

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday January 17, 2023
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Bourdon

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

Roll Call: Councilors Katsakiores, Chirichiello, Foote, Flood, Wetherbee and Chairman Bourdon
Online: Councilor Spencer
Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

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

Steve Trefethen, North Shore Rd - Wants to speak of the Form Code type of government since the Planning Board Chair was at the January 3rd meeting discussing it. The Form Code allows the Planning Board to waive everything. Setback and everything and removes them from Zoning unless they move out of the Zone and need to meet the 5 criteria. There are expensive fees for this type of government. There are only 4 Towns in New Hampshire doing this and this is not the right type of government.

Mark Flattes, Linlew Drive – Worried about all the new apartments coming in and if the schools will be able to handle it.

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

Consent Agenda

- 23-05** Approve Minutes – January 3, 2023
- 23-06** Resolution #2023-007 – Accept a Gift from the Derry Rail Trail Alliance
- 23-07** Resolution #2023-008 – Accept a deed for dedicated access upon Lot #10115-23, Village Brook Land and to ratify Resolution #2022-066

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

Chairman Report – Joshua Bourdon

Building and Property Maintenance Committee – *Chair Bob Wentworth presenting*
The Building and Property Committee started in 2016 with 50 properties. We are now down to 7 properties on the list, with some coming off and then new ones being added.

Derry Housing and Redevelopment Authority – *Chair Ernie St. Pierre presenting*
DHRA started the year with 100 vouchers, we now have 3 more for a total of 103.
The Peabody Annex improvements are complete. There was a snag in the Vintage Grace sale and we are looking into other options.

Heritage Commission – *Karen Blandford-Anderson presenting*
Heritage Commission is responsible for the historical education in the Town. There is apposition open on our board. The next meeting will be on February 6, 2023. We also sponsor the Junior Historians from Derry, Londonderry and Windham.

Calvin Plante, President Junior Historians and Luke Hansen , Vice President talk about the activities they have done as a club including a booth at DerryFest for community education, tours of the Museum, and handing out candy at Halloween. They are documenting the life stories of all the names on the Memorial at MacGregor Park. They have also come into possession of 250 letters written by the Daughters of the American Revolution. They are working on a comprehensive cleaning of the headstones in the cemetery. We are opening the museum on Wednesday nights and Saturdays. The museum has over 3000 artifacts.

Net Zero Task Force – *Chair Jeff Moulton presenting*
2022 was a good year. The RFP for a 2.2 MW Solar project at the landfill was completed. A successful application was made through Senator Shaheen for a \$500,000 grant to supplement the landfill solar project. The Encore contract has the potential to save the Town \$10-12M over the life of the project vs the original estimates. The landfill project is projected to be complete in Q1 of 2024, close to a year ahead of schedule of the Town Council's goal of Net Zero by 2025.

AED in Public Facilities - Fire *Chief Jim Richardson presenting*
We have 70 AED Townwide (both public and private) 34 are in Town owned facilities. There is an app available called Pulsepoint that can show you where the nearest one is located, often with a photograph of the area.

Announcement about the Filing Period for Town & School Offices – January 25, 2023, to February 3, 2023 and Supervisor of the Checklist session on January 24, 2023.

Town Administrator's Report – Dave Caron

Update from The Upper Room – *Executive Director Brenda Guggisberg presenting*
A CDBG grant came up that would allow us to explore the expansion of our building. We could use additional office space and an additional classroom. As this is a Town owned property, we are here to discuss this with you.

Update on finances as of the midpoint of FY23
MV Fees at 52% of collections
MV Titles at 48%
Interest Revenue at 211%
Civil Forfeiture at 107%

Planning Fees at 220%
Building Permits at 64%
Construction Materials Disposal at 55%
Mattress Disposal at 16%

Public Hearings

23-03 Resolution #2023-001 – Apply for and accept grant funding related to Household Hazardous Waste Collection – *Environmental Coordinator Craig Durrett 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 Household Hazardous Waste Collection Day. We hold an event in the Spring for both Derry and Londonderry residents paid for by Derry and Londonderry holds one in the fall for both Derry and Londonderry residents, paid for by Londonderry.

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

No one from the public spoke.

