

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday July 20, 2021
3rd Floor Meeting Room

MINUTES

6:00 PM **Non-Public Session – RSA 91A:3 II (a,c,d,e)**
7:00 PM **Call to order**

Motion by Councilor Chirichiello leave non-public session, seconded by Councilor Bourdon – all agreed

Motion by Councilor Katsakiores to seal RSA 91A:3 II (a,c,d,e) because it was determined divulgence of this information would render a proposed action ineffective, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

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

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

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Motion by Councilor Wetherbee to open public forum, seconded by Councilor Bourdon – all agreed

Michael Layon: Tsienneto Rd – Believes there are certain sections of the Derry Rail Trail that are in need of maintenance.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Wetherbee – all agreed

Motion by Councilor Chirichiello to re-open public forum, seconded by Councilor Katsakiores – all agreed

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Believes there have been false allegations against her and does not appreciate them.

Motion by Councilor Katsakiores to close public forum, seconded by Councilor Wetherbee – all agreed

Consent Agenda

21-75 Approve Non-Public Minutes – June 15, 2021 – **Minutes Sealed**

21-76 Approve Minutes – June 15, 2021

21-77 Approve Minutes – June 22, 2021

21-78 Planning Board Resignation – Doug Danzey, Regular Member, term to expire March 31, 2022

- 21-79** Taylor Library Board of Trustees Resignation– Lorraine Lindenberg, Regular Member, with term to expire March 2024
- 21-80** Economic Development Advisory Committee – Christina Gossel, Regular Member, with a term to expire March 31, 2023
- 21-81** Resolution #2021-050 – Create an Expendable Trust for Opioid Mitigation & Response and to authorize acceptance of settlement or judgement proceeds
- 21-82** Resolution #2021-051 – Accept a Bureau of Justice Grant and authorize an Intermunicipal Agreement with Rockingham County

Councilor Chirichiello moves to approve the consent agenda, seconded by Councilor Bourdon – all agreed

Chairman's Report – James Morgan

Skateboard Park Presentation – *Ahren Thielker, Raphael Murphy, and Nick Sands presenting.* The current Skatepark in Derry is in poor condition. The 3 members of the public presenting are working on fundraising and sketches to rebuild the park. They are seeking advisement from the Town on how to proceed and if there are any funds available to achieve this. The group would like to see a cement skate park. The consensus of the Council was to request RFPs to gauge the cost associated.

Chairman Morgan moves to appointed Raymond Fontaine as a member of the Taylor Library Board of Trustees for a term to expire March 8, 2022, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Any resident interested in being on the Taylor Library Board of Trustees should contact Sheila Bodenrader. Applications are due by 7/30/2021 by 5PM. Appointments will be done in early August.

Town Administrator's Report – David Caron

Preliminary Year-End Financial Report – Chief Financial Officer Mark Fleischer presenting
The results in the current form are preliminary as the town is still processing FY21 transactions. Revenues have a wide fluctuation due to the pandemic.

- Interest on Deposits - \$209,090 below budget (26%)
- SRO at Pinkerton - \$156,824 below budget (30%) – remote learning
- Motor Vehicle Fees - \$733,314 above budget (11%)
- Transfer Station Revenues - \$214,954 above budget – offset by increased expenses
- Parks and Recreation - \$105,9467 below budget – offset by decreased expenses

General Fund Operation Expenses:

- Fire Department - \$302,269 under budget (staff retirements/turnover)
- Police Department - \$822,111 under budget (staff retirements/turnover)
- Public Works General Fund Divisions - \$280,791 under budget (Recreation/Parks seasonal programs cancelled/snow removal expenses under budget)

Overall:

- Revenues are expected to exceed estimates by \$46.3K (0.25%)
- Expenses are expected to be below estimates by \$1.679M (4.0% of budget)

- Information confirms that funds added to Unallocated Fund Balance will exceed annual UFB stabilization to budget (\$650K), thus UFB residual from FY20 budget will be released to Capital Reserve Funds (\$1.23M)

The Town Administrator is pleased to announce the selection of the Town's 2020 Master Plan Update as Plan of the Year by the NH Planners Association. The proposed federal budget which includes \$792K for the final segment of the rail trail in Derry has passed a vote in the House of Representatives, and now awaits Senate action. The Town has retained Mitchell Associates out of New York State to conduct the facility study; Mitchell focuses on fire and public safety facilities and has brought on a team member whose focus is police facilities. Some on-site visits have occurred, looking at an early Fall completion date. Staff continues to work with interested developers on various proposals to redevelop the Abbott Court neighborhood. The Town is still in collaboration with NHDOT regarding Exit 4A to plan construction sequencing and final design of the project. The Council raised the idea at the June workshop of aggregating all electrical users in Derry to save taxpayers money on their electric bill. Here is how it would work:

- 1) Town's vendor would be responsible for all marketing, administration, customer service;
- 2) The vendor would compile information on energy usage for all Derry properties currently receiving its energy supply from Eversource;
- 3) Mailers are sent to every energy user advising of the change and providing an opportunity to opt out and remain with Eversource – opt out can occur at any time;
- 4) Vendor would solicit proposals from 3rd party energy providers (similar to what the Town does currently with its municipal accounts);
- 5) All residents who stay with the program would share in any savings between what the 3rd party provider proposed, and Eversource's rate (for a typical household about \$200 annually);
- 6) PUC still needs to finalize rulemaking;
- 7) Roll out probably in Spring 2022;
- 8) Londonderry is investigating the same program – may be an opportunity for greater aggregation and lower costs.

