to apply for, accept and expend \$49,503 derived from NH Highway Safety Agency grants and to enter into agreements with the State of New Hampshire as may be necessary to finalize receipt of this grant funding for the following programs:

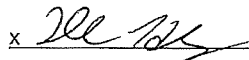
- a) Sustained Traffic Enforcement Patrols;
- b) Operation Safe Commute;
- c) Join the NH Clique;
- d) Distracted Driving;
- e) Pedestrian/Bicycle Patrols;
- f) DWI Patrols;
- g) Speed Enforcement/Data Collection Equipment

This Resolution shall take effect immediately upon its passage.

Adopted: November 20, 2018

Attest:

x 
James Morgan, Council Chair
Date: 11/20/18

x 
Daniel Healey, Town Clerk
Date: 11/20/18

Archival Ref: Agenda #18-126



RESOLUTION

Number 2018-064A

To Amend Resolution #2016-025 for a Master Lease/Purchase
Agreement to Finance the Acquisition of Certain Capital Equipment

WHEREAS, Section 7.1 of the Town Charter designates the Town Council as the Legislative Body of the Town, which is then empowered by New Hampshire law to incur debt on behalf of the Town; and

WHEREAS, the Council incorporated a lease-to-purchase method of financing the acquisition of certain capital equipment into the Fiscal Year 2019 Town Budget; and

WHEREAS, the Town Council authorized the Town Administrator to enter into an agreement with Bank of America to finance certain capital equipment; and

WHEREAS, Resolution #2016-025 specifically contemplated and authorized supplementing the items to be financed under this Agreement;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town is hereby authorized to amend the Master Equipment Lease/Purchase Agreement by increasing the overall leasing capacity by adding the following capital items:

Public Safety Vehicles and Equipment- \$865,364

Public Works Vehicles and Equipment- \$740,049
\$1,605,413


Further, that this authorization shall not increase appropriations beyond what has been previously authorized under separate Council action, and the Town Administrator is hereby authorized to execute and deliver the Lease/Purchase Agreement and any exhibits thereto or documents contemplated thereby; and to take such other actions as may be necessary to consummate such financing.

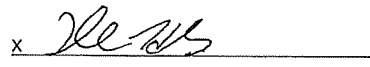
Archival Ref: TC agenda item #18-135

This Resolution shall take effect immediately upon its passage.

Adopted: November 20, 2018

Attest:

x 
James Morgan, Council Chair
Date: 11/20/18

x 
Daniel Healey, Town Clerk
Date: 11/20/18



Archival Ref: TC agenda item #18-135