

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**March 24, 2020
Tuesday - 7:00 PM**

6:00 PM	Non-Meeting with Legal Counsel
6:45 PM	Non-Public Session – RSA 91-A:3 (c)
7:00 PM	Call to order

**Councilor Tripp moves to leave non-public session, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0**

**Councilor Tripp moves to seal RSA 91A:3 II (c), seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0**

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

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

19-21 Election of Officers

Councilor Bourdon nominates Councilor Foote as the Council Chairman, seconded by Councilor Katsakiores

Councilor Morgan nominates Councilor Chirichiello as the Council Chairman, seconded by Councilor Tripp

Roll Call Vote:

**Councilor's Bourdon, Katsakiores, Wetherbee, and Foote select Councilor Foote
Councilor's Morgan, Tripp and Chirichiello select Councilor Chirichiello
Councilor Foote named Council Chairman (4-3-0)**

**Councilor Chirichiello nominates Councilor Tripp as the Council Chairman Pro Tem, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-1 (Councilor Tripp)**

**Public Forum - *30 Minutes*
Open Public Forum – all agreed**

No one from the public spoke.

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

Consent Agenda

- 20-22 Approve Non-Public Minutes – March 3, 2020 – Minutes Sealed**
- 20-23 Approve Minutes – March 3, 2020**
- 20-24 Approve Non-Public Minutes – March 13, 2020 – Minutes Sealed**

- 20-25** Acceptance of Resignation – Jennifer Thielker, Alternate Trustee, Taylor Public Library
20-26 Ordinance #2020-004 – To Amend Article II, Section 165-5 and Article XX, Livestock and Fowl

Roll Call Vote: 7-0-0

Consent agenda approved

Chairman's Report – Charlie Foote

Appointment of 3rd Signatory: **Councilor Wetherbee**
Building/Property Maintenance Committee Council Representative: **Councilor Morgan**
Cable Committee Council Representative: **Councilor Morgan**
Conservation Commission Council Representative: **Councilor Wetherbee**
Derry Housing & Redevelopment Authority Council Representative: **Councilor Foote**
Derry Public Library Council Representative: **Councilor Tripp**
Economic Development Committee Council Representative: **Councilor Tripp**
Fiscal Committee Council Representative: **Councilor Morgan**
Heritage Commission Council Representative: **Councilor Katsakiores**
Legislative Delegation Representative Council Representative: **Councilor Chirichiello**
Net Zero Task Force Council Representative: **Councilor Bourdon**
Pinkerton Academy Liaison: **Councilor Wetherbee**
Planning Board Council Representative: **Councilor Tripp**
Public Works Council Representative: **Councilor Wetherbee**
Safety Departments Council Representative: **Councilor Katsakiores**
School Board Council Representative: **Councilor Tripp**
SNH Hazardous Materials Mutual Aid District Council Representative: **Councilor Chirichiello**
Taylor Library Council Representative: **Councilor Foote**
TIF Advisory Board: **Councilor Morgan**
Legislative Committee Members: **Councilor's Tripp, Bourdon, and Katsakiores**

Building & Property Maintenance Committee

Chairman Foote moves to appoint Michael Welch as a member of the Building & Property Maintenance Committee for 1 year term to expire March 31, 2021, seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0

Conservation Commission

Chairman Foote moves to appoint Riccardo Buzzanga and Eileen Chabot as members of the Conservation Commission for 3 year terms to expire March 31, 2023 and moves to appoint Bob Boonstra as an alternate member of the Conservation Commission for a 3 year term to expire March 31, 2023, seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0

Economic Development Committee

**Chairman Foote moves to appoint Chrissy Gossel and Lauren Neves as members of the Economic Development Committee for 3 year terms to expire March 31, 2023, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0**

Heritage Commission

**Chairman Foote moves to appoint Karen Blandford-Anderson and Mark Wiseman as members of the Heritage Commission for 3 year terms to expire March 31, 2023 and moves to appoint Catherine Baumann as an alternate member of the Heritage Commission for 3 years to expire March 31, 2023, seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0**

