

TOWN OF DERRY

Town Council
Derry Municipal Center

February 2, 2021
Tuesday - 7:00 PM

6:00 PM Non-Meeting – RSA 91A:2 (a)

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 Tripp, Katsakiores, and Chairman Foote in-person and Councilor's Bourdon, Morgan, Chirichiello, and Wetherbee by Video.
Present: TA David Caron, 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

Corrine Dodge: Warner Hill Rd – Discussed her citizen's petition on the State redistricting. The Town has drafted a letter and councilors can sign on if they support it.

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

Consent Agenda

21-14 Approve Minutes – January 19, 2021

Motion by Councilor Tripp to approve the consent agenda, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Chairman's Report – Charlie Foote

State Representative Pearson read a proclamation for Apollo 14 and Alan Shepard acknowledging Friday February 5, 2021 Apollo 14 Remembrance Day. The Town Council discussed the Comcast data charges. The Federal Government prohibits the local government from getting involved in internet services. All 10 of the Derry State Representatives have been sworn in. Conservation Commission Chair James Regan gave an update on the commission. The Conservation Commission consists of 7 regular members and 4 alternates, appointed by the Town Council for a 3 year term. The group meets the 2nd and 4th Monday of each month at the Derry Municipal Center in the 3rd Floor Meeting Room at 7:00pm. The Commission is

responsible for the proper stewardship, utilization, and protection of the natural resources of Derry. Planning Board Chair John O'Connor gave an update on the board. The general role of the Board is to provide for the orderly growth and development of the municipality. The Board reviews commercial and residential applications, approving them if they meet the regulations of the Town. The Board is also responsible for the creation and update of the Master Plan which documents the vision of the town for a period of about 10-15 years into the future. Derry's Planning Board is comprised of 7 full members, 3 alternates, and two ex-officio members. Zoning Board of Adjustment Chair Lynn Perkins gave an update on the board. The Zoning Board is a judicial board, consisting of 5 regular members and 5 alternates, appointed by the Town Council for a 3 year term. The board meets the 1st & 3rd Thursday of the month at 7:00pm. The Board grants Variances and Exceptions to the Zoning Laws & Regulations of the Town. Chairman Foote recognized that January 9th was National Law Enforcement Day.

Town Administrator's Report – David Caron

Emergency Management Director and Fire Chief Mike Gagnon gave a report on the Town's response to COVID-19. CFO Mark Fleischer gave a report on the FY21 2nd Quarter Financials.

The FY22 budget review scheduled is included in the Town Councilor's packets as proposed. It consumes every Tuesday in April and Thursday April 15th. The Hazardous Recognition Program gift cards will be distributed this month. In total, 724 gift cards were purchased from 98 local businesses which will circulate \$36,200 through the local economy. Senator Birdsell's bill would allow the Town to provide flexibility with using wheeling charges revenues from the SNH Water Interconnection Project. The Town will be tracking this bill. The CFO has completed the first draft of the Capital Improvements Program, which will be presented to the Council at the March 2 meeting. NHDES has agreed to conduct supplemental Phase II environmental work at 19 Elm Street, which is critical to better understanding any remediation or obstacles which may be presented as the Town attempts to encourage redevelopment on that parcel. The work is expected to be completed by June 30th. The CFO reports that most revenues continue to maintain budgeted levels. Economic Development is coordinating the Derry Restaurant Month Pokeno. Patrons need to visit at least six establishments in February to be eligible for prizes. Details are on the Town's website.

Public Hearing

21-06 Resolution #2021-004 – Apply for and accept grant funding to replace Self-Contained Breathing Apparatus for the Fire Department – *Fire Chief Mike Gagnon presenting*

The Fire Department is requesting permission to apply for an Assistance to Firefighters Grant (AFG) through the US Department of Homeland Security. The amount of this grant request is approximately \$700,000 with a 10% cost share. The Town's cost share would be funded through the capital improvement fund. If awarded, this grant funding would support the replacement of 46 Self-Controlled Breathing Apparatuses, 26 additional regulators, 92 air cylinders, 80 face pieces, two rapid intervention team (RIT) air packs and the air cylinder refilling station. The current equipment is at the end of its life cycle and is not compliant with current

National Fire Protection Association (NFPA) safety standards. A SCBA is a critical piece of safety equipment for firefighters. SCBA provide respiratory protection and are worn inside dangerous atmospheres such as building fires or hazardous material incidents. Firefighters cannot enter dangerous atmospheres without this equipment. Existing SCBA are over 13 years old and NFPA safety standards have seen two revisions. These revisions reflect significant changes in performance and engineering designed to improve firefighter safety and interoperability. Existing SCBA are seeing increased out-of-service time due to increasing age related maintenance repairs. The increased age and general wear and tear negatively impact reliability and safety. Soft (in-kind) matches are not allowed with the AFG. The capital improvement fund would be used to support this expenditure and there would be no impact on the operating budget.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-004 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

