

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday August 17, 2021
3rd Floor Meeting Room

MINUTES

6:30 PM Non-Public Session – RSA 91A:3 II (d, I)
7:00 PM Call to order

Motion by Councilor Katsakiores leave non-public session, seconded by Councilor Foote
Roll Call Vote: 6-0-0

Motion by Councilor Wetherbee to seal RSA 91A:3 II (d, I) because it was determined
divulgence of this information would render a proposed action ineffective, seconded by
Councilor Foote
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, Foote, Wetherbee, Spencer, and Bourdon;
Absent: Chairman Morgan
Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

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

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Applied for the open Taylor Library Trustee position. She has been a library trustee in the past, a reading tutor. Requested the council to look at her resume.

Tom Cardon: Cunningham Dr – Applied for the open Taylor Library Trustee position.

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

Consent Agenda

- 21-98** Approve Non-Public Minutes – July 20, 2021 – **Minutes Sealed**
- 21-99** Approve Minutes – July 20, 2021
- 21-100** Approve Non-Public Minutes – August 2, 2021
- 21-101** Approve Minutes – August 22, 2021
- 21-102** Resignation Taylor Library Board of Trustees – Donald Kirkland, Regular Member with term to expire March 2022
- 21-103** Resignation CART Advisory Committee Member – Richard Tripp
- 21-104** Ordinance #2021-010 – Amend General Code Traffic Ordinance, Prohibited Parking on East Broadway

Councilor Chirichiello moves to approve the consent agenda, seconded by Councilor
Wetherbee – all agreed (Councilor Foote abstained from 21-98 and 21-99)

Chairman's Report – Brian Chirichiello (Chair Pro-Tem)

Chairman Pro-Tem Chirichiello moves to appoint Samantha Hamlin, Angel Fontaine, and Lynne Townsend as members of the Taylor Library Board of Trustees for terms to expires in March 2022, seconded by Councilor Wetherbee

Councilor Katsakiores moves to appoint Tom Cardon, Richard Tripp, and Katherine Prudhomme-O'Brien as members of the Taylor Library Board of Trustees for terms to expires in March 2022, no second

Roll Call Vote on Chairman Pro-Tem Chirichiello's motion: 6-0-0

Councilor Bourdon read a proclamation given to Samantha Harrington for her achievements in academics and athletics.

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.

NHDOT has requested that the Towns of Derry and Londonderry collaborate on a name for the Exit 4-A Connector Road. Derry sought the assistance of the Heritage Commission and Londonderry offered a name as well. While Derry believes McGregor Parkway would be appropriate given the first settlers in the area were led by Rev. James McGregor, there exists a development in Londonderry which uses that street name and thus would cause E-911 addressing problems. The other name which has been brought forward is Ulster-Scots Highway, a tribute to the early settlers to this area. The Town received the first payment under the ARPA Funding Act in the amount of \$1,752,766.43 on July 22. Pursuant to action previously adopted by the Council, the funds were placed in the Derry Recovery Trust Fund pending further action of the Town Council. As we know, the Derry Opera House has been dark for most of the past 15 months due to the Pandemic, during which time the Town has suspended monthly rent payments. As GDAC resumes operations in September, the Town expects that rental payments will resume. In recognition of the ARPA funds received in part to replenish lost revenues, and in further recognition that GDAC was without income during this period, the town will be preparing forms to formally abate the past due rent amount which totals \$16,400.00. On August 2, the Supervisors declared that Representative Anne Copp was no longer a registered voter in Derry and thus was removed from the voter rolls. The Council later voted to request the Governor and Executive Council to schedule a special election to fill the seat formally held by Ms. Copp. It is anticipated that the G&C will approve the following schedule at its August 18 meeting: Filing Period: August 23-27; Primary Election: October 19; and General Election: December 7.