Other Workshop Ideas/Questions –

- 1) Milfoil Eradication on Beaver Lake – Ongoing effort supported by increased appropriation in annual budget.
- 2) Big Island Pond Water Quality – Part of the EPA's MS4 Permit process – collaborating with Hampstead and Atkinson.
- 3) Traffic Enforcement at Rollins and Franklin – PD is aware and patrolling; monitoring difficult.
- 4) Ensuring accessibility for all playgrounds – DPW P&R Division policy as improvements are planned and implemented.
- 5) Bowers Road Rail Trail Crossing – DPW is aware of the concern, the offset trail crossing does not lend well to traditional signals/markings.
- 6) Aging at home assistance – The P&R Director is investigating options.
- 7) Install flags on Broadway – The CFO has identified a potential funding source – under review.

- 8) ATV/Dirt Bike Enforcement – Police have been working with F&G and additional signage was delivered last week.
- 9) Development Status at Holy Cross Church – Located in low/medium density neighborhood, allowed uses are limited. No development activity – still owned by the Diocese.
- 10) Be aware of winter maintenance challenges on Warner Hill and similar roadways – noted.

Public Hearings

21-71 Resolution #2021-036 – Authorize the sale of property surplus to the Town's needs – *Deputy Director of Public Works Tom Carrier presenting*

In 1990, in accordance with the Derry Water System Master Plan, the Town (Water Dept.) purchased the Meadowbrook and the Woodlands community water systems for \$100,000 and \$24,000, respectively. These were neighborhood water systems, operated by the Town, which serviced approximately 60 homes each with water supplied from shared bedrock wells. Each water system included a parcel of land which sited the pump house and the wells. In 2011 and 2017, respectively, the Meadowbrook and Woodlands Community Water Systems were interconnected to the Derry core water system due to water quality issues. The wells and pump houses that supplied these systems with water are no longer in operation. The Water Dept no longer has need to retain the well lots. Each lot is in a single-family residential neighborhood and more particularly described below. The Administrative Code of the Town of Derry Chapter V Article V Section 5-27 governs the process for the sale of Town-owned land. In accordance with these rules all Town Departments, the Derry Planning Board, Conservation Commission, and Heritage Commission were noticed of the intent to sell these parcels and were asked to provide any comments or recommendations to the Department of Public Works by June 1, 2021. The Heritage Commission and Planning Board informed DPW that they had no objections. No other comments were received. Per the Town Code, once the Council schedules a public hearing on the sale, DPW will: Notify the direct abutters of the impending sale and the meeting date and post each property with a "For Sale" sign with contact information. Finally, the Town Code requires the Town to request proposals from "real property auctioneers or licensed real estate agents" for the management and conduct of the sale. The Council may consider waiving the requirement since the property is vacant and may be sold by sealed bid. The Town's attorney would prepare the deeds and conduct the closing. The Council consensus is to request an RFP for real estate agents.

Motion by Councilor Katsakiores to open public hearing, seconded by Councilor Spencer – all agreed

Philip Scadding/Carl Illian: Meadowbrook Rd – Concerned as they are both abutters to the property being discussed. Water runoff already occurs onto their properties and they are worried it will get worse if this property is built on. They would be interested in knowing what the intentions are for the property from anyone purchasing it.

Steve Trefethen: Windham, NH – Would be willing to help a Derry resident/realtor that would be listing the property.

Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Katsakiores – all agreed

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-036 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 5-1-0
Resolution attached

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

In the summer of 2020, the Planning Board received a request from Mary Till and Craig Lazinsky at the direction of the Net Zero Committee. The request was for the Planning Board to consider amending the Zoning Ordinance to include a Renewable Energy Ordinance. In July 2020, the Planning Board created a sub-committee to work with members of the Net Zero Committee, Code Enforcement and Planning Departments to craft an ordinance and zoning amendment. The sub-committee worked on the renewable energy ordinance for several months and brought the zoning amendment to the Planning Board and held several workshops and two public hearings. The purpose of the amendment is to allow for small business and residential solar energy systems. A building and electrical permit will be required. A licensed NH Master Electrician shall apply for the electrical permit. An inspection by the Code Enforcement Office is required to ensure compliance with electrical and building code provisions.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Katsakiores – all agreed

No one from the public spoke.

Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Wetherbee - all agreed

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2021-009 which reads as follows [*Read the Ordinance*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Ordinance attached

New Business

21-83 Resolution #2021-038 – Adopt Additional Retirement Savings Options for Town Employees – *Human Resources Director Catherine St. Ledger presenting*

As part of the standard benefits package available to all full-time employees, the Town offers voluntary participation in 457 Deferred Compensation Plans. Through these plans, employees may contribute pre-tax dollars up to the IRS annual max (2021 - \$19,500, with a \$6500 catch-up limit for 50+), and distributions are taxed as ordinary income in the year they are withdrawn. The Town also offers Roth IRAS, which allow after-tax contributions up to the IRS annual max (2021 - \$6000, with a \$1,000 catch-up limit for 50+). Currently, employees only have access to the funds in their 457 Deferred Compensation Plans through Emergency Withdrawals for qualifying circumstances. Emergency Withdrawals cannot be repaid and are subject to federal tax. By

adding the Roth 457 Plans to our benefits package, employees will have the ability to diversify their investment portfolios with additional after-tax contributions, up to the same IRS annual max as the pre-tax 457 plan and will benefit from tax-free distributions from the accounts upon retirement. The Loan Option for the 457 Plans will allow employees tax-free access to the contributions in their Retirement Savings Accounts, with the ability to pay themselves back over time.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-038 which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon
Roll Call Vote: 6-0-0
Resolution attached

