

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**December 18, 2018  
Tuesday - 7:00 PM**

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<b>6:00 PM</b>	<b>Non-Public Session RSA 91A:3 II (b)</b>
<b>7:00 PM</b>	<b>Call to order</b>

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

**Councilor Tripp moves to seal RSA 91A:3 II (b), seconded by Councilor Bourdon – all agreed**

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

**Roll Call:** Councilors Chirichiello, Bourdon, Tripp, Katsakiores, Foote (Left at 7:30pm), 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 – Gave a map of the proposed Exit 4A path and explained what was discussed at the recent Exit 4A meeting.

**Motion by Councilor Tripp to extend Mr. Trefethen's time, seconded by Councilor Foote – all agreed**

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

**Consent Agenda**

**18-140** Approve Non-Public Minutes – December 4, 2018

**18-141** Approve Minutes – December 4, 2018

**Consent agenda approved**

**Chairman's Report – James Morgan**

Accept a Gift from the MacGregor Family and Derry Village Rotary – *Mark Brassard – Founder of Derry Veterans' Monument Committee and Charlie Crompton – Member of Derry Village Rotary and Chairman of Operation MacGregor Derry Village Rotary Project*

The MacGregor Family desires to gift a historic water fountain which was used downtown for many decades and the Derry Village Rotary has accepted stewardship and is in the process of refurbishing the artifact. The MacGregor family requests that it be displayed on the land now occupied by the MacGregor Public Library and MacGregor Park at 64 East Broadway.

**Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-070, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

## **Resolution attached**

United States Senators Maggie Hassan and Chris Pappas will be coming to a Derry Town Council meeting in late January to discuss special education funding at the request of Chairman Morgan.

Wished everyone Happy Holidays and Merry Christmas.

## **Town Administrator's Report – David Caron**

The fiscal year 2020 budget calendar has been distributed to the various town departments. Community outreach has been done on the Master Plan with information being sent to the Taylor Library, Veteran's Hall, Merrion Gerrish, Pinkerton Academy, and the school district. Board and Committees have also been asked for their input. The Downtown Façade improvement program has generated 20 properties that have been improved. The cost to the town was \$78,000 and business owners paid \$205,000. There will be a public hearing at the first meeting in January on the 8<sup>th</sup> related to the Hood Pond Dam.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-071 (To Confirm the Appointment of the Tax Collector), which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0 (Chairman Morgan and Councilor Tripp)**  
**Resolution attached**

## **Public Hearings**

**18-118** Resolution #2018-059 – Release of Public Servitude – Eastman Drive to Sheldon Road – *Town Administrator David Caron and 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 Katsakories to open public hearing, seconded by Councilor Tripp – all agreed**

No one from the public spoke.

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

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-059, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 4-2-0 (Chairman Morgan and Councilor Tripp)**  
**Resolution attached**

#### **New Business**

**18-142** Resolution #2018-072 – Transfer of funds from the Expendable Maintenance Trust Fund for the purchase of an Emergency Generator at Hampstead Road Fire Station – *Director of Public Works Mike Fowler*

The existing generator at Hampstead Road is approximately 30 years old. Since May 2018, there have been three instances where the generator and/or associated equipment had failed when grid power was lost due to a weather-related event. Costs for emergency repair service has totaled over \$15,000 thus far. The generator's control board is antiquated, and replacement parts are difficult to find. The automatic transfer switch was replaced in early December to reduce the possibility of another failure. The Department of Public Works and the service vendor have recommended to replace the generator as soon as possible to avoid additional costly repair invoices and preempt interruption of protective services coverage. The Hampstead Road Fire station is open and staffed by Derry Fire Department personnel 24 hours every day. In the event of a power failure, the generator provides standby power to support lights, HVAC, communication and opening of apparatus doors. This facility serves a critical emergency function for the community and a generator failure could lead to delays in responding to rescue or fire events. A quote of \$50,000 has been solicited to install a new 50kW diesel generator, a new concrete pad, new wiring and other appurtenances.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-072, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**  
**Resolution attached**

#### **Councilor Comments / Liaison Reports –**

Councilor Katsakiores – Wished everyone a Happy, Healthy Christmas.