Public Hearings

21-81 Resolution #2021-050 – Create an Expendable Trust for Opioid Mitigation and Response and to Authorize Acceptance of Settlement or Judgement Proceeds –
Town Administrator David Caron presenting

The Town of Derry became involved in a national consortium in 2018 to seek reimbursement for expenses incurred and anticipated expenses associated with the opioid epidemic. The

consortium, which consists of hundreds of communities nationwide and includes the New Hampshire communities of Derry, Londonderry, Franklin, and Laconia among others, have filed suit against various opioid manufacturers and distributors who have contributed to the crisis which has cost countless dollars in social service costs, medical costs, public safety response costs and lost productivity to the economy. The New Hampshire communities are represented locally by Tom Colantuono and Jim Bianco who have partnered with several national law firms. Many of the lawsuits have been consolidated into the Northern District of Ohio and are in settlement talks or approaching litigation. It is expected that a number of the suits will be settled after the Courts granted multi-jurisdictional and class action status, which means that all municipalities will share in any judgments or lawsuits. As states became involved in the litigation, an unanswered question remains whether localities will be preempted from recovering damages. One such result of this process is legislative adoption of Opioid Abatement Trust Fund (RSA 126-A:83-86) which provides a framework for the receipt of the funds and outlines the potential uses. Included in that statute is a provision whereby municipalities and counties which were part of litigation in the northern district of Ohio will share 15% of the proceeds from any settlement with the State of New Hampshire. It is from this source which the Council is requested to authorize the acceptance of \$6,961.23.

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Foote
Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-050 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0
Resolution attached

21-82 Resolution #2021-051 – Accept a Bureau of Justice Assistance Grant and Authorize an Intermunicipal Agreement with Rockingham County – *Police Chief Ed Garone presenting*

The US Department of Justice has announced the 2021 Justice Assistance Grant (JAG) Awards: The Town of Derry is eligible for an award of \$10,516. Rockingham County has been chosen by the DOJ to be the fiscal agent and applicant for the grant. Rockingham County will receive a 7% administration fee for this service, equal to \$736. The Town of Derry will receive a net total of \$9,780. The Derry Police Department has historically accepted all JAG funds for which it was eligible. The funds are used to make purchases of law enforcement equipment or systems that would exceed our budgeted appropriations. The deadline for filing the application is August 9th, 2021. The DOJ requires that prior to the expenditure of any funds associated with the JAG Award, the application must be provided to the governing body for review at least 30 days prior to application submission. The application will be provided to the Council on July 20th, 2021. Since the 30-day requirement cannot be satisfied, funds may not be expended or committed until the 30-day requirement has been met. Opportunity must be provided for public

review and comment on the application. Rockingham County has agreed to be the fiscal agent and applicant agency for the grant. Consequently, the Town must enter into an Interlocal Agreement with Rockingham County.

Motion by Councilor Foote to open public hearing, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

No one from the public spoke.

Motion by Councilor Katsakiores to close public hearing, seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-051 which reads as follows [Read the Resolution], seconded by Councilor Spencer
Roll Call Vote: 6-0-0
Resolution

New Business

21-105 Resolution #2021-056 – Authorize the Decommissioning of the Town's Hardwire Fire Alarm System – *Fire Chief Mike Gagnon presenting*

The Town of Derry has owned and maintained a 110 milliampere (mA) hardwire Fire Alarm call box system for over a hundred years. The hardwire Fire Alarm call boxes have what amounts to a preprogrammed telegraph system that sends a special character that is unique to the box and therefore the location. The technology used today remains nearly the same as when first installed. These systems operate under normal conditions with alarms transmitting over closed metallic circuits from the box to the Communications Center. The Town decommissioned all stand-alone street boxes approximately 20 years ago. Remaining hardwire fire alarm boxes/systems are connected to customers such as business, churches, multi-family residential, state and town owned buildings; the system is utilized to transmit fire alarms directly to the Communications Center. These circuits are very fragile to weather events from downed tree limbs and lightning strikes which most times result in an open circuit and questionable reliability of alarms being transmitted until repaired. Maintenance and repair of the system requires manually driving the circuits and looking for the problem; sometimes requiring physical examination of each connection point on every telephone pole within the circuit. This process is extremely time consuming and inefficient; no technology is available without a significant expense of replacing most of the existing hardwire system to expedite this process. The Town Fire Code states that NFPA 101 (Life Safety Code - 2015 edition) identified occupancies with fire alarms present shall be connected to the municipal fire alarm system by the way of a direct connection (110 mA) or radio transmission or monitored by a Listed Central Station Service. For the last few years, the Fire Department has been encouraging new businesses to utilize the Listed Central Station Service monitoring option as this option is often less expensive initially than purchasing a radio box. A significant benefit of a Listed Central Station Service as compared to the Town hardwire Fire Alarm System is that specific fire alarm information is transmitted to assist responding personnel to include sprinkler flow, kitchen Ansul, multiple smoke alarms versus a single pull station, etc. The proposal would be to continue this practice and slowly decommission the existing hardwire fire alarm system over the next several years.

