

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**March 2, 2021
Tuesday - 7:00 PM**

**6:30 PM Non-Meeting – RSA 91A:2 (a)
6:45 PM Non-Public Session – RSA 91A:3 (c)
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.

**Motion by Councilor Tripp leave non-public session, seconded by Councilor Morgan
Roll Call Vote: 7-0-0**

**Motion by Councilor Tripp to seal RSA 91A:3 II (c) because it was determined divulgence of this information would render a proposed action ineffective, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0**

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

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

Public Forum - *30 Minutes*

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

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

Consent Agenda

- 21-25** Approve Minutes – February 16, 2021
- 21-26** Ordinance #2021-001 – Amend Article II, Word Uses and Definitions and Article VI, District Provisions for the Industrial IV District
- 21-27** Ordinance #2021-002 – Amend the Boundaries of the Traditional Business Overlay District

**Motion by Councilor Tripp to unseal portions of the non-public minutes from 4/7/2020; 7/21/2020; 9/1/2020; 9/15/2020; and 12/15/2020; and unseal all of the non-public minutes from 6/2/2020; 10/6/2020; 10/20/2020; and 11/10/2020 and to approve the consent agenda, seconded by Councilor Morgan
Roll Call Vote: 7-0-0**

Chairman's Report – Charlie Foote

Public Works Director Mike Fowler gave an update on the Highway Safety Committee. The committee normally meets every third Thursday of the month at 9:00 am at the Derry Municipal Center. All safety requests must be submitted in writing and forms are available online. The Committee is comprised of citizens and department staff. Issues brought to the committee's attention are generally requests for crosswalks, banning on street parking, stop signs, and traffic studies to determine average speed of traffic. Citizens frequently attend meetings to voice their concerns regarding motorists speeding, street lighting requests and signage that they feel the Town should be alerted to.

Town Moderator Tina Guilford gave an update on the Town and School Election scheduled for March 9, 2021. The election will take place at West Running Brook Middle School for all districts going from 7AM to 8PM.

Derry Police Officer Kevin Davies was struck by a vehicle on February 19th while conducting a crash investigation. Chairman Foote hand delivered a fruit basket to Officer Davies from the Town Council. Officer Davies had a successful surgery and is home recovering.

There was a moment of silence for lifelong Derry resident Bob Gorham. Mr. Gorham was a founding member of the Derry Rotary Club and served for over 40 years.

Town Administrator's Report – David Caron

The FY22 – FY27 Capital Improvements Plan has been included in the Councilor's packets for review. Last May, the Council adopted Emergency Ordinance #2020-006 which allowed the Town to expedite outdoor dining approvals for restaurants. As the Governor's State of Emergency is still in effect, the Town is planning to continue to implement this program for the 2021 Spring/Summer/Fall season. Should the Governor end the State of Emergency, the town will implement the provisions of the regular ordinance addressing this subject at the end of this outdoor dining season, as it would be disruptive during the season to make any necessary adjustments to comply with the regular ordinance. Senator Birdsall filed legislation to allow the use of revenues generated by the Southern New Hampshire Regional Water Interconnection Project for additional capital projects outside the water fund. The legislation has been incorporated into SB87, which is an omnibus finance bill and contains other provisions which may prove controversial. The hearing is scheduled for March 1 and the Town Administrator is planning on reporting on the matter at the next Council meeting. The town continues to monitor proposals by both the Biden Administration and Congress regarding additional relief, including direct payments to municipalities. The Town should know more in early March regarding potential aid amounts, program guidelines and eligible activities. The CFO reports that most revenues continue to maintain budgeted levels, with the exception of motor vehicle revenues, which may be attributed to timing issues. Previously, leased vehicles were registered in the month assigned by DMV to manufacturers, now, those vehicles are registered in the lessee's birth month. At the March 16th Town Council meeting the council will hold their election of officers, consider appointments to boards and committees, discuss the Hood Park

improvements, and reaffirm or request further action on the Recreation Capital Improvements plan. At the April 6th Council meeting, the Town Administrator will present the FY22 budget.

Public Hearing

21-19 Resolution #2021-014 – Accept Unanticipated Revenues from Health Trust and Primex and transfer the Town's share to the CBA Implementation Trust Fund –
CFO Mark Fleischer presenting

In October 2020, based on their FY2021 audited financial statements, the Board of Directors of Health Trust declared there was an accumulated premium surplus based on health, dental and short-term disability insurance premiums paid by the Town. Due to this declaration, a total of \$194,215.85 was returned to the Town. Additionally, in early FY2021, the Board of Directors of Primex declared a premium holiday on FY2021 unemployment insurance premiums and returned \$19,875.80 to the Town as the annual premium had already been paid. The total unanticipated revenue received by the Town was \$214,091.65. Of the \$194,215.85 surplus received from Health Trust, \$115,264.90 represents the Town share of the surplus. The balance will be refunded to current and former employees and retirees, based upon a percentage of their cost share. Of the \$19,875.80 received from Primex, the entire amount represents the Town share of the premium holiday. The total Town share is \$131,140.70 and is being recommended to be transferred to the CBA implementation Trust for future use.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-014 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

21-20 Resolution #2021-017 – Approve a supplemental appropriation for the Sunset Avenue Culvert project – *Public Works Director Mike Fowler presenting*
DPW had identified the need to upgrade an existing metal pipe culvert in the vicinity of 28 Sunset Avenue. \$50,000 was approved in the FY 21 budget for this purpose. The engineering consultant also identified a need to assess the hydraulic capacity of a second culvert located near the intersection of Windham Road and Sunset Avenue. The consultant had submitted a design cost of \$136,201 for both culvert designs. The first culvert (near 28 Sunset Avenue) was originally slated for construction in Summer 2021. It appears that the Town may secure a better price for both culverts if the projects are bundled for construction potentially in 2022 or 2023. Therefore, it imperative to initiate design work on the second culvert in FY 21 to afford the opportunity for construction on both culverts. A supplemental appropriation of \$86,201 is

requested, with the source of funding being the Bridge Fund, current balance of which is \$297,025.

Motion by Councilor Morgan to open public hearing, seconded by Councilor Tripp
Roll Call Vote: 6-0-0 (Wetherbee did not vote)

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-017 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0 (Councilor Wetherbee)

Councilor Comments / Liaison Reports –

Councilor Tripp – The Town Election is coming up. The VFW hosted a candidate forum for school board.

Councilor Chirichiello – A new Rockingham County program will pay for classes for LNAs and they are offering a \$4,000 signing bonus. Please visit their website or call.

Councilor Katsakiores – Questioned if St. Thomas Church was for sale, told the Council she talked with the priest and it is not for sale.

Councilor Morgan moves to adjourn, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Adjournment: 8:05 p.m.



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

3-17-2021
Date



RESOLUTION

Number 2021-017

To Approve a Supplemental Appropriation for the Sunset Avenue
Culvert

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, the Town Council had previously created and made appropriations to a Bridge Fund to pay for needed bridge and culvert improvements throughout the Town ; and

WHEREAS, the Town had planned to replace a culvert on Sunset Avenue and initial engineering review has identified the need to assess the hydraulic capacity of a second culvert in the general area; and

WHEREAS, it would be more economical to design and, at a later date, issue a Request for Bid for improvements for both culverts; and

WHEREAS, additional funds are needed at this time for the design of the second culvert; and

WHEREAS, funds are available in the Bridge Fund;

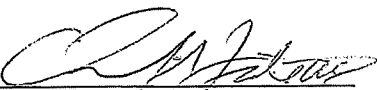
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Eighty-Six Thousand Two Hundred One Dollars (\$86,201) shall be appropriated for additional engineering services with an equal amount transferred from the Bridge Fund.


Archival Ref: TC agenda Item #21-20

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: March 2, 2021.

Attest:

x 
Charles Foote, Council Chair
Date: 3/3/21

x 
Daniel Healey, Town Clerk
Date: 3/12/21

Archival Ref: TC agenda item #21-20



RESOLUTION

Number 2021-014

To Accept Unanticipated Revenues from Health Trust and Primex and
Transfer to the CBA Implementation Trust.

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from a variety of sources to be used for public purposes; and

WHEREAS, the Town partners with Health Trust to provide health insurance coverage for its employees; and

WHEREAS, the Town partners with Primex to provide unemployment compensation coverage for its employees; and

WHEREAS, both Health Trust and Primex have accumulated excess revenues which are now being returned to the Town; and

WHEREAS, the Town Council pursuant to Resolution #2017-038 created the CBA Implementation Expendable Trust Fund to assist with funding current or future collective bargaining agreements;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept \$214,091.65 in unanticipated revenues and transfer \$135,140.70, which represents the Town's share to the CBA Implementation Expendable Trust Fund.

This Resolution shall take effect immediately upon its passage.

Adopted March 2, 2020

Attest:

A handwritten signature in black ink, appearing to read "C. Foote", written over a horizontal line.

Charles Foote, Council Chair

Date: 3/3/21

A handwritten signature in black ink, appearing to read "D. Healey", written over a horizontal line.

Daniel Healey, Town Clerk

Date: 3/3/21

Archival Ref: TC agenda item #21-19