

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday May 16, 2023
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Foote

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

Roll Call: Councilors Katsakiores, MacEachern, Flood, Granese and Chairman Foote
Councilor Chirichiello (remote), Councilor Spencer (absent)
Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

Motion by Councilor MacEachern to open public forum, seconded by Councilor Katsakiores
All Agreed

Steve Trefethen, North Shore Road – I would like to congratulate the 2 new members and the 2 new liaisons to the Planning Board in person. Exit 4A, the Town has lost 5 million in assessed value due to the state buying lots. There looks to be currently about 3 million in development planned and my own project in the 8-million-dollar range. I will keep you abreast of those plans. I would also like to know the situation on the TIF district boards. Let me know.

Motion by Councilor MacEachern to close public forum, seconded by Councilor Katsakiores
All Agreed

Consent Agenda

23-58	Approve Non-Public Minutes – May 2, 2023 – Minutes Sealed
23-59	Approve Minutes – May 2, 2023
23-60	Resolution #2023-034 – BVP Grant Program
23-61	Resolution #2023-038 – Apply, Accept & Expend a New Hampshire State Library Grant for the preservation of historic documents.

Councilor MacEachern moves to approve Items on the Consent Agenda, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Chairman Report – Charles Foote

New Hampshire Municipal Energy Champion – *Net Zero Task Force Chair Jeff Moulton presenting*

Jeff Moulton – A few years ago Derry was the runner up at the US Association of Mayors for energy conservation and innovative methods to implement them. A week and a half ago the New Hampshire Association awarded Derry with the New Hampshire Municipal Energy Champion for innovative energy policy and results. I am here tonight to present the trophy to the Town Council. In 2016, we as a Town set an aggressive goal and worked toward it. The overarching goal and the support of the Town Council made it work for us. Congratulations.

Committee Appointment

Planning Board

Chairman Foote moves to appoint Daniel Healey as a Member of the Planning Board for a 2-year term to expire March 31, 2025, seconded by Councilor Granese
Roll Call Vote: 6-0-0

Town Administrator's Report – Dave Caron

As of this date, the following revenue sources have exceeded budget estimates for FY23 Interest earning on deposits, Dog License Civil Forfeitures, Planning Department Application Fees, Building Permit Revenues & Ambulance Fees. We have signed an agreement with Wendel, which is a construction management firm, to manage the construction of Central Fire. There are two large lots off of Chancellor Drive scheduled for auction on the afternoon of Thursday, May 18. DPW awarded a contract to One Stop Home Remodeling and Services to replace the exterior and the deck at the lodge. This Saturday, May 20 from 9AM to 12PM at West Running Brook School is Household Hazardous Waste Day. The CPI increase is down to 3.1%, hopefully that means things will calm down.

Public Hearing

23-46 Resolution #2023-029 – Adopt Revised User Rate & Fee Schedule for Derry Water Customers – *Deputy Director of Public Works Tom Carrier presenting.*
Usage Rate: Increase of \$0.29/100 cubic feet (ccft) from \$2.89 to **\$3.18/ccft for In-Town customers** and increase of \$0.49/ccft from \$3.17/ccft to **\$3.66/ccft for out-of-Town customers.**
Base Charge (3/4 meter): Increase of \$3.00/quarter/unit from 27.00 to **\$30.00/quarter per unit for an in-Town service** and increase of \$5.00/quarter per unit from \$29.00 to **\$34.00/quarter per unit for a ¾ inch out-of-Town service.**

Motion by Councilor MacEachern to open public hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public hearing, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-029 which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution Attached

23-47 Resolution #2023-030 – Adopt Revised User Rate Schedule for Derry Wastewater Customers – *Deputy Director of Public Works Tom Carrier presenting.*

Usage Rate: Increase of \$0.19/100 cubic feet (ccft) from \$3.70 to **\$3.89/ccft.**

Base Charge (3/4 meter): Increase of \$3.00/quarter/unit from 41.00 to **\$44.00/quarter per unit.**

Unmetered Flat Rate: Increase of \$7.62/quarter/unit from \$133.50/quarter to **\$141.12/quarter.**

Motion by Councilor MacEachern to open public hearing, seconded by Councilor Granese

Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public hearing, seconded by Councilor Granese

