

## TOWN OF DERRY

Town Council  
Derry Municipal Center

June 5 2018  
Tuesday - 7:00 PM

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6:00 PM Non-Public Session 91A:3 II (d)  
7:00 PM Call to order

**Councilor Tripp moves to leave non-public session, seconded by Councilor Katsakiores – all agreed**

**Councilor Tripp moves to seal RSA 91A:3 II (d), seconded by Councilor Katsakiores – all agreed**

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

**Roll Call:** Councilors Chirichiello, Foote, Tripp, Wetherbee, Katsakiores, Bourdon and Chairman Morgan  
Present: TA David Caron, Town Clerk Daniel Healey

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

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

Marc Flattes: Linlew Dr – Would like a breakdown on the numbers for the outsourcing of the Human Services Department and a presentation. Thanked Chairman Morgan for visiting CHS and asked the council to reconsider the vote.

Bev Fitzgerald: Fairway Dr – Human Services has helped her and would like the council to reconsider the vote.

Mark Sargent: Birch St – Would like the town to consider an ordinance to prevent properties from becoming “dumps”. Showed pictures to the town council of his neighbor’s property. The Town Council suggests Code Enforcement be informed.

Anthony Siragusa: Eden, St – Lives in the same neighborhood as Mr. Sargent and seconded his comments.

TJ Mudon: East Broadway – People use the Human Services Department and he would like it to remain in-house.

Randall Kelley: Hardy Ct – Announced that he is going to run for State Representative. Would like a feasibility study done on the Human Services Department. Asked if there are any inconsistencies in the department.

Ernie St. Pierre: Sunset Ave – He is on the Property Maintenance Committee and asked to see the pictures Mr. Sargent submitted so they can get it on their list. Visited CHS and gave them the Veteran’s Assistance Fund brochure and has already been contacted.

Dawn Terrell: Hardy Ct – Other town’s Human Services needs are minimal, Derry is more similar to Dover or Rochester. Questioned who would be paying for an uber or a cab ride from the Municipal Center to CHS.

Steve Trefethen: Windham, NH – Has contacted Code Enforcement in the past and they do a great job.

Dan McKenna: South Main St – Touch a Truck was a great event. Suggested the possibility of a tax cap on the school budget.

Amy Rheaume: Collettes Grv – Questioned the meaning of the non-binding referendum. Attended an Autism speaks summit and would like to know if there are any local resources.

Jaime Navarro: Heritage Lane – Would like a public review of some projects that have been completed in town in the last 3-4 years.

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

**Consent Agenda**

**18-65** Approve Non-Public Minutes – May 15, 2018 – **minutes sealed**

**18-66** Approve Minutes – May 15, 2018

**18-67** Accept Conservation Commission Member Resignation

**18-68** Appointment to Net Zero Task Force

**18-69** Appointment to Robert Frost / Old State Coach Scenic Byway Council

**Consent agenda items 18-65, 18-66 and 18-67 approved**

**Chairman Morgan moves to appoint Marius Zainea as a member of the Net Zero Task Force for a 2 year term to expire March 31, 2020, seconded by Councilor Tripp**  
**Roll Call Vote: 7-0-0**

**Chairman Morgan moves to appoint Karen Blanford-Anderson as a member of the Robert Frost Stage Coach / Scenic Byway Council, seconded by Councilor Wetherbee**  
**Roll Call Vote: 7-0-0**

**Chairman's Report – James Morgan**

The Council has had discussions regarding Derry's form of government and whether the School District should be absorbed into the municipal structure, which would then subject the school department to the voter-approved tax cap. The Council placed the matter before the voters as a non-binding referendum in March, with voters supporting the measure by a margin of 52% of the vote. Legislation was subsequently filed in Concord in the form of an amendment to an existing bill; the amendment was later pulled; thus, state authorization is still required for Derry voters to formally consider the issue. To date, the Legislature has not granted authorization to a town, but has so authorized for a number of cities throughout the State. The New Hampshire Municipal Association has advised that the Legislature can grant the authority to a town. One of the arguments presented to the Senate Committee on Executive Departments and Administration was that chaos would follow if towns were granted such authority; this argument is invalid. First, legislative authority on this subject has historically been considered on a case-by-case basis, thus no blanket authorization is being requested. Second, the Legislature's concern regarding precedence can be addressed by looking at the legislative intent found in RSA 49-D:1: Some larger and more complex towns face the same challenges as cities yet prefer to retain their

designation as a town. Durham and Derry are the only two New Hampshire towns whose voters have opted to adopt this designation, whereby the Town Council possesses the same authority as city councils, except budget approval for local schools. Further presuming that the Legislature grants the requested authority to Derry to absorb the school district into the municipality and voters subsequently agree, the school department would then be subject to the voter-approved tax cap, which may result in budget savings over what the School District has occasionally requested from the voters. The Chairman of the Planning Board David Granese gave an update on the Planning Boards work including Cowbell Corner, a 7,000 square foot medical office, zoning around 4A and a 55+ development on Tsienneto Road.

