

TOWN OF DERRY

Town Council
Derry Municipal Center

May 18, 2021
Tuesday - 7:00 PM

7:00 PM Call to order

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

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

Present: TA David 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

No one from the public spoke.

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

Roll Call Vote: 7-0-0

Consent Agenda

21-55 Approve Minutes – April 27, 2021

21-56 Approve Minutes – May 4, 2021

21-57 Resolution #2021-029 – Accept a Bureau of Justice Assistance Grant for personal body armor

21-58 Ordinance #2021-007 – Amend the Zoning Ordinance regarding Uses and Requirements in the Traditional Business Overlay District

Motion by Councilor Wetherbee to approve the consent agenda, seconded by Councilor Foote – all agreed (Councilor Spencer noticed the text in 21-57 is not consistent and that will be fixed for the next meeting)

Chairman's Report – James Morgan

On April 1, 1991, Linda Merrill became the Assistant Director at the Taylor Library and on July 1, 2001, she became the Director. The Town Council would like to thank her for her dedicated service to the Town of Derry with a proclamation and wish her a long, healthy, and well-deserved retirement.

Derry Police Department Patrolman Daniel Komenda will be retiring at the end of May. His over 33 years of service with the Town began on 1/10/1988. He will be continuing on a part-time basis.

Chairman Morgan has requested that the town recognize pride month with a flag and proclamation in the Municipal Center lobby. The council agreed.

Chairman Morgan moves to appoint Victoria Austin and Meryl Zusman as alternate members of the Derry Public Library Board of Trustees for terms to expire March 31, 2022, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

Town Administrator's Report – David Caron

Parks and Recreation Director Kimberly Walsh gave a breakdown of programs, sports, and activities that are currently in progress along with the additional plans for late spring and summer. The playgrounds and parks are open, the fields are being utilized for sports, and there will be 4th of July fireworks this year.

Parks and Recreation will be converting the old batting cages at Vets & O'Hara field into pickle ball courts to help the Town meet the increased demand for this activity. SB 116 which requires NHDOT to complete the Exit 4A project within the timeframe of the ten-year plan was retained in the House Committee as the Committee works through the framework in the ten-year plan and NHDOT's construction timeframe. Guidance from the Treasury concerning the \$3.3M due to the Town from the Federal Government was released last week and the town anticipates presenting options and opportunities to the Council at the June 22 workshop. The House Municipal and County Government Committee has scheduled a hearing on SB 87 which would allow use of some water wheeling revenues.

New Business

21-59 Resolution #2021-028 – Approve and fund a Collective Bargaining Agreement with the Derry Police Patrolman's Association – *Town Administrator Dave Caron presenting*

All seven collective bargaining agreements between the Town and its employees expire on June 30, 2021. As shared with the Council previously, staff completed a five-year projection of revenues and expenses taking into consideration the Town's ongoing legacy costs associated with the current CBAs, the \$650K impact caused by the retirement system (NHRS) increases, as well as anticipated revenues disruptions resulting from the Pandemic's impact upon the economy. That analysis led to the conclusion that insufficient funds were available in FY22 for wage increases in base, and funding was not available throughout the five-year horizon for adjustments at the levels agreed to during the current contract. The Council on Feb. 2 did agree to the use of 70% of a certain portion of retained value within the Derry Commerce Corridor which the Council released back to the general tax base during the FY 22 Budget process. Thus, 70% of \$45M in value is available for collective bargaining. The Council previously authorized the Town to offer a term of up to five years, with 1.5% bonus payments in Year 1, followed by increases into base of 2.0% for succeeding years. The Council made clear that a one-year agreement would not be acceptable. President Biden signed the American Rescue Plan on March 11, which earmarks approximately \$3.3M to the Town. Treasury released rules on the use of the funds on May 11 and, upon cursory review of the information, appears to be very flexible and aligns with the Council's plan to use some funding to support the operating budget and agreements such as this one. Derry Police Patrolmen's Association (DPPA)

represents 42 officers within the Derry Police Department. As the redlined agreement indicates, there were few substantive changes to the Agreement beyond wages. Previously, employees who opted not to join the Association were required to pay an Agency Fee, a process which has been invalidated by the Courts, thus was stricken from the Agreement. The Agreement also implements a less beneficial pharmacy prescription program, as the previous offering was phased out by the town insurance carrier. DPPA opted to ratify a three-year agreement, with a 1.5% bonus (not in base) for FY22, and 2.0% increases in base for both FY 23 and FY 24. The ratification vote was 24-1 in favor.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-028 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

21-38 Resolution #2021-024 – Amend the Developmental Plan and Tax Increment Financing Plan for the Gateway TIF District – *Town Administrator Dave Caron presenting*