Roll Call Vote: 6-0-0

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-030 which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution Attached

23-49 Resolution #2023-033 – Accept a NHDES DWGB Grant for Lead Service Inventory and Replacement Plan – *Deputy Director of Public Works Tom Carrier presenting.*

The Environmental Protection Agency (EPA) established the Lead and Copper Rule (LCR) in 1991 to protect the public health and reduce exposure to lead in drinking water. Under that rule, Derry conducts system wide tap sampling for lead and copper every 3 years. The rule was enhanced in 2021 to include several new actions to better protect the public against the harmful effects of lead. One of the main priorities of these revisions is the requirement of lead service line inventories. Staff is requesting approval to apply for, accept and expend grant funds from the NH Department of Environmental Services (NH DES) Drinking Water and Ground Water Bureau (DWGB) to conduct a lead service line inventory and prepare a sampling and replacement plan for the Derry public water system as required under the EPA's new Lead and Copper Rule. The maximum award of the Grant based on Derry's system size is \$50,000.00. There is no match required.

Motion by Councilor MacEachern to open public hearing, seconded by Councilor Granese

Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public hearing, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-033 which reads as follows [*Read the Ordinance*], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution Attached

23-48 Resolution #2023-031 – Approve a Supplemental Appropriation for a Forestry Tanker – *Fire Chief Jim Richardson presenting.*

The Fire Department is requesting a supplemental appropriation to replace the chassis of their forestry tanker following a sudden failure of the motor in the existing chassis which is 37 years old. The forestry tank and pump on this truck was replaced in 2017 and would be installed on the new chassis. Using the existing forestry skid (pump and tank) offers the Town significant cost savings. The cost of replacing the entire vehicle would be between \$250,000-\$300,000. In 2017 the intent was to use the existing chassis until it was no longer functional. The amount requested in the supplemental appropriation is \$110,000 for the lease purchase of a new chassis.

Motion by Councilor MacEachern to open public hearing, seconded by Councilor Granese

Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public hearing, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-031 which reads as follows [*Read the Ordinance*], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution Attached

23-55 Resolution #2023-035 – CDBG Authorization for Granite Estates Cooperative Residential Park – *CDBG Administrator Donna Lane presenting.*

23-56 Resolution #2023-036 – CDBG Authorization for the Upper Room – *CDBG Administrator Donna Lane presenting*

23-57 Resolution #2023-037 – Update Housing and Community Development Plan – *CDBG Administrator Donna Lane presenting*

An Informational Document is available.

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for Economic Development Projects, up to \$500,000 for Housing Projects, up to \$500,000 for Public Facility Projects, up to \$500,000 in Emergency Funds, up to \$25,000 per Planning Study grant. All projects must directly benefit a majority of low- and moderate-income persons.

This is a proposed Implementation Community Development Block Grant application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The town will retain up to \$25,000 for administrative/labor compliance expenses and the remainder will be subgranted to Granite Estates Cooperative, a 38 unit manufactured housing park, located at the corner of 72 Kendall Pond Rd and Pine Tree Terrace and the corner of Gamache and Spruce Terrace in Derry, toward financing their water distribution system. The majority of the households in the park are of low and moderate income.

This project conforms with Derry's proposed Housing and Community Development Plan's goal of: Encourage municipal and private water and wastewater systems that are safe, sanitary and that meet DES regulations. (Short-term and Long-term goal).

Councilor MacEachern opens the Public Hearing on the Granite Estates Cooperative Water Distribution System Improvements CDBG Application, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Councilor Foote asks for public comment.

No one from the public spoke.

Councilor MacEachern Closes the Public Hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Councilor MacEachern opens the Public Hearing on the Residential Antidisplacement and Relocation Assistance Plan for the Granite Estates Cooperative Project , seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

This plan outlines measures, under the Uniform Relocation Act, required for CDBG projects that involve any displacement or relocation of persons (or businesses), if the Town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated. This project does not anticipate displacement or relocation.

Councilor Foote asks for public comment.

No one from the public spoke.

