

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday March 15, 2022
3rd Floor Meeting Room

MINUTES

6:45 PM **Non-Public Session – RSA 91A:3 II (c)**
6:55 PM **Swearing in of Newly Elected Town Councilors**
7:00 PM **Call to order**

Motion by Councilor Wetherbee leave non-public session, seconded by Councilor Foote
Roll Call Vote: 6-0-0

Motion by Councilor Wetherbee to seal the minutes indefinitely because it was determined divulgence of this information would render a proposed action ineffective, seconded by Councilor Bourdon
Roll Call Vote: 6-0-0

Councilor Spencer moves to pass the motion made in non-public, seconded by Councilor Foote
Roll Call Vote: 6-0-0

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

Roll Call: Councilors Katsakiores (9PM), Chirichiello, Spencer, Wetherbee, Foote, Flood, and Bourdon
Present: TA Dave Caron, Town Clerk Daniel Healey

22-33 Election of Officers

Motion by Councilor Wetherbee to nominate Councilor Bourdon as the Chair, seconded by Councilor Spencer
Roll Call Vote: 6-0-0

Motion by Councilor Wetherbee to nominate Councilor Spencer as the Chair Pro-Tem, seconded by Councilor Chirichiello
Roll Call Vote: 6-0-0

Motion by Councilor Chirichiello to nominate Councilor Foote as the Third Signatory, seconded by Councilor Spencer
Roll Call Vote: 6-0-0

Public Forum - *30 Minutes*

Motion by Councilor Chirichiello to open public forum, seconded by Councilor Foote
Roll Call Vote: 6-0-0

Building/Property Maintenance Committee Council Representative: **Councilor Foote**
Conservation Commission Council Representative: **Councilor Wetherbee**

Derry Housing & Redevelopment Authority Council Representative: **Councilor Chirichiello**
Derry Public Library Council Representative: **Councilor Spencer**
Economic Development Committee Council Representative: **Councilor Flood**
Fiscal Committee Council Representative: **Councilor Flood**
Heritage Commission Council Representative: **Councilor Katsakiores**
Legislative Committee Members: **Councilor's Foote, Wetherbee, & Spencer**
Net Zero Task Force Council Representative: **Chairman Bourdon**
Pinkerton Academy Liaison: **Councilor Wetherbee**
Planning Board Council Representative: **Councilor Chirichiello (Councilor Foote – alternate)**
Public Works Council Representative: **Councilor Flood**
Safety Departments Council Representative: **Councilor Katsakiores**
School Board Council Representative: **Councilor Spencer**
SNH Hazardous Materials Mutual Aid District Council Representative: **Councilor Chirichiello**
Taylor Library Council Representative: **Councilor Foote**
TIF Advisory - DCC: **Councilor Chirichiello**
TIF Advisory – Gateway: **Councilor Wetherbee**

Ellen Gallo: Bradford St – Congrats to the new members and thanks for all that you do. Is a parent of a transgender 18 year old daughter. Here on behalf of her family of 5 and others that could not make it. There is a billboard on Crystal Ave that states "Irreversible Damage" and that "Puberty is not a medical condition". She does not agree with this signs message and is hoping the Town or the Town Council can assist in getting it taken down. It is near the high school and children are seeing this message displayed.

Motion by Councilor Foote to close public forum, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Consent Agenda

22-34 Approve Minutes – March 1, 2022

22-35 Accept Resignation of Conservation Commission Alternate Member Maria Capulli

Councilor Wetherbee moves to approve the consent agenda item 22-34, seconded by Councilor Foote

Roll Call Vote: 5-0-1 (Councilor Flood)

Councilor Wetherbee moves to approve the consent agenda item 22-35, seconded by Councilor Foote

Roll Call Vote: 6-0-0

Chairman Report – Joshua Bourdon

Town Moderator Tina Guilford gave a report on the 2022 Town and School Elections. The debates for this election were very popular and Tina would like to continue holding them. Voter turnout doubled from last years town election as the town had 2,814 voters.