The Town successfully developed the Ash Street TIF District after its establishment in 2004. With District debt service completely retired in FY 20, and its close proximity both physically and economically with the planned Exit 4A corridor, an opportunity presented itself to apply proceeds from the Captured Assessed Value to expand economic opportunities in this area. The Council under Resolution #2020-015 did expand the district and rebranded the area as the Gateway TIF District. The Council also established an Expendable Trust for the financing and planning for future infrastructure projects and additional service responsibilities, primarily for those associated with the expanded 4A corridor along Folsom and Madden Roads. The proposed development plan includes the following anticipated activities: Completion of Phase II of the Rail Trail to the Londonderry line - Current estimate of \$825K expended in FY 25 & 26; Hiring an additional Highway employee for road maintenance beginning in FY 25 at an initial cost of \$90K annually; Lease/purchase a six wheel dump truck beginning in FY 25 at an annual cost of \$31,500; Additional infrastructure within the corridor which may include a realignment at Laconia Street to access the Police Station property and property north of Folsom (may be shared with DCC TIF) - FY 25 at a cost of \$750K. This area has been identified in the 2020 Master Plan as a focus area for enhanced development. The area was also identified by the Council during the FY 19 goal setting process for enhancements to Franklin Street Extension for better access to the Town's industrial areas. Further, the regional rail trail is planned to traverse through this area. Financial planning at this juncture is prudent to ensure that adequate funds are available for the visioned improvements to support economic development in that neighborhood. All funds collected are generated by the Captured Assessed Valuation within the Gateway TIF District and do not impact the tax rate.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-024 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0
Resolution attached

21-60 Resolution #2021-030 – Intervene before the Public Utilities Commission regarding Electric Vehicle Time of Use Rates – *Town Administrator Dave Caron presenting*

The Town Council is the governing and legislative body of the town and they have proactively authorized the installation of electric vehicle charging station at the Municipal Center. Due to the increasing demand for this service, the Town experiences significant demand charges from the utility, which resulted in suspension of the service. The Public Utilities Commission is the body designated by state law to establish fees and rates for public utilities. Therefore, the Town Council authorizes the Town Administrator or his designees to file a petition to intervene in matters before the Public Utilities Commission addressing electric vehicle charging stations and utility demand charges.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-030 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 7-0-0
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Chirichiello – Rockingham County has over \$35 million available for renter's assistance and more information is available on the Rockingham County website. The County also has an LNA program where they will pay for training and materials and issue a \$4,000 bonus at the start of working.

Councilor Bourdon – Has been discussing with the School Board the benefits of becoming Net Zero. It could save hundreds of thousands on the budget.

Councilor Spencer – Last week was Municipal Clerk week. The Londonderry, Windham and Derry Town Clerk's were recognized in the Derry News, and she would like to recognize Derry Town Clerk Daniel Healey.

Councilor Wetherbee – The Farmer's Market will take place this year and opening day is scheduled for Wednesday June 2nd from 3-7pm.

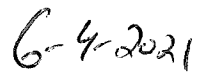
Councilor Foote – This past Saturday, May 15th, the Derry Firefighters had a memorial remembrance ceremony for past firefighters who have passed away. Also on Saturday, it was the National Peace Officer Memorial Day. The Derry Police Department lost an officer on September 17, 1989, Sergeant Thomas Kelly. Councilor Foote would like to thank all past officers for their sacrifice.

Chairman Morgan – There will be a Derry Police officer swearing in ceremony this Friday at 2pm in the 3rd Floor Meeting Room at the Derry Municipal Center.

Adjourn: 7:55pm



Town Clerk



Date

Recording & Transcription by: Daniel Healey, Town Clerk



Resolution #2021-024

To Amend the Development Plan and Tax Increment Financing Plan for the Gateway Tax Increment Financing (TIF) District

WHEREAS, The Town previously enacted the provisions of Chapter 162-K, Municipal Economic Development and Revitalization Districts; and

WHEREAS, the Town Council previously established the Gateway TIF District pursuant to Resolution #2020-015; and,

WHEREAS, the Council and the community have recognized that the Town's transportation patterns will be significantly altered with the impending construction of the Exit 4-A project; and

WHEREAS, the potential and importance of this area to the Town's economic future has been documented in the Town's Master Plan; and

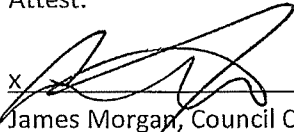
WHEREAS, the Gateway TIF District's Development and Finance Plans are in need of amendments to plan for future infrastructure projects and service requirements;

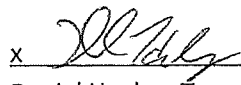
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council, pursuant to RSA 162-K:9, hereby amends the Development Plan and Tax Increment Financing Plan for the Gateway TIF District, to provide resources for the orderly development and growth of the District.

This Resolution shall take effect upon its passage.

Adopted May 18, 2021.

Attest:

x 
James Morgan, Council Chair
Date: _____

x 
Daniel Healey, Town Clerk
Date: 5/18/2021

Archival Ref: Agenda Item #21-38



RESOLUTION

Number 2021-028

To Approve and Fund a Collective Bargaining Agreement with the Derry
Police Patrolman's Association

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the Derry Police Patrolman's Association for the period July 1, 2021 through June 30, 2024; and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of this collective bargaining agreement applicable to Fiscal Year 2022 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the Derry Police Patrolman's Association for the Period July 1, 2021 through June 30, 2024" are hereby approved;

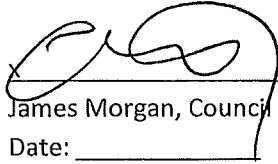
Archival Ref: TC agenda item #21-59


FURTHER, the Town Administrator pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer \$55,161 from the CBA Implementation to fund the FY 22 cost of this Agreement.

This Resolution shall take effect immediately upon its passage.

Adopted: May 18, 2021.

Attest:


James Morgan, Council Chair
Date: _____

x 
Daniel Healey, Town Clerk
Date: 5/18/2021

Archival Ref: TC agenda item #21-59