

## TOWN OF DERRY

Town Council  
Derry Municipal Center  
14 Manning Street



Tuesday June 7, 2022  
3rd Floor Meeting Room

### MINUTES

6:00 PM Non-Public Session – RSA 91A:3 (b)  
7:00 PM Call to order – Chair Bourdon

**Motion by Councilor Foote to leave non-public session, seconded by Councilor Flood**  
**Roll Call Vote: 5-0-0**

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

**Roll Call:** Councilors Katsakiores, Chirichiello, Foote, Flood, and Chairman Bourdon  
Absent: Councilor's Spencer and Wetherbee  
Present: TA Dave Caron, Town Clerk Daniel Healey

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

**Motion by Councilor Foote to open public forum, seconded by Councilor Katsakiores**  
**Roll Call Vote: 5-0-0**

Richard Tripp: Windham Rd – Thanked the town for the Memorial Day ceremony, it was a wonderful day. The Iraq/Afghanistan monument was put in the park in 2008 and a lot of money was raised for it. The area around it is looking a little ragged lately.

**Motion by Councilor Katsakiores to close public forum, seconded by Councilor Foote**  
**Roll Call Vote: 5-0-0**

#### **Consent Agenda**

22-68 Approve Minutes – May 19, 2022

22-69 Resolution #2022-043 – Acceptance of a Scoreboard at Don Ball Park

**Councilor Foote moves to approve the consent agenda, seconded by Councilor Katsakiores**

**Roll Call Vote: 5-0-0**

#### **Chairman Report – Joshua Bourdon**

Started a new process for Boards and Commission where when an applicant applies, it is sent to the of that Board/Commission first for their opinion. Last Wednesday was the Golden Anniversary marking 50 years of service as the Derry Police Chief for Edward Garone. The Council unanimously voted to rename the police station after the Chief. There will be a council goals session at the end of the June 21<sup>st</sup> Town Council meeting. Councilor Bourdon read a proclamation that makes June 18, 2022 Jason R. Flood Day and the town and the council is committed to raising awareness to end the stigma about mental health, bullying, peer pressure, suicide signs, and prevention.

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

Resolution #2022-044 – Appoint James Richardson as the Town of Derry Fire Chief –  
*Town Administrator Dave Caron*

**Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-044 which reads as follows [Read the Resolution], seconded by Councilor Foote**

**Roll Call Vote: 5-0-0**

**Resolution attached**

Resolution #2022-045 – Appoint Stacey Beliveau as the Town of Derry Tax Collector –  
*Town Administrator Dave Caron*

**Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-045 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**

**Roll Call Vote: 5-0-0**

**Resolution attached**

Director of EMS Chuck Hemeon presented a report on CAAS Accreditation. On April 28<sup>th</sup> and 29<sup>th</sup>, the Derry Fire Department was evaluated by the Commission on Accreditation of Ambulance Services (CAAS) site review team on each characteristic of the accreditation process and a score for each characteristic has been assigned. A score of 3 indicates full compliance; 2 indicates partial compliance, and 1 indicates non-compliance. There were no deficiencies found.

Demolition Work will begin on four properties in the route of Exit 4A located on Folsom and one on Ferland which the town anticipates will begin in late July and into August. Rockingham County Superior Court has advised that it will hear the ZBA Appeals case of Abbott Court on June 24; a decision would then be forthcoming within 30-60 days. The May 31 court date was postponed. The Town has received notification from legal counsel that the decree to Quiet Title on a small portion of land in the development area has been approved by Rockingham County Superior Court and filed in the Registry of Deeds. Fire Administration has begun work on an RFQ for architectural/engineering services for a new Central Fire Station which the town anticipates will be released shortly. Legal is finalizing details of the Cy Pres petition to Superior Court for permission to utilize land for the fire station; petition should be submitted momentarily. The Parks & Recreation Department would like to announce the opening of the splash pad at Don Ball Park and Gallien's Beach on June 18<sup>th</sup>, weather permitting. Residents are encouraged to visit the Town's website for additional information on daily openings and closures. Both facilities will be open to full capacity for the first time since 2019. Resident Season Passes are available at the Recreation office located at 31 West Broadway. The Department would also like to announce the annual Fireworks are planned for Monday, July 4 at dusk with a rain date of July 5. The fireworks will be lit behind Gilbert H. Hood Middle School consistent with past years. The first concert at MacGregor Park is scheduled for Tuesday, June 14. There are 11 weekly concerts scheduled every Tuesday night through August 23. Concerts start at 7pm each Tuesday. Please check the Town's website for additional information on the acts playing at MacGregor Park. Dreamland has provided the final set of plans for the new skatepark at Alexander-Carr Park. Construction is scheduled to begin on June 20 with a projected completion date of October 2022. An RFP has been released for conversion of existing field and court lights to high efficiency LED at six locations including Hood Park, Vets Field, O'Hara Field and Don Ball Park. The bid will be due June 24, 2022 and the project will be completed by November 2022. Work continues developing a Request for Proposals to upgrade Hood Park. Staff expects to release the RFP in the next 30-45 days for the playground and splash pad apparatus. As a result of the passage of SB401 in the current legislative session, the Town is anticipating additional Bridge Aid funds of \$549,000 and additional State Highway Aid funds of \$660,000. The Department of Public Works has identified a need to replace the culvert at Cemetery Road with the Bridge Aid funds. The additional State Highway Aid funds would be