The hardwire system operates by utilizing seven (7) geographic loops or circuits. Some circuits have 100 connections, while others have far less: with a hardwire system wide total of 222 connections. The intention would be to decommission the circuits with the least number of customers being affected in the initial stages. This would allow other customers to prepare for this eventual expense for fire protection monitoring.

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-056 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0
Resolution attached

21-106 Resolution #2021-057 –Adopt a Revised Fee Schedule for Ambulance Transport and Associated Emergency Medical Services - Fire Chief Mike Gagnon presenting

The Derry Fire Department currently bills for EMS medical transports and services related to those transports. The Derry Fire Department has operated the Ambulance Service since 1972. In 1990 - the Derry Town Council modified the user fee to the existing billing practices. The revenue collected from EMS transports underwrites the cost of EMS services rendered by the Fire Department. The ambulance fee schedule has not been adjusted since August 2019. As per Town of Derry Administrative Regulation #57 - Ambulance Billing and Collections; the ambulance rates Charge Master will be updated every two (2) years and approved by the Town Council. Personnel cost and operational expenses, including ambulances, medical technology, patient movement devices and disposable medical supplies have steadily increased each year. A recent comparison of ambulance billing rates for like size departments providing ALS ambulance transportation services, as well as Client Rate Comparison prepared by Quick Med Claims (June 2021) revealed that the Derry Fire Department fee scheduled is less than other like sized departments in our area. By comparison, Derry charges approximately 35% less than Windham Fire, 24% less than Bedford Fire and 16% less than Salem Fire, which are municipal departments providing the same type and level of service.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2021-057 which reads as follows [Read the Resolution], seconded by Councilor Wetherbee
Roll Call Vote: 6-0-0
Resolution attached

Councilor Comments / Liaison Reports –

No Councilors had comments or liaison reports.

Adjourn: 8:55pm



Town Clerk

9-28-2021
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2021-050

To Create an Expendable Trust for Opioid Mitigation and Response and to Authorize Acceptance of Settlement or Judgment Proceeds

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 has been adversely impacted by the Opioid Crisis and anticipates continuing expenses to mitigate, respond and recover from circumstances resulting from the Crisis; and

WHEREAS, the Town has aggressively participated in a national consortium created to hold Opioid manufacturers and distributors accountable for the impacts of their actions upon our community; and

WHEREAS, the Town has been receiving funds from the State of New Hampshire for a settlement of an action in accordance with RSA 126-A:83; and

WHEREAS, the creation of a separate fund, pursuant to the guidelines set forth below, will assist with the accounting, investment and distribution of proceeds received from settlements or judgments;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that an Expendable Trust Fund for Opioid Mitigation and Response is hereby created pursuant to RSA 31:19-a; additionally, the Town Administrator is hereby authorized to accept proceeds from any source resulting from settlements or judgments related to this matter.

Further, the Town Administrator is hereby authorized to accept \$6,961.23 from the State of New Hampshire as proceeds from a settlement and place funds in said Trust, and finally, to designate the Town Council as the Agent to Expend.

Archival Ref: Agenda Item #21-81

This Resolution shall take effect immediately upon its passage.

Adopted: August 17, 2021.

Attest:

x Brian Chirichello
Brian Chirichello, Council Chair Pro-Tem
Date: 8/17/2021

x Dan Healey
Daniel Healey, Town Clerk
Date: 8/17/2021

Archival Ref: Agenda Item #21-81

Expendable Trust for Opioid Mitigation and Response

Pursuant to Resolution #2021-051, the Town Council has established the Trust to assist the Derry community with the mitigation and response to the Opioid Crisis. As Agents to Expend, the Town Council may authorize, under subsequent Resolutions, the expenditure of funds, which may include but are not limited to the following:

