

## **TOWN OF DERRY**

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday June 15, 2021  
3rd Floor Meeting Room

### **MINUTES**

**5:15 PM Rail Trail Celebration – Hood Park**  
**6:00 PM Non-Public Session – RSA 91A:3 II (c,l)**  
**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 RSA 91A:3 II (c, l) because it was determined divulgence of this information would render a proposed action ineffective, seconded by Councilor Foote**  
**Roll Call Vote: 7-0-0**

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

**Roll Call:** Councilors Chirichiello, Katsakiores, Foote, Wetherbee, Bourdon, Spencer(Video), 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 Wetherbee**  
**Roll Call Vote: 7-0-0**

Mark Connors: Cabot Dr – Representing the Derry Rail Trail Alliance as their president stated that the section of the trail over the Hood Park Dam opened today. There is just a small piece left to connect to Londonderry.

Craig Cunningham: Hunter Dr – Thinks it is great that the Town is displaying the Pride flag in the lobby. His son is part of the LGBT community and he has relayed that he does not feel that Derry is welcoming.

Dan Mecke: Highland Ave – Does not consider Derry hateful. Does not agree with drag story time originally being at the library as he feels it is sexualizing children. The Rail Trail is great.

Saige Plummer: Chester, NH – Representing NH Unsilenced and does not believe the library is an appropriate venue for drag story time.

Elizabeth Lafauci: Trent Rd – Questioned what she described as targeted attacks by the Chairman of the council affecting her safety. She wants children unmasked for the 2021-2022 school year and does not believe her opinion warrants attacks against her.

Terry Wood: Fordway St – Agrees with Saige's opinions. Has been a pre-school teacher in Derry for over 25 years. Would like story time guests to read as their natural self and not in a dress. Would like inclusion to be discussed but disagrees with dressing up. Stated that she believes one of the books being read has been banned by the Library Association.

David Clapp: Barkland Dr – Believes the public should go or not go and that is an individual choice. It is frightening and sad the event was moved. The negative press is not good for the town.

Jenna Paradise: Hubbard Hill Rd – Played a recorded audio clip from her 14 year old daughter stating that people need to be more inclusive and stop being bigots.

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Believes the library director should have discussed the drag story time with the trustees before booking it. Stated that she met with the library director.

Mark Connors: Cabot Dr – The comments tonight should have been made at the library trustees meeting that was the previous night. Katherine Prudhomme-O'Brien introduces herself as a State Representative. The library trustees are not in charge of scheduling events, they are in charge of operations and policies. Would like any documents sent to the library from Prudhomme-O'Brien to be made public if they are indeed public documents.

Judy Strakalaitis: Pingree Hill Rd – Agrees with Mark Connors that the library trustees are responsible for operations and policies. Complaining at the Town Council is the wrong venue as it should be addressed at the library trustee meeting. Supports the new library director.

Erica Layon: Tsienneto Rd – Does not like the harassment by Council members and believes the public deserves an apology. Suggests having supportive clubs inside the library instead of a drag story time.

Robert Lee: Fordway St – Vetting is not racist or homophobic and people against drag story time are not bigots.

Mark Viens: Marlboro Rd – Attended the trustees meeting at the Derry Public Library. Has been surprised by some of the comments and commends the Taylor Library Director. The original event was scheduled on a Friday night, hours after the library closed for the day. Agrees with following the science regarding masks in schools and hopes kids can get vaccines.

**Motion by Councilor Chirichiello to close public forum, seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

### **Consent Agenda**

**21-67** Approve Non-Public Minutes – June 1, 2021 – **Minutes Sealed**

**21-68** Approve Minutes – June 1, 2021

**21-69** Planning Board Resignation – Lori Davison, Regular Member, with term to expire March 31, 2022

**21-70** Taylor Library Board of Trustees – Kim Burke, Regular Member, with term to expire March 2022

Taylor Library Board of Trustees – Jillien Klok, Regular Member, with term to expire March 2023

**21-71** Resolution #2021-036 – Authorize the sale of property surplus to the Town's needs

**21-72** Ordinance #2021-009 – Amend the Zoning Ordinance regarding small business and residential solar energy systems

**Motion by Councilor Wetherbee moves to approve the consent agenda and the decision made in non-public, seconded by Councilor Bourdon**

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

**Chairman's Report – James Morgan**

Chairman Morgan deferred to Councilor Bourdon who shared a video and read a proclamation in recognition of Martin Gelb, a World War II Veteran.

There has been discussion in the past on election participation and a sub-committee was formed a few months ago to generate ideas on any improvements. Chairman Morgan asked the Town Moderator to start planning meetings.

Rebecca Sanborn, the founder and president of Sanborn Corporate Training Solutions, LLC spoke about LGBTQ Diversity & Inclusion. Her company provides training to corporate, non-profit, and public-sector entities regarding LGBTQ cultural competence, sensitivity, and acceptance. She is also a Derry resident.

**Chairman Morgan moves to appoint James Hultgren as a member of the Planning Board for a term to expire March 31, 2022, seconded by Councilor Katsakiores**

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

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

Pursuant to the Council's action in July 2009 which delegated police detail rate setting authority to the Town Administrator, the Council is hereby notified that the rates have been adjusted to reflect the Town's personnel costs, effective July 1, 2021. A memo from the Police Chief outlining the changes is included in the councils packets. The banners in the downtown advertising the Farmer's Market were installed by DPW crews on June 7<sup>th</sup>. A national tour which promotes the latest in technological advances for broadcast media is scheduled for Derry on Wednesday, June 23 from 11 AM – 2 PM. This tour will in NYC, Hartford, Providence, and Boston prior to making its New Hampshire visit on McAllister Court. DerryCam is the NH host, and the event in Derry will provide an exposure opportunity for the Downtown and the Farmer's Market. The Alexander Eastman Foundation regulations require the establishment of a physical office in Derry. Town staff is working with various stakeholders including the Greater Derry Arts Council to identify a suitable location. The grand opening of the Hood Park dam section of the rail trail took place earlier today at 5:15 PM. The Council goal setting meeting is scheduled for June 22 at the Derry Opera house with a start time of 6 PM. The Council is invited to join a ribbon cutting to officially open the new Derry Public Library patio addition and to celebrate the Piano Project with the GDAC/PAC, scheduled for Monday June 21<sup>st</sup> at 3 PM. The Council was supplied with information regarding the monthly performance of motor vehicle permit fees. The Town once again received GFOA Excellence in Financial Reporting.

Town Administrator Dave Caron gave a presentation on upgrading the Public Safety Facilities. Upgrading would address aging and inefficient fire and police facilities, would decrease Fire/EMS response times to more populated areas in Derry, and would address service access concerns, all in a manner which understands and respects the fiscal impact upon Derry taxpayers. Potential solutions would be to construct a new central fire station at Shute's corner, construct a public safety facility at Shute's corner, construct a fire substation at Shute's corner, construct a new central fire station along By-Pass 28, construct a public safety facility along By-Pass 28, or construct a new police station in the community. Costs could range from \$5.8 M to \$29.1 M for construction and not factoring in the cost to acquire any land. The Council consensus was to gather more information for further discussion.

### **Public Hearings**

**21-62** Ordinance #2021-008 – Amend the Zoning Ordinance regarding signs in the TBOD and West Running Brook District and Off Premise Signs – *Planning Director George Sioras presenting*

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. The Planning Board has been reviewing sign regulations in various zones and rules for off-premise signs. In support of economic activity, amendments are necessary to enhance opportunities in the Traditional Business Overlay District and the West Running Brook Zone. Court rulings require an amendment to the regulation of off-premise signs and the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council.

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

No one from the public spoke.

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

**Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Ordinance #2021-008 which reads as follows [*Read the Ordinance*], seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**  
**Ordinance attached**

### **New Business**

**21-73** Resolution #2021-035 Approve and fund a Collective Bargaining Agreement with the Derry Professional, Administrative and Technical Employees – *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 FY22 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, it appears to be very flexible and aligns with the necessity to use a portion of these funds to pay for ongoing collective bargaining agreement costs. PATE represents 29 mid-level professional positions throughout the organization.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-035 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**21-74** Resolution #2021-037 – Set the compensation of the Town Clerk and provide employee benefits – *Town Administrator Dave Caron presenting*

The Town Clerk is currently compensated at the rate of \$46,867 annually. All employees who receive compensation other than through personnel evaluations will receive a 1.5% lump sum payment not in base for FY 22. It is therefore recommended that the Clerk's compensation be adjusted by a one-time payment of \$703. By New Hampshire State Law, the governing body of the town is required to set the elected Town Clerk's salary. This is acted upon annually after the fiscal year budget has been approved. Each year the Town Council needs to approve the elected Town Clerk's salary. Granting a 1.5% lump sum payment to the Town Clerk is consistent with the compensation awarded to all full time employees whose compensation adjustments are not reliant upon a performance review. Senior leadership including the police chief, fire chief, public works director, chief financial officer, human resources director and the executive assistant all must meet performance expectations to receive increases and are not guaranteed compensation increases by contract.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-037 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**Councilor Comments / Liaison Reports –**

Councilor Bourdon – Thanked Scott from Tupleo and Chairman Morgan for assisting with getting the venue for drag story time. There are 25 tickets available for the annual Jason Flood memorial "Pizzastock" this Friday. Believes it is easy to say things online and people should think before they reply, it is much harder to say the same things to someone in-person.

