

## TOWN OF DERRY

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday April 5, 2022  
3rd Floor Meeting Room

### MINUTES

6:00 PM Non-Public Session – RSA 91A:3 II (a, c)  
7:00 PM Call to order

**Motion by Councilor Wetherbee leave non-public session, seconded by Councilor Katsakiores**

**Roll Call Vote: 7-0-0**

**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 Foote**

**Roll Call Vote: 7-0-0**

*Councilor Katsakiores requested a moment of silence for the passing of Fred Tompkins*

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

**Roll Call:** Councilors Katsakiores, Chirichiello, Spencer, Wetherbee, Foote, Flood, and Chairman Bourdon

Present: TA Dave Caron, Town Clerk Daniel Healey

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

**Motion by Councilor Katsakiores to open public forum, seconded by Councilor Foote**

**Roll Call Vote: 7-0-0**

Jeff Moulton: Taylor Brook Ln – Compared Derry to other towns regarding the number of fire stations. In Bedford and Windham, they have just 1 fire station. 50 million on a new Central Fire Station is a lot of money and projects never are on-time and never on budget. Believes approving a new Central Fire Station would be a big risk.

Mark Connors: Cabot Drive - (Rail Trail President) – There will be a marathon this Sunday on the Rail Trail and a Rail Trail cleanup day will take place on Saturday. Thanked Groundhog Landscaping for their donation of mulch. Asked that people start picking up after their dogs on the trail. Mentioned that there are 3 new sponsors to the rail trail.

**Motion by Councilor Wetherbee to close public forum, seconded by Councilor Chirichiello**

**Roll Call Vote: 7-0-0**

#### **Consent Agenda**

22-36 Approve Non-Public Minutes – March 15, 2022 – **Minutes Sealed**

22-37 Approve Minutes – March 15, 2022

- 22-38** Resolution #2022-018 – Approve a Revised User Fee Schedule for Derry Water Customers  
**22-39** Resolution #2022-028 – Adopt the FY 2023 Budget  
**22-40** Resolution #2022-029 – Adopt the FY 2023-2028 Capital Improvements Program

**Chairman Bourdon moves to approve the consent agenda items 22-36 & 22-37, seconded by Councilor Katsakiores (pending correction to 22-37)**

**Roll Call Vote: 7-0-0**

**Councilor Foote moves to approve the consent agenda items 22-38, 22-39, & 22-40 seconded by Councilor Spencer**

**Roll Call Vote: 7-0-0**

**Chairman Report – Joshua Bourdon**

***Conservation Commission***

**Chairman Bourdon moves to appoint John Robert (Bob) Boonstra as a member of the Conservation Commission for 3 year term to expire March 31, 2025, seconded by Councilor Wetherbee**

**Roll Call Vote: 7-0-0**

***Heritage Commission***

**Chairman Bourdon moves to appoint Jamie Smith as an alternate member of the Heritage Commission for 2 year term to expire March 31, 2024, seconded by Councilor Spencer**

**Roll Call Vote: 7-0-0**

**Chairman Bourdon moves to appoint Elena Weymouth as an alternate member of the Heritage Commission for 3 year term to expire March 31, 2025, seconded by Councilor Katsakiores**

**Roll Call Vote: 7-0-0**

***Planning Board***

**Chairman Bourdon moves to appoint John Morrison Jr as an alternate member of the Planning Board for 2 year term to expire March 31, 2024, seconded by Councilor Chirichiello**

**Roll Call Vote: 7-0-0**

***Zoning Board of Adjustment***

**Chairman Bourdon moves to appoint Gaspar Obimba as an alternate member of the Zoning Board of Adjustment for 3 year term to expire March 31, 2025, seconded by Councilor Wetherbee**

**Roll Call Vote: 7-0-0**

***Derry Public Library***

**Chairman Bourdon moves to appoint Meryle Zusman and Victoria Austin as alternate members of the Derry Public Library for a 1 year terms to expire March 31, 2023, seconded by Councilor Katsakiores**

**Roll Call Vote: 7-0-0**



Representative Layon discussed a bill she is sponsoring, CACR35 which relates to cannabis and provides that all adults have the right to possess, use, and cultivate cannabis, subject to regulation by the legislature.