21-84 Resolution #2021-039 - Approve and fund a Collective Bargaining Agreement with the Derry Firefighters – *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 adopted the FY22 budget which included 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. Additionally, the Council concurred to use a portion of the American Rescue Plan Funds to assist with funding these agreements over the next five years. The Council previously authorized the Town to offer a term of up to five years, with 1.5% lump sum payments outside of base salary in Year 1, followed by increases into base of 2.0% for succeeding years. Derry Firefighters represent 54 positions in the Fire Department including firefighters, EMT's, Paramedics, Fire Inspectors, Mechanics and Dispatchers. 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's insurance carrier. There is included in the Agreement a "Me-Too" clause which allows for reconsideration of wages should the Town negotiate different terms in FY25 or FY26 with those units which have opted for a three-year agreement. IAFF ratified a five-year agreement, with a 1.5% lump sum payment (not in base) for FY22, and 2.0% increases in base for the period FY23-FY26.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-039 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

21-85 Resolution #2021-040 - Approve and fund a Collective Bargaining Agreement with the Derry Fire Officers – *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 adopted the FY22 budget which included 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. Additionally, the Council concurred to use a portion of the American Rescue Plan Funds to assist with funding these agreements over the next five years. The Council previously authorized the Town to offer a term of up to five years, with 1.5% lump sum payments outside of base salary in Year 1, followed by increases into base of 2.0% for succeeding years. Derry Fire officers represent 21 positions in the Fire Department including Lieutenants, Captains, Battalion Chiefs and the Dispatch Supervisors. 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's insurance carrier. There is included in the Agreement a "Me-Too" clause which allows for reconsideration of wages should the Town negotiate different terms in FY25 or FY26 with those units which have opted for a three-year agreement. IAFF ratified a five-year agreement, with a 1.5% lump sum payment (not in base) for FY22, and 2.0% increases in base for the period FY23-FY26.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-040 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

21-86 Resolution #2021-041 - Approve and fund a Collective Bargaining Agreement with the Derry Public Works Union – *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 adopted the FY22 budget which included 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. Additionally, the Council concurred to use a portion of the American Rescue Plan Funds to assist with funding these agreements over the next five years. The Council previously authorized the Town to offer

a term of up to five years, with 1.5% lump sum payments outside of base salary in Year 1, followed by increases into base of 2.0% for succeeding years. Teamsters Local #633 represent 48 positions in the Public Works Department including employees in the Divisions of Highway, Parks, Recreation, Transfer Station, Vehicle Maintenance, Building Maintenance, Water and Wasterwater. 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's insurance carrier. Teamsters ratified a five-year agreement, with a 1.5% lump sum payment (not in base) for FY22, and 2.0% increases in base for the period FY23-FY26.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-041 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0
Resolution attached

21-87 Resolution #2021-042 - Approve and fund a Collective Bargaining Agreement with the Derry Police Supervisors Union – *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 adopted the FY22 budget which included 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. Additionally, the Council concurred to use a portion of the American Rescue Plan Funds to assist with funding these agreements over the next five years. The Council previously authorized the Town to offer a term of up to five years, with 1.5% lump sum payments outside of base salary in Year 1, followed by increases into base of 2.0% for succeeding years. SEIU Local #1984 represent 13 positions in the Police Supervisors Department including the positions of Sergeant and Lieutenant. 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's insurance carrier. SEIU ratified a three-year agreement, with a 1.5% lump sum payment (not in base) for FY22, and 2.0% increases in base for the period FY23-FY24.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-042 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Resolution attached

21-88 Resolution #2021-043 – Sunset approval of Derry Revolving Loan Fund COVID-19 Emergency Funding – *Town Administrator Dave Caron presenting*

The Town Council has partnered with the Regional Economic Development Center (REDC) for the past decade to grant and manage loans to Derry businesses. The loans granted through this program originate with a review by REDC and then are acted upon by REDC's 11-member Bank Credit Committee, the Committee's recommendations are then formally approved by the REDC Board of Directors. The Town Council has been very proactive with supporting the Derry business community, that support has accelerated as the economic ramifications of COVID-19 became clear. The Council subsequently adopted Resolution #2020-026, which provided emergency loans under relaxed lending and repayment provisions to further assist Derry businesses. The local and state economies have shown marked improvement in recent months, rebounding from the impacts of COVID-19 in a manner which leads the nation. Additionally, there remains a significant number of state and federal assistance programs to further support businesses who positions in the marketplace required greater recovery efforts. Consequently, there no longer remains a demonstrable need for the Town to extend preferable terms to potential clients of the Derry Revolving Loan Fund. Thus, staff recommends that the emergency terms approved under Resolution #2021-026 no longer be offered to new applicants of the program and that the program return to pre-Pandemic terms, conditions, and requirements.

**Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-043 which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0
Resolution attached**

21-89 Resolution #2021-044 – Authorize expenses from the Compensated Absences Fund – *Chief Financial Officer Mark Fleischer presenting*

The Town Council created a Compensated Absences Capital Reserve Fund in June 1997. The purpose of the fund is to pay for the Town's obligation to its employees to receive compensation for vested accumulated leave. The Town has incurred expenses during the FY21 year, which now requires the Town Council as the Agents to Expend, to authorize those expenditures be funded by the Compensated Absences Capital Reserve Fund. The FY21 OMO budget included \$549,154 for Earned Time payouts. The amount expended for employees separating from the Town (\$361,572) and requesting earned time pay per contract (\$624,192) was \$985,764 therefore \$436,610 is needed to cover these payments. The transferred funds would offset Other Municipal Obligations Account #190004 Earned Time Payout and associated rollups.