Highway Safety Committee

**Chairman Foote moves to appoint Walter Deyo, Scott Savard, Randy Chase, Ronald Goldthwaite, James Roddy and Jacob Pelletier as members of the Highway Safety Committee for 1 year terms to expire March 31, 2021, seconded by Councilor Tripp
Roll Call Vote: 7-0-0**

Derry Housing & Redevelopment Authority

**Chairman Foote moves to appoint Carol Yanzo-Murphy as a member of the Derry Housing & Redevelopment Authority for a 5 year term to expire March 31, 2025, seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0**

Net Zero Task Force

**Chairman Foote moves to appoint Craig Lazinsky and Michael Fodiman as a members of the Net Zero Task Force for 3 year terms to expire March 31, 2023, and moves to appoint John Eckerson as an alternate member of the Net Zero Task Force for a 3 year term to expire March 31, 2023, seconded by Councilor Tripp
Roll Call Vote: 7-0-0**

Planning Board

**Chairman Foote moves to appoint Randy Chase as the Town Administrator's representative to the Planning Board for a 1 year term to expire March 31, 2021, seconded by Councilor Chirichiello
Roll Call Vote: 7-0-0**

Councilor Morgan moves to appoint Dave Granese as a member of the Planning Board for a 3 year term to expire March 31, 2023, seconded by Councilor Tripp

Roll Call Vote: 3-4-0 (Councilors Bourdon, Katsakiores, Wetherbee and Chairman Foote)

Zoning Board of Adjustment

Chairman Foote moves to appoint Crystal Morin and Theresa Ryan, as members of the Zoning Board of Adjustment for 3 year terms to expire March 31, 2023, seconded by Councilor Tripp

Roll Call Vote: 7-0-0

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. The Governor announced yesterday that meetings will have more flexibility with regards to access to the public and being able to use the phone and video calls. The Transfer Station is now accepting Master Card, Visa, Discover and American Express, and debit cards with Visa/Master Card logo. Citizens can continue to pay by check or cash. State law prohibits the Town from underwriting the cost of the convenience fee, thus, the added cost is 2.79% with a minimum fee of \$1.50 per transaction. The State Board of Tax and Land Appeals has cancelled a hearing on Friday March 20 at 9AM in Concord to review the joint petition between the Town and DRA which will formalize the Town's plan to conduct a revaluation in 2020. The TIF District Development Plan has been finalized for review by the Advisory Board, they will meet as soon as environmental conditions allow. The Planning Board received a presentation on the FY 21 - 26 Capital Improvements Plan on Feb. 19. The plan will be delivered to the Council as part of the FY21 budget, and a copy is included in this meeting packet. The FY21 budget will be delivered to the Council prior to April 1st. Discussions are ongoing with Comcast and staff hopes to be in a position within the next couple of Council meetings to make a presentation and schedule a public hearing for adoption. The town has received the UNH Rec Study report, it is in the Council's packets and will be posted to the website tomorrow. The Open House at Pease scheduled for May 16, has been postponed. The Central Fire Station complex consists of the main building and an addition to the west, the current addition is the third modular to occupy that site, and has been found to be in structural disrepair in addition to other safety hazards. Staff anticipates returning to the Council in the near future with a recommended plan to replace and fund that portion of the facility. DPW Activities are still ongoing. The Southern New Hampshire Regional Water Project has two separate contracts that have been on-going through the winter. Water main piping has been installed along Route 28 to the Windham/Derry town line with a pressure reducing valve building on-going. In the second contract, a booster pump station located on Manchester Road at the Derry/Londonderry town line is under construction. Both projects are on schedule to be completed and activated by July 2020. Bids were recently opened to upgrade HVAC equipment at the Derry Municipal Center and Derry Public Library. These projects will be scheduled for May/June 2020 completion with the exception of controls at DPL which will be worked on in a later phase to be completed by September 2020. Both of these projects are well within budget, which may result in some projects contemplated in FY21 included into this current authorization. Starting this week, DPW crews will be working on East Broadway in preparation of paving work in April to mill, shim and overlay as part of the roadway management program. DPW is attempting to fit the project in during this period while contractors are available, and traffic is diminished. A contract has been signed to replace the existing culvert on North Shore Road with a projected start date of June 15 and completion date in early September 2020. This work will require the full closure of North Shore Road for a period of approximately 12 weeks to install a new precast concrete box culvert. As a follow up to last fall's attempt to find contractors, a bid