Councilor MacEachern closes the Public Hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Councilor MacEachern opens the Public Hearing on the Upper Room Planning Study CDBG Application, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

This is a proposed Planning Study Community Development Block Grant application to the Community Development Finance Authority for up to \$25,000 in Community Development Block Grant funds. The town will retain up to \$3,500 for administrative expenses and the remainder will be subgranted to the Upper Room, a Family Resource Center located at 36 Tsienneto Road Derry, NH 03038 to do a planning study for a potential expansion at the facility at 36 Tsienneto Road, Derry NH 03038. The study will provide The Upper Room with an evaluation of current facility, and land for potential purpose of a building addition or modification that would increase meeting and classroom space. The majority of Upper Room's clients are of low and moderate income.

This project conforms with Derry's proposed Housing and Community Development Plan's goal of:

Promote activities that protect the health and safety of residents and visitors. (Short-term and Long-term goal).

Councilor MacEachern asks for public comment.

No one from the public spoke.

**Councilor MacEachern closes Public Hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0**

**Councilor MacEachern opens the Public Hearing on the Residential Antidisplacement and Relocation Assistance Plan for the Upper Room Planning Study Project, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0**

This plan outlines measures, under the Uniform Relocation Act, required for CDBG projects that involve any displacement or relocation of persons (or businesses), if the Town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated. This project does not anticipate displacement or relocation.

Councilor MacEachern asks for public comment.

No one from the public spoke.

**Councilor MacEachern closes Public Hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0**

**Councilor MacEachern opens the Public Hearing on the Updated Housing and Community Development Plan, seconded by Councilor Granese
Roll Call Vote: 6-0-0**

The Housing and Community Development Plan outlines long and short term goals for the Town. It was last adopted in January 2017. CDBG requires a HCDP that is no more than 3 years old. The 2017 goals have been updated to be current, and National and State Housing and Community Development goals have been added. CDBG now requires a CDBG Citizen Participation Plan be included in the HCDP, to encourage citizen participation in CDBG projects.

Councilor MacEachern asks for public comment.

No one from the public spoke.

**Councilor MacEachern closes Public Hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0**

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-035
which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached**

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-036
which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached**

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-037
which reads as follows [*Read the Resolution*], seconded by Councilor Granese
Roll Call Vote: 6-0-0
Resolution attached**

New Business

23-62

Resolution #2023-039 – Accept a donation and establish a policy for accepting grants and donations in amount less than \$10,000 – *Town Administrator Dave Caron presenting*

This is to accept a donation of \$500.00 from Hayek Jewelers for the Senior Luncheon Program and to establish a procedure for accepting unanticipated revenues in the future. The State of New Hampshire authorizes municipalities to accept unanticipated revenues in the form of grants, gifts and donations after the annual budget has been adopted. State law does require that the Council schedule a public hearing for amounts of \$10,000 and greater. RSA 31:95-b III (b) provides flexibility when accepting funds less than \$10,000.00. Currently, those funds are accepted through a resolution formally adopted by the Town Council. It is recommended that this process continue for funds received between \$1,001.00 and \$9,999. The statute leaves the Governing Body the process by which these funds are accepted, but public notice is required. It is recommended that the Council adopt a procedure whereby any funds in the amount if \$1,000 or less be listed on the Consent Agenda for adoption.

**Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-039
which reads as follows [*Read the Resolution*], seconded by Councilor Spencer
Roll Call Vote: 6-0-0
Resolution attached**

23-63

Resolution #2023-040 – Approve the appointment of an Interim Deputy Treasurer – *Interim Town Treasurer Stacey Beliveau presenting.*

Since the resignation of the Town Treasurer, I have been Interim Town Treasurer. That leaves the position of Deputy vacant, and I would like to appoint Dalia Ragas as the Interim Deputy Town Treasurer.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-040 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

Old Business

23-64 Ordinance #2023-002 – Reconsider the Adoption of Ordinance #2023-002, Amend Chapter 150 of the General Code restricting parking at Rider Field – *Town Council Chair Charles Foote.*

Councilor MacEachern MOVES THAT THE TOWN COUNCIL reconsider Ordinance #2023-002, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

The ordinance has an effective date of 30 days after passage. It was approved on May 2nd, which gives it an effective date of June 2nd. Since we want to be as non-disruptive as possible, I would like to change the effective date to June 21, 2023, so that school is no longer in session and students can plan for the next school year.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Ordinance #2023-002A which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Ordinance attached

Councilor Comments / Liaison Reports –

Councilor Flood – Pinkerton on Saturday had a Cornhole Tournament and has some short plays earlier in the week to support mental health awareness at Pinkerton and the funds are being donated to NAMI NH

Councilor Foote – Saturday, June 3rd, Touch a Truck will be at West Running Brook Middle School.

