

## TOWN OF DERRY

Town Council  
Derry Municipal Center

April 5, 2016  
Tuesday - 7:30 PM

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6:30 PM Consultation with legal counsel *(not open to the public)*  
RSA 91A:3 II (d), RSA 91A:3 II (e)

Chairman Chirichiello motion to close non-public, seconded by Councilor Katsakiores  
Vote: 7-0-0

Councilor Tripp moved to seal the minutes on RSA 91A:3 II (d), seconded by Councilor Katsakiores

Roll Call: Councilors Bourdon, Foote, Katsakiores, Tripp, Fischer, Morgan and Chairman Chirichiello

Vote: 7-0-0

Call to order

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

Roll Call: Councilors Tripp, Fischer, Morgan, Bourdon, Foote, Katsakiores, Chairman Chirichiello

Present: ITA Stephen Daly, Town Clerk Daniel Healey

### Consent Agenda –

16-40 Approve Non-Public Minutes – March 15, 2016 – **minutes sealed**

16-41 Approve Minutes – March 15, 2016

16-42 Schedule Public Hearing – April 19, 2016 – NH Highway Safety Agency  
STEP Grant and Bicycle and Pedestrian Grant Program

16-43 Schedule Public Hearing – April 19, 2016 - Household Hazardous  
Waste Grant

**Consent agenda approved.**

### Chairman's Report – Brian Chirichiello

The Town Council will interview 3 candidates on April 14<sup>th</sup> that were provided to them by MRI for the Town Administrator position. DOT met last night on the Route 28 bypass and English Road signal and they will be coming back sometime in the summer with additional input. More information can be found on the DOT website, state website and possibly the Derry town website.

### Town Administrator's Report – Stephen Daly

Household hazardous waste day is Saturday May 14<sup>th</sup> from 9am-12pm at West Running Brook Middle School. For more information, contact the Derry Transfer Station at 603-432-4650.

Derry's annual report on operation maintenance and repairs and spillage incidents with respect to the sewer system has been submitted to the EPA and NH DES. It was done last month. All activities reported on were within the guidelines.

The Public Works department has reported that the property at 19 Elm Street will be emptied of hazardous materials by the EPA at a cost of roughly \$216,000 by early to mid-April. The building will be demolished by June 30<sup>th</sup>.

Town Administrator Daly introduced CFO Sue Hickey and Town Controller Janice Mobsby to present the quarterly financial report. What will be presented are FY 2016 Financial Statements for the six months ending December 31, 2015

As of 12/31/2015, the town is 50% through the fiscal year. General fund revenues are tracking at 51% of the fiscal year 2016 budget. General fund expenses are tracking at 45% of the fiscal year 2016 budget. Revenue and expense examples are given from each department and explanations for why they are trending those ways. As of the end of March, general fund expenses are trending at 72% of the budget due primarily to a surplus from Public Safety salaries. Revenues collections are at 93% of budget.

The town council asked why the Human services revenue was expected to exceed the 2016 budget and was told that people are paying back what has been provided to them. Under recreation, the councilors were questioning some reimbursements. They were told that recreation is funded by a couple of trust funds and is eligible for reimbursements that cover some of those expenses. A report is generated annually to identify what has been spent that's eligible for reimbursement from the Trust fund. The council question if the expense of the new ambulance is coming out of the capital reserve funds. They are told that eligible expenses are paid from the Capital Reserve Funds.

#### **Public Forum - \*30 Minutes\***

##### **Open Public Forum – all agreed**

Ernest St. Pierre, Sunset Ave – Gave some facts on the town throughout the years dealing with population, school enrollment, and town employees. Would like to see contracts settled with the unions. Stated that the Town Administrator's goal was set by the prior council and doesn't believe new councilors should be dealing with the budget right away.

Marc Flattes, Linlew Drive – Would like to know if residents will be allowed to review the candidates for boards and committees.

