

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**July 21, 2020  
Tuesday - 7:00 PM**

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**6:00 PM**      **Non-Meeting RSA 91A:2 (a)**  
**6:15 PM**      **Non-Public Session – RSA 91A:3 II (l)**  
                 **Non-Public Session – RSA 91A:3 II (d)**  
                 **Non-Public Session – RSA 91A:3 II (c)**  
**7:00 PM**      **Call to order**

*Although the Stay at Home Order has expired, Emergency Order #12 as issued by Governor Sununu remains in effect, which waives the requirement that a quorum be physically present in the meeting room; a meeting of a public body may be conducted with most or all members participating electronically. There is a contact number at the bottom of the Derry TV Cam screen with a phone number where members of the public can listen in and participate in the Public Forum and Public Hearing portions of the meeting. This access number was also posted along with the agenda and posted on the exterior doors of the Municipal Center. Please note that due to the physical absence of some Councilors, all votes taken shall be done by Roll Call.*

**Motion by Councilor Tripp leave non-public session, seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

**Motion by Councilor Tripp to seal RSA 91A:3 II (c,d,l), seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

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

**Roll Call:** Councilor's Tripp, Katsakiores and Chairman Foote in-person and Councilor's Morgan, Bourdon, Chirichiello, and Wetherbee by Video.  
Present: TA David Caron, Town Clerk Daniel Healey, CFO Mark Fleischer

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

**Motion by Councilor Morgan to open public forum, seconded by Councilor Tripp**  
**Roll Call Vote: 7-0-0**

No one from the public spoke.

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

**Consent Agenda**

- 20-69** Approve Minutes – June 9, 2020
- 20-70** Approve Minutes – June 16, 2020
- 20-76** Resolution #2020-038 – Relative to the Receipt of Unanticipated Revenues for the Public Works Department

**Motion by Councilor Tripp to approve the consent agenda, seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**

**Consent agenda approved**

**Chairman's Report – Charlie Foote**

**Chairman Foote moves that the Town Council submit a letter in support of the Salvation Army to remain in Derry and move to the location on Peabody Rd, seconded by Councilor Katsakiores**

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

**Chairman Foote moves to appoint John O'Connor, Richard Tripp, and Jeff Moulton as members of the SNHPC for terms to expire June 30, 2024, seconded by Councilor Katsakiores**

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

**Chairman Foote moves to appoint Charlene Thomas as a member of the Building & Property Maintenance Committee for a term to expire March 31, 2021, seconded by Councilor Tripp**

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

**Chairman Foote moves to appoint Pat Dowling as a member of the Derry Housing & Redevelopment Authority for a term to expire March 31, 2024, seconded by Councilor Katsakiores**

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

**Chairman Foote moves to appoint Dori Haverty as an alternate member of the Taylor Library Board of Trustees for a term to expire March 31, 2021, seconded by Councilor Katsakiores**

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

The Derry Town Council and Town Clerk Daniel Healey discussed the way residents can register to vote, and vote absentee. Councilor Morgan suggested that the image on the homepage be changed to make it easier for residents to find the information on voting. The pay rate was discussed, and it was suggested that hired election workers should be compensated \$15 an hour for the regular rate and everyone working the polls an additional \$15 an hour for hazard pay.

**Councilor Wetherbee moves to adjust the pay rate for poll workers to \$15 an hour with an additional \$15 an hour in hazard pay, seconded by Councilor Bourdon**

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

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

Emergency Management Director and Fire Chief Mike Gagnon gave a report on the Town's response to COVID-19. The numbers in town appear to be declining.

The Police detail rates have been adjusted to reflect the Town's personnel costs, effective July 1, 2020. The Municipal Center re-opened to the public on Monday July 6. Mask usage has decreased slightly but still over 50% of the customers do wear a mask in the building. Drive-thru transactions remain brisk. The North Shore Road culvert replacement project will be completed by American Excavating by mid-September. Derry has been passing through approximately