Motion by Councilor MacEachern to ADJOURN, seconded by Councilor Granese
All Agreed

Adjourn: 8:17PM


Town Clerk


Date

Recording & Transcription by: Cristina Guilford, Town Clerk



RESOLUTION

Number 2023-029

To Adopt a Revised User Rate and Fee Schedule for Derry Water Customers

WHEREAS, RSA 38:17 authorizes the Town Council to enter into a supply contract with another municipality for the purposes of purchasing water for customers of the Derry Water Department; and

WHEREAS, the Town has entered into a wholesale water supply contract with Manchester Water Works to provide water for its customers; and

WHEREAS, the Town Council, on occasion and in accordance with RSA 38:28 shall review water user rates to remain in compliance with the Town's contract with Manchester Water Works, to fund necessary capital improvements and to ensure the equitable distribution of expenses across all water user classifications; and

WHEREAS, vendor price increases for meters and other equipment have resulted in increased cost to the water utility, which charges should be borne by the customers requiring said services; and

WHEREAS, the Manchester Water Works' Merrimack River Source Development Charge is levied upon new or expanding water users, and these increased costs should likewise be borne by the customers requiring said service.

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the attached revised User Rate and Fee Schedules for Derry Water Customers.

This Resolution shall take effect on all water usage billed on or after July 1, 2023.

Adopted: May 16, 2023

Attest:

A handwritten signature in black ink, appearing to be "Charles Foote", written over a horizontal line.

Charles Foote, Council Chair

Date: May 16, 2023

A handwritten signature in black ink, appearing to be "Cristina Guilford", written over a horizontal line.

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: TC agenda item #23-46

Water User Rate Adjustments

Water Usage						
FY2024 Budget Proposal						
	FY2024	FY23 Rate	FY24 Rate	FY2024 Budget	FY2023 Budget	
Base Charges (No. Billed Units) 3/4" In-Town	33,812	\$ 27.00	\$ 30.00	\$ 1,014,360.00	\$ 957,471.00	
Base Charges (No. Billed Units) 3/4" Out-of-Town	648	\$ 29.00	\$ 34.00	\$ 22,032.00	\$ 22,552.00	
1" In-Town	268	\$ 40.00	\$ 45.00	\$ 12,050.00		
1" Out-of-Town	20	\$ 44.00	\$ 51.00	\$ 1,020.00		
1 1/2" In-Town	224	\$ 67.00	\$ 76.00	\$ 17,024.00		
1 1/2" Out-of-Town	4	\$ 73.00	\$ 87.00	\$ 348.00		
2" In-Town	204	\$ 133.00	\$ 151.00	\$ 30,604.00		
2" Out-of-Town	24	\$ 146.00	\$ 173.00	\$ 4,152.00		
3" In-Town	32	\$ 267.00	\$ 304.00	\$ 9,728.00		
3" Out-of-Town	4	\$ 293.00	\$ 349.00	\$ 1,396.00		
Usage Charges (100's cubic feet) In-Town	66,769,475	\$ 2.89	\$ 3.18	\$ 1,573,568.32	\$ 1,405,777.20	
Usage Charges (100's cubic feet) Out-of-Town	2,317,676	\$ 3.17	\$ 3.66	\$ 71,942.59	\$ 38,559.54	
	TOTALS	TOTALS	\$	2,758,454.92	\$ 2,465,360.04	\$ 309,094.88
	10.0%	ANNUAL USAGE RATE INCREASE				
	50.0%	ANNUAL BASE CHARGE INCREASE				

Projected Annual
FY2024 WATER
Revenue Increase

Water User Fee Adjustments

Fee		Current Charge	Proposed FY24 Charge
Meter Horn Assembly	3/4 inch	\$382.00	\$416.00
Meter Horn Assembly	1 inch	\$729.00	\$788.00
MSD Charge	5/8 x 3/4 inch	\$1,191.00	\$1,227.00
MSD Charge	1 inch	\$3,420.00	\$3,523.00
MSD Charge	1 1/2 inch	\$8,973.00	\$9,243.00
MSD Charge	2-inch	\$15,849.00	\$16,325.00
MSD Charge	>2-inch	\$4.02/GPD	\$4.14/GPD