New Business

21-09 Letter addressing State Legislative Redistricting – *Town Administrator Dave Caron presenting*

Corinne Dodge of Warner Hill Road has submitted an individual petition to the Town Council for their consideration. The petition requests the Council to take a position on the upcoming redistricting at both the town and state levels, redistricting is mandatory at the State level at the conclusion of the decennial census which most recently was completed in 2010. Section 1.5 of the Town Charter maintains the four Council districts, and requires the Council, if necessary, to adjust and establish new boundaries based on decennial Census data. The Charter further allows the Council to establish its own rules and procedures governing this process. A letter was read that was drafted by staff, any councilors interested in signing the letter will have until Thursday to do so.

21-15 Resolution #2021-011 – Adopt guidelines for the implementation of the Commercial/Industrial Property Tax Exemption Program - *Town Administrator Dave Caron presenting*

The Town Council previously enacted the Derry Commercial/Industrial Property Tax Exemption Program under Ordinance #2019-010 in October 2019. Despite the Pandemic, activities within the economic development office have been brisk, including the receipt of several applications for consideration under this program. The Council held a public hearing on one application at the January 19 meeting, with two more hearings scheduled for February 16th meeting. Although

state law limits the tax exemption on the new value created by the development to 50% of its assessed value for a period not to exceed ten years, the Council directed staff to draft implementation guidelines which could aid the Council in its deliberations as it determines the appropriate level of exemption for each application. The goal of the program is to provide additional incentives to attract more commercial/industrial development to Derry, to both enhance the community's commercial-industrial tax base and spur job creation in the community. Currently, the value of commercial/industrial property in Derry is \$665M, which is approximately 18.1% of the Town's total taxable assessment (prior to exemptions) of \$3.676B (up from 13% a few years ago). The parameters for the program are those established by the State Legislature. Staff would amend the application form to receive information on the number of full-time equivalents which would provide the Council with additional impact and comparison information to consider when making its determinations. Also, the Council should require applicants to identify the source of jobs being created, whether they will be created as part of the applicant's development plan or merely anticipated through a third party's anticipated tenancy within a development. The Council had discussion and amended the terms to change 40% to 35% and 7 years to 5 years.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-011 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0**

21-16 Resolution #2021-012 – Rescind Order #2020-001 and Resolution #2020-050 and transfer funds back to the Hazardous Buildings Trust - *Town Administrator Dave Caron presenting*

This property has been identified as a blighted property through the Property Maintenance Committee starting in July 2018. The Code Enforcement office had sent several letters to the owner seeking immediate repair, without an affirmative return response. At the October 6, 2020 Town Council meeting, Resolution #2020-050 and Order #2020-001 were approved with an accompanying appropriation of \$15,000 to demolish the structure and place a lien on the property for Town costs under RSA 155-B:9. The former property owner, Michael Dawson, was given until January 1, 2021 to address the dilapidated structure. At the October 6, 2020 meeting, Mr. Dawson stated that he was attempting to sell the property in hopes that the next owner would demolish the structure and build a new single-family house. Code Enforcement stayed in contact with prospective buyers and a new owner emerged in December 2020 with a demolition plan and septic system design in hand to build a new four-bedroom house on the property. The actions by the new property owner allows for the Town to repurpose \$15,000 for other dilapidated structures discovered by Code Enforcement or the Property Maintenance Committee.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-012 which reads as follows [*Read the Resolution*], seconded by Councilor Tripp
Roll Call Vote: 7-0-0
Resolution attached**

21-17 Resolution #2021-013 - Disburse personal property received for COVID-19

Mitigation, Response and Recovery – *Fire Chief Mike Gagnon presenting*

Recently the fire department was contacted by Mr. Don Blaszk from the Derry Village Rotary Club. The Derry Village Rotary has graciously offered to donate 2,000 masks to the fire department. The total value of these items is \$600. Receiving these items would help to supplement our existing stock of PPE. With the future being uncertain with Covid-19, this donation should put the department in a good position with the PPE supply moving forward. The Town Council by Resolution #2020-023 authorizes the Town Administrator, pursuant to RSA 21-P:43, to apply for and accept funds, gifts, and services as they may become available for COVID-19 Mitigation, Response and Recovery, and designated the Council as Agent to Expend. The Town Administrator is requesting authorization to disburse this equipment for use by the Fire Department.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-013 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports –

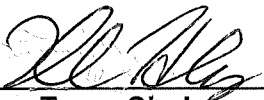
Councilor Tripp – 1st week in Concord for his committee meetings as a State Representative. The State house is like a ghost town with most meetings by Zoom. Anyone interested in submitting testimony can submit it online.