Chairman Bourdon would like to invite Representatives Milz and Pearson to the next meeting to discuss a bill related to retirement funding.

**Town Administrator's Report – Dave Caron**

Fire Revenues, MV, Town Clerk, building permits Transfer Station and Tax receipts exceeded the previous week. Health permits, and Planning applications were behind. MV should approximate March 2021's revenues; no appreciable growth.

With the recent changeover to spring activities, Parks & Rec staff have been working hard to prepare fields for both scholastic leagues and youth leagues which are starting as early as April 9. West Running Brook Field Expansion final design was completed in Fall 2021 and the Alteration of Terrain permit application went to NHDES in Fall 2021 which is still under review by NHDES (Five Year Permit). This project has a construction estimate of \$2.5 million and this project is currently unfunded. The Town has submitted the project to Senator Shaheen for a Congressional Directed Appropriation. For the Alexander Carr Skatepark, two stakeholder meetings were held on March 10 and March 24 in Derry with Dreamland Skateparks. A preliminary design has been prepared by the design team from these sessions, test pits were excavated on March 25 to confirm favorable soil conditions, and an advanced design will be submitted to the Town in the next month for review. Dreamland expects to break ground in June or July 2022 and complete the work by October 2022. Regarding the Rider Field Paving, the tentative schedule will be to grade and base pave during the week of April school vacation (April 25-29) to avoid conflicts with Pinkerton students who park there currently. The parking lot will be striped later this summer and top paving would be completed in 2023. DPW Engineering has reviewed the section of the rail trail between Norton Street and Kendall Pond Road. A tentative plan is in place to mill the surface down approximately 1" and remove selected tree roots. A new surface will be installed during the April vacation week as well (April 25-29). The Rail Trail will be closed to all traffic during the resurfacing work for the safety of the public. Further information will be distributed through DRTA and other channels as to the specific dates of closure.

Recreation bond proceeds have been earmarked for lighting improvements at Hood Park, Vets Field, Don Ball Park and Rider Field. An RFP for professional services to design and furnish new fixtures is under development and planned for release in May/June 2022. Mark Brassard has reached out to Pinkerton Academy for discussion over the educational component for the Hood Park natural area toward the back of the park. An RFP is under development to generate an architectural and engineering plan for the revised playground and splash pad. It is expected that the RFP will be released simultaneously with the lighting design upgrades in May/June 2022. Design would be following in Summer 2022 with construction planned for Spring 2023. Staff has been sharing information with the School District on visioning and opportunities should the school building program identify surplus facilities. The Town has been notified by both Senator Shaheen and Congressman Pappas of Congressionally directed funding opportunities for the upcoming federal budget. The Town will be submitting projects which align with the Capital Improvements Program; however, it is understood that transportation projects will not be considered with the passage of the Infrastructure Investment and Jobs Act. Crews from Dragon

Mosquito will begin on April 1 monitoring water pools for mosquito larvae and treating as necessary. Actual spraying for mosquitos does not occur until later in the summer and is dependent upon the results from surveillance, disease test results and weather conditions. The contractor maintains a no spray registry for residents who choose to opt out - information is available on the home page of the Town's website.

The Derry Police Department has been working on a project to transfer 54 ballistic vests to those in need in Ukraine. These sets of personal body armor in the departments inventory have gone beyond the recommended shelf life. Typically, the department has body armor destroyed when this occurs; however, the department has embarked upon a project to put these vests to better use. One of the Derry Police Officers, Nikita Tomnyuk, was born and raised in Ukraine, prior to coming to this country as a young man. He has family, grandparents, uncles, cousins etc. that still live in Ukraine. The war in Ukraine certainly has a direct personal connection to Officer Tomnyuk. As such, Officer Tomnyuk has gladly taken on the assignment of coordinating the transfer of this body armor from Derry PD to the New Hampshire National Guard, who are coordinating the effort regionally to ship these vests to Ukraine. - *Deputy Police Chief Feole and Officer Tomnyuk presented*

Town Administrator Dave Caron gave an overview of the FY2023 budget for the upcoming budget hearings.