April 16th from 9am to 12pm there will be a community cleanup event that will start at The Coffee Factory. Join your neighbors for a event to pick up roadside litter and promote Clean Up Week. Go Green will provide you with bags and a map. Groups of two to five will disburse from the event to clean up their chosen or assigned area. It is recommended that you wear gloves and bright colors for safety.

State Representative Layon has been working on the legalization of cannabis for more revenues for the State.

Chairman Bourdon would like to expand Net Zero in town.

Building & Property Maintenance Committee

Chairman Bourdon moves to appoint Michael Welch and Johnathan West as members of the Building & Property Maintenance Committee for 1 year terms to expire March 31, 2023, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Conservation Commission

Chairman Bourdon moves to appoint James Degnan as a member of the Conservation Commission for 3 year term to expire March 31, 2025, seconded by Councilor Foote

Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint Margie Ives as an alternate member of the Conservation Commission for 3 year term to expire March 31, 2025, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint Jeannie Cunningham as an alternate member of the Conservation Commission for 2 year term to expire March 31, 2024, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Derry Housing & Redevelopment Authority

Chairman Bourdon moves to appoint Tyler Adcox as a member of the Derry Housing & Redevelopment Authority for a 5 year term to expire March 31, 2027, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Heritage Commission

Chairman Bourdon moves to appoint T.J. Cullinane and Paul Lindemann as members of the Heritage Commission for 3 year terms to expire March 31, 2025, seconded by Councilor Foote

Roll Call Vote: 6-0-0

Highway Safety Committee

Chairman Bourdon moves to appoint Scott Savard, Walter Deyo, Randall Chase, Ronald Goldthwaite, and Dan Healey as members of the Highway Safety Committee for 1 year terms to expire March 31, 2023, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Net Zero Task Force

Chairman Bourdon moves to appoint Tom Cardon as a member of the Net Zero Task Force for 3 year term to expire March 31, 2025, seconded by Councilor Spencer

Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint Chris Cox as an alternate member of the Net Zero Task Force for 3 year term to expire March 31, 2025, seconded by Councilor Spencer

Roll Call Vote: 6-0-0

Planning Board

Chairman Bourdon moves to appoint Randall Chase as the Town Administrator's representative to the Planning Board for a 1 year term to expire March 31, 2023, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint Andrew Myers, Joseph Tremper, and David McPherson as members of the Planning Board for 3 year terms to expire March 31, 2025, seconded by Councilor Wetherbee

Councilor Chirichiello moves to appoint Dave Granese as a member of the Planning Board for a term to expire March 31, 2025, seconded by Councilor Wetherbee

(Chairman Bourdon elects for a roll call on Councilor Chirichiello's motion first)

Roll Call Vote: 4-2-0 (Chairman Bourdon and Councilor Wetherbee)

Chairman Bourdon moves to appoint Andrew Myers as a member of the Planning Board for 3 year term to expire March 31, 2025, seconded by Councilor Chirichiello
Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint Joseph Tremper as a member of the Planning Board for 3 year term to expire March 31, 2025, seconded by Councilor Chirichiello
Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint Chris Feinauer as an alternate member of the Planning Board for 1 year term to expire March 31, 2023, seconded by Councilor Chirichiello
Roll Call Vote: 6-0-0

Chairman Bourdon moves to appoint David McPherson as an alternate member of the Planning Board for 3 year term to expire March 31, 2025, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Zoning Board of Adjustment

Chairman Bourdon moves to appoint Craig Corbett and Donald Burgess as members of the Zoning Board of Adjustment for 3 year terms to expire March 31, 2025, seconded by Councilor Chirichiello

