

TOWN OF DERRY

Town Council
Derry Municipal Center

December 1, 2020
Tuesday - 7:00 PM

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.

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

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

Public Forum - *30 Minutes*

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

Representative Katherine Prudhomme-O'Brien: Beacon Hill Rd – Does not share the same opinions as Anne Copp. Campaign signs were taken down by town employees only if they were located in spots that they should not be. She has been treated with professionalism by town and the employees. There were technical problems with the digital sign on Crystal Avenue and she has not been reimbursed by Ms. Copp and the other candidates have not as well.

Chris Peterson: Floyd Rd – Hoping the town can take a position of leadership and encourage masks.

Ernie St. Pierre – Sunset Ave – There is a new tax rate, and his taxes went up \$1,300. He is concerned for the elderly residents who may not be able to pay. Would like a charter change to see issues against a Councilor go to the Town Administrator first and not have the grievances go to the council on council members.

Nancy Francis(Pantry Plunge): Gulf Rd – The 4th annual Pantry Plunge will take place on Saturday December 12th from around 11:30 am to 1:30 pm at Gallien's Beach on Beaver Lake,

Steve Trefethen: Windham, NH – 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 close public forum, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Consent Agenda

- 20-114** Approve Minutes – October 20, 2020
- 20-115** Approve Non-Public Minutes – November 10, 2020 – **Minutes Sealed**
- 20-116** Approve Minutes – November 10, 2020
- 20-117** Resolution #2020-057 – Accept the 2020 Hazardous Mitigation Plan Update
- 20-118** Ordinance #2020-009 – Electioneering
- 20-119** Ordinance #2020-010 – Amendment to Chapter 55, Mobil Food Units
- 20-120** Ordinance #2020-011 – Adopt Chapter 119 of the Municipal Code Hawkers, Peddlers, and Itinerant Vendors

Motion by Councilor Tripp to approve the consent agenda, seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Consent agenda approved

Chairman's Report – Charlie Foote

Chairman Foote read a proclamation thanking Pinkerton Academy for hosting the November 3, 2020 General Election. Councilor's Bourdon, Chirichiello, and Chairman Foote will be the Town Council Representatives to the Legislative Committee. Councilor Bourdon discussed an additional mask mandate in Derry with fines imposed. The Council was polled if they would like to see this be an agenda item at the next meeting (2-5-0, Councilor's Katsakiores, Chirichiello, Morgan, Tripp, and Chairman Foote).

Councilor Wetherbee left the meeting.

Town Administrator's Report – David Caron

Audit Manager Zackary Fentross of Melanson Heath presented the FY20 CAFR (Audit) for the year ending on June 30, 2020. Melanson Heath did not discover any deficiencies in internal control that they consider to be material weakness.

FY21 1st Quarter Financials – CFO Mark Fleischer

September is 25% through the fiscal year. Revenue collected in FY20 was at 22% and in FY21 it is at 20%. Expenditure in FY20 was at 31% and currently in FY21 it is at 30%. The balance of the Governor's Office of Emergency Relief and Recovery(GOFERR) Cares Act Funds received 10/20 in the amount of \$674,839.93 were transferred to the COVID-19 Mitigation Capital Reserve Fund. The FY21 State Infrastructure Grant was received 10/20 in the amount of \$487,055.49 which was also transferred to the COVID-19 Mitigation Capital Reserve Fund.

Emergency Management Director and Fire Chief Mike Gagnon gave a report on the Town's response to COVID-19. Two employee's town wide are in quarantine due to close contact or family members.

The State Department of Revenue Administration recently established the tax rate which will be \$24.34 which is down from the 2019 rate of \$26.12 due to the revaluation. Many councilors and administration have been receiving calls on the dog license civil forfeiture fines. As residents register their dogs, all dog owners have an opportunity to receive 3 reminder notices via email and all senior citizens are mailed a reminder. For new dogs, the Town sends a letter regarding

the licensing requirement. The Town Clerk's office delayed the forfeiture process this year to give residents more time to register their dogs. RSA 466:14 requires the town clerk to prepare a list of dog owners who have not licensed their dogs, and the governing body must, within 20 days, issue a warrant for the seizure of unlicensed dogs. That is a municipal deadline. The Council did receive and signed the warrant in a timely fashion which directed the Town Clerk to proceed with the process. The Town Administrator, Londonderry Town Manager, and NHDOT Commissioner Sheehan had a Zoom call on the status of Exit 4A. NHDOT received proposals from three design-build teams which resulted in a potential contract award \$30M in excess of the 4A budget as set forth in the Department's 10-year plan. NHDOT has determined it is more cost effective to transition to a design-bid-build scenario. Derry stressed that the right of way process needs clarification immediately. NHDOT plans to schedule a Zoom meeting with locally-elected state officials and offered to communicate with and present to the Council should the Council desire.