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

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-001 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

New Business

23-08 Resolution #2023-004 – Authorize the Town to apply, receive and expend a grant from the New Hampshire Department of Environmental Services for Milfoil Treatment – *Environmental Coordinator Craig Durrett presenting*

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-004 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution attached

23-09 Resolution #2023-005 – Authorize the Town to receive and expend a grant from the Beaver Lake Improvement Association for Milfoil Treatment – *Environmental Coordinator Craig Durrett presenting*

Milfoil is an invasive species which has infiltrated Beaver Lake. Prior to FY 2020, BLIA exclusively assumed this responsibility. The BILA Board of Directors met and agreed to set aside \$3000 for Milfoil Application. This resolution seeks authorization to continue to work with BLIA to provide milfoil treatment to Beaver Lake.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-005 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution attached

23-010 Resolution #2023-006 – Approve amendments to the Non-Represented Personnel Policy – *Town Administrator Dave Caron presenting*
The position of Town Clerk is an elected, full-time position within the Town of Derry. The position currently lacks structure regarding wage, compensation, and benefits treatment. Further, the position is significantly undercompensated based upon the external market and internal comparisons. The position of Town Clerk is up for election in March and the voters should be informed of the compensation prior to the filling period which begins on January 25, 2023. The position should be slotted into Labor Grade D in the non-rep plan and FY24 salary \$53,500 and FY 25 salary \$59,134.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-006 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-1-0 (Chirichello)
Resolution attached

23-011 Resolution #2023-009 – Accept an ARPA Grant for Water Quality Improvements – *Town Administrator Dave Caron presenting*
The purpose is to seek Council authorization to accept an additional \$2000 in ARPA funds for a project approved by the Council in 2022 to extend the municipal water system, to interconnect the Rand-Shepard Hill, Barkland Acres and Morningside Drive community water systems.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-009 which reads as follows [Read the Resolution], seconded by Councilor Foote
Roll Call Vote: 7-0-0
Resolution attached

23-012 Resolution #2023-010 – Accept a gift from the South-Central Public Health Network – *Police Chief George Feole presenting*
To accept a gift of Narcan Outreach Bags and Naloxboxes from the South-Central Public Health Network to further public safety in the community. Further, the Resolution provides for the future acceptance of additional resources up to a cumulative value of \$5000 after which a public hearing would be required.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-010 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

23-013

Resolution #2023-011 – Execute a Letter of Intent to purchase conservation land – *Town Administrator Dave Caron presenting*

To seek Town Council approval to sign a Letter of Intent to partner with the Conservation Commission to purchase land at 82 English Range Road for both conservation purposes and the potential site for a municipal water tower. The Letter of Intent which will commit to purchase pending satisfaction of the following, Purchase Price of \$494,000 for 42.7 acres, the property must appraise at minimum for the purchase price, a Conservation Commission appropriation of \$394,000 and a Town Council supplemental appropriation of \$100,000, Satisfactory title search, survey and Phase 1 Environmental. Additional Public Hearings will also still be required.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-011 which reads as follows [Read the Resolution], seconded by Councilor Foote

Roll Call Vote: 7-0-0

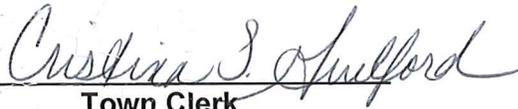
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Flood: Pizzastock was a well-attended event and raised money for the JRFM Foundation

**Motion by Councilor Katsakiores to ADJOURN, seconded by Councilor Chirichiello
All Agreed**

Adjourn: 9:01PM



Town Clerk



Date

Recording & Transcription by: Cristina Guilford, Town Clerk



RESOLUTION

Number 2023-011

To Authorize a Letter of Intent to Purchase Land on English Range Road for
Conservation Purposes

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to purchase real property for the benefit of the Town and to appropriate funds for such purposes; and

WHEREAS, The Conservation Commission has expressed interest in purchasing land for conservation purposes; and

WHEREAS, the Town Council envisions a contribution of One Hundred Thousand Dollars (\$100,000) toward acquisition of the parcel; and

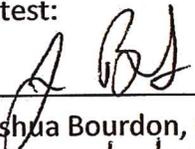
WHEREAS, numerous conditions of the sale must be met prior to closing, including a public hearing conducted by the Town Council on a Supplemental Appropriation to raise One Hundred Thousand Dollars (\$100,000) from Unassigned Fund Balance towards the purchase;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign a Letter of Intent to acquire 42.7 acres from the F. Donald Ball Irrevocable Trust on behalf of the Town of Derry and Derry Conservation Commission.

This Resolution shall take effect immediately upon its passage.

Adopted: January 17, 2023.