Councilor Tripp – Asked if the tree has been fixed downtown and was told that it hasn't rained yet, but the tree has been working.

Councilor Wetherbee – There were 62 plungers that took part in the Pantry Plunge and more than \$13,000 was raised to help local charities.

Councilor Bourdon – Thanked Chairman Morgan for reaching out to Senators Hassan and Pappas for Special education funding.

Councilor Chirichiello – The new Sal's pizza is being built on Crystal Avenue, the warehouse next door has begun cleaning and 2 buildings on A Street have been sold. Wished everyone a Merry Christmas and Happy Holidays.

**Adjournment: 8:00 p.m.**

  
\_\_\_\_\_  
Town Clerk

1-9-19  
Date

**Recording & Transcription by: Daniel Healey, Town Clerk**



## RESOLUTION

Number 2018-070

To Accept a Gift from the MacGregor Family and Derry Village Rotary

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WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend grants and gifts received from private sources; and

WHEREAS, the MacGregor Family desires to gift a historic water fountain which was used Downtown for many decades; and

WHEREAS, Derry Village Rotary has accepted stewardship and is in the process of refurbishing this artifact; and

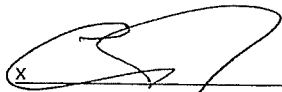
WHEREAS, the MacGregor Family requests that it be prominently displayed on the land now occupied by the MacGregor Public Library and MacGregor Park;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept the historic water fountain for placement at 64 East Broadway.

This Resolution shall take effect immediately upon its passage.

Adopted: December 18, 2018

Attest:

x 

James Morgan, Council Chair

Date: 12/18/18

x 

Daniel Healey, Town Clerk

Date: 12/18/18

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Archival Ref: Chairman's Report 12-18-18



## RESOLUTION

Number 2018-071

To Confirm the Appointment of the  
Tax Collector

WHEREAS, Section 8.8(A) of the Town Charter requires that the Town Council confirm the appointment of certain Appointive Officers; and

WHEREAS, there exists a vacancy in the office of Tax Collector; and

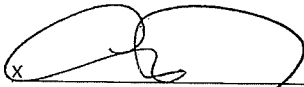
WHEREAS, after a comprehensive search, the Town Administrator has appointed a candidate who possesses the necessary skills and experience to succeed in the position;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of Diane Mulholland as Tax Collector is hereby confirmed.

This Resolution shall take effect immediately upon its passage.


Adopted: December 18, 2018

Attest:

x 

James Morgan, Council Chair

Date: 12/18/18

x 

Daniel Healey, Town Clerk

Date: 12/18/18

Archival Ref: TC agenda – Town Administrator's Report



## RESOLUTION

Number 2018-072

To Transfer Funds from the Expendable Maintenance Trust Fund for the  
Purchase of an Emergency Generator at Hampstead Road Fire Station

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

WHEREAS, the Council's Unallocated Fund Balance Policy directs that surplus funds may be transferred to various capital reserve funds, including the Expendable Maintenance Trust Fund for Buildings and Grounds; and

WHEREAS, the Trust Fund is designed to fund planned and emergency repairs and improvements to town facilities; and

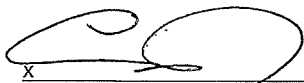
WHEREAS, the emergency generator at Hampstead Road Fire Station has gone beyond end of service life and currently has several future repair concerns which could deem it inoperable in the near future;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer up to the sum of Fifty Thousand Dollars (\$50,000) from the Expendable Maintenance Trust Fund to pay expenses associated with the replacement of the emergency generator at Hampstead Road Fire Station.

This Resolution shall take effect immediately upon its passage.

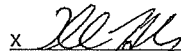
Adopted: December 18, 2018

Attest:

  
x

James Morgan, Council Chair

Date: 12/18/18

  
x

Daniel Healey, Town Clerk

Date: 12/18/18

Archival Ref: Agenda Item #18-142