Liz Carver, Lenox Road – Wants to promote Go Green Clean week. The kickoff event will be at the Coffee Factory on April 16<sup>th</sup> at 9am. Volunteers that bring a reusable coffee mug will get a free cup of coffee. It is advised that gloves are worn along with bright clothes. Trash bags will be available at the event or at the transfer station. There will be assigned areas to be cleaned or volunteers can pick which area they'd like to be in. They have a Facebook page that is [facebook.com/gogreenderrynh](https://www.facebook.com/gogreenderrynh) and a website [go-green-derry.org](http://go-green-derry.org).

John Potucek, Sunset Ave – Had a question as to whether the budget is mandated or optional and was directed to finance for the answer.

Steve Trefethen, Windham NH – Stated that there was only a 10% turnout at the last election and when a 2.4 million dollar budget is being discussed, that is low. He would like to find a way to get more people out to vote. He thanked the Town Administrator for the work he has done on the proposed budget and then read a short note.

James Zaniboni, Stark Road – Wanted to know if the Water System Expansion presentation would be a public hearing. He was told it would be.

Donald Burgess, High Street – Thanked the previous councilors for their service. Stated that the town's people are at the top and that the councilors and administrator work for them. He hopes that the council listens more and said that tax reduction might not be feasible.

**Motion by Councilor Katsakiores to close public forum, seconded by Councilor Bourdon – all agreed**

**Public Hearing –**

**16-39 (Water Commissioners) Rte. 28 Water System Expansion**

At the previous meeting, Mike Fowler and Tom Carrier, from the Public Works department gave an extensive presentation of the Route 28 water expansion project. They returned to request that the Council approve the extension of the Derry municipal water system some 8,000 linear feet along Route 28 south of Berry Road and branching onto Frost Farm, Lawrence and Stark Roads in order to provide municipal water to properties contaminated with the gasoline ingredient, MtBE, and to other properties along the route and to approve a supplemental appropriation to fund the project. (There were technical difficulties with the power point presentation).

**Open public hearing Councilor Katsakiores, seconded by Councilor Bourdon, all agreed.**

James Zaniboni questions what would happen if a homeowner doesn't qualify now but could have elevated levels in the future. He is told that there are funds available for a situation like that.

**Close public hearing Chairman Chirichiello, seconded by Councilor Katsakiores, all agreed.**

The councilors ask if testing should go for a certain amount of time and are told that is a question for that state and that the fee is not likely to increase. They would like to know what the protocol is for water sampling are told that homeowners are encouraged to get their wells tested. They are also told that there will be no increase in the water bill. The councilors would like to know if sewer and water can be done at the same time and are informed that there would be no benefit to it since they would be on opposite sides of the road.

Councilor Morgan reads the resolution marked TC agenda item #16-39.1  
(See the attached resolutions).

**Chairman Chirichiello moves to appropriate funds, seconded by Councilor Katsakiores  
Vote: 7-0-0**

Councilor Morgan reads the resolution marked TC agenda item #16-39.2  
(See the attached resolution).

**Councilor Morgan moves to appropriate funds, seconded by Councilor Bourdon**  
**Vote: 7-0-0**

**Old Business –**

**16-38** FY2017 Budget Process and Schedule

Councilor Fischer says he is concerned about the process, does not want line by line.

Councilor Foote wants transparency and that is done with a line by line budget.

Councilor Morgan says it is the council's job to understand the budget and that cannot be done in summary form.

Chairman Chirichiello says that line by line needs to be done.

Councilor Tripp asks if the Town Administrator has sat with the department heads to go over the budget and is told that he has.

Councilor Bourdon says Councilor Fischer's comments are logical but he would like line by line.

Councilor Katsakiores would like to hear about what goes on in the different departments.

The schedule for the budget meetings is set for Thursday 4/7, Tuesday 4/12, and Thursday 4/12, all starting at 6:30pm.