- 1) Reimbursement for emergency response services related to the Crisis provided by law enforcement and first responders;
- 2) Support mobile intervention, treatment, and recovery services, offered by qualified professionals, for persons with Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder/Mental Health (SUD/MH) issues or persons who have experienced an opioid overdose;
- 3) Support detoxification services for persons with OUD and any co-occurring SUD/MH issues, including medical detoxification, referral to treatment or connections to other services;
- 4) Provide access to housing for people with OUD and any co-occurring SUD/MH issues, including supportive housing, recovery housing, or housing assistance programs, within or outside of the Town's General Assistance Program;
- 5) Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH issues;
- 6) Provide employment training or educational services for persons in treatment for or in recovery from OUD and any co-occurring SUD/MH;
- 7) Improve oversight of opioid treatment programs (OTPs) to assure evidence-based, evidence-informed practices;
- 8) Provide funding for mental and behavioral health providers involved in addressing OUD and any co-occurring SUD/MH issues, including, but not limited to, emergency response services available to the Town's first responders during the execution of their duties;
- 9) Supplemental counseling, assistance and support available to Town employees necessitated by their response and care of OUD and any co-occurring SUD/MH emergencies;
- 10) Support the education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
- 11) Purchase of equipment, vehicles and other tools to assist first responders responding to the effects of this Crisis.

Archival Ref: Agenda Item #21-81



RESOLUTION

Number 2021-051

To Accept a Bureau of Justice Assistance Grant and Authorize an Intermunicipal
Agreement with Rockingham County

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

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

WHEREAS, funding is available through the Department of Justice, Bureau of Justice Assistance for law enforcement equipment; and

WHEREAS, Rockingham County has been chosen by the Department of Justice to be the fiscal agent for this grant, thus requiring an agreement between the Town and the County; and

WHEREAS, the award of \$10,516 would allow the Police Department to augment current resources to acquire law enforcement equipment and systems;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend such funds derived from the Department of Justice, Bureau of Justice Assistance grant and to enter into agreements with the DOJ and Rockingham County as may be necessary to finalize receipt of this grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: August 17, 2021

Attest:

x Brian Chirichiello
Brian Chirichiello, Council Chair Pro-Tem
Date: 8/17/2021

x Dan Healey
Daniel Healey, Town Clerk
Date: 8/17/2021

Archival Ref: Agenda #21-82



RESOLUTION

Number 2021-056

To Authorize the Decommissioning of the Fire Alarm System

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

WHEREAS, the Fire Department has maintained a hard wire fire alarm system for decades; and,

WHEREAS, new technology provides a safer and more economical method of notifying the Fire Department in the event of emergencies; and

WHEREAS, the Town is facing extraordinary costs to repair and maintain the current system,

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town hereby authorizes the Town Administrator to decommission the hard wire fire alarm system within an extended timeframe to provide current users ample opportunity to convert their notification systems.

This Resolution shall take effect immediately upon its passage.

Adopted: August 17, 2021

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair Pro-Tem

Date: 8/17/2021

x Daniel Healey

Daniel Healey, Town Clerk

Date: 8/17/2021

Archival Ref: Agenda Item – #21-105



RESOLUTION

Number 2021-057

To Adopt a Revised Fee Schedule for Ambulance Transport and
Associated Emergency Medical Services

WHEREAS, Section 7.2 of the Town Charter empowers the Town Council regulate all fees for the use of the services of the Town; and

WHEREAS, the current fee schedule for ambulance transport and associated emergency medical services requires adjustment to meet the cost of providing such services; and

WHEREAS, it is the intent and policy of the Town Council to maintain as prudent a tax rate as possible by making appropriate and reasonable use of user fees for certain Town services;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the proposed Schedule of Fees for Ambulance Transport and Associated Services, dated August 17, 2021 and attached hereto, is hereby approved; and

BE IT FURTHER RESOLVED that the Town Administrator is instructed to cause the newly approved schedule of fees to take effect no later than October 1, 2021.

This Resolution shall take effect immediately upon its passage.

Adopted: August 17, 2021.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair Pro-Tem

Date: 8/17/2021

x Dan Healey

Daniel Healey, Town Clerk

Date: 8/17/2021

Archival Ref: TC agenda item #21-106

2021 Proposed Fee Schedule
August 17, 2021
Effective no later than October 1, 2021

2021 Proposed Fee Schedule	Current Rates 2018	Proposed 2021 Resident	Proposed 2021 Non-Resident (+20%)
BLS Non-Emergency	\$800	\$1000	\$1200
BLS Emergency	\$800	\$1000	\$1200
ALS 1 Emergency	\$1495	\$1540	\$1847
ALS 2 Emergency	\$2094	\$2262	\$2714
SCT Emergency	\$2322	\$2601	\$3121
ALS Treat and Release	\$300	\$330	\$396
Mileage	\$35	\$36.75	\$44.10

Archival Ref: TC agenda item #21-106