

TOWN OF DERRY

Town Council
Derry Municipal Center

April 21, 2020
Tuesday - 7:00 PM

7:00 PM Call to order

"It is possible, in light of COVID-19 pandemic situation and the state of emergency declaration in NH, that most or all board members will be unable to attend our Derry public meetings in person because they are concerned about getting sick or perhaps are already sick. Governor Sununu has issued Emergency Order #16, which waives the requirement that quorum be physically present in the meeting room; a meeting of a public body may be conducted with most or all members participating electronically. To maintain the Governor's Directive that no more than 10 people shall gather, the public is not allowed into the meeting room. 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 and Chairman Foote in-person and Councilor's Katsakiores, Bourdon, Chirichiello, Wetherbee(7:40), and Morgan by Video.

Present: TA David Caron, Absent: Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Motion by Councilor Tripp to open public forum, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor Tripp to close public forum, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Consent Agenda

20-41 Approve Non-Public Minutes – April 7, 2020 – **Minutes Sealed**

20-42 Approve Minutes – April 7, 2020

20-43 Resolution #2020-022 – Supplemental Appropriation to fund parks & fields improvements

20-44 Resolution #2020-023 – Acceptance of COVID-19 Funding

20-45 Resolution #2020-025 – Accept Grant Funding from NH Drinking Water and Groundwater Trust Fund

Motion by Councilor Tripp to approve the consent agenda, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Consent agenda approved

Chairman's Report – Charlie Foote

Councilor Tripp point of order

Councilor Tripp moves to table the appointments of Boards and Committee members until the May 5th Town Council meeting, seconded by Councilor Katsakiores

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 Town has restructured its website to include a dedicated tab on COVID-19 response, which includes a lot of information on town services, community events, economic restoration and health information. The Town has submitted information to the Governor's GOFFER Committee on anticipated financial impacts to Derry. NHMA has been invaluable coordinating municipal information and advocating for towns and cities. Town staff has spent significant time looking at future scenarios to ensure that services can continue to be financed.

Public Hearing

20-30 Resolution #2020-011 – Accept and expend General Revenue Sharing Funds from the State of New Hampshire – *Fire Chief Michael Gagnon presenting*

The Buildings and Grounds Division received a request from the Fire Department to repair soft spots in the floor of the EMS office, locker room and house officer's office and sleeping quarters located in the modular portion of the Central Fire Station. Upon removing the carpet to assess the repairs that would be necessary, significant decay was found not only in the sub-floor sheathing but also in the floor joists supporting the sub-floor. Further investigation to determine the source of the water damage revealed that the metal siding on the building had been affixed without gasketed screws and the material behind the metal siding was a corrugated cardboard material. The studs in the wall had water staining and potentially black mold and the fiberglass insulation was damp. Fire personnel have relocated their offices from the modular section although the remainder of the Central Fire Station continues with normal operations. The existing modular structure located on the west side of the building was installed in 2005. It is the third structure of this type to be installed in this location. Repairing the existing structure would require gutting the building to the studs and even replacing the studs in some cases. The floor joists are rotted out and would need to be replaced as well. In short, it is impractical to repair the existing structure. The Public Works Department is recommending replacement of the modular with a stick-built structure, 12 feet wide and 46 feet long (556 sf). This building would be built with a four-foot frost wall and concrete slab matching the grade of the existing fire station floor. The structure will be built in accordance with current Code requirements including 2 x 6 exterior walls, sprinkler system, more efficient insulation and new HVAC units. The new structure will be designed for a much longer lifespan as compared to a modular unit. Upon approval of funding, the project will be fast tracked through a sealed bid process in order to mitigate the disruption to Fire operations. A schedule for completion will be developed in conjunction with the contractor selected to provide design-build services.

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

No one from the public spoke.