Archival Ref: TC agenda item #23-46



RESOLUTION

Number 2023-033

To Accept a NHDES DWGB Grant for Lead Service Inventory
and Replacement Planning

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, the Environmental Protection Agency has revised rules which require water utilities to complete an inventory of lead service line inventories; and

WHEREAS, the New Hampshire Department of Environmental Services (NHDES) Drinking Water and Groundwater Bureau (DWGB) has established a grant program to assist water utilities with rules compliance; and

WHEREAS, acceptance of this grant will relieve Derry water customers from the cost of this inventory;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to apply for, accept and expend up to \$50,000 from NHDES DWGB to complete a lead service line inventory and prepare a Sampling and Replacement Plan.

This Resolution shall take effect immediately upon its passage.

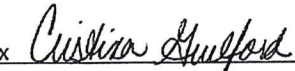
Adopted: May 16, 2023

Attest:

x 

Charles Foote, Council Chair

Date: May 16, 2023

x 

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: Agenda #23-49



RESOLUTION

Number 2023-030

To Adopt a Revised User Rate Schedule for Derry Wastewater Customers

WHEREAS, RSA 149-I:1 authorizes the Town Council to construct and maintain public sewer facilities for the public convenience, health or welfare; and

WHEREAS, the Town has enacted a structure of sewer fees to ensure that the system is properly funded; and

WHEREAS, the Town Council, on occasion and in accordance with RSA 149-I:8 shall review wastewater sewer rents to ensure that adequate revenues are received to fund all operating expenses and necessary capital improvements and to ensure the equitable distribution of expenses across all wastewater user classifications;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby adopts the attached revised User Rate Schedule for Derry Wastewater Customers.

This Resolution shall take effect on all sewer usage billed on or after July 1, 2023.

Adopted: May 16, 2023

Attest:

A handwritten signature in black ink, appearing to be "Charles Foote", written over a horizontal line.

Charles Foote, Council Chair

Date: May 16, 2023

A handwritten signature in black ink, appearing to be "Cristina Guilford", written over a horizontal line.

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: TC agenda item #23-47

Sewer Use Rate Adjustments

SEWER USAGE RATE

\$3.89 per 100 Cubic Feet (CCF)

SERVICE CHARGE

DERRY SEWER RATES FOR FY2024 (eff. 7/1/2023 to 6/30/2024)			
CUSTOMER CLASS	BASE MINIMUM CHARGE (includes 500 cubic feet of usage per base unit)		VOLUMETRIC USAGE RATE - Per 100 cubic feet
Residential Customers -	\$ 44.00	per living unit per quarter	\$ 3.89
Non Residential Customers -	\$ 44.00	per water meter per quarter	\$ 3.89
Residential and Non Residential Customers - With annual average daily usage > 100,000 GPD	\$ 44.00	per water meter per quarter	\$ 3.89
Unmetered Residential Customers -	\$ 141.12	per living unit per quarter	N/A
Unmetered Non-Residential Customers -	\$ 141.12	per water meter per quarter	N/A

DERRY OUT-OF-TOWN SEWER RATES FOR FY2024 (eff. 7/1/2023 to 6/30/2024)			
CUSTOMER CLASS	BASE MINIMUM CHARGE		VOLUMETRIC USAGE RATE - Per 100 cubic feet
Residential Customer - All Meter Sizes	\$ 44.00	per living unit per quarter	\$ 3.89
Non-Residential Customer	\$ 44.00	per meter per quarter	\$ 3.89

Archival Ref: TC agenda item #23-47



RESOLUTION

Number 2023-031

To Approve a Supplemental Appropriation for a Forestry Tanker

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, the Fire Department's 1986 Forestry Tanker recently experienced malfunctions which would require significant repairs; and

WHEREAS, after an evaluation it has been determined that the replacement of the chassis is the most cost-effective option to return the apparatus into service; and

WHEREAS, adequate funds are available in the Fire Department Capital Reserve Fund through a lease purchase arrangement to fund this acquisition.