250,000 to 300,000 gallons of water per day to Salem since the middle of June. The booster pump station at the Londonderry/Derry town line is nearing completion by mid-August which would increase outbound flow to 1,000,000 galls per day. DPW crews excavated for the footings and the contractor has started rough framing on the Central Fire Station addition. DPW was asked to collaborate with the School Department to assist them with paving of three schools (Derry Village, South Range, and West Running Brook). DPW assisted by arranging the Town's paving contractor to mobilize on short notice to start work at Derry Village last week. The goal would be to complete paving prior to the projected school start date. This is another example of cooperation between the School District and Town Officials. Rooftop units were replaced at the Derry Municipal Center in June and the HVAC work at the Derry Public Library was completed in early June. Recreation staff continues to evaluate the condition of the outdoor facilities at Alexander-Carr Park. Legal counsel has issued guidance of which outside rehabilitation projects fall within the constraints of the Trust Fund, and which others may require Charitable Trust support and Superior Court approval. DPW has initiated the bid process for improvements to the Rail Trail. Once bids are received the department will return to the Council with a financial plan to allow the project to proceed. The Hood Park AARP Grant was not received however, staff is developing an internal plan and identifying resources which will allow the project to proceed. The Town has requested that the Planning Board look at additional zoning options in the Downtown which would promote market rate rental units. The Planning Board discussed at its July 15th meeting and agreed to prioritize this project.

CFO Mark Fleischer gave a FY20 Financial Update

### **New Business**

**20-71** Resolution #2020-033 – Designate Polling Locations for the September 2020 Primary and November 2020 General Elections – *Town Administrator Dave Caron Presenting*

Derry has used a number of different polling locations throughout the Town. Due to the ongoing COVID-19 Pandemic and its potential impact on the number of available poll workers, the Committee on Elections (Councilors Morgan, Wetherbee and Bourdon; Clerk Healey, Moderator Gifford and the Supervisors of Checklist) recommend that the Town Council designate one polling location for each election and aggressively market the availability of absentee ballots. The Committee recommends Calvary Bible Church as the polling location for the September primary and Pinkerton Academy as the polling location for the November General election. The Town Council is required by Town Charter and NH RSA to establish the polling locations used for elections. Under Section 2.5(b) of the Town Charter the Council "shall establish polling places and balloting hours" and under NH RSA 658:9 I "The selectmen of each town and ward shall provide for a suitable place in which to hold state elections and shall see that the same is warmed, lighted, and furnished with proper supplies and conveniences". The Town Clerk's office has reached out to Calvary Bible Church and have been informed that we would be welcome back to use their facilities for the September election. Further, Pinkerton Academy has confirmed the availability of the Fieldhouse for the November election.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-033, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**20-72** Resolution #2020-034 – Involuntary Merger – *Planning Director George Sioras presenting*

Under the RSA, the owner of two or more lots involuntarily merged by the municipality prior to September 18, 2010, may apply to the governing body to request the lots be restored to their pre-merger status. The restoration of the lots shall not be deemed to cure any non-conformity with existing land use ordinances. A review of the Assessing records shows that the two lots were involuntarily merged by the Assessor in the 1980s. The Assessing Office recommends the lots be restored. The existing lot will remain as Parcel 02063 with an address of 4 Carroll Circle. The restored lot, previously known as Parcel 02062, will have a new address of 3 Carroll Circle. The Town Administration has requested a review and recommendation by the Planning Board. Under the RSA, the lots are to be restored upon request. The Planning Board unanimously approved to recommend to the Town Council the restoration of Parcel 02062, at their July 15, 2020 meeting.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-034, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**20-73** Resolution #2020-035 – Relative to a transfer from the Compensated Absence Fund – *CFO 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 FY20 year, which now require the Town Council as the agents to expend to authorize those expenditures be funded by the Compensated Absences Capital Reserve Fund. The FY20 OMO budget included \$540,006 for Earned Time buyouts. The amount expended for employees separating from the Town (\$396,012) and requesting earned time pay per contract (\$588,030) was \$984,042 therefore \$444,036 is needed to cover these payments. The transferred funds would offset Other Municipal Obligations Account #190004 Earned Time Payout and associated rollups.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-035, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**20-74** Resolution #2020-036 – FY20 Expendable Maintenance Trust Transfers – *CFO Mark Fleischer presenting*

The Town Council created an Expendable Maintenance Trust Fund pursuant to Resolution #2017-022. The purpose of the fund is to pay for improvements and major repairs to town facilities as may be identified during the annual budget process. The Town has incurred

expenses during the FY20 year, which now require the Town Council as the Agents to Expend to authorize those expenditures be funded by the Expendable Maintenance Trust Fund. Specifically, projects include final expenses related to the fire storage facility (\$1,170), final expenses related to the Hampstead fire station generator (\$4,198), costs to upgrade the DMC door security system (\$39,903), costs to upgrade the DMC lighting to LED (\$49,266), replacement of the Adams building HVAC (\$31,309), engineering for the Police roof-top HVAC and DPL HVAC replacement that could not be reimbursed via a lease(\$3,400). Total expenditures were \$129,246 however, a rebate that was received related to the DPL boiler replacement (\$8,000) and the anticipated rebate from Eversource for the DMC LED lighting project (\$17,760) would go against the amount needed to transfer from the trust.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-036, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**20-75** Resolution #2020-037 – Transfers from COVID-19 Expendable Trust Fund –  
*CFO Mark Fleischer presenting*