used for paving the following cluster of roads which were originally slated for FY 24/FY25: Windham Rd; Rockingham Rd. (portion of); Tinkham Ave; Twinbrook Dr; Overlook Dr (portion of); Garvin Rd (portion of); Mills Farm Cir; and Shepard Rd. The State Legislature also provided a 7.5% credit on state retirement costs for Group II employees (police and fire). This is a one-time appropriation and reflects the Legislature's past actions to fund 35% of these costs on an annual basis. This action should bring about \$283K in relief to Derry, which the Council will be requested to transfer to the CBA Implementation Fund for property tax relief over the next four years.

### **Public Hearings**

**22-66** Resolution #2022-041 – Approve a Supplemental Appropriation and a revised fee schedule for mattress disposal at the Transfer Station – *Town Administrator Dave Caron*

Section 128-12 of the Town Code includes a general category of bulky waste disposal cost of \$5.00, which includes all items such as couches, sofas, box springs and mattresses. The current practice is that \$5.00 fee covers the cost of straight disposal to the Covanta facility where it is incinerated with household trash. Under the new regulations, the Town is required to collect the mattresses in a weather tight container and process them with a mattress recycling company certified by MaDEP. These companies dismantle the mattresses to remove the springs, wood, and fabric for further recycling. This effort is anticipated to recycle about 75% of the materials from each mattress. It is recommended that the town council amend the fee structure in Section 128-12 to include a revised fee of \$35 per mattress for Derry residents.

**Motion by Councilor Chirichiello to open public hearing, seconded by Councilor Foote**  
**Roll Call Vote: 5-0-0**

Jim Dietzel: Hunter Dr – It is small money and most people do not get rid of a mattress that often.

**Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Chirichiello**  
**Roll Call Vote: 5-0-0**

**Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-041 which reads as follows [Read the Resolution], seconded by Councilor Foote**  
**Roll Call Vote: 5-0-0**  
**Resolution attached**

### **New Business**

**22-70** Resolution #2022-042 – Set the Compensation of the Town Clerk and provide employee benefits – *Town Administrator Dave Caron*

The Town Administrator presented a resolution to set the salary of the elected Town Clerk at a 2% increase from the prior year. This amount contradicts the 3% increase that was approved on 5/3/2022 during the FY23 budget process.

**Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-042 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores**  
**Roll Call Vote: 5-0-0**

**Resolution attached**

**Councilor Comments / Liaison Reports –**

Councilor Chirichiello – Shared an email from a constituent requesting that the blue line flag be displayed next to the pride flag at the Municipal Center. Wrapped up the Rockingham County budget for FY2023 and for the 3<sup>rd</sup> year in a row there will be 0 increase to the taxpayer at the county level.

Councilor Flood – June 18<sup>th</sup> Pizzastock event at the Derry Boys & Girls Club starting at 12PM - 8:30PM, come support the kids. The event is free.

Councilor Foote – Memorial Day Ceremony this past week, kudos to everyone that helped and attended, great ceremony for a somber moment to recognize those that made the ultimate sacrifice for our country. Chief Garone's ceremony was amazing. On Saturday June 4<sup>th</sup>, had the privilege of attending Center for Life Management (CLM), had a remembrance ceremony for POW and MIA.

