

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday July 5, 2022
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Bourdon

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

Roll Call: Councilors Katsakiores, Chirichiello, Foote, Flood, Spencer and Chair Bourdon

Absent: Councilor Wetherbee

Present: TA Dave Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

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

Jim Dietzel: Hunter Dr – Appreciates his appointment to the Zoning Board of Adjustment. Attended the Tip a Cop fundraiser at Applebees to benefit the Special Olympics. Shoutout to Lt. Michaud, Sgt. Talbot, and Detective Bouse for their involvement with the event. Would like a new police station or the current station to be renovated.

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

Consent Agenda

22-78 Approve Non-Public Minutes – June 7, 2022

22-79 Approve Minutes – June 7, 2022

22-84 Accept Resignation from Derry Housing & Redevelopment Authority
Commissioner

Councilor Katsakiores moves to approve the consent agenda, seconded by Councilor Spencer – all agreed

Chair Report – Joshua Bourdon

Paul Lindemann gave a Historic Preservation Update for the Meetinghouse at First Parish. Congratulated MaryAnn Connors-Krikorian on her retirement. Councilor Foote read a proclamation at the last school board meeting. Thanked Deputy Chief Feole for the dedication ceremony of the Police Station in honor of Chief Edward Garone.

Town Administrator's Report – Dave Caron

Pursuant to the Council's action in July 2009 which delegated detail rate setting authority to the Town Administrator, the Council is hereby notified that the rates have been adjusted to reflect the Town's personnel costs, effective July 1, 2022, as follows: Police Detail Rate - \$80.00/hour; Police Cruiser Detail Rate \$18.75/hour; and Fire Detail Rate \$83.00/hour. As the town

approaches fiscal year end, most of the revenue estimates will be met or exceeded. Staff will present several Resolutions at the Council's August 2nd meeting to finalize budget transfers and other FY22 year-end transactions.

Public Hearings

22-75 Resolution #2022-046 – Enter into an Intermunicipal Agreement with the Town of Chester for police prosecutorial services and to provide a Supplemental Appropriation thereto – *Deputy Police Chief George Feole*

As a result of the COVID-19 pandemic restrictions being lifted in the State Court's system, the police department's workload in prosecution has increased significantly. The two prosecutors find that they cannot keep up with the workload during their normal schedules. Both of the prosecutors are working 10-15 hours extra each week as a result. The creation of this position would ease the additional 20-30 hours a week they are subjected to, as a result of this increase in case load. Also, recently the Town of Chester has expressed an interest in the Town of Derry Police Prosecution assuming the prosecutorial functions of the Chester Police Department. It is estimated that 5 hours per week would be dedicated to Chester prosecution services with an initial revenue rate from the Town of Chester of \$26,000, pro-rated based on actual contract start time. The contract has an annual escalator of 3%, subject to mutual agreement for these services. If approved, it is anticipated that a part-time prosecutor would start on or about September 1, 2022, and work 20 hours per week dedicated to the Town of Derry and an additional 5 hours per week dedicated to the services for the Town of Chester for a total of 25 hours per week. The Police Department Budget for FY 23, as approved in May, did not consider an additional part time prosecutor or the revenue stream associated with executing a contract for prosecution services with the Town of Chester. Section 9.6 of the Town Charter provides the ability for a 2/3 majority of the Council to make a supplemental appropriation. We are requesting that the Town Council appropriate an amount equal to the revenue so as to not impact the tax rate. Expenditures for the new position beyond the revenue amount will be made from funds already approved by the Town Council in the FY 23 budget. The pro-rated revenue is anticipated to be \$21,667.

Motion by Councilor Foote to open public hearing, seconded by Councilor Chirichiello – all agreed

No one from the public spoke.

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

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-046 which reads as follows [*Read the Resolution*], seconded by Councilor Chirichiello

Roll Call Vote: 6-0-0

Resolution attached

New Business

22-80 Resolution #2022-048 – Adopt the Town's Emergency Operations Plan – *Fire Chief Jim Richardson*

Emergency Management Staff in collaboration with all other Town Departments has completed the review and redrafting of the Town of Derry Emergency Operations Plan. The purpose of this plan is to facilitate the delivery of all types of emergency response and to help deal with the consequences of significant disasters. The Emergency Operations Plan outlines the planning assumptions, policies, concept of operations, organizational structures and specific assignments of responsibility to the Town Departments and agencies involved in coordinating the local, state and federal response activities. For security purposes the complete Emergency Operations Plan is distributed to select Town Officials and is not publicly available.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-048 which reads as follows [Read the Resolution], seconded by Councilor Spencer

Roll Call Vote: 6-0-0

Resolution attached

22-81 Resolution #2022-049 – Apply for, Accept and Expend a Homeland Security Grant for Continuity of Operations Planning – Fire Chief Jim Richardson

In 2019, the Derry Bureau of Emergency Management identified the need to develop contingency plans to maintain essential government functions in the event of a large scale and/or extended duration emergency incident. Specifically, we identified the need to:

- Better prioritize essential functions within the local government and clarify orders of succession to ensure continuity of town leadership and authority;
- Diversify our communication and information systems to ensure we have the ability to effectively communicate with town employees and the public in a timely manner;
- Securely maintain, protect, and access vital public records;
- Better identify and plan for alternate physical and virtual command and control locations during the disruption;
- Develop contingency plans to sustain and support essential employees that are likely to be adversely affected during the incident.

This plan would also provide a template for conducting future training and exercises to ensure the plan remains up-to-date and is "real-world" ready. Currently, the Town does not have a Continuity of Operations Plan (COOP). Although the Town has Emergency Operations plans and proactive Hazard Mitigation plans, maintaining or reconstituting local government operations will be essential to the expedient recovery of the community.