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of One Hundred Ten Thousand Dollars (\$110,000) shall be appropriated to rehabilitate the Forestry Tanker;

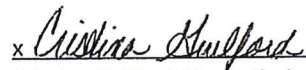
FURTHER, as Agents to Expend, the Council hereby authorizes the use of Fire Department Capital Reserve Funds to fund the lease-purchase agreement.

This Resolution has been adopted by two-thirds majority of the entire Council as required by Charter and shall take effect immediately upon its passage.

Adopted: May 16, 2023.

Attest:

x 
Charles Foote, Council Chair
Date: May 16, 2023

x 
Cristina Guilford, Town Clerk
Date: May 16, 2023

Archival Ref: TC agenda item #23-48



RESOLUTION

Number 2023-035

CDBG Authorization for Granite Estates Cooperative Residential Park

The Town Council, under Agenda Item #23-55 on May 16, 2023, took the following actions as requested by the Granite Estates Cooperative Residential Park:

Two (2) consecutive public hearings were held on the following (Informational packets were made available to the public):


- 1) Proposed Implementation Community Development Block Grant application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The town will retain up to \$25,000 for administrative/labor compliance expenses and the remainder will be sub-granted to Granite Estates Cooperative, a 38-unit manufactured housing park, located at the corner of 72 Kendall Pond Rd and Pine Tree Terrace and the corner of Gamache and Spruce Terrace in Derry, toward financing their water distribution system. The majority of the households in the park are of low and moderate income.
- 2) The Residential Anti-Displacement and Relocation Assistance Plan for the proposed Granite Estates Cooperative Water System Upgrades Project.
 - 1) **THE TOWN COUNCIL approves the submittal of the Granite Estates Residents Cooperative Infrastructure Improvements application and authorized the Town Administrator to sign and submit the application, and any amendments thereto, and upon approval of the CDBG application, authorized the Town Administrator to execute any documents which may be necessary to effectuate the CDBG contract on behalf of the Granite Estates Residents Cooperative Manufactured Housing Cooperative.**
 - 2) **THE TOWN COUNCIL adopts and approves the Residential Anti-Displacement and Relocation Assistance Plan for the Granite Estates Cooperative Water Distribution Improvements Plan.**

This Resolution shall take effect immediately upon its passage.

Archival Ref: TC agenda item #23-55

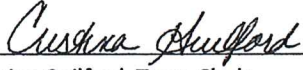
Adopted: May 16, 2023.

Attest:



Charles Foote, Council Chair

Date: May 16, 2023

x 

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: TC agenda item #23-55



RESOLUTION

Number 2023-036

CDBG Authorization for The Upper Room

The Town Council, under Agenda Item #23-56 on May 16, 2023, took the following actions as requested by The Upper Room:

Two (2) consecutive public hearings were held on the following (Informational packets were made available to the public):

- 1) A proposed Planning Study Community Development Block Grant application to the Community Development Finance Authority for up to \$25,000 in Community Development Block Grant funds. The town will retain up to \$3,500 for administrative expenses and the remainder will be sub granted to the Upper Room, a Family Resource Center located at 36 Tsienneto Road, Derry, NH 03038 to do a planning study for a potential expansion at the facility at 36 Tsienneto Road, Derry NH 03038. The study will provide The Upper Room with an evaluation of current facility, and land for potential purpose of a building addition or modification that would increase meeting and classroom space. The majority of Upper Room's clients are of low and moderate income.
- 2) The Residential Anti Displacement and Relocation Assistance Plan for the proposed Upper Room Family Resource Center Planning Study Project.

- 1) THE TOWN COUNCIL approves the submittal of The Upper Room Planning application and authorizes the Town Administrator to sign and submit the application, and any amendments thereto, and upon approval of the CDBG application, authorized the Town Administrator to execute any documents which may be necessary to effectuate the CDBG contract on behalf of The Upper Room.
- 2) THE TOWN COUNCIL adopts and approves the Residential Anti-Displacement and Relocation Assistance Plan for the proposed Upper Room Family Resource Center Planning Study Project.

Archival Ref: TC agenda item #23-56

This Resolution shall take effect immediately upon its passage.

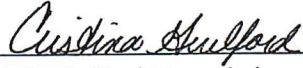
Adopted: May 16, 2023.