**Chairman Chirichiello moves to have a line by line budget**  
**Vote: 5-2-0 (Councilor's Fischer and Tripp)**

**New Business –**

**16-44** Authorize Third Councilor to Sign Payroll and Accounts Payable Warrants

**Chairman Chirichiello recommends Councilor Tripp, Councilor Katsakiores seconds**  
**Councilor Bourdon reads the resolution(see attached).**  
**Vote: 7-0-0**

**16-46** Approve Town Administrator's Designee to the Planning Board

Town Administrator Stephen Daly recommends Randall Chase.

**Councilor Fischer recommends Randall Chase on an interim basis until a new Town**  
**Administrator is chosen, seconded by Councilor Morgan.**

**Vote 7-0-0**

**16-47 Appointments to Boards / Committees**

***Building & Property Maintenance Committee***

Chairman Chirichiello moves to appoint Serge Michaud, Ernest St. Pierre, and John Patrick Toohey for 1 year terms to expire March 31, 2017

Councilor Fischer moves to appoint Al Dimmock, no second

**Chairman Chirichiello motions to accept appointees seconded by Councilor Katsakiores**

**Vote: 7-0-0**

***Conservation Commission***

Chairman Chirichiello moves to appoint Margie Ives and James Degnan for 3 year terms set to expire March 31, 2019, moves to appoint Neil Wetherbee for a 2 year term to expire March 31, 2018, and moves to appoint Brian DeSimone for a 3 year term as an alternate to expire March 31, 2019.

**Chairman Chirichiello motions to accept appointees seconded by Councilor Bourdon**

**Vote: 7-0-0**

***Economic Development Committee***

Chairman Chirichiello moves to appoint Terri Pastori, Stephen DeMattia, and Chris Black for 3 year terms to expire March 31, 2019, moves to appoint Andrew White and Craig Cunningham for 2 year terms to expire March 31, 2018, moves to appoint Nicholas Del'Etoile and Catherine Taylor for 1 year terms to expire March 31, 2017, moves to appoint Christina Gussel for a 3 year term as an alternate to expire March 31, 2019 and moves to appoint Scott Graves for a 2 year term as an alternate to expire March 31, 2018

Councilor Fischer moves to appoint Al Dimmock, no second

**Chairman Chirichiello motions to accept appointees seconded by Councilor Morgan**

**Vote: 7-0-0**

***Energy/Environmental Advisory Committee***

Chairman Chirichiello moves to appoint Tom Cardon for a 3 year term to expire March 31, 2019 and moves to appoint Chris Cox for a 3 year term as an alternate to expire March 31, 2019

**Chairman Chirichiello motions to accept appointees seconded by Councilor Bourdon**

**Vote: 7-0-0**

***Heritage Commission***

Councilor Katsakiores moves to appoint Roger Konstant for a 3 year term to expire March 31, 2019, seconded by Councilor Bourdon

**Vote: 6-1-0 (Chairman Chirichiello)**

Chairman Chirichiello moves to appoint Rosemary Fesh for a 3 year term to expire March 31, 2019 seconded by Councilor Katsakiores

**Vote: 7-0-0**

Leonard Whitney is named as the 3<sup>rd</sup> member but there is no vote.

**Councilor Bourdon makes a point of order and nominates Paul Lindemann as the alternate member for a 3 year term to expire March 31, 2019**

**Roll call vote: 7-0-0**

***Highway Safety Committee***

Chairman Chirichiello moves to appoint Randall Chase, Walter Deyo, Scott Savard, Tom Landers, Daniel MacInnis, and John Potucek for 1 year terms to expire March 31, 2017

Councilor Fischer moves to appoint Al Dimmock, no second

**Chairman Chirichiello motions to accept appointees seconded by Councilor Katsakiores**

**Vote: 7-0-0**

***Planning Board***

Chairman Chirichiello moves to appoint Dave Granese, Jim MacEachern, and Lori Davison for 3 year terms to expire March 31, 2019