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

Our Town Grant is offered through the National Endowment for the grant supports creative placemaking projects that integrate arts, culture and design activities into efforts that strengthen communities by advancing local economic, physical and/or social outcomes. The projects can be place-based or knowledge-building, with cost share/matching grants between \$25K - \$200K. Bev Donovan has scheduled an exploratory meeting for June 6th at 5pm at the Derry Opera House for anyone with an interest in forming a committee. The Downtown Facade Improvement Grant Committee has recommended approval of applications for 7 properties within the project area. The grant awards totaling \$26,718.50 was leveraged against \$113,083.50 in private investment. When approving the program, the Council established a June 30 deadline for applications and a December 31 deadline for project completion. Staff will return to the Council in July with recommendations to expand the project area to include portions of Crystal Ave and Birch Street; and to expand the criteria to allow for a \$5,000 per storefront (currently \$5,000 per lot). An Exit 4A informational meeting was held on May 24 at West Running Brook when citizens were provided an opportunity to comment on the project. The Town Administrator anticipates that a number of resolutions will be placed before the Council at the June 19 meeting to finalize several FY18 transactions, including fund transfers to the Winter Maintenance Fund and Hazardous Building Fund. The Community Development Advisory Board is meeting this week to review applications submitted for funding, including Derry's planning grant application for Abbott Court. The EV Charging Stations were installed on May 31 in the DMC parking lot, the electronic message board was installed at the Adams Memorial Building and DPW is facilitating the erection of Farmer's Market banners on Broadway.

#### **New Business**

##### **18-70 Resolution #2018-028 – Acceptance of Easement – Hilda Avenue – *Director of Public Works Michael Fowler***

Hilda Avenue was constructed as part of the Rainbow Lake subdivision. The subdivision roads were considered private until 2003, when a Rockingham County Superior Court judge ordered the Town of Derry to accept them as public ways. Hilda Avenue ended as a stub, without a way to turn around at the dead end. At some point, a paved turnaround was installed to facilitate the Town's need to properly furnish winter maintenance service. The owner of the property sought a variance to build a single-family home with insufficient frontage. The Zoning Board of Adjustment voted to allow the variance in 2017. DPW sought to include a condition that an

easement would be prepared and recorded to preserve the Town's right to plow effectively. An easement and related plan has been generated and it is ready for Town Council to accept.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-028, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**

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

**Resolution attached**

**18-71 Resolution #2018-029 – Approve and Fund Amendments to the Non-Represented Personnel Policies – *Town Administrator David Caron***

In 2016, the Town Council approved collective bargaining agreements with the Town's bargaining units, restoring labor harmony which had been absent in the organization for many years. In January 2017 the Council adopted a final version of the Non-Represented Employees Personnel Plan which recognized a progressive organizational philosophy that its non-represented employees should enjoy similar or preferred treatment when compared to its represented co-workers. Unlike represented employees who agreed to set, five-year wage adjustments based upon time in service, the Town's non-represented workers occupy top-tier professional positions in the organization and earn wage adjustments through meritorious efforts. Additionally, it is difficult to establish longer-term wage scales based upon this compensation model. Accordingly, to remain competitive with other employers and to ensure that the Town avoids internal compression issues (i.e. subordinates earning wages at or near that of their supervisors), the Non-Rep wage scales need to be reviewed periodically. It is recommended that the wage range for Police Chief, Fire Chief, DPW Director, CFO, Executive Secretary and HR Coordinator be adjusted by 7.5%.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-029, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon**

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

**Resolution attached**

**18-72 Resolution #2018-030 – Direct the Tax Collector not to execute a Tax Deed on certain properties – *Tax Collector Dawn Enwright***

On April 27, 2016 the unpaid balances of the 2015 tax bills were liened at the Rockingham County Registry of Deeds. According to RSA 80:76, "the collector, after 2 years from the execution of the real estate tax lien, shall execute to the lienholder a deed of the land subject to the real estate tax lien and not redeemed." RSA 80:76 also provides the Town Council reasons to waive tax deeding. For a multitude of reasons, the Town presently has 34 parcels that are eligible for tax deeding. The execution of the Tax Collector's Deed on the twenty parcels will reduce tax revenues. The intent of tax deeding, however, is to sell the property in anticipation of collecting an equal or greater amount of revenue and returning the properties to the tax rolls.

**Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-030, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee**

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

**Resolution attached**

### **Councilor Comments**

Councilor Bourdon – Asked when the bike racks would be arriving and was told June 20<sup>th</sup>. Would like a bike share program that can be used with smart phones. Stated that he voted against outsourcing the Health and Human Services Department. June 16<sup>th</sup> is the 4<sup>th</sup> annual Derry Friendship Center Run for Recovery. Check-in starts at 8am and a shotgun start begins at 9am. Cost is \$25.