has been solicited to replace 20 trees in downtown. The bid opening is slated for March 27, with an expected completion date of May 31, 2020. Existing overgrown trees will be removed and replaced with new smaller trees suitable for the urban environment. Tax, Town Clerk, and Assessing will use alternating staff each week.

Public Hearing

20-19 Ordinance #2020-002 – Amendment to Traffic Ordinances, Section 150-4, Prohibited Parking – Fenway Street – *Public Works Director Mike Fowler presenting*

The Highway Safety Committee received a request from a resident on Fenway Street to consider permanently banning on-street parking between the intersection of Fenway and East Broadway and the corner which terminates in front of 3 Fenway. The Highway Safety Committee discussed the issue at the December 19, 2019 meeting and determined that parking should be prohibited along the westerly side of Fenway beginning at East Broadway to the property line of #1 and #3 Fenway and on the easterly side beginning 200 feet from East Broadway to the property line of #6 and #8 Fenway.

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2020-002, which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Ordinance attached
Roll Call Vote: 7-0-0

20-20 Ordinance #2020-003 – Amendment to General Code Chapter 55, Food Service Establishments – *Public Works Director Mike Fowler presenting*

The Town adopted Chapter 55. Food Service Establishments, in 1982, which, for the most part, adopted by reference the State of NH Chapter He-P 2300 Sanitary Production and Distribution of Food. The last adoption by Town Council occurred June 2014, effective July 2014. The Public Health Department seeks to propose the following amendments to Chapter 55. Food Service Establishments (see attached addendum):

1. Update the classification system to be more business, user-friendly on current food service application.
2. Increase specified fees to be more in line with State of NH fees; as well as other comparable, surrounding self-inspecting communities to generate revenue.
3. Add a Dog Friendly Outdoor Dining Variance to the Town. This business-friendly initiative will help promote the Town of Derry, sending a message to residents and visitors alike that all are welcome and encouraged to visit and enjoy everything that the Town has to offer.

4. He-P 2312 shall be deleted in Section 55-1 (B). Part He-P 2312 of the NH State Food codes [Chapter He-P 2300 Sanitary Production and Distribution of Food] was repealed in June 2015, and readopted and renumbered as "Poultry Producers and Rabbit Producers selling Poultry and Rabbits to Restaurants Licensed under RSA 143-A. The former code is now obsolete.

FY20-21 license fee renewals are anticipated to earn \$3,575.00 with increases ranging from \$15 - \$35 for Type 3-5 licenses. Dog variance impact is minimal; two businesses @ \$100.00 each = \$200.00.

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

No one from the public spoke.

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

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL table Ordinance #2020-003
Roll Call Vote: 7-0-0

New Business

- 20-27** Resolution 2020-010 – Apply for and accept grant funding from NHHSEM for an equipment grant for Warm Zone Responses – *Fire Chief Mike Gagnon presenting*