This project consists of two components:

1. Completion of the Town of Derry Continuity of Operations Plan (COOP)
2. The establishment of an alternative communications system for notifying and informing staff during continuity of operations incidents.

The purpose of this plan is to provide continuity of government procedures, information and assignments of responsibility applicable to planning, preparation, mitigation, response, and recovery operations related to an incident disrupting municipal operations with the Town of Derry.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-049 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

22-82 Resolution #2022-050 – Adopt the Town Council's FY23 Action Plan – *Town Administrator Dave Caron*

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-050 which reads as follows [Read the Resolution], seconded by Councilor Spencer

Roll Call Vote: 6-0-0

Resolution attached

22-83 Resolution #2022-051 – Adopt a Grant Management Policy – *Chief Financial Officer Mark Fleischer*

The Town's Finance department with guidance from the town auditors, Melanson, has completed the drafting and review of the Town of Derry Grant Management Policy. The purpose of this policy is to establish and maintain internal controls that provide reasonable assurance that Federal Grant awards are managed in compliance with all Federal regulations and all funds are spent in accordance with any and all terms and conditions of such awards. The guidelines and procedures found in this policy incorporate the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as outlined in the Code of Federal Regulations (CFR) Title2_Subpart A_Chapter II Part_200 as well as NH RSA 31:95-b-Appropriation for Funds Made Available During the Year. This policy was established to ensure consistency and accountability in securing and managing grant funds by all Town of Derry departments. This policy is subject to amendments based on future OMB directives.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-051 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

Councilor Chirichiello moves for an Emergency of Convenience relative to an appointment to the Derry Housing & Redevelopment Committee, seconded by Councilor Foote

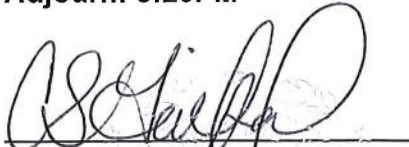
Roll Call Vote

3-3-0 (Councilors Bourdon, Spencer, and Foote)

Councilor Comments / Liaison Reports –

Councilor Katsakiores – The Town Fireworks were excellent.

Adjourn: 8:20PM


Town Clerk


Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2022-048

To Adopt the Town's Emergency Operation Plan

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

WHEREAS, the Town's Emergency Operations Plan (EOP) is updated every five years and provides the Town with a mechanism for effectively responding to and recovering from the impact of natural or human-caused disasters or emergencies; and

WHEREAS, maintenance of the EOP is a prerequisite for the Town to apply for and receive state and federal assistance to mitigate, prepare for and respond to disasters and emergencies; and

WHEREAS, the Town recently updated its EOP which requires Town Council adoption;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Emergency Operations Plan as prepared for the Town of Derry under the supervision of the Emergency Management Director is hereby adopted.

This Resolution shall take effect immediately upon its passage.

Adopted: July 5, 2022.

Attest:

x 
Joshua Bourdon, Council Chair
Date: 7/6/2022

x 
Daniel Healey, Town Clerk
Date: 7/5/2022



RESOLUTION

Number 2022-048

To Adopt the Town's Emergency Operation Plan

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WHEREAS, the Town's Emergency Operations Plan (EOP) is updated every five years and provides the Town with a mechanism for effectively responding to and recovering from the impact of natural or human-caused disasters or emergencies; and

WHEREAS, maintenance of the EOP is a prerequisite for the Town to apply for and receive state and federal assistance to mitigate, prepare for and respond to disasters and emergencies; and

WHEREAS, the Town recently updated its EOP which requires Town Council adoption;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Emergency Operations Plan as prepared for the Town of Derry under the supervision of the Emergency Management Director is hereby adopted.

This Resolution shall take effect immediately upon its passage.

Adopted: July 5, 2022.

Attest:

x 

Joshua Bourdon, Council Chair

Date: 7/6/2022

x 

Daniel Healey, Town Clerk

Date: 7/5/2022



RESOLUTION

Number 2022-049

To Apply for, Accept and Expend a Homeland Security Grant for Continuity of
Operations Planning

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, the State of New Hampshire Division of Homeland Security provides grant funding for communities to develop a Continuity of Operations Plan (COOP); and

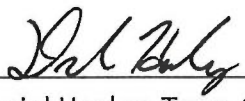
WHEREAS, development of a COOP would assist with maintenance of municipal operations during times of natural and other disasters or disruptions;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, that the Town Administrator is hereby authorized to apply for, and if granted, expend no more than \$6,500.00 from Homeland Security for development of a Continuity of Operations Plan.

Adopted: July 5, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 7/6/2022

x 
Daniel Healey, Town Clerk
Date: 7/5/2022

Archival Ref: Agenda #22-81



RESOLUTION

Number 2022-050

To Adopt the Town Council's FY 23 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 results from 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 FY23 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 5, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 7/6/2022

x 
Daniel Healey, Town Clerk
Date: 7/5/2022



RESOLUTION

Number 2022-051

To Adopt a Grants Management Policy

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

WHEREAS, the Town is very active seeking outside sources of funding to advance town goals and objectives, including federal grants; and

WHEREAS, the Town's auditors have requested that the Town Council formally adopt the Town's Grant Management Policy which establishes and maintains internal controls to provide assurance that federal grants are managed in compliance with all regulations;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town of Derry Grant Management Policy as attached is hereby adopted

This Resolution shall take effect immediately upon its passage.

Adopted: July 5, 2022

Attest:

x 

Joshua Bourdon, Council Chair

Date: 7/6/2022

x 

Daniel Healey, Town Clerk

Date: 7/5/2022