Councilor Katsakiores – Joanie at the Transfer station is finished with recovery and getting along with a walker. She thanks everyone for their thoughts and she will come before the council when she feels better.

Councilor Morgan moves to adjourn, seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Adjournment: 9:00 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

2/19/2021

Date



RESOLUTION

Number 2021-004

To Apply for and Accept Grant Funding to Replace Self-Contained
Breathing Apparatus for the Fire Department

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 Federal Governments; and

WHEREAS, the self-contained breathing apparatus (SCBA) is a critical piece of safety equipment for our firefighters; and

WHEREAS, the Department's current inventory is twelve years old, subject to frequent repairs and is need of replacement; and

WHEREAS, a grant opportunity may provide 90% of the funding for this program;

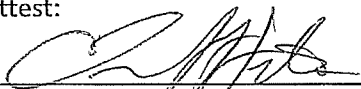
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with the U.S. Department of Homeland Security for an Assistance to Firefighters Grant (AFG) for up to \$700,000 in project funding to replace SCBA equipment; further,

UPON successful receipt of the grant, as Agents to Expend, authorize the transfer of up to \$70,000 from the Fire Department Capital Reserve fund to provide the 10% local match.

This Resolution shall take effect immediately upon its passage.

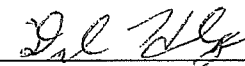
Adopted: February 2, 2021

Attest:

x 

Charles Foote, Council Chair

Date: 2/2/21

x 

Daniel Healey, Town Clerk

Date: 2/2/2021

Archival Ref: TC agenda item #21-06



Resolution #2021-011

To Adopt Guidelines for the Derry Commercial-Industrial Property Tax Exemption Program

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, On October 1, 2019 the Council adopted Ordinance #2019-010 which enacted the Derry Commercial/Industrial Property Tax Exemption Program; and

WHEREAS, the Program is designed to spur economic development and job creation by granting a partial tax exemption on property improvements; and

WHEREAS, the Council desires to adopt guidelines to consider when acting upon applications received under this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the implementation guidelines as attached for the Derry Commercial-Industrial Property Tax Exemption program.

This Resolution shall take effect immediately upon its passage.

Adopted February 2, 2021

Attest:

x 

Charles Foote, Council Chair

Date: 2/2/21

x 

Daniel Healey, Town Clerk

Date: 2/2/2021

Archival Ref: Agenda #21-15



RESOLUTION

Number 2021-012

To Rescind Order #2020-001 and Resolution #2020-050, and Transfer
Funds back to the Hazardous Buildings Trust

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town; and

WHEREAS, the Town Council previously created an Expendable Trust for the Repair or Removal of Hazardous Buildings with the Town Council designated as Agents to Expend; and

WHEREAS, The Code Enforcement Division within the Department of Public Works identified a hazardous structure which required immediate remediation; and

WHEREAS, the Town Council, acting pursuant to RSA 155-B, adopted Ordinance #2020-001 and Resolution #2020-050 which authorized the Town Administrator to pursue summary enforcement for a building at 264 Hampstead Road and to transfer Fifteen Thousand Dollars (\$15,000) from the Expendable Trust Fund for the Repair and Removal of Hazardous Buildings as reimbursement for anticipated expenses; and

WHEREAS, the Town Council adopted Resolution #2020-050 with an effective date of January 1, 2021 after hearing from the property owner who pledged to sell the property and address the hazardous conditions; and

WHEREAS, the owner was successful transferring the property and the hazardous conditions have been abated by the new owner;

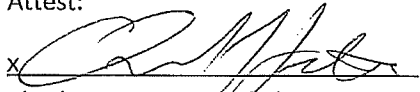
Archival Ref: Agenda Item #21-16

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby rescinds Order #2020-001 which authorized the Town Administrator to pursue summary enforcement with the Derry District Court for the hazardous building located at 264 Hampstead Road, and, pursuant to Section 9.7 of the Charter, to authorize the Town Administrator to transfer Fifteen Thousand Dollars (\$15,000) from the FY 21 General Fund Highway (18422000 – 490000) back to the Expendable Trust Fund for the Repair and Removal of Hazardous Buildings.

This Resolution shall take effect immediately upon its passage.

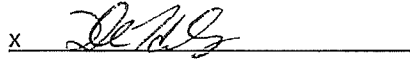
Adopted: February 2, 2021

Attest:

x 

Charles Foote, Council Chair

Date: 2/2/21

x 

Daniel Healey, Town Clerk

Date: 2/2/2021

Archival Ref: Agenda Item #21-16