### **New Business**

#### **22-41 Resolution #2022-025 – Authorize an Agreement for General Assistance Administration Services– *Town Administrator Dave Caron***

The Town began contracting with CHS on July 1, 2018 to provide General Assistance administration as the Town is required to provide pursuant to RSA 165. The Town has found the relationship to be very beneficial to the Town and the clients, as:

- 1) GA expenditures have stabilized as CHS partners with other social service agencies to provide a comprehensive safety net for the residents in need;
- 2) CHS provides case management services to help clients achieve financial independence and self- sufficiency.
- 3) CHS remains very responsive to clients' needs and communicates extremely well with the Town when fulfilling this statutory responsibility.

Beyond an increase in the monthly stipend which has not been adjusted for the past several years, there are no changes to processes or contractual terms between the Town and CHS. The monthly payment to CHS is proposed to increase to \$9,167 monthly through December 31, 2022, and \$9,583 monthly for the balance of the fiscal year. The current contract pays \$8,750 monthly, which has not been adjusted since July 1, 2019. Due to CHS's leveraging of resources with other social service agencies, these cost adjustments will be absorbed within the overall Human Services budget.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-025 which reads as follows [*Read the Resolution*], seconded by Councilor Chirichiello  
Roll Call Vote: 7-0-0  
Resolution attached**



**22-42 Resolution #2022-026 – Revise the Town's Fund Balance Policy – Town Administrator Dave Caron**

In 2018 and 2021 the Council revised its fund balance policy to establish new retention limits and set the amount of Unallocated Fund Balance (UFB) to be used to in the potential absence of additional Meals and Rooms revenues. The Council is being requested to revise the allocation of authorized transfers to various Capital Reserve and Trust Funds (CRF). This revision does not alter the appropriation mechanisms for the funds and focuses upon the use of Unallocated Fund Balance (UFB) to provide for a more stable revenue stream to the various CRF. Current policy transfers 15% of available funding to the Expendable Trust Fund for Buildings and Grounds, with the balance allocated between Fire, Information Technology, Police and Public Works based upon the value of the improvements included in the six-year Capital Improvements Plan window. It is recommended that a set amount of 5% be allocated to the IT CRF (and maintain the 15% allocated to Buildings and Grounds), with the balance allocated proportionally to Fire, Police and Public Works based upon the respective value of each department's inventory subject to CRF funding. The Town has found that the previous method of allocation relied upon a rather narrow six year window of proposed acquisitions and replacements, created instability with individual CRF cash flows, and wasn't representative of the true needs of each department if department inventories were utilized. With this revised method, the current allocation distribution would reflect the following: IT - 5%, Buildings and Grounds - 15%, Police - 11%, Public Works - 28%, and Fire - 41%.

**Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-026 which reads as follows [Read the Resolution], seconded by Councilor Foote**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**22-43 Resolution #2022-027 – Establish a Trust Fund for activities at Alexander-Carr Park– Chief Financial Officer Mark Fleischer**

Per Resolution #2022-023 dated 3/15/22, the Town Council accepted a donation in the amount of \$10,605.89 from the Jason Flood Memorial Foundation representing funds raised by the Friends of Derry Skate Park. The plan is to use any donations related to the revitalized skate park to support future events administered by the Town's Parks and Recreation division. Per RSA 31:19-a, the Town requests an expendable trust fund be established to place the current donation as well as any future donations and use those donations towards promotional and event expenses. The Town's Parks and Recreation division will be the administrators of this fund, and it is recommended that the Town Administrator be designated as Agent to Expend.

**Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-027 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-1 (Councilor Flood)**  
**Resolution attached**

**Councilor Comments / Liaison Reports –**

Councilor Chirichiello – Would like the amount for elderly exemptions discussed at the next meeting. There has been no increase in many years.

Councilor Wetherbee – The electronic sign that a resident mentioned at the last meeting came down last week. The Town had nothing to do with it.

Councilor Foote – Thanked Officer Tomnyuk and asked if any fire gear could be shipped out too.

Chairman Bourdon – Jeff Moulton and himself were asked to speak at the Londonderry Energy Committee meeting. Would like to get solar to the school community next. Reminded councilors of the upcoming budget meetings and Town wide cleanup day scheduled for April 16<sup>th</sup>.