Councilor Katsakiores – The Police Department will be having a blood drive on Wednesday June 20<sup>th</sup> at Calvary Bible Church from 11am to 6pm. There will be Dunkin Donuts coffee and Domino's Pizza provided.

Councilor Chirichiello – Signs up for candidates for the State Primary begin tomorrow.

Councilor Wetherbee – The 2<sup>nd</sup> season of the farmer's market will start tomorrow from 3-7. It will be every Wednesday during the summer. The Go Green Committee will be doing a walk at the Cole Marsh property entering from Damren Rd on Saturday June 9<sup>th</sup> at 9am.

Councilor Tripp – The facades work downtown looks great. The Derry Public Library is open on Saturdays.

Councilor Foote – Everyone did a great job with the Memorial Day parade, thanked the Veterans. Has received good feedback from Touch a Truck.

Chairman Morgan – Attended Touch a Truck and the Veteran's dinner. Thanked everyone that got up and spoke during the public forum about the Human Services Department for being respectful and professional. Would like a presentation from CHS scheduled for the next meeting.

**Adjournment: 9:40 p.m.**

  
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Town Clerk

6-22-18  
Date

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



## RESOLUTION

Number 2018-018

To Accept an Easement on Hilda Avenue to Facilitate Snow Removal  
Operations

WHEREAS, RSA 674:40 and 674:40-a authorizes the Town Council to accept streets as shown on a subdivision plan approved by the planning board; and

WHEREAS, the Derry Planning Board approved the Rainbow Lake subdivision, and the Rockingham County Court ordered the Town to accept the roads within the subdivision as public ways; and

WHEREAS, an abutting property owner received a variance to build a single-family home on a lot with insufficient frontage; and

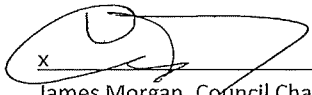
WHEREAS, as a condition of approval, an easement in favor the Town needs to be granted to facilitate snow removal operations;

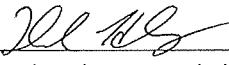
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept an easement from Stonemark Homes, Andre Skonieczny and Jack Szemplinski for a roadway easement over Tax Map 11, Lot 070, #36 Hilda Avenue

This Resolution shall take effect immediately upon its passage.

Adopted: June 5, 2018

Attest:

x   
James Morgan, Council Chair  
Date: 6/5/18

x   
Daniel Healey, Town Clerk  
Date: 6/5/18

Archival Ref: TC Agenda Item #18-70



## RESOLUTION

Number 2018-029

To Approve and Fund Amendments to the  
Non-Represented Personnel Policies

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 enact policies; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town amend its Non-Represented Employees Personnel Policies; and

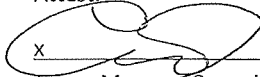
WHEREAS, the cost items of the amendments applicable to Fiscal Year 2019 do not require an additional appropriation;

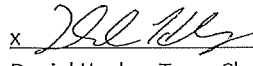
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the amendments to the Non-Represented Employees Personnel Policies are hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: June 5, 2018

Attest:

x   
James Morgan, Council Chair  
Date: 6/5/18

x   
Daniel Healey, Town Clerk  
Date: 6/5/18

Archival Ref: TC agenda item #18-71



## RESOLUTION

Number 2018-030

To Direct the Tax Collector not to Execute a Tax Deed on Certain  
Properties

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

WHEREAS, RSA 80:76 sets forth the procedure for conveying tax deeded properties to the Town; and

WHEREAS, pursuant to RSA 80:76 II and II-a, the Governing Body may refuse to accept a deed on certain properties, whenever in its judgment acceptance and ownership of those properties would subject the municipality to undesirable obligations or liability risks; and

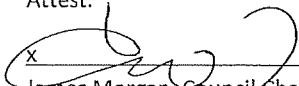
WHEREAS, the Town has identified properties eligible for tax deed however acceptance of ownership would not be in the Town's best interest;

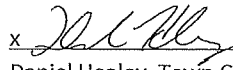
NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed not to execute a tax deed on properties listed on the attached inventory sheet; pursuant to RSA 80:76 III, the Council may revisit this decision at any time and may later direct the Tax Collector to issue a deed for one or more of the properties subject to this directive.

This Resolution shall take effect immediately upon its passage.

Adopted: June 5, 2018

Attest:

x   
James Morgan, Council Chair  
Date: 6/5/18

x   
Daniel Healey, Town Clerk  
Date: 6/5/18

Archival Ref: Agenda Item #18-72



**Properties the Council currently will not accept a Tax Deed**

128 GOODHUE RD
91 TSIENNETO RD
30 OLD CHESTER RD
107 FRANKLIN ST 12
182 FORDWAY EXT
65 FORDWAY BLD 4 104
30 KENDALL POND RD 88
6 JEFF LN
14 BRIARWOOD ST
936 WHITNEYS GROVE
4 FAIRFAX AVE 244
81 DAMREN RD SITE #30
81 DAMREN RD SITE #85
81 DAMREN RD SITE #58

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Archival Ref:    Agenda Item #18-72