

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday December 19, 2023
3rd Floor Meeting Room

MINUTES

6:15 PM Non-Public Session – RSA 91A:3 II (b) The hiring of any person as a public employee. RSA 91A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance, or tax abatement or waiver of a fee, fine, or other levy, if based on the ability to pay or poverty of the applicant.

Motion by Councilor Spencer to leave non-public session, seconded by Councilor Granese
Roll Call Vote: 6-0-0

Motion by Councilor Spencer to seal the minutes per RSA 91A:3 II (b&c) indefinitely because it was determined divulgence of this information would likely adversely affect the reputation of any person, seconded by Councilor MacEachern
Roll Call Vote: 7-0-0

7:00 PM Call to order – Chair Foote

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

Roll Call: Councilors Katsakiores (Remote), Chirichiello, MacEachern, Granese, Flood, Spencer, and Chair Foote
Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

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

Nancy Francis, Gulf Road – Pantry Plunge Update – December 9th was in the 40's, it was a great day to plunge. The neighbors all raised money for the FBC Community Food Pantry. To date we have raised over \$25,000.00, our most successful plunge yet. I would like to thank everyone from Doug Rathburn, our photographer, our DJ Ben Hillman to DPW and Parks & Rec to Derry TV and Fire Department. And special thanks to the Greater Derry Track Club, Rotary & Betley Chevrolet, Derry Plumbing & Heating, Daigle Plumbing & Heating, Wayne's Tattoo World, Blue Seal Feeds, Daydreaming Brewery & Farmer Phil and J&F Farms. Also Pinkerton and the students from leadership council, athletic teams and Pinkerton Band that stepped up and plunged. Mark your calendars for Saturday, December 14th, 2024, for the 8th annual pantry plunge. We are freezing for a reason every holiday season. Thank you.

Steve Trefethen, West Broadway – Happy Holidays, Merry Christmas and Happy New Year and I will see you all next year.

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

Consent Agenda

23-127	Approve Minutes – December 5, 2023
23-128	Resolution #2023-083 – Relative to a Supplemental Resolution for the Wastewater Main Pump Station Project

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

Chairman Report – Charles Foote

Statement from the Chair on Hate and Intolerance– All of us have sought elective office to represent our citizens towards building a better community. We are distressed at events throughout the world which pit groups against each other, oftentimes based upon differences in cultures or belief systems. What we can control locally is how these events impact our fellow citizens and life in Derry. We should strive in all circumstances to avoid blaming or stereotyping those who share a culture or religious beliefs with those from afar who have committed acts of violence or intolerance or have been victims of those acts. We encourage the Derry community to continue to be what we've always been. A welcoming community for all people regardless of race, ethnicity, religion, sexual orientation and to encourage tolerance and understanding of diverse traditions and viewpoints. Thank you.

Lisa Hultgren, Town Moderator – As we start to get geared up for the Presidential Primary on January 23, 2024. We are hiring for all positions and shifts. Please keep up to date with traffic information as there will be adjusted traffic patterns on Election Day.

Town Administrator's Report – Dave Caron

Presentation of FY22 Audit – *Chief Financial Officer Mark Fleischer and Audit Manager Zachary Fentross, of Marcum presenting*

Presentation of the Financial Statements. The Town is in a good financial position. The Town has a good unassigned fund balance. There is no management letter, no recommendations needed, and that is the best opinion possible.

Public Hearing

23-128	Resolution #2023-081 – Approve a Supplemental Appropriation for improvements to the Derry Public Library and designate an agent to expend for the Capital Reserve Fund – <i>Assistant Library Director Susan Brown presenting.</i>
---------------	--

The library is seeking approval to use \$9,501.32 from the Derry Public Library Capital Reserve fund. Recent maintenance to the DPL fire sprinkler system has uncovered an issue with a control valve that needs immediate replacement. Not replacing this valve in a timely manner creates a risk of a full system failure. If that happens, a fire watch will be required during the operating hours of the library.

Motion by Councilor MacEachern to open public hearing, seconded by Councilor Spencer

Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public hearing, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-081 which reads as follows [*Read the Resolution*], seconded by Councilor Spencer

Roll Call Vote: 6-0-1 {Chirichiello}

Resolution Attached

Town Administrator's Report – Dave Caron

Update on the Fire Station, the site work and foundation contracts have been awarded. Foundation work will begin the first week of February (weather dependent). Both contracts in total are \$797K under budget. We are optimistic that the rock removal contract will be sufficient. At this early juncture, substantial completion date of 2/28/2025.

The Town team including the Town Clerk, Police, Fire and Public Works are currently planning traffic and parking strategies and having the Town generator and Pinkerton connections tested, on site and connected for the day of the election.

Staff met with the development team of 19 Elm Street on site last week to review and coordinate subsurface testing going forward.

At the Alexander Carr Lodge the exterior siding has been completed and a contract was recently awarded to address the interior flooring, by replacing the 20+ year old carpeting with vinyl plank flooring.

The staff met with a group retained by our insurance carrier to talk about preventative strategies with IT security. The Town systems are in good shape.