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-044 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached**

21-90 Resolution #2021-045 – Amend a Previous Authorization for the Use of Lease Revenues – *Chief Financial Officer Mark Fleischer presenting*

Favorable pricing of the HVAC projects financed on Bank of America Lease Schedule 5 allowed funds to become available for additional projects. In FY21, the Fire Department purchased a new ladder truck which will be delivered in the fall of 2021. For safety reasons, the overhead doors located at the English Range and Hampstead Road Fire stations need to be enlarged to accommodate this new vehicle. The cost of these improvements is \$41,459 which can be paid for with the savings from the HVAC projects. The total amount expended for these door improvements in FY21 is \$41,459. It is in the Town's best interest to utilize this lease capacity rather than rely upon capital reserve funds to complete this work. It is being recommended that funds originally designated for HVAC projects on Bank of America Lease Schedule 5 and now available, be used to fund these improvements and be applied to revenue account 13309000-039399 in activity center 33.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-045 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

21-91 Resolution #2021-046 – Transfer funds from the Derry Recovery Expendable Trust Fund – *Chief Financial Officer Mark Fleischer presenting*
Per Resolution #2021-025, the Town Council established an Expendable Trust for the Derry Recovery Plan to receive funds from the American Rescue Plan Act (ARPA) and disburse funds, as necessary. Due to the anticipated negative financial impacts to the Town resulting from the Pandemic, staff developed a five-year operations outlook to utilize federal and other sources to support operations while local revenue sources recovered. When Congress approved ARPA, staff began to calculate the impact to Derry and the potential use of these funds. The CFO, in consultation with NHMA and utilizing computer software from the Government Finance Officers Association, developed projections on the anticipated revenue losses beginning in 2020 and continuing through FY25. These projections identified a loss of approximately \$854,000 for 2020. With Council concurrence, a portion of the funds are to be used to fund personnel costs over the next few years. Although FY22 CBA costs were by nature one-time payments and funded from other one-time revenue sources, the Town anticipated the use of ARPA funds to sustain some operating costs through FY25, including future CBA costs. The most recent CBA negotiations envisioned utilizing \$1.269M over a multi-year period for this purpose; Resolution #2021-047 recommends transferring the first installment of \$362,596 to the CBA Implementation Trust to support FY23 labor costs. Also, during the course of the FY22 budget review, the Council expressed an interest in expanding the Health Officer's position to full-time, however, a satisfactory funding source could not be identified. Once the amount of ARPA funds to Derry was defined, the Council concurred to fund the full-time position by blending in ARPA funds over the next four years to transition the position to taxpayer funded by 2025. \$61,813 is required in FY22 from ARPA to fund the position.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-046 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

21-92 Resolution #2021-047 – Create the Derry Economic Development Expendable Trust Fund – *Town Administrator Dave Caron presenting*

The State Legislature recently passed SB87, which was signed into law by the Governor on July 1, 2021. Part I of that law was introduced by Senator Birdsell specifically for Derry to allow no more than 50% of the wheeling charges received for participating in the Southern New Hampshire Regional Water Interconnection Project to be repurposed for economic development purposes. Those purposes include:

- a) Purposes set forth in RSA 38:28 (operation of a municipal water system).
- b) For the acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of sewer systems, or construction, enlargement, or improvement of such systems.
- c) Capital reserve funds of the water or sewer system.
- d) For the expansion or replacement of natural gas lines or systems, by a municipal gas system or gas provider regulated by the public utilities commission.
- e) For the purposes set forth in RSA 162-G:4, which is the Industrial Development Statute.
- f) For the purposes set forth in RSA 162-K:6, III and RSA 162-K:8, which is the Tax Increment Financing District statute.

The latter two purposes provide the Town with wide latitude to promote economic development, including purchase of public and private property for redevelopment; investment into public facilities; lease back arrangements, bond issuances, etc. Resolution #2021-048 would create a fund into which wheeling revenues would be deposited and held for economic development investments and expenditures. Previous to the passage of this legislation, all revenues accrued exclusively to the water fund. Effective August 30, 2021, the Town can designate no more than 50% of wheeling revenues to this fund, after which the Town Council as Agents to Expend can reinvest these funds into a wide array of economic development activities. This legislation was developed after the Council expressed concern that its participation in the Regional Water Project would share one of its most important economic development tools, the municipal water system. Now, revenues will be available to allow the Town to initiate programs and projects to further grow the Town's economy.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-047 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

21-93 Resolution #2021-048 – Revise deadlines for the Downtown Façade Improvement Program – *Town Administrator Dave Caron presenting*

The Town Council in August 2019 recapitalized the Downtown Facade Improvement Program in the amount of \$250,000 from proceeds within the Derry Commerce Corridor Tax Increment Financing Fund. At that time, the Council approved the following participation levels:

- 50:50 matching grant for improvements <\$200,000 at \$5,000/grant = \$100,000
- 50:50 matching grant for blight removal at \$5,000 = \$50,000
- \$20,000 grant for facade improvement work costing in excess of \$200,000 = \$100,000

Activity has been minimal since the Council's latest action, particularly in light of the Pandemic, when businesses were necessarily focused on business survival rather than infrastructure improvements. Downtown business owners initially responded enthusiastically to the program;

the entire initial \$100,000 appropriation was obligated with several more businesses on a waiting list. Over \$250,000 in private investment has been leveraged with the original \$100,000 town match. Of the \$250,000 appropriated during the second funding round, only \$8,000 has been obligated, although there are several businesses which are beginning to refocus on infrastructure and facade improvements now that the worse of the Pandemic is behind us. Staff is requesting Council authorization to continue the program for an indefinite period, staff will make semi-annual reports to the Council and during the annual budget process, which will give the Council an opportunity to review the program and make any necessary adjustments.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-048 which reads as follows [Read the Resolution], seconded by Councilor Spencer

Roll Call Vote: 6-0-0

Resolution attached

21-94 Resolution #2021-049 – Adopt the Town Council’s FY22 Action Plan – *Town Administrator Dave Caron presenting*

Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and the Town Council has established an Action Plan to ensure that public funds are expended in a manner which reflect community priorities; and the Action Plan is a result of the Council’s interactions with the public, Town boards, and commissions, staff and other stakeholders.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-049 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Resolution attached

21-95 Resolution #2021-052 – Transfer Unexpended Appropriations to the CBA Implementation Trust – *Chief Financial Officer Mark Fleischer presenting*

On July 1, 2021, the town was notified by Primex III, the Town's Property/Liability and Workers Compensation insurance provider, that the Town is eligible for premium holidays for FY22. Due to a surplus caused by COVID-19 pandemic, a premium holiday was authorized by the Board of Trustees of Primex III to their members. The adjusted premiums for FY22 from Primex III were made available after the budget was approved in May therefore, too late to change the budget. The differences in the premiums have resulted in unexpended appropriations for FY22 in most departments. Further, these funds are one time savings, with premium levels expected to return to normal for FY23.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-052 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

Councilor Comments / Liaison Reports –

Councilor Katsakiores – Irene Blanchard, a 105 year old resident of Derry, will receive the Boston Post cane on July 26th at 1pm at the Nutfield Senior Center.

Councilor Bourdon – Misspoke at the last meeting during Councilor comments and apologized for that. HB315 is awaiting the Governor's signature and if signed this would raise the limit on net metering from 1 to 5 megawatts. Pizzastock will take place on July 31st at the Derry Boys & Girl's club. This will be an all day music festival to pay tribute to Jason Flood. The Jason Flood memorial foundation started to bring attention to Mental Health awareness.

Adjourn: 8:50pm



Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

8-20-2021

Date



RESOLUTION

Number 2021-036

To Authorize the Sale of Property Surplus to the Needs of the Town

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 purchase and convey real property for the benefit of the Town; and

WHEREAS, the Town previously acquired two community water systems which were later interconnected with the core water system, resulting in surplus land where the wells and pump houses were previously located; and

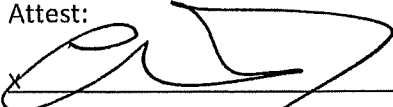
WHEREAS, the Town complied with the procedure in the Administrative Code, Chapter V, Article V, to confirm that these properties are surplus to the Town's needs;

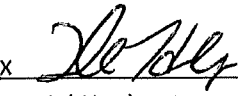
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute all documents necessary to affect the sale and property transfer of 5 Lester Lane and 23 Adams Pond Road.

This Resolution shall take effect immediately upon its passage.

Adopted: July 20, 2021.

Attest:

x 
James Morgan, Council Chair
Date: 7-20-2021

x 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: TC agenda item #21-71



ORDINANCE
Number 2021-009

Amend Zoning Ordinance to Allow Small Business and Residential Solar
Energy Systems

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, with the Net Zero Task Force has been reviewing solar energy systems for small businesses and residences, and

WHEREAS, passage of this Amendment would permit property owners to capitalize on solar energy opportunities; 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 III General Provisions by adding a new Section 165-28.2, Small Business and Residential Solar Energy Systems.

This Ordinance shall take effect thirty days after its adoption.

Adopted: July 20, 2021

Attest:

X 

James Morgan, Council Chair

Date: 7-20-2021

X 

Daniel Healey, Town Clerk

Date: 7-26-2021

Archival Ref: Agenda Item #21-72



RESOLUTION

Number 2021-038

To Adopt Additional Retirement Savings Options for Town Employees

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, the establishment of a retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Town desires to provide employees with additional options when voluntarily saving for their retirement; and

WHEREAS, participation in these programs is totally optionable at the expense of the employee;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby establishes a Roth 457 Retirement Savings Plan administered by Mission Square Retirement and a Roth 457 Retirement Plan through PFPOPE pursuant to the specific provisions of the Adoption Agreements. The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Town Council agrees to offer a Loan Option with both plans; and

BE IT FURTHER RESOLVED that the Town Council hereby authorizes the Town Administrator to execute all necessary agreements with Mission Square and PFPOPE incidental to the administration of the Plan.

This Resolution shall take effect immediately upon its passage.


Adopted: July 20, 2021

Attest:



James Morgan, Council Chair

Date: 7-20-2021



Daniel Healey, Town Clerk

Date: 7-20-2021

Archival Ref: Agenda Item #21-83



RESOLUTION

Number 2021-039

To Approve and Fund a Collective Bargaining Agreement with
the Derry Firefighters

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 firefighters of the Town 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 Derry Firefighters Unit of the International Association of Firefighters, LOCAL 4392", for the period July 1, 2021, through June 30, 2026 are hereby approved;

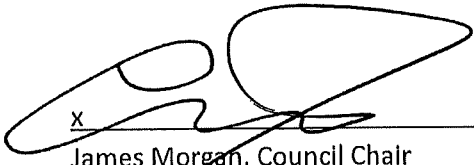
Archival Ref: TC agenda Item #21-84


FURTHER, the Town Administrator pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer Sixty-Two Thousand, Six Hundred Seventy-Two Dollars (\$62,672.00), from the CBA Implementation Trust the fund the FY 22 cost of this Agreement.

This Resolution shall take effect July 1, 2021.

Adopted: July 20, 2021.