Attest:

x 

Charles Foote, Council Chair

Date: May 16, 2023

x 

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: TC agenda item #23-56



RESOLUTION

Number 2023-037

Adopt Derry's Housing and Community Development Plan

The Town Council, under Agenda Item #23-57 on May 16, 2023, took the following action associated with Community Development Block Grant Applications:

A public hearing was held on the following (Informational packets were made available to the public):

- 1) Update Derry's Housing and Community Development Plan
- 1) **THE TOWN COUNCIL approves Derry's Housing and Community Development Plan**

This Resolution shall take effect immediately upon its passage.

Adopted: May 16, 2023.

Attest:

x 

Charles Foote, Council Chair

Date: May 16, 2023

x 

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: TC agenda item #23-57



RESOLUTION

Number 2023-039

To Accept a Donation and Establish a Policy for Accepting Gifts,
Donations and Grants in an Amount Less Than \$10,000

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

WHEREAS, the Town has received a donation in the amount of \$500 from Hayek Jewelers LLC for the Seniors Luncheon Program managed by the Recreation Division; and

WHEREAS, RSA 31:95-b provides flexibility to increase efficiencies and maintain transparency when accepting gifts, grants and donations in an amount less than \$10,000;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that:

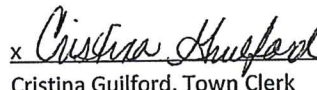
- 1) The Town Administrator is hereby authorized to accept a donation in the amount of \$500 from Hayek Jewelers for the Seniors Luncheon Program.
- 2) Upon adoption of this Resolution, the following procedure to accept gifts, grants and donations shall remain in effect until rescinded by the Town Council:
 - a. \$1 - \$1,000 Inclusion on the Council's Consent Agenda for adoption.
 - b. \$1,001 - \$9,999 Adoption by Resolution on the Council's regular agenda.
 - c. \$10,000 – above Adoption by Resolution after a duly notice Public Hearing.

This Resolution shall take effect immediately upon its passage.

Adopted: May 16, 2023

Attest:


Charles Foote, Council Chair
Date: May 16, 2023
Archival Ref: Agenda Item #23-62


Cristina Guilford, Town Clerk
Date: May 16, 2023



RESOLUTION

Number 2023-040

To Approve the Appointment of the
Deputy Treasurer

WHEREAS, RSA 41:29-a allows the Town Treasurer to appoint a Deputy Treasurer with the approval of the Town Council; and

WHEREAS, a vacancy exists in the position of Treasurer, which has required the Deputy Treasurer to act as the Treasurer; and

WHEREAS, government efficiencies warrant the appointment of an Interim Deputy Treasurer who may act in the absence of the Acting Treasurer.;

WHEREAS, the Acting Treasurer has appointed Dalia Ragas as Interim Deputy Treasurer, who shall perform all the duties of the town treasurer in case of the treasurer's absence; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of Dalia Ragas as Interim Deputy Treasurer is hereby approved.

This Resolution shall take effect immediately upon its passage and shall expire upon the confirmation of the Town Treasurer.

Adopted: May 16, 2023

Attest:

A handwritten signature in black ink, appearing to read "Charles Foote", written over a horizontal line.

Charles Foote, Council Chair

Date: May 16, 2023

A handwritten signature in black ink, appearing to read "Cristina Guilford", written over a horizontal line.

x Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: TC agenda item #23-63



ORDINANCE
Number 2023-002A

Amend Chapter 150 of the General Code Restricting Parking
at Rider Field

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, the Town recently completed improvements to the Rider Field Parking Lot;

WHEREAS, the area is being used as a parking lot by Pinkerton Academy students; and

WHEREAS, said use has resulted in disturbances to the neighborhood, maintenance issues and public safety concerns.

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapter 150, Article I, Section 150.6-D of the General Code, Streets and Sidewalks is hereby amended to institute a two hour time restriction at Rider Field from 7AM to 3PM on weekdays during the school year.

This Ordinance shall take effect ~~30 days after its adoption~~ on June 21, 2023.

Adopted: May 2, 2023

Attest:

x

Charles Foote, Council Chair

Date: May 16, 2023

x

Cristina Guilford, Town Clerk

Date: May 16, 2023

Archival Ref: Agenda Item #23-64