Chairman Bourdon – This Thursday June 9<sup>th</sup> from 5PM – 8PM, Marion Gerrish is celebrating 50 years, the council has all been invited

**Adjourn: 8:15PM**



Town Clerk

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



Date



## RESOLUTION

Number 2022-044

To Confirm the Appointment of the  
Fire Chief

WHEREAS, Section 8.8(A) of the Town Charter requires that the Town Council confirm the appointment of certain Appointive Officers; and

WHEREAS, there exists a vacancy in the office of Fire Chief; and


WHEREAS, after a comprehensive search, the Town Administrator has appointed a candidate who possesses the necessary skills and experience to succeed in the position;

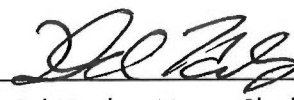
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of James Richardson as Fire Chief is hereby confirmed.

This Resolution shall take effect immediately upon its passage.

Adopted: June 7, 2022

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 8/2/22

x   
Daniel Healey, Town Clerk  
Date: 7/25/2022



## RESOLUTION

Number 2022-045

To Confirm the Appointment of the  
Tax Collector

WHEREAS, Section 8.8(A) of the Town Charter requires that the Town Council confirm the appointment of certain Appointive Officers; and

WHEREAS, there exists a vacancy in the office of Tax Collector; and

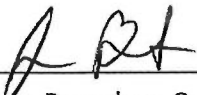
WHEREAS, after a review of the candidates' qualifications, the Town Administrator has appointed a candidate who possesses the necessary skills and experience to succeed in the position;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of Stacey Beliveau as Tax Collector is hereby confirmed.

This Resolution shall take effect immediately upon its passage.

Adopted: June 7, 2022

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 8/2/22

x   
Daniel Healey, Town Clerk  
Date: 7/28/2022





## RESOLUTION

Number 2022-041

To Approve a Supplemental Appropriation for Mattress Disposal and  
Adjust the Disposal Fee

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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 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 Town disposes of its waste at a facility in Massachusetts and as such, is subject to regulations established by the Massachusetts Department of Environmental Protection (MaDEP); and

WHEREAS, recently MaDEP directed that mattresses be removed from the waste stream to be recycled, which increases the Town's disposal costs; and

WHEREAS, staff has researched other methods of disposal and could not identify a practical alternative; and

WHEREAS, RSA 41:9-a authorizes the Governing Body to adjust fees for facilities such as the Transfer Station, which is necessary to avoid a fiscal impact upon the general community for mattress recycling; and

WHEREAS, an opportunity exists to help defray the cost impact to our residents;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of Two Hundred Fifty Thousand Dollars (\$250,000) shall be appropriated to the Transfer Station to fund the cost of mattress disposal;

FURTHER, pursuant to RSA 41:9-a, the Town Council hereby amends the schedule in the General Code, Solid Waste, Chapter 128, Section 12.D.(1) to establish a fee for mattress disposal at \$35 per unit;


FINALLY, transfer \$75,000 in surplus funds from the Waste Tire Trust to offset a portion of the cost to recycle mattresses as authorized by RSA 149-M:18.

This Resolution has been adopted by the entire Council and shall take effect on July 1, 2022.

Adopted: June 7, 2022.

Attest:

x   
\_\_\_\_\_  
Joshua Bourdon, Council Chair  
Date: 8/2/2022

x   
\_\_\_\_\_  
Daniel Healey, Town Clerk  
Date: 7/25/2022





## RESOLUTION

### Number 2022-042

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

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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

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 is established at \$47,804 for FY23; and

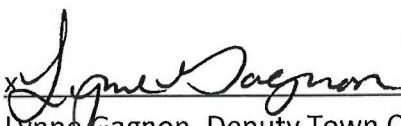
FURTHER, BE IT RESOLVED that the Town Clerk is hereby provided with access to the full range of employee benefits available to non-represented employees.

This Resolution shall take effect immediately on July 1, 2022.

Adopted: June 7, 2022.

Attest:

x   
Joshua Bourdon, Council Chair  
Date: 8/2/22

x   
Lynne Gagnon, Deputy Town Clerk  
Date: 7/25/2022