The process to establish tax rates for towns and cities is winding down around the State is winding down. Each year, we compare the Town's tax standing with the ten largest communities in the State. Takeaways: Derry is the fourth largest community by population in the State of New Hampshire. Derry's property tax commitment is the seventh largest. Derry's relatively high tax rate is really a function of its assessed valuation. Derry's assessed valuation per capita is 7th of 10 compared to the largest communities. Derry's locally assessed valuation is the lowest of the 8 communities abutting Derry. DRA equalizes assessments each year for statistical purposes

and to allocate some State aid. The most recent equalization available is for the 2021 tax year, and Derry is the 8th lowest per capita of the 10 largest communities. Derry's expenditure per capita on the Town budget is 8th lowest of the 10 largest communities.

New Business

23-131 Resolution #2023-082 – Confirm reappointment of the Assessor – *Town Administrator Dave Caron presenting.*

The Town of Derry has been contracting our Assessing services with Stephan Hamilton and Whitney Consulting since July 1, 2019. This appointment will extend their contract through December 31, 2028.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-082 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 7-0-0

23-120 Resolution #2023-084 – Accept and expend unanticipated bridge revenues from the State of New Hampshire – *Town Administrator Dave Caron presenting.*

The Town of Derry anticipated receipt of \$152,720 from the Highway Block Grant Program that Council approved under Resolution #2023-045. NHDOT has completed its allocation process, resulting in the Town receiving an additional \$2,257.42. It is these additional funds for \$2,257.42 that are being requested to be accepted.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-084 which reads as follows [Read the Resolution], seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0

Councilor Comments / Liaison Reports –

Councilor Chirichiello – Merry Christmas and Happy Holidays to everyone.

Councilor Flood – January 7th, Battle of the Bands at Tupelo Music Hall. It will be an amazing event in support of some great talent.

Councilor Katsakiores – I wish everyone a very blessed and merry Christmas and a healthy and happy New Year.

Councilor Foote – Merry Christmas Everyone.

Motion by Councilor MacEachern to ADJOURN, seconded by Councilor Flood
Roll Call Vote: 7-0-0

Adjourn: 7:50 PM


Town Clerk


Date

Recording & Transcription by: Cristina Guilford, Town Clerk



RESOLUTION

Number 2023-082

To Confirm the Re-Appointment of the Assessor

WHEREAS, Section 8.8(A) of the Town Charter requires that the Town Council confirm the appointment of certain officers appointed by the Town Administrator; and

WHEREAS, the Town Council pursuant to Resolution #2019-032 confirmed the appointment of Stephan Hamilton and Whitney Consulting, LLC as Assessor for the Town of Derry with a term to expire December 31, 2023; and

WHEREAS, Stephan Hamilton and Whitney Consulting have successfully demonstrated that they possess the necessary skills and experience to successfully manage the Town's assessing functions and responsibilities; and


WHEREAS, the Town and Whitney Consulting have successfully concluded negotiations on an extension of an Agreement to provide assessing services through December 31, 2028.

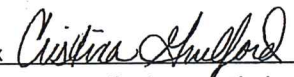
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of Stephan Hamilton and Whitney Consulting, LLC as Assessor for the Town of Derry with a term to expire December 31, 2028, is hereby confirmed.

This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2023

Attest:

x 
Charles Foote, Council Chair
Date: December 19, 2023

x 
Cristina Guilford, Town Clerk
Date: December 19, 2023

Archival Ref: TC agenda – Non-Public & Agenda Item #23-131



RESOLUTION

Number 2023-084

To Accept and Expend Bridge Funds from the State of New Hampshire

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

WHEREAS, the State Legislature appropriated additional funds for bridges in the FY24 budget; and

WHEREAS, The Town Council previously enacted Resolution #2023-045 which authorized acceptance of a portion of these funds; and

WHEREAS, the New Hampshire Department of Transportation completed its allocation formula for these funds.

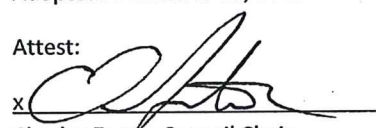
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to accept the balance of Special One Time Bridge Payment from the State of New Hampshire in the amount of \$2,257.42 and deposit into the Bridge Fund.

This Resolution shall take effect immediately upon its passage.

Adopted: December 19, 2023

Attest:

x


Charles Foote, Council Chair

Date: December 19, 2023

x


Cristina Guilford, Town Clerk

Date: December 19, 2023

Archival Ref: Agenda #23-132



RESOLUTION

Number 2023-081

To Approve a Supplemental Appropriation for Improvements at the
Derry Public Library

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, improvements are required at the Derry Public Library; and

WHEREAS, a Capital Reserve Fund was established in FY 2003 for the maintenance and improvements to the Derry Public Library; and

WHEREAS, the Derry Public Library Board of Trustees has requested authorization to utilize a portion of the fund for this purpose; and

WHEREAS, government efficiencies will be realized by naming an Agent to Expend to disburse these funds in the future.


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Nine Thousand Five Hundred One Dollars and Thirty-Two Cents (\$9,501.32) shall be appropriated from the Derry Public Library Capital Reserve Fund to finance these improvements.

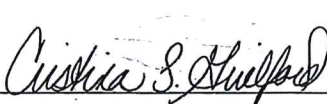
FURTHER, pursuant to RSA 35, the Town Council is hereby designated as the Agent to Expend for the Derry Public Library Capital Reserve Fund.

This Resolution has been adopted by two-thirds majority of the entire Council as required by Charter and shall take effect immediately upon its passage.

Adopted: December 19, 2023.

Attest:

x 
Charles Footé, Council Chair
Date: December 19, 2023

x 
Cristina Guilford, Town Clerk
Date: December 19, 2023

Archival Ref: TC agenda item #23-128