**Adjourn: 9:30PM**

  
\_\_\_\_\_  
Town Clerk  
\_\_\_\_\_  
Date

**Recording & Transcription by: Daniel Healey, Town Clerk**



## RESOLUTION

Number 2022-025

To Authorize an Extension of the General Assistance Administration  
Agreement

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

WHEREAS, the Town has retained the services of Community Health Services (CHS) to manage and administer its General Assistance program under RSA 165 since July 1, 2018; and

WHEREAS, CHS provides a comprehensive safety net for our residents most in need by collaborating with area social service agency partners and offering case management services with the goal of returning all clients to self-sufficiency; and

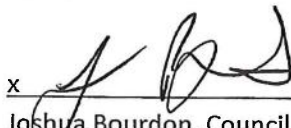
WHEREAS, both the Town and its General Assistance clients have benefited from the utilization of these services;

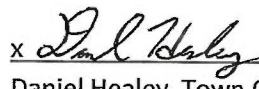
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute an Agreement with Community Health to continue providing General Assistance Administration Services through June 30, 2023.

This Resolution shall take effect immediately upon its passage.

Adopted: April 5, 2022

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 4/5/22

x   
Daniel Healey, Town Clerk  
Date: 4/5/2022

Archival Ref: Agenda Item #22-41



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## RESOLUTION #2022-026

### To Revise the Town's Fund Balance Policy

WHEREAS, The Town Council on September 21, 2021 revised the Fund Balance Policy which established a certain retention level of Unallocated Fund Balance (UFB) and further directed that excess fund balance be transferred to capital reserve funds; and

WHEREAS, there is a need to revise the allocation formula of available UFB among the various capital reserve funds; and

WHEREAS, a more equitable method will allocate resources based upon the value of capital equipment and programs funded by capital reserve funds;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the following procedure is hereby adopted regarding the Town of Derry Fund Balance Policy:

- 1) All provisions of the Fund Balance policy previously adopted by the Council and not amended under this Resolution shall remain in full force and effect;
- 2) The amount of Unallocated Fund Balance to be transferred to the Buildings and Grounds Expendable Maintenance Trust shall remain at 15% of the total amount available or appropriated under this policy, limited to \$225,000 annually;
- 3) The amount of Unallocated Fund Balance to be transferred to the Information Technology Capital Reserve Fund shall be set at 5% of the total amount available or appropriated under this policy, limited to \$75,000 annually;
- 4) The balance of UFB available shall be transferred to capital reserve funds (CRF) for Fire, Police and Public Works, proportional to the inventory value of equipment and vehicles of each department funded through the CRF;

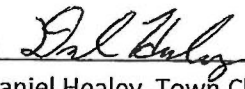
This Resolution shall take effect retroactive to July 1, 2021.

Adopted April 5, 2022



Attest:

x   
Joshua Bourdon, Council Chair  
Date: 4/5/22

x   
Daniel Healey, Town Clerk  
Date: 4/5/2022

Archival Ref:     Agenda Item #22-42



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## Resolution

Number#2022-027

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To Establish an Expendable Trust Fund for Alexander Carr Park  
Activities

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to adopt resolutions and ordinances, including the appropriation of funds; and

WHEREAS, The Town Council has previously accepted donations for events and activities at Alexander Carr Park; and

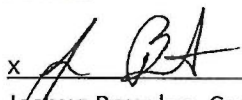
WHEREAS, the Town needs to create a Trust Fund pursuant to RSA 31:19-a to ensure that these funds are used for their intended purpose; and,

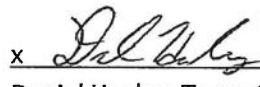
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council, pursuant to RSA 31:19-a, establishes an Alexander Carr Park Activities Expendable Trust Fund from which all associated revenues and donations shall be deposited, and for administrative convenience and in recognition of the de minimis amount in the fund, hereby designate the Town Administrator as Agent to Expend.

This Resolution shall take immediately upon passage.

Adopted April 5, 2022.

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 4/5/22

x   
Daniel Healey, Town Clerk  
Date: 4/5/2022

Archival Ref: Agenda Item #22-43