Councilor Fischer disagrees with Dave Granese as a nominee

Councilor Tripp moves to appoint Randal Kelley, no second

**Chairman Chirichiello motions to accept appointees seconded by Councilor Bourdon**  
**Vote: 6-1-0 (Councilor Fischer)**

***Zoning Board of Adjustment***

Chairman Chirichiello moves to appoint Stephen Coppolo and Heather Evans for 3 year terms to expire March 31, 2019, moves to appoint Dana Nauerz and Donald Burgess for 3 year terms as alternates to expire March 31, 2019, and moves to appoint Randall Kelley for a 2 year term as an alternate to expire March 31, 2018.

**Councilor Fischer nominates Al Dimmock, seconded by Councilor Tripp**  
**Vote: 2-5-0 (Councilors Bourdon, Katsakiores, Foote, Morgan, and Chairman Chirichiello)**

**Chairman Chirichiello motions to accept appointees**  
**Vote: 6-1-0 (Councilor Tripp)**

***Derry REDC Loan Review Committee***

Chairman Chirichiello moves to appoint Joel Olbricht and Laura Fraser for 1 year terms to expire March 31, 2017.

**Chairman Chirichiello motions to accept appointees seconded by Councilor Bourdon**  
**Vote: 7-0-0**

**16-48** Appoint Derry Public Library Trustee to fill an unexpired term

**Chairman Chirichiello nominates Pete Marcotte, seconded by Councilor Katsakiores**  
**Vote: 7-0-0**

**16-49** Take Action on a Right of First Refusal re 18 Humphrey Road

Town Administrator Daly says that the owner of 18 Humphreys road wants to sell and that there is no interest from the town's standpoint. He agrees with the recommendation to decline to exercise the Town's right of first refusal to acquire this property. It is said that it is in the town's best interest to keep the property on the tax rolls since no town departments or affiliated properties have indicated use for it.

**Councilor Bourdon moves that the town council decline to exercise the Town's deed right of first refusal to purchase the property located at 18 Humphrey Road; and that the Town Administrator be instructed to immediately notify the seller of this decision, seconded by Councilor Katsakiores.**  
**Vote: 7-0-0**

**16-50 Recertify Economic Revitalization Zones (ERZ Zones) D and E**

Planning Director George Sioras would like to request the Division of Economic Development to recertify the ERZ Zone E and to expand the ERZ Zone D in the Town of Derry. The zones are subject to review every 5 years. Economic Revitalization Zones (ERZ) are established to offer short term businesses tax credit for projects that improve infrastructure and create jobs in designated areas of the municipality. New and expanding businesses in these areas are eligible to apply for tax credits against the NH Business Profits Tax and/or the Business Enterprise tax. If Zone D is expanded, redevelopment of lots in the expanded area would result in an increase in the commercial tax base for the town. Additional areas in the town are being looked at for this reclassification. If the motion is approved, it will be sent to the state by May 1<sup>st</sup>.

The council asks if any businesses have taken advantage and are told none have so far.

**Councilor Bourdon makes a motion to extend the meeting, seconded by Councilor Katsakiores**

**Vote: 6-1-0 (Councilor Fischer)**

**Councilor Bourdon moves that the town council certify that Derry's existing Economic Revitalization Zones continue to meet State eligibility requirements and that each has a continuous boundary designated in accordance with RSA 162-N:8; that Zone D and Zone E, the boundaries of which were amended in 2013, contain vacant land or structures previously used for industrial, commercial, or retail purposes, but are currently not so used due to demolition, age, obsolescence, deterioration, brownfields, relocation of the former occupant's operation, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector; and instruct the Town Administrator to immediately advise the appropriate State authorities of this recertification, Councilor Katsakiores seconds**

**Vote: 7-0-0**

**16-51 Accept Wal-Mart Grant**

Jill Jamro asks the council for approval to apply, accept, and expend a \$1,000 Wal-Mart grant to benefit our Human Services Food Panty. The grant would offset the cost of the food pantry items purchased directly for Derry Human Service clients.