Roll Call Vote: 6-0-0

Town Administrator's Report – Dave Caron

NHDOT will be repaving Manchester Road in its entirety from Ross' Corner to the Londonderry town line. The overall project will encompass additional mileage on state highways in other communities, thus the Town has not been given any indication where the project will begin, but overall is expected to last through the summer months. Fire Revenues, Motor Vehicle, Town Clerk, building permits, transfer station, and tax receipts exceeded the previous week. Health permits and planning applications were behind. Motor vehicle was very active with close to \$175k in activity, still too early to project whether the Town will surpass the \$700k collected last March. Representatives from Dreamland Skateparks visited Derry last Thursday to kickoff the design effort for the 100' x 100' skatepark. They met with Town staff and a representative from the Derry Skatepark ReVamp group on site to review conditions and discuss various ideas. Later in the evening, Dreamland held a public scoping meeting to obtain ideas and concepts to incorporate into the design. Dreamland will return in approximately two weeks to further discuss preliminary conceptual ideas with Town staff. The workshop was useful for Dreamland as they were able to hear ideas for the geometric features directly from some of the future users.

Next steps:

1. Town to provide test pits for subsurface investigation (ledge and groundwater table) as soon as frost subsides
2. Preliminary design submitted for review and approval by Town
3. Construction drawings completed
4. Project breaks ground June/July 2022
5. 13-15 week construction timelines – projected completion date October 2022

Staff met with NHDES leadership last week to discuss a number of water-related issues in Derry. The Town was previously rejected on a planning grant application for the water system; NHDES notified the Town that the application was reconsidered and \$50K will be awarded. A resolution seeking Council approval will be forthcoming. The Town received 24 applications for the position of Fire Chief, both inhouse and external; staff is in the process of reviewing the submittals and identifying those candidates who will be invited to advance in the process. Written submission will be requested, after which the number of candidates invited for interview will be determined. The Town is seeking a Councilor to assist in the process by serving on the interview panel. The Town continues to work on resolving any outstanding issues at Abbott Court; one involves ownership of a sliver of roadway by Sawyer Court. It has been determined that ownership on a piece remains unidentified, however through the interstate process the State became involved; the Town anticipates resolution through action by the Governor and Council on April 6. The Town will be coordinating with Executive Councilor Stevens on this. Assessing Staff is sending out revaluation related income and expense surveys to all commercial and industrial property owners. Although this information is extremely helpful in

determining fair assessments, submittal of the information is voluntary. The Town was notified by Senator Shaheen's Office that Congress is finalizing passage of the FY22 Budget which would provide \$500,000 for funding towards the solar farm soon to be constructed at the closed landfill. These funds would reduce the fixed rate which the Town will pay for energy from 6.8 cents per kilowatt hour to 6.07. Unfortunately, federal funding for the Rail Trail is no longer included in the FY22 federal budget. The senate stripped these community projects from the recently-passed infrastructure bill; and as infrastructure funds will be allocated to the States, we will be monitoring opportunities through NHDOT.

Councilor Katsakiores joined the meeting at 8PM.

Public Hearing

22-25 Resolution #2022-019 – Apply, Accept and Expend a GOFERR Grant for EMS Equipment– *Director of EMS Chuck Hemeon presenting*

The Cardiac Monitor/Defibrillator is a critical piece of equipment required for Advanced Life Support Ambulances that complies with American Heart Association ACLS guidelines and NH EMS Protocols. The LifePak-15 allows manual/AED defibrillation, cardiac monitoring, noninvasive pacing, SpO2, SpCO, NIBP and 12-lead EKG. The cardiac monitor/defibrillator is used on over 90% of all EMS calls. EMS Ultrasound is a form of medical imaging that is portable, non-invasive, painless and does not expose the patient or EMS Provider to ionizing radiation. This new technology allows the Paramedic to rapidly detect intra-abdominal bleeding or fluid, perform cardiac ultrasounds, provide fetal monitoring, detection of lung pneumothoraxes. Allowing improved actionable information to the receiving hospital, rule out conditions and avoid "blind" or unnecessary interventions and may direct a change in destination hospitals to a hospital providing a higher level of care. One LifePak-15 is close to 20 years old and critical components are no longer available from vendor. Ultrasound technology will allow Paramedics to identify life threatening conditions in the field and relay critical information to the receiving hospital physicians and surgeons allowing lifesaving preparation prior to the arrival of the patient.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

No one from the public spoke.

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

Roll Call Vote: 7-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-019 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

22-26 Resolution #2022-020 – Establish a fee for Outdoor Dining in a Public Right of Way previously authorized under Chapter 134 of the General Code–*Economic Development Director Bev Donovan*

The Economic Development Department has developed a permit process and guidelines for restaurants in the Town of Derry to allow them to offer seasonal outdoor dining. The purpose of establishing the Ordinance is to promote economic vitality in the Town of Derry. The Governor's Emergency Order has been lifted and the Town is transitioning from the Temporary Outdoor Dining Permits to an annual permit which runs from April 1 through October 15 of each year. Permits for restaurants that wish to establish outdoor dining in the public rights of way (sidewalks) are authorized by the Town Council, with review of the permit application and oversight from Planning, Code Enforcement, Health and Fire Prevention. Restaurants wishing to establish outdoor dining on private lots will be required to follow the guidelines set out in the Ordinance, but the permits would be issued through the office of the Town Administrator. When the Outdoor Dining Ordinance was originally approved by Town Council in June of 2020, it was decided to not impose a permit fee, given the pandemic. The applicable section of the Ordinance was held in reserve. Staff recommends an annual permit fee of \$50.00 per application.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

No one from the public spoke.

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-020 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

22-27 Resolution #2022-021 – Apply, Accept and Expend an ARPA Grant for the Wastewater Division– *Public Works Director Mike Fowler*

The Town of Derry municipal wastewater system services customers in Derry and parts of Londonderry. The system consists of approximately 53 miles of gravity sewer, 1,500 manholes, eight raw wastewater pumping stations, two treated effluent pumping stations, 10 miles of force main, and a wastewater treatment facility serving 3,100 customers. The wastewater treatment plant (WWTP) has a design capacity of 4.0 million gallons per day (MGD) and in 2021 averaged just under 2.0 MGD discharged to the Merrimack River. It is recommended that the Town update its Wastewater Facilities Master Plan (the last update was in 2001) in order to assess the current status of its wastewater assets and what the future may hold in terms of potential growth and new effluent discharge limits. This information will enable the Town to plan for future system improvements and budget adequate funds to keep the system in good working order and in compliance with regulations while serving the needs of the community. The Council

approved \$100,000 in the FY22 Wastewater Fund budget to update the Facilities Plan. The Town also applied for and was awarded a Planning Grant under the American Rescue Plan Act for this work. With the availability of the grant funding, we are recommending that the Facilities Plan be expanded to include a detailed assessment of the WWTP's lagoons. The liner, sludge volumes, and aeration system will be evaluated, and recommendations made regarding repairs and replacements including cost opinions to remove and dispose of the sludge and replace the liners and air systems. These facilities are +/-30 years old and approaching the end of their useful life.

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

No one from the public spoke.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-021 which reads as follows [*Read the Resolution*], seconded by Councilor Spencer
Roll Call Vote: 7-0-0
Resolution attached

22-28 Resolution #2022-022 – Approve a Supplemental Appropriation and to Apply, Accept and Expend an ARPA Grant for the Wastewater Division– *Public Works*
Director Mike Fowler

The Town of Derry owns and operates a wastewater pumping station located at the intersection of Fordway and Transfer Lane. The pump station was constructed circa 1958 and receives all wastewater flow coming to the Wasterwater Treatment Facility and pumps it approximately 2,000 feet to the wastewater treatment lagoons. Average daily flow through this station is 1.7 million gallons per day. The influent pump station includes an electrical room and dry-pit with centrifugal pumps on one side, and a wet-pit with below-grade flow splitting channel and wet well on the other side. Due to the harsh environment and the age of the building, the wet-pit area has significant corrosion and structural deterioration. The Town's engineers performed a technical evaluation and have made recommendations for necessary improvements. The Main Pump Station is a critical piece of infrastructure. The pumps, motors, drives, and controls system contained therein have been regularly maintained but the building structure itself needs substantial repairs. Recommended structural improvements include new sluice gates, valves, doors, roof deck framing, louvers, ductwork, exhaust fan, lighting, and grating. Repairs to the interior and exterior concrete and brickwork as well as the roof membrane are also needed. To facilitate this work without impeding sewer flows, bypass pumping around the station will be needed during the work.