The President declared New Hampshire a major disaster area due to COVID-19 on April 3, 2020 allowing the Town to be eligible for Public Assistance through the Federal Emergency Management Agency (FEMA). The town can be reimbursed for 75% of the costs related to emergency protective measures associated with this event. Additionally, Governor Sununu made federal CARES Act funding available to assist New Hampshire municipalities with costs not covered by FEMA, including the 25% local share for FEMA expenses, which was authorized by the President. The Governor also made CARES Act funding available to provide Hazard Pay to eligible First Responders for (8) weeks and (2) days for the period of 5/4/20-6/30/20. Action by the Council will allow the Town to be reimbursed for expenses resulting from the Pandemic for such visible activities as additional public safety expenses to other expenses not as visible such as Zoom expenses, higher trash volumes resulting from the Stay at Home order and other reimbursable expenses incurred by various departments. A budget adjustment to Object Code 033199, "Federal Funds Passed Thru State", with a corresponding budget adjustment to various expense lines within the activity centers listed above is needed.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-037, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**Councilor Comments / Liaison Reports –**

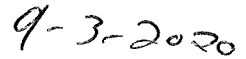
Councilor Tripp – The firework displays from residents were fantastic, hopefully next year the town will have them again.

Councilor Tripp motions to adjourn, seconded by Councilor Katsakiores  
Roll Call Vote: 7-0-0

Adjournment: 9:00 p.m.

  
\_\_\_\_\_  
Town Clerk

Recording & Transcription by: Daniel Healey, Town Clerk

  
\_\_\_\_\_  
Date



## RESOLUTION

Number 2020-033

To Approve Polling Locations for the September 2020 Primary and  
November 2020 General Elections

WHEREAS, State Statutes designate the responsibility to provide polling locations to the Town Council; and

WHEREAS, it is in the best interest of the community that ease of access and safety are paramount to encourage voter participation; and

WHEREAS, the COVID-19 Pandemic will require a consolidation of election workers and resources; and

WHEREAS, encouraging the use of absentee ballots will also assist with the orderly voting process

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby designates Calvary Bible School as the Town's Polling Location for the September Primary Election and Pinkerton Academy as the Town's Polling Location for the November General Election.

This Resolution shall take effect immediately upon its passage.

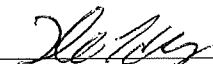
Adopted: July 21, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 7/21/2020

x 

Daniel Healey, Town Clerk

Date: 7/21/2020

Archival Ref: TC agenda item #20-71



## RESOLUTION

Number 2020-034

To Un-Merge Lots on Carroll Circle

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WHEREAS, RSA 674-39aa requires the Town, upon request, to separate lots which were involuntarily merged by the Town decades ago; and

WHEREAS, the Town has received such a request by the owner of Parcel 02063 located at 4 Carroll Circle; and

WHEREAS, it has been confirmed that the Town involuntarily merged this lot in the 1980's; and,


WHEREAS, the petitioner has met all statutory requirements and the Planning Board unanimously recommends approval;

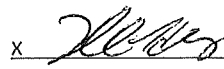
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby unmerges Parcel 02063 (4 Carroll Circle) from land now to be identified as Parcel 02062 with an address of 3 Carroll Circle.

This Resolution shall take effect immediately upon its passage.

Adopted: July 21, 2020

Attest:

X   
\_\_\_\_\_  
Charles Foote, Council Chair  
Date: 7-21-2020

X   
\_\_\_\_\_  
Daniel Healey, Town Clerk  
Date: 7-21-2020

Archival Ref: TC Agenda Item #20-72





## Resolution #2020-035

### 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 20; 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 Forty-Four Thousand Thirty Six Dollars (\$444,036) from the Compensated Absences Capital Reserve Fund to fund end-of-service accumulated leave obligations.

This Resolution shall take effect immediately upon its passage.