New Business

20-121 Resolution #2020-058 – Withdraw funds from the COVID-19 Trust Fund – *Town Administrator Dave Caron presenting*

The Town Council established the COVID-19 Mitigation, Response, and Recovery Trust Fund under Resolution #2020-012 as a mechanism to fund extraordinary expenses and augment revenues impacted by COVID-19. The Town anticipated that additional expenses would be incurred to ensure that the September 2020 State Primary and the November 2020 General Elections were managed safely and efficiently. Previously, the Council authorized hazard pay for poll workers and anticipated other additional expenses for personal protective equipment and items such as a tent at Pinkerton where voters could cast ballots without wearing masks, as Pinkerton required that all wear masks in the Hackler Gymnasium. The Town Clerk and Chief Financial Officer recently reviewed expenses associated with the elections and identified expenses which were incurred beyond what the Town budgeted in FY21. At this time, there appears to be sufficient external revenues to fund extraordinary election expenses. It should be noted that staff is requesting a transfer of funds to pay for extraordinary election expenses only, and not all election expenses. Staff will be researching the grant stipulations to determine the disposition of the remaining grant funds.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-058, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

20-122 Resolution #2020-059 – Accept a gift from the Granite State Health Coalition – *Fire Chief Mike Gagnon presenting*

The New Hampshire Division of Fire Standards and Training and Emergency Medical Services (FSTEMS) has purchased electrostatic sprayers used to disinfect ambulances and equipment. These units have been made available to all licensed transport and non-transport agencies throughout the state. This program was made possible by funding from the Granite State Health Care Coalition (GSHCC). The Town Charter, specifically section 9.15 titled Grants, Gifts,

specifies in part, *"The Town Council may apply for, accept and expend monies received from the State, Federal, or other governmental units, or from private sources which become available during the fiscal year"*. As a result, the Fire Department is seeking Town Council's approval to accept the gift of an electrostatic sprayer from the State.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-059, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Tripp – November 11th was Veteran's Day and typically there is a breakfast sponsored by West Running Brook and Pinkerton Academy. That did not take place this year. He did receive drawings from students at Riana's Sunshine Academy in Derry and was very appreciative.

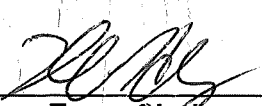
Councilor Morgan – A mask mandate this late on is a reactionary effort.

Councilor Chirichiello – Thanked the people of Derry for electing him to 5 terms as a State Representative and he will officially be done tonight at midnight. He will be starting a new elected term as County Commissioner. Congratulated Councilor's Tripp and Katsakiores on winning terms as State Representatives.

Councilor Bourdon – Has an Amazon list created for his charity "Holiday Smiles" seeking donations for the upcoming holidays. There are a record number of requests and he is trying to get them all filled.

Chairman Foote – Give back to the community if you can. The Salvation Army, Upper Room, and the Derry Community Fund are all in need of donations.

Councilor Katsakiores moves to adjourn, seconded by Councilor Tripp
Roll Call Vote: 6-0-0
Adjournment: 9:20 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

12-17-2020
Date



RESOLUTION

Number 2020-058

Transfer Funds from the COVID-19 Trust

WHEREAS, Section 9.7 of the Town Charter empowers the Town Council to transfer any unencumbered appropriation balance; and

WHEREAS, the Town Council previously established the COVID-19 Mitigation, Response and Recovery Trust Fund under Resolution 2020-012 as a mechanism to fund extraordinary expenses and augment revenues impacted by COVID-19; and

WHEREAS, the Town has incurred extraordinary expenses to ensure the safe and efficient administration of the September and November elections; and

WHEREAS, funds have been received from external sources and deposited into the COVID-19 Trust Fund; and

WHEREAS, funds need to be withdrawn from the Trust to reimburse the Elections budget for these extraordinary expenses;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of Forty-Nine Thousand Fifty-Seven Dollars (\$49,057) from the COVID-19 Trust to Dept. 52, Elections.

This Resolution shall take effect immediately upon its passage.

Adopted: December 1, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 12-1-20

x 

Daniel Healey, Town Clerk

Date: 12-1-2020

Archival Ref: Item #20-121



RESOLUTION

Number 2020-059

To Accept A Gift from the Granite State Health Coalition
for the Fire Department

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 Granite State Health Coalition has provided funding to the NH Division of Fire Standards and Training and Emergency Medical Services; and

WHEREAS, Fire Standards has utilized these resources to purchase electrostatic sprayers used to disinfect ambulances and equipment; and

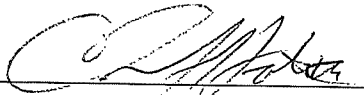
WHEREAS, participation in this program will support the Department's mission of providing high quality patient care in ambulances;

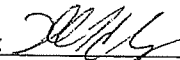
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept a gift of electrostatic sprayers at a value of \$700 from Fire Standards made possible by a grant from the Granite State Health Coalition.

This Resolution shall take effect immediately upon its passage.

Adopted: December 1, 2020

Attest:

x 
Charles Foote, Council Chair
Date: 12-1-20

x 
Daniel Healey, Town Clerk
Date: 12-1-2020

Archival Ref: TC agenda item #20-122