Attest:

x 
James Morgan, Council Chair
Date: 7-20-2021

x 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: TC agenda Item #21-84



RESOLUTION

Number 2021-040

To Approve and Fund a Collective Bargaining Agreement with
the Derry Fire Officers

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 fire officers of the Town 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 Derry Fire Officers Unit of the International Association of Firefighters, LOCAL 4392", for the period July 1, 2021, through June 30, 2026, are hereby approved;

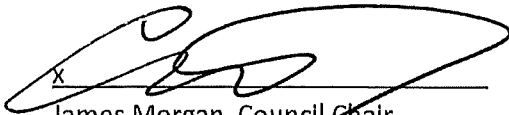
Archival Ref: TC agenda item #21-85

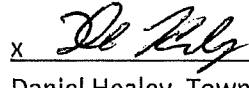
FURTHER, the Town Administrator pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer Thirty-Four Thousand, Seven Hundred Ninety-Three Dollars (\$34,793.00), from the CBA Implementation Trust the fund the FY 22 cost of this Agreement.

This Resolution shall take effect July 1, 2021.

Adopted: July 20, 2021.

Attest:

x 
James Morgan, Council Chair
Date: 7-20-2021

x 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: TC agenda Item #21-85



RESOLUTION

Number 2021-041

To Approve and Fund a Collective Bargaining Agreement with the Derry
Public Works Employees

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 public works 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 Derry Public Works Employees, Teamsters Local #633, for the period July 1, 2021, through June 30, 2026, are hereby approved.

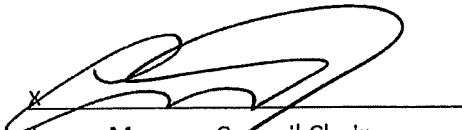
Archival Ref: TC agenda item #21-86

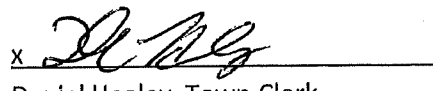
FURTHER, the Town Administrator pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer Forty-Seven Thousand, Six Hundred Sixty-Five Dollars (\$47,665), from the CBA Implementation Trust the fund the FY 22 cost of this Agreement.

This Resolution shall take effect July 1, 2021.

Adopted: July 20, 2021.

Attest:

x 
James Morgan, Council Chair
Date: 7-24-2021

x 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: TC agenda Item #21-86



RESOLUTION

Number 2021-042

To Approve and Fund a Collective Bargaining Agreement with the Derry
Police Supervisors Union

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 Supervisors Union, SEIU Local 1984, 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 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 State Employees' Association of New Hampshire, SEIU Local 1984, for the period July 1, 2021 through June 30, 2024" are hereby approved;

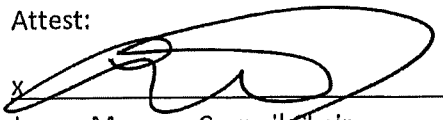
Archival Ref: TC agenda item #21-87

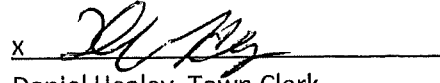
FURTHER, the Town Administrator pursuant to Section 9.7 of the Town Charter, is hereby authorized to transfer Twenty-Three Thousand Four Hundred Eighty Four Dollars (\$23,484), from the CBA Implementation Trust the fund the FY 22 cost of this Agreement.

This Resolution shall take effect July 1, 2021.

Adopted: July 20, 2021.

Attest:

X 
James Morgan, Council Chair
Date: 7-20-2021

X 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: TC agenda Item #21-87



RESOLUTION

Number 2021-043

To Sunset Approval of Derry Revolving Loan Fund COVID-19 Emergency
Funding

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, the Town Council previously created the Derry Revolving Loan Fund to assist new and existing Derry businesses; and

WHEREAS, the program has successfully loaned funds to new and existing Derry businesses for over ten years under the management of the Regional Economic Development Center (REDC); and

WHEREAS, the Town Council pursuant to Resolution #2020-026 authorized emergency loans due to the COVID-19 Pandemic; and

WHEREAS, the area economy has sufficiently recovered whereby the Town Council seeks to return to the original loan program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby sunsets the authorization voted under Resolution #2020-026 and requires that all future loans comply with the terms and conditions in existence previous to the April 28, 2020 amendments.

This Resolution shall take effect immediately upon its passage.

Adopted: July 20, 2021

Attest:

A handwritten signature of James Morgan in black ink, written over a horizontal line.

James Morgan, Council Chair

Date: 7-20-2021

A handwritten signature of Daniel Healey in black ink, written over a horizontal line.

Daniel Healey, Town Clerk

Date: 7-20-2021

Archival Ref: Agenda Item #21-88



Resolution #2021-044

To Fund Expenses from the Compensated Absences Capital Reserve Fund

WHEREAS, the Town Council created a Compensated Absences Capital Reserve Fund in 1997; and,

WHEREAS, the purpose of the fund is to pay for the Town's obligation to its employees for vested accumulated leave upon separation and for any earned time payouts in excess of budget; and

WHEREAS, several long-tenured employees retired from town service in FY 21; and,


WHEREAS, transfer of funds from Compensated Absences will stabilize the impact of end-of-service payments on the Town's General Fund;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council, as agents to expend, hereby authorizes the withdrawal of Four Hundred Thirty-Six Thousand Six Hundred Ten Dollars (\$436,610) from the Compensated Absences Capital Reserve Fund to fund accumulated leave obligations.

This Resolution shall take effect immediately upon its passage.

Adopted: July 20, 2021

Attest:

x 
James Morgan, Council Chair
Date: 7-20-2021

x 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: Agenda Item #21-89



Resolution #2021-045

To Amend the Authorization for Lease Revenues

WHEREAS, Section 7.1 of the Town Charter designates the Town Council as the Legislative Body of the Town, which is then empowered by New Hampshire law to incur debt on behalf of the Town; and

WHEREAS, the Council has approved a lease-to-purchase method of financing the acquisition of certain property improvements and capital; and

WHEREAS, the Council approved the purchase of a Fire Department Quint with the use of lease proceeds; and

WHEREAS, related to that purchase is a need for safe access to fire stations; and

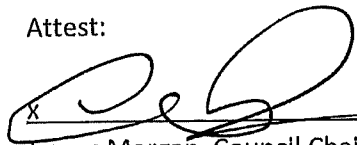
WHEREAS, in this finance environment is preferable to use available lease revenues rather than the Fire Department Capital Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council authorizes the use of lease proceeds in the amount of \$41,459 for safety enhancements to the English Range and Hampstead Road Fire Stations.