The Derry Fire Department began researching best practices for fire and EMS response to active shooter incidents several years ago. At the time, there were no local guidelines. They worked collaboratively with their law enforcement partners to develop procedures for an active shooter incident. In 2014, the department purchased equipment to protect EMS responders treating patients in the warm zone. The Warm Zone refers to the area that the police have either cleared or isolated the threat. The department continues to actively train with the police department to assure EMS responders can access and treat victims of an active shooter incident as rapidly as possible, while providing for the safety of their responders. On April 24th of 2018, the Town of Derry accepted a grant award of \$6,000 under the State Homeland Security Program (SHSP) portion of the 2017 Homeland Security Grant Program (HSGP) for the purchase of specified EMS Warm Zone Equipment. The equipment included protective ballistic vests, helmets, associated gear and medical supplies to treat trauma victims in the warm zone. Recently, the NH Department of Safety announced an expansion of this Grant that the Fire Department accepted in 2018. This expansion allows communities who have already received the equipment grant and fulfilled all of the training requirements, to be eligible for a second equipment grant of up to \$6,000 with no additional training requirements or cost match required. This grant funding would be used to purchase additional equipment to protect the town's first responders and better equip them to respond to and treat victims of an active shooter incident. Active shooter events can happen in any community at any time. It is important that the Fire Department equip, and train the first responders, so they are protected and prepared to respond to such an incident. After the grant is awarded the Fire Department would purchase the specified equipment out of its operating budget and be reimbursed through the grant.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-010, which reads as follows [Read the Resolution], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports –

Councilor Wetherbee – Thanked Dan McKenna and Mary Till for their service on the School Board and as Town Moderator respectively. Congratulated Tina Guilford on becoming Moderator and Derick Anderson and Jessica Ring on their election to School Board.

Councilor Chirichiello – Thanked the workers at pharmacies and supermarkets for their effort during COVID-19.

Councilor Tripp – Noticed that people are making good use of the rail trail during this time.

Councilor Bourdon – Thanked Councilor's Wetherbee and Morgan for their service the past year as Chair and Chair Pro-Tem and stated that this is the best council he has been on. Grateful for the Town of Derry staff.

Councilor Morgan – Congratulated Chairman Foote on being selected Chair. Thanked Councilor Chirichiello for mentioning pharmacists. Urged residents not to hoard items right now and is concerned for local businesses and restaurants. Thanked Cable Division Coordinator Owen Provencher and Town Administrator Dave Caron for being able to get the technology in place with short notice to still hold the meeting.

Councilor Katsakiores – Congratulated Chairman Foote on being named Chair, said it was a great meeting.

Chairman Foote – Thanked Cable Division Coordinator Owen Provencher and his staff for their work setting up the technology for the meeting. Provided phone numbers for those in need including the Salvation Army, Sunshine Soup Kitchen, and Meals on Wheels.

Adjournment: 9:20 p.m.


Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

4-8-2020

Date



ORDINANCE

Number 2020-002

Amendment to Traffic Ordinance, Section 150-4
Prohibited Parking – Fenway Street

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

WHEREAS, the Town Council is responsible for adopting and amending town ordinances; and

WHEREAS, the Highway Safety Traffic Committee has reviewed and recommended that parking be prohibited on a certain section of Fenway Street; and,

WHEREAS, public safety will be enhanced through this action;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Traffic Ordinance, Section 150-4, Prohibited Parking, is hereby amended to add the following:

Fenway Street	West side	Beginning at East Broadway to the property line of #1 and #3 Fenway Street.
	East side	Beginning 200 feet from East Broadway to the property line of #6 and #8 Fenway Street.

This Resolution shall take effect 30 days after its passage.

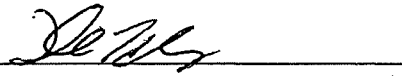
Adopted: March 24, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 3/26/20

x 

Daniel Healey, Town Clerk

Date: 3/26/20

Archival Ref: Agenda #20-19



RESOLUTION

Number 2020-010

To Apply for and Accept Grant Funding from NHHSEM for an
Equipment Grant for Warm Zone Responses

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 New Hampshire Homeland Security and Emergency Management is providing grant opportunities to fund equipment which would assist EMS responders during active shooter situations; and

WHEREAS, the receipt of these funds would increase the Fire Department's response capabilities and the safety of its members;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with New Hampshire Homeland Security and Emergency Management for a Warm Zone Equipment Grant for up to \$6,000.

This Resolution shall take effect immediately upon its passage.


Adopted: March 24, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 3/26/20

x 

Daniel Healey, Town Clerk

Date: 3/26/20

Archival Ref: TC agenda item #20-27