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

No one from the public spoke.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-022 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 7-0-0
Resolution attached

22-29 Resolution #2022-023 – Receive a donation for Skateboard Park activities –
Public Works Director Mike Fowler

Town Council has approved funds to build a new skate park at Alexander Carr Park. Design work will be initiated in March 2022 and construction to begin in Summer 2022. With the construction of the skate park by the end of 2022, there is excitement that the skate park will draw skaters from around the region. The non-profit group, Friends of the Derry Skate Park, were instrumental in promoting interest in the revitalization of the skate park. The Parks & Recreation division will manage and maintain the skate park during and after construction. The non-profit group and the Town will closely collaborate in the future success of the park. It is anticipated that the park will host events and serve as regional attraction. Another non-profit, the Jason Flood Memorial Foundation, assisted the Friends of Derry Skate Park by serving as a repository for the funds raised. Approximately \$10,605.89 is available to be donated to the Town's Recreation division for the purpose of supporting future events at the skate park. Their donation will be earmarked toward items that may be needed for community gathering events and other skating related activities. The funds will be managed through the Recreation division with input from the Friends of the Derry Skate Park

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

No one from the public spoke.

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

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-023 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 5-0-2 (Chairman Bourdon and Councilor Flood)
Resolution attached

22-30 Resolution #2022-024 – Apply, Accept and Expend a grant from the Alexander Eastman Foundation for Fire Department Equipment – *Deputy Emergency Management Director Ryan Bump*

The Derry Bureau of Emergency Management identified the need to improve our first responders' ability to access incidents located in remote and hard to reach area of town. There

are approximately 8.3 miles of recreational trails, including the Derry Rail Trail and Rockingham ATV Trail, as well as many additional miles of trails running along the electrical transmission lines throughout town. These trails are currently difficult and time consuming to access. This emergency vehicle would provide responders with the ability to remove an ill or injured patient from these remote areas, while lying flat on a medical backboard. Additionally, this vehicle would increase responders' ability to shuttle personnel and equipment to and from other types of emergencies, including forest fires. Finally, this vehicle may be used during non-emergency, community events— such as road races, parades and the annual Derry Fest— to shuttle personnel and equipment back and forth across large geographical areas. Incidents, including medical emergencies, often occur in hard to reach areas of our community. With this new vehicle, emergency responders could access these incidents more quickly and would arrive with sufficient equipment to render appropriate aid. This vehicle would also allow responders to more rapidly remove an ill or injured person from the remote area to awaiting ambulances for further treatment and transport. In addition to serving during medical emergencies, this vehicle would also be useful in transporting responders to and from forest fire incidents.

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

No one from the public spoke.

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

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-024 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-1 (Chairman Bourdon)
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Katsakiores – It was a busy day at the State House today and it starts again tomorrow at 8am.

Councilor Wetherbee – Wants to know if there is anything planning or legal can do to make Derry more welcoming. A sign ordinance may be a violation of freedom of speech but would like options explored to try and get this fixed. Congratulated Councilors Flood, Foote, and Chirichiello on their elections. Kudos to Councilor Chirichiello and Candidates Nick Sands for their friendly race for District 4 Councilor, it was refreshing to see.

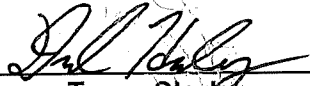
Councilor Chirichiello – Thanked District 4 for voting for him. Enjoyed running against Nick Sands.

Councilor Foote – Thanked people for coming out to vote and trusting him. Believes in free speech and the 1st amendment but just because you can, doesn't mean that you should.

Councilor Spencer – Welcomed Councilor Flood and re-elected Councilors Chirichiello and Foote.

Chairman Bourdon – Congratulated Councilors Chirichiello, Foote and Flood.

Adjourn: 8:55PM



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

4/19/2022

Date