This Resolution shall take effect immediately upon its passage.


Adopted: July 20, 2021

Attest:

X 

James Morgan, Council Chair

Date: 7-20-2021

X 

Daniel Healey, Town Clerk

Date: 7-20-2021

Archival Ref:

Agenda Item #21-90



RESOLUTION

Number 2021-046

Transfer Funds from the Derry Recovery Expendable Trust Fund

WHEREAS, Section 9.7 of the Town Charter empowers the Town Council to transfer any unencumbered appropriation balance; and

WHEREAS, the Town Council pursuant to Resolution #2021-025 created an Expendable Trust for the Derry Recovery Plan to receive funds from the American Rescue Plan Act and disburse as necessary; and

WHEREAS, transfers are necessary to implement policy and budget decisions of the Council;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of \$424,409 from the Derry Recovery Expendable Trust Fund for the following:

\$ 362,596 to the CBA Implementation Trust for use prior to December 31, 2026.

\$ 61,813 to fund Account #11309000-039399 for FY22 costs for the full-time Health Officer position.

Further, that said amounts to be transferred are a portion of anticipated revenues losses as defined by the U.S. Department of the Treasury.

This Resolution shall take effect immediately upon its passage.

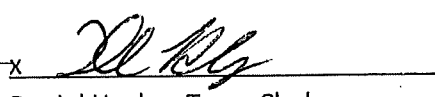
Adopted: July 20, 2021

Attest:

X 

James Morgan, Council Chair

Date: 7-20-2021

X 

Daniel Healey, Town Clerk

Date: 7-20-2021

Archival Ref: Item #21-91



RESOLUTION

Number 2021-047

To Create the Derry Economic Development Expendable Trust Fund

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

WHEREAS, the Town Council previously adopted Resolution #2019-018 which authorized participation in the Southern New Hampshire Regional Interconnection Project which requires the use of Derry assets to transport water from Manchester to points south; and

WHEREAS, the Town collects a fee for the use of its system for these purposes; and

WHEREAS, the Governor signed SB87 into law, which allows the use of no more than 50% of water wheeling revenues for economic development purposes; and


WHEREAS, a trust fund is necessary to hold said revenues for future investment in economic development initiatives for the benefit of Derry taxpayers;

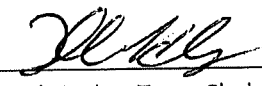
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Economic Development Expendable Trust Fund is hereby created pursuant to RSA 31:19-a for use in accordance with RSA 38:29 I-a as set forth below; further, the Town Administrator is hereby authorized to transfer appropriate revenues received from this project into the Trust. Finally, the Town Council is hereby designated as Agents to Expend.

This Resolution shall take effect immediately upon its passage.

Adopted: July 20, 2021.

Attest:

X 
James Morgan, Council Chair
Date: 7-20-2021

X 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: Agenda Item #21-92

Derry Economic Development Expendable Maintenance Trust Fund

Pursuant to the adoption of Resolution #2021-048, there is hereby created the Derry Economic Development Expendable Trust Fund, which shall be administered as follows:

- I. Water Wheeling Charges – Pursuant to RSA 38:29 I-a, revenues derived from water wheeling charges deposited into the Trust may be expended for the following purposes:
 - a. For the purposes set forth in RSA 38:28, including:
 - i. For the defraying of the cost of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of water systems, or construction, enlargement, or improvement of such systems.
 - b. For the acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of sewer systems, or construction, enlargement, or improvement of such systems.
 - c. Placed into capital reserve funds of the Derry Water or Wastewater Systems.
 - d. For the expansion or replacement of natural gas lines or systems, by a municipal gas system or gas provider regulated by the public utilities commission.
 - e. For the purposes set forth in RSA 162-G:4, including:
 - i. To engage in projects and to acquire, lease as lessee, own, and dispose of business and industrial facilities within or without the Town, and to enter into option contracts to allow the Town to acquire business and industrial facilities at or before some certain date, at some certain price, or below some certain price.
 - ii. To issue bonds to pay project costs, or to reimburse a tenant for payments for project costs made before or after the bonds are issued, or to refund bonds previously issued.
 - iii. To lease business and industrial facilities as owner and lessor or as lessee and sublessor.

Archival Ref: Agenda Item #21-92

- iv. To mortgage, pledge, or assign as security for bonds, through use of a trust indenture or otherwise, any interest which the Town may have in a business and industrial facility as owner and lessor.
 - v. In the event of a default by a tenant, to lease or sell the business and industrial facility to another person in whole or in part.
 - vi. To enter into lease subsidy contracts with business and industrial facility tenants upon a vote by the authority and the Town Council that the business or industrial tenancy has a demonstrable public benefit.
 - vii. To make contracts or take any other action which is necessary or desirable in connection with the exercise of the foregoing powers. Nothing shall be construed to authorize the Town to operate a business and industrial facility itself or to conduct any business enterprise therein.
 - viii. To accept grants that assist in the carrying out of the purposes of RSA 162-G, and to do any and all things necessary or convenient in order to avail itself of such aid.
- f. For the purposes set forth in RSA 162-K:6, III and RSA 162-K:8, including:
- i. Acquire, construct, reconstruct, improve, alter, extend, operate, maintain or promote developments aimed at improving the physical facilities, quality of life and quality of transportation;
 - ii. Acquire real property or easements through negotiation or through powers of eminent domain, except that property acquired through powers of eminent domain shall be put to public use, as defined in RSA 162-K:2, IX-a;
 - iii. Adopt ordinances regulating the use of public parking structures and other facilities constructed within the development district and access to them and the conditions under which such access is allowed. Traffic regulations may include, but shall not be limited to, direction and speed of traffic, kinds of service activities that will be allowed in arcades, parking structures and plazas, and rates to be charged in the parking structures;
 - iv. Require construction of buildings so as to accommodate and support pedestrian systems. When the Town requires for the public benefit the