Attest:

x 
Joshua Bourdon, Council Chair
Date: 1/17/23

x 
Cristina Guilford, Town Clerk
Date: January 17, 2023



RESOLUTION

Number 2023-010

To Accept a Gift from the South-Central Public Health Network

WHEREAS, RSA 31:95-e authorizes the Town Council to accept gifts, other than money, to be used for any public purpose; and

WHEREAS, the South-Central Public Health Network provides resources to safeguard the public health; and

WHEREAS, the opioid epidemic has impacted the Greater Derry area and resources are now available to help mitigate this public health crisis; and

WHEREAS, the Town may receive an initial gift of 25 Narcan Outreach bags and a Naloxbox, which is to be placed in the Derry Municipal Center;

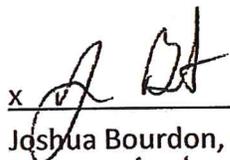
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept a gift of personal property at a value of \$450 from the South-Central Public Health Network for public health resources to combat the opioid epidemic;

Further, the Town Administrator is authorized to accept future gifts of this nature up to a cumulative value of \$5,000.

This Resolution shall take effect immediately upon its passage.

Adopted: January 17, 2023

Attest:

x 

Joshua Bourdon, Council Chair
Date: 1/17/23

x 

Cristina Guilford, Town Clerk
Date: January 17, 2023



RESOLUTION

Number 2023-009

To Accept an ARPA Grant for Water Quality Improvements

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

WHEREAS, the Town Council previously adopted Resolution #2022-078 which appropriated \$6,110,000 for water improvements and further authorized acceptance of \$1,220,000 in ARPA funds from the NH Department of Environmental Services to be applied against this appropriation; and;

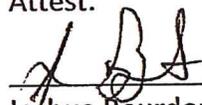
WHEREAS, NHDES notified the Town that the ARPA grant will total \$1,222,000;

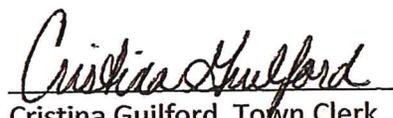
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply, accept and expend up to an additional Two Thousand Dollars (\$2,000) in ARPA funds from NHDES to be applied against the appropriation authorized under Resolution #2022-078.

This Resolution shall take effect immediately upon its passage.

Adopted: January 17, 2023

Attest:


Joshua Bourdon, Council Chair
Date: 1/17/23


Cristina Guilford, Town Clerk
Date: January 17, 2023

Archival Ref: TC Agenda Item #23-11



RESOLUTION

Number 2023-006

To Approve Periodic Amendments to the
Non-Represented Personnel Policy

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to enact policies; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town amend its Non-Represented Employees Personnel Policy;

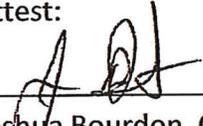
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the amendments to the Non-Represented Employees Personnel Policy are hereby approved.

This Resolution shall take effect on July 1, 2023.

Adopted: January 17, 2023.

Attest:

x


Joshua Bourdon, Council Chair

Date: 1/17/23

x


Cristina Guilford, Town Clerk

Date: January 17, 2023



RESOLUTION Number 2023-005

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

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: January 17, 2023

Attest:

x 

Joshua Bourdon, Council Chair
Date: 1/17/23

x 

Cristina Guilford, Town Clerk
Date: January 17, 2023



RESOLUTION Number 2023-004

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

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

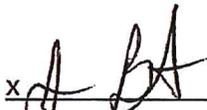
WHEREAS, it is in the best interest of the Beaver Lake Improvement Association and the Town to eradicate milfoil from Beaver Lake;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend up to Eight Thousand Two Hundred Fifteen Dollars (\$8,215) in grant funds from the Department of Environmental Services and to execute all necessary documents to provide for milfoil treatment on Beaver Lake.

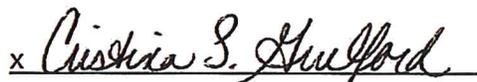
This Resolution shall take effect immediately upon its passage.

Adopted: January 17, 2023

Attest:

x 

Joshua Bourdon, Council Chair
Date: 1/17/23

x 

Cristina Guilford, Town Clerk
Date: January 17, 2023



RESOLUTION

Number 2023-001

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 \$10,000 in matching funds and further authorize the Town to hold a Household Hazardous Waste Collection event in Spring, 2024.

This Resolution shall take effect immediately upon its passage.

Adopted: January 17, 2023

Attest:

x 

Joshua Bourdon, Council Chair

Date: 1/17/23

x 

Cristina Guilford, Town Clerk

Date: January 17, 2023