Adopted: July 21, 2020

Attest:

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

Charles Foote, Council Chair

Date: 7-21-2020

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

Daniel Healey, Town Clerk

Date: 7-21-2020

Archival Ref:

Agenda Item #20-73

FY19 Project Expenditures:

DMC 3 <sup>rd</sup> Floor Meeting Room Carpet	\$ 14,600.00
AC Unit at DMC Server Room	\$ 22,300.00
Fire Dept. Storage Building at DPW Facility	\$113,828.00
Generator Replacement at Hampstead Road	<u>\$ 38,717.00</u>
<b>Total Expended</b>	<b>\$189,445.00</b>

Archival Ref:      Agenda Item #20-73



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## Resolution #2020-036

### To Fund Improvements from the Expendable Maintenance Trust Fund for Buildings and Grounds

WHEREAS, the Town Council created an Expendable Maintenance Trust Fund pursuant to Resolution #2017-022; and,

WHEREAS, one of the purposes of the fund is to pay for improvements and major repairs to town facilities as may be identified during the annual budget process; and

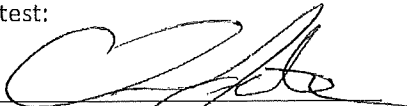
WHEREAS, the Town has incurred expenses during the execution of the FY 20 Budget, which require transfers from the Expendable Maintenance Trust Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council, as agents to expend, hereby authorizes the withdrawal of One Hundred Three Thousand, Four Hundred Eighty-Six Dollars (\$103,486.00) from the Expendable Maintenance Trust Fund for Buildings and Grounds for payment of the repairs and improvements as listed on the attached summary.

This Resolution shall take effect immediately upon its passage.

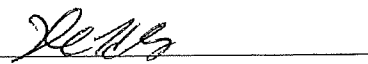
Adopted: July 21, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 7-21-2020

x 

Daniel Healey, Town Clerk

Date: 7-21-2020

Archival Ref: Agenda Item #20-74

FY20 Expenditures to Reimburse Rev. Account 13309000-039399:

DMC Security System	\$ 39,903.00
DMC Lighting Upgrade to LED (net of rebate)	\$ 31,506.00
Adams Building HVAC	\$ 31,309.00
DPL Boiler Replacement	(\$ 8,000.00)
HVAC Replacement Engineering	\$ 3,400.00
Fire Dept. Storage Building at DPW Facility	\$ 1,170.00
Generator Replacement at Hampstead Road	<u>\$ 4,198.00</u>
<b>Total Expended</b>	<b>\$103,486.00</b>

Archival Ref:      Agenda Item #20-74



## RESOLUTION

Number 2020-037

To Disburse Unanticipated Revenues Received from Various Sources for  
COVID-19 Mitigation, Response and Recovery

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the State, Federal or other Governments, or from private sources; and

WHEREAS, the Town Council by Resolution #2020-12 established an Expendable Trust for COVID-19 Mitigation, Response and Recovery as a mechanism to manage funds necessitated by the Pandemic; and

WHEREAS, The Town Council by Resolution #2020-023 authorized the Town Administrator to apply for and accept funds as they may become available for COVID-19 Mitigation, Response and Recovery, and designated the Council as Agent to Expend; and

WHEREAS, the Town has received reimbursements from a variety of sources which are designated for disbursement back to the accounts which incurred related expense; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized:

- 1) To acknowledge the Governors' First Responder Stipend in the amount of \$288,470.94 which has been disbursed to eligible employees.
- 2) To disburse the Governor's Office for Emergency Relief and Recovery Grant in the amount of \$110,723.72 to the impacted town departments.
- 3) To disburse \$64,636.79 in FEMA funding to impacted town departments.

Reimbursements to various departments is itemized on the attached spreadsheet.

This Resolution shall take effect immediately upon its passage.

Adopted: July 21, 2020

Attest:

X   
Charles Foote, Council Chair

Date: 7-21-2020

X   
Daniel Healey, Town Clerk

Date: 7-21-2020

Archival Ref: TC agenda item #20-75

Derry Public Library	\$ 4,492.78	Fire (Net after WC reimbursement)	\$204,087.68
Emergency Mgmt.	\$ 57,805.63	Police	\$153,589.18
Administration	\$ 449.74	Comm Development	\$ 29.98
IT	\$ 5,048.70	Human Services	\$ 1,345.00
Finance	\$ 1,199.18	Tax Collector	\$ 3,210.38
OMO	\$ 1,007.50	Town Clerk	\$ 204.20
Recreation	\$ 1,743.30	Parks	\$ 142.71
Highway	\$ 4,170.68	Transfer Station	\$ 23,714.62
Cable	\$ 1,654.82	<b>Total</b>	<b>\$ 463,896.08</b>

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Archival Ref: TC agenda item #20-75