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-011, which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Resolution attached
Roll Call Vote: 7-0-0**

20-31 Resolution #2020-012 – Create and fund an Expendable Trust for COVID-19 Mitigation, Response and Recovery – *Town Administrator Dave Caron presenting*

The anticipated severe economic impact resulting from the COVID-19 Pandemic has been well documented throughout society. For the Town, it can be anticipated that revenue shortfalls both at the State and Local levels will occur, as well as the assumption of extraordinary costs. This fund, with the Town Council designated as Agents to Expend, is designed to provide a vehicle to accumulate resources for the mitigation, response and recovery from the Pandemic. RSA 31:19-a allows municipalities to establish trust funds for any public purpose which is not foreign to the Town's institution or incompatible with the objects of its organization. Financial stability and our obligation to respond to emergencies is certainly within the goals and responsibilities of the Town. It is proposed that this fund be used as a vehicle to receive excess funds or other resources which would not lapse at year end and would be available to assist the Town during this crisis. The Council would authorize expenses per Resolution. The Town expects to receive 75% reimbursement from the Federal Emergency Management Agency for most expenses incurred responding to the Pandemic, it is unknown if the Federal or State Governments will assist local governments to replenish any revenue shortfalls. This fund can be used to pay for the non-federal share of expenses, as well as assist with revenue shortfalls and implement appropriate economic development assistance to the community.

**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 Morgan moves to amend Resolution #2020-012 to add Town Administrator discretion during emergencies to spend up to \$25,000 and up to \$50,000 with consultation with the current Town Council Chair between council meetings, seconded by Councilor Wetherbee
Roll Call Vote: 6-1-0 (Councilor Chirichiello)**

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-012(as amended), which reads as follows [Read the Resolution], seconded by Councilor Wetherbee

Resolution attached
Roll Call Vote: 6-1-0 (Councilor Chirichiello)

New Business

20-39 Resolution 2020-020 – Temporarily Waive Certain Provisions of Town Charter
Section 9.18 – *Town Administrator Dave Caron presenting*

Section 9.18 of the Town Charter requires the Town Administrator to seek proposals for independent audit services at least once every five years. The process was initiated in FY 20 with two proposals received, however, staffing transitions and the COVID-19 Pandemic has created obstacles to successfully completing this task. The Governor under Exec Order #23 allowed for provisions of the Town Charter to be waived regarding deadlines and timelines- it is recommended that this process be restarted in FY21. The Town continues to receive its auditing services from Melanson-Heath, in FY 20 we had a different auditing team assigned to the Town which would provide a different perspective and a new team to review town finances. As the Town remained with the same firm, the provisions in Section 9.18 of the Charter remained. The Town began the process of seeking RFPs for auditing services, however, meaningful analysis of the proposals and the required in person interviews were not conducted, due to staffing transitions in Finance and now COVID-19 operational restrictions. Additionally, with initial auditing activities scheduled to take place later in April, and the pressing requirements to manage the local COVID response, any review of the proposals would lack thoroughness.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-020, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0
Resolution attached

20-46 FY 21 Budget – *Town Administrator Dave Caron presenting*

The main points of the FY 21 budget include the following:

- Fully funds fifth and final year of Collective Bargaining Agreements as approved by the Town Council in FY17;
- Does not propose any additional provisions;
- Expands Ash Street TIF District to Gateway TIF District to support Council economic development goals;
- Maintains CIP funding transition from Fund Balance to a blend of Fund Balance/budget support;
- Limits tax rate to \$7.86, \$0.01 below level authorized by the taxpayer-approved Tax Cap (Section 9.4 – Charter), despite an overall flat revenue stream as the economy moderates;
- Funds second year of the Derry Commerce Corridor Tax Increment Financing District and continues to position Town to engage in public/private partnerships;
- Sets forth strategies for COVID-19 mitigation, response and recovery;
- Restructure water and wastewater rates including an option to phase adjustments;

Councilor Comments / Liaison Reports –

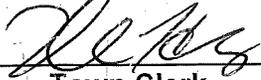
Councilor Tripp – The schools are very innovative with their remote learning. The school board zoom meeting audio was great. Thanked the schools for sharing their PBE supply with the Fire department.

Councilor Wetherbee – Requests that staff do a test call during any public hearings to make sure the system is working. Would like council discussion to be during when public hearings are open to give the public more time to connect to the meeting.

Councilor Katsakiores – Stay well, stay home.

Chairman Foote – Thank you to 1st responders, town employees, grocery workers, truck drivers, and everybody working and helping out during this pandemic. Thanked the public for their patience during the virtual meetings.

Adjournment: 9:20 p.m.