Archival Ref: Agenda Item #21-92

construction of columns, beams or girders with greater strength than required for normal building purposes, the Town shall reimburse the owner for the added expense;

- v. Install lighting systems, street signs and street furniture, landscaping of street and public property, and snow removal systems;
- vi. Acquire property;
- vii. Lease air rights over public property and spend public funds for constructing the foundations and columns in the public buildings strong enough to support the buildings to be constructed on air rights;
- viii. Lease all or portions of basements, ground and second floors of the public buildings constructed in the district; and
- ix. Negotiate the sale or lease of property for private development.
- x. The Town may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property together with all relocation costs incidental thereto. Bonds issued under this authority shall be payable in annual payments which shall be so arranged that the amount of annual payment of principal and interest in any year on account of any bond shall not be less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of such payments shall be sufficient to extinguish the entire bond on account of which they are made at maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date thereof. Each authorized issue of bonds shall be a separate loan.

- II. From all other sources, including grants, gifts and loans – These funds may be used for any purpose related to economic development as determined by the Town Council, including those purposes listed above, subject to any terms and conditions as may be established by the grant, gift or loan.



Resolution #2021-048

To Extend Deadlines for the Downtown Façade Improvement Grant Program

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

WHEREAS, On August 13, 2019, the Council adopted Resolution #2019-038 which re-capitalized the Downtown Façade Improvement Program; and

WHEREAS, local businesses actively participated in the program by investing in private properties, resulting in enhancements to the Derry Commerce Corridor; and,

WHEREAS, more recently the COVID-19 Pandemic limited participation in the program as businesses were focused on immediate needs; and

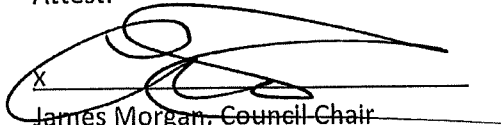
WHEREAS, funds remain available in the program to partner with private businesses on Corridor improvements;

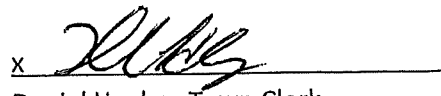
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council hereby authorizes the continuation of the Downtown Façade Improvement Program indefinitely, until such time as funding is exhausted or the Council rescinds the program authorization.

This Resolution shall take effect Immediately upon its passage.

Adopted July 20, 2021

Attest:

X 
James Morgan, Council Chair
Date: 7-20-2021

X 
Daniel Healey, Town Clerk
Date: 7-20-2021

Archival Ref: Agenda #21-93



RESOLUTION

Number 2021-049

To Adopt the Town Council's FY 22 Action Plan

WHEREAS, Section 5.1 of the Town Charter vests in the Town Council the powers of the legislative and governing bodies; and

WHEREAS, the Town Council has established an Action Plan to ensure that public funds are expended in a manner which reflect community priorities; and

WHEREAS, the Action Plan is a result of the Council's interactions with the public, Town boards and commissions, staff and other stakeholders;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the attached FY22 Action Plan is hereby adopted, and the Town Administrator is directed to report back to the Council on a quarterly basis with updates on the plan's implementation.

This Resolution shall take effect immediately upon its passage.

Adopted: July 20, 2021

Attest:

X

James Morgan, Council Chair

Date: 7-20-2021

X

Daniel Healey, Town Clerk

Date: 7-20-2021

Archival Ref: Item #21-94



RESOLUTION

Number 2021-052

To Transfer Unexpended Appropriations to the CBA Implementation Trust.

WHEREAS, the Section 9.7 of the Town Charter authorizes the Town Administrator, with approval of the majority of the Town Council to transfer any unencumbered appropriation balance; and

WHEREAS, the Town partners with Primex III to provide property/liability and workers compensation insurance coverage for the Town; and

WHEREAS, the Town is eligible for a premium holiday which has resulted in FY 22 budgeted premiums now exceeding the amount necessary to provide coverage; and

WHEREAS, the Town Council pursuant to Resolution #2017-038 created the CBA Implementation Expendable Trust Fund to assist with funding current or future collective bargaining agreements;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to transfer \$228,192.85 from various Departments as set forth on the attached sheet to the CBA Implementation Expendable Trust Fund.

This Resolution shall take effect immediately upon its passage.

Adopted July 20, 2021

Attest:

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

James Morgan, Council Chair

Date: 7-20-2021

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

Daniel Healey, Town Clerk

Date: 7-20-2021

Archival Ref: TC agenda item #21-95

FY22 Premium Holiday Transfer to CBA Implementation Trust

Department of Public Works -	\$ 30,358.57
Police Department	\$ 23,582.18
Fire Department	\$ 103,104.60
Finance Department	\$ 330.13
Other Municipal Obligations	\$ 52,339.81
Administration (Executive, Planning, etc)	\$ 3,345.02
Water Fund	\$ 7,578.50
Wastewater Fund	<u>\$ 7,554.04</u>
	\$228,192.85

Archival Ref: TC agenda item #21-95