**Councilor Foote moves that the town council authorize Human Services to apply for, accept, and expend a \$1,000 grant from Wal-Mart to defer the cost of providing food and hygiene supplies to clients in accordance with the provisions of RSA 31.95b, seconded by Councilor Katsakiores.**

**Vote: 7-0-0**



**16-52    Accept Derry Community Fund Donation**

Jill Jamro asks the council for approval to accept a Derry Community Fund Donation to benefit residents with little or no source of income. The donation will provide a favorable fiscal impact and may reduce client dependence on local welfare. These funds will be utilized to provide payment for items that will affect a client's ability to move toward self-sufficiency. General assistance is geared towards basic needs necessary for the health and safety of the household. The grant will be used for the following expenses: fees for proof of identification, car repairs, clothing, co-pays for mental health visits, and CART transportation passes.

**Councilor Foote moves that the town council authorize acceptance of and expend a \$2,000 donation from the Derry Community Fund, in compliance with the provisions of RSA 31.95-b. Said donation to be used for assistance to eligible human services clients of the Town of Derry with little or no source of income, to enable them to search for employment, become more self-sufficient or reduce the likelihood of homelessness that can result from loss of income and transportation. Reasonable efforts will be made to pursue and exhaust all other funding options prior to disbursement of these funds, seconded by Councilor Morgan.**

**Vote: 7-0-0**

**16-53    Approve Revisions to Human Services Guidelines**

Jill Jamro would like to seek Council adoption of revised Human Services guidelines. The Town of Derry Human Services Administrator is currently providing assistance using the Human Services Guidelines for 2012-2013. A few of the changes are increasing the rental assistance to \$1,100 without utilities, increasing rental assistance to \$1,000 with heat and hot water included, increasing a single person's rental assistance to \$900 and to allowing clients to pay for Netflix and/or Hulu payments in lieu of cable payments.

**Councilor Morgan moves that the town council adopt written guidelines entitled "Town of Derry, New Hampshire Human Services Guidelines, revised 3/22/16" relative to the provision of general assistance in accordance with RSA 165:1.1, seconded by Councilor Foote.**

**Vote: 7-0-0**

**16-54    Approve Alternate Retirement Plan Update**

Town Administrator Daly presented a proposal to seek council approval of updates to an existing in-force alternate 401 retirement plan to comply with changes in IRS regulations made since the plan was adopted. Daly stated that the plan was signed onto some years ago. There is no cost to update this plan to stay in compliance with IRS regulations but there is a penalty imposed by the IRS if they do not maintain compliance.

**Councilor Foote moves that the town council approve the updating of the existing 401 plan to comply with the IRS regulations and authorize the Town Administrator to effect such updating and filing with the appropriate authorities, seconded by Councilor Katsakiores.**

**Councilor Bourdon makes a motion to extend the meeting, seconded by Councilor Katsakiores**

**Vote: 6-1-0 (Councilor Fischer)**

### **Council Requests / Open Discussion**

Councilor Fischer - Asks for departments that are being reviewed on Thursday and was unclear of the schedule.


Councilor Bourdon - Volunteered at the March for meals event and met with seniors who require the services provided. Meals on wheels are accepting new clients and also looking for volunteers. Anyone who needs more information can call Christy at 603-534-5148.

Councilor Morgan – Believes that the town council should have more than 3 candidates presented to them for the decision on the next Town Administrator. Would also like the process for selecting members to boards and committees to be looked at.

Councilor Foote – Would like the HR position to eventually be put back to a full-time position rather than the current part-time position.

Councilor Katsakiores – Congratulates Councilor Bourdon on being selected to the Union Leader 40 under 40 and also the Londonderry Town Administrator Kevin Smith.

**Adjournment 10:20 p.m.**

  
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Town Clerk

4-26-16  
Date

Recording & Transcription by: Daniel Healey, Town Clerk