Councilor Foote – Excellent presentation for Martin Gelb. Thanked him for his service.

Councilor Chirichiello – There is 35,000 in rental assistance available at Rockingham County for people who need it and qualify. He has been notified that a good amount of people have applied which is great.

Councilor Spencer – Thanked the people that came out for the public hearing. Urges people to check information for themselves as there was some misinformation presented about banned books.

Chairman Morgan – Thanked everyone for speaking tonight and voicing their opinions besides the elected officials.

**Adjourn: 9:15pm**

  
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Town Clerk

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

7-21-2021  
Date



## ORDINANCE

Number 2021-008

### Amend Zoning Ordinance Regarding Signage in TBOD and West Running Brook District, and Off Premise Signs

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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 Planning Board has been reviewing sign regulations in various zones and rules for Off-Premise Signs, and

WHEREAS, in support of economic activity, amendments are necessary to enhance opportunities in the Traditional Business Overlay District and West Running Brook Zone; and

WHEREAS, Court rulings require an amendment to the regulation of Off Premise Signs; and

WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows:

To AMEND Article II Word Usage and Definitions, Section 165-5, Definitions to add definitions to types of signs; Article XII, Signs, Section 165-101.5, Signs in the TBOD; Section 101.8, Off-Premise Signs; and to create a new Section 165-101.12, Signs in the West Running Brook District.

This Ordinance shall take effect thirty days after its adoption.

Adopted: June 15, 2021

Attest:

X

James Morgan, Council Chair

Date:

6/15/2021

X

Daniel Healey, Town Clerk

Date:

6/15/2021

Archival Ref: Agenda Item #21-62



## RESOLUTION

Number 2021-035

To Approve and Fund a Collective Bargaining Agreement with the Derry  
Professional, Administrative and Technical Employees

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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 union representing the professional, administrative and technical employees of Derry for fiscal years 2022 through 2026: 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 the 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 Professional, Administrative and Technical Employees of Derry, SEA of NH, Inc., SEIU Local 1984", for the period July 1, 2021 through June 30, 2026 are hereby approved;

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Archival Ref: TC agenda item #21-73

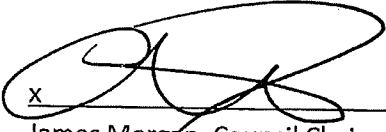


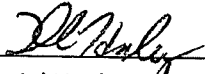
FURTHER, the Town Administrator pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer Forty-Eight Thousand Six Hundred Ninety-Three Dollars (\$48,693), from the CBA Implementation Trust to fund the FY 22 cost of this Agreement.

This Resolution shall take effect July 1, 2021.

Adopted: June 15, 2021.

Attest:

x   
James Morgan, Council Chair  
Date: 6/15/2021

x   
Daniel Healey, Town Clerk  
Date: 6/15/2021

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Archival Ref: TC agenda item #21-73



## RESOLUTION

Number 2021-037

To Set the Compensation of the Town Clerk and Provide Employee Benefits

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

WHEREAS, Section 8.6(C) of the Charter empowers the Town Administrator to fix the compensation of all town officers and employees appointed by the Town Administrator; and

WHEREAS, the Town Clerk is an elected official whose compensation is not fixed by the Town Administrator, doing so is therefore a legislative action and a duty of the Town Council;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Clerk's base annual compensation will remain at \$46,867 and will receive a lump sum payment of \$703.00 (not in base) for FY22; and

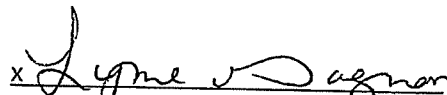
FURTHER, BE IT RESOLVED that the Town Clerk is hereby provided with access to the full range of employee benefits available to non-represented employees.

This Resolution shall take effect immediately on July 1, 2021.

Adopted: June 15, 2021.

Attest:

x   
James Morgan, Council Chair  
Date: 6/15/2021

x   
Lynne Gagnon, Deputy Town Clerk  
Date: 6/16/2021

Archival Ref: TC agenda item #21-74