Town Clerk

4-29-2020

Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION
Number 2020-011

To Accept and Expend General Revenue Sharing 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 of New Hampshire approved distribution of funds to municipalities as part of the FY 20-21 State Budget; and

WHEREAS, this funding source is not sustainable and therefore these funds should be earmarked for capital projects or other one-time expenses; and

WHEREAS, an emergency exists at Central Fire Station whereby a portion of the ancillary facility needs to be demolished and replaced;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to accept and expend \$496,030.86 from the State of New Hampshire for the following purposes:

- 1) \$140,000.00 to Acct. #13532003-720000 Capital Project Activity Center to fund the demolition and construction of a replacement addition at Central Fire Station;
- 2) \$356,030.86 to the Expendable Trust Fund for COVID-19 Mitigation, Response and Recovery, as created pursuant to Resolution #2020-012, from which the Council may later transfer for other purposes as authorized by Section 9.7 of the Town Charter.

This Resolution shall take effect immediately upon its passage.

Adopted: April 21, 2020

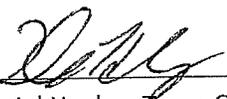
Attest:

x


Charles Foote, Council Chair

Date: 4/21/20

x


Daniel Healey, Town Clerk

Date: 4/21/2020

Archival Ref: Agenda #20-30



RESOLUTION

Number 2020-012

To Create and Fund an Expendable Trust for COVID-19 Mitigation, Response & Recovery

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 has been impacted by the COVID-19 Pandemic and anticipates extraordinary expenses to mitigate, respond and recover from circumstances resulting from the Pandemic; and

WHEREAS, mitigation, response and recovery expenditures may include, but not limited to, personnel and equipment costs; general assistance activity, revenue augmentation; and economic development restoration; and

WHEREAS, the Town has been thoroughly tracking these expenses for potential reimbursement from the Federal Emergency Management Agency; and

WHEREAS, one-time situational revenues are available to fund this Trust;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that an Expendable Trust Fund for COVID-19 Mitigation, Response and Recovery is hereby created pursuant to RSA 31:19-a; further, the Town Administrator, pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer the following amounts to the Trust.

Acct. #14431001 981000	OMO Debt Service Interest	\$122,813.00
Acct. #14403000 033595	OMO REV NH State Reimbursement	<u>\$356,030.86</u>
TOTAL:		\$478,843.86

Further, to permit the Town Administrator to expend up to \$25,000 and after consultation with the Council Chair, up to \$50,000 for any COVID-19 related emergencies, conditioned upon returning to the Council for confirmation.

Archival Ref: Agenda Item #20-31

Finally, the Town Council is hereby designated as Agents to Expend.

This Resolution shall take effect immediately upon its passage.

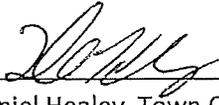
Adopted: April 21, 2020.

Attest:

X _____

Charles Foote, Council Chair

Date: _____

X  _____

Daniel Healey, Town Clerk

Date: 4/21/2020

Archival Ref: Agenda Item #20-31



RESOLUTION Number 2020-020

To Temporarily Waive Certain Provisions of Town Charter Section 9.18

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

WHEREAS, Section 9.18 of the Town Charter includes a requirement that the Town Administrator issue a Request for Proposal for the provision of independent audit services at least once every five years; and

WHEREAS, the Governor on March 13, 2020 declared a State of Emergency due to Novel Coronavirus (COVID-19) with subsequent Emergency Orders limiting physical interaction and other requirements which have impacted local government operations; and

WHEREAS, pursuant to Executive Order #23 the Governor has relieved local governments from complying with certain deadlines set forth in a municipal charter; and

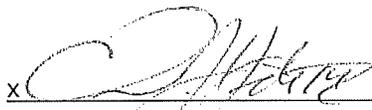
WHEREAS, local emergency response and preparedness to COVID-19 and staff transitions within the Finance Department precluded an in-depth review of proposals;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the provision within Section 9.8 of the Town Charter requiring the solicitation of independent audit services is hereby postponed until FY 21, and the Town Administrator is authorized to continue the Town's engagement with its current independent auditor for FY 20.

This Resolution shall take effect immediately upon its passage.

Adopted: April 21, 2020

Attest:

x 
Charles Foote, Council Chair
Date: 4/21/20

x 
Daniel Healey, Town Clerk
Date: 4/21/2020

Archival Ref: Agenda Item #20-39