

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**August 18, 2020  
Tuesday - 7:00 PM**

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**6:00 PM Non-Meeting RSA 91A:2 (a)  
6:45 PM 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: 6-0-1 (Councilor Morgan)**

**Motion by Councilor Tripp to seal RSA 91A:3 II (c), seconded by Councilor Katsakiores  
Roll Call Vote: 6-0-1 (Councilor Morgan)**

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

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

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

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

Mark Connors: Cabot Dr – (Derry Rail Trail President) – Members of the Southern New Hampshire Planning commission were on the rail trail recently compiling data on usage. There were about 500 users per day on the Derry side. There is a new bike repair station on the rail trail and art has been added in certain sections.

**Councilor Tripp moves to extend Mr. Connors time, seconded by Councilor Katsakiores  
Roll Call Vote: 7-0-0**

**Motion by Councilor Tripp to close public forum, seconded by Councilor Katsakiores  
Roll Call Vote: 6-0-0**

**Consent Agenda**

- 20-77** Approve Non-Public Minutes – July 21, 2020
- 20-78** Approve Minutes – July 21, 2020
- 20-79** Resignation – D. McPherson, Planning Board Member
- 20-80** Approval of Property Tax Credits and Exemptions Applications

**Motion by Councilor Tripp to approve the consent agenda, seconded by Councilor Katsakiores**  
**Roll Call Vote: 6-0-0**  
**Consent agenda approved**

**Chairman's Report – Charlie Foote**

John Skevington, CEO of Parkland Medical Center discussed the hospitals response to COVID-19.

Town Moderator Cristina Guilford presented an Election update to the town council and Derry residents. Topics discussed were layout of the polling location, changes due to COVID-19, the voting hours, and the location. The State Primary will take place on Tuesday September 8, 2020 at Calvary Bible Church located at 145 Hampstead Rd in Derry from 7AM to 8PM.

Councilor Morgan would like to get the Town Council's opinion on how to proceed with electronic signage. The recently completed redevelopment of 23 Crystal Avenue included an electronic message board, which is currently being used for both on premise and off premise businesses. An issue has arisen whereby the Zoning Ordinance does not allow for the use of on-premises signs to advertise off-premises businesses. The subject of electronic signage in the community has intensified as the technology has advanced which allows for enhanced capabilities and opportunities. The Town Council agreed to have the Planning Board look over the concept for consideration.

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

Town Assessor Stephan Hamilton discussed the 2020 Revaluation Progress Report. Each New Hampshire town and city has a duty to bring all property value to market value at least every 5 years. The last time an update of property values occurred was in 2018. This year the Town of Derry Assessing Department, through its contractor Whitney Consulting Group, LLC has performed a revaluation by completing a full statistical update to make sure that current assessments are at full market value as required by law and the State of New Hampshire Department of Revenue Administration.

The Town Administrator recently signed an agreement with UNH Cooperative Extensive to assist the Town with developing a process to develop a vision and redevelopment plan for Hood Park. Councilor Bourdon and Town Administrator Caron participated on a Zoom call with Representative Pappas on the financial impacts of COVID-19 and the concerns with maintaining an adequate revenue stream to fund municipal operations. Derry Housing received an additional \$26,765 in additional Housing Choice voucher grants through the federal CARES Act in an announcement from the State's federal delegation on August 10. The Town is investigating opportunities to partner with social service agencies to enhance funding for those agencies created to service our low to moderate income neighbors. Municipal Center operations continue to flow smoothly; we are fully staffed, and the revaluation process is proceeding to taxpayer meetings based upon the notices sent out during the first week of August. The Southern New Hampshire Planning Commission continues to monitor traffic on the rail trail. The Beaver Lake

Milfoil treatment was completed during the week of August 3 with emphasis on the area intersecting with E. Derry Road.

### **Public Hearing**

#### **20-76 Resolution #2020-038 – Receipt of Unanticipated Revenues for the Public Works Department – *Public Works Director Mike Fowler Presenting***

The Town of Derry Department of Public Works encompasses 11 divisions, 9 of which have operating expenses covered by the General Fund. During a fiscal year, the Department often receives insurance proceeds from numerous sources including employee disability leaves, property damage claims and third-party damage to public property. In the case of a damage claim, the repair is made as expediently as practical and then the expense is booked as an overage to the department bottom line. At the end of the fiscal year, this action is required to properly reconcile the unanticipated revenue against the unanticipated expense.

Unanticipated FY 20 insurance proceeds total \$80,847. These proceeds covered the following expenses:

- 1) \$17,129 for repairs to Adams Memorial, Vets Hall and MGCC related to a lightning strike which caused damage to fire panels and HVAC equipment.
- 2) \$9,774 for repairs to flashing beacon at crosswalk damaged on East Broadway
- 3) \$16,269 for repairs to backhoe damage
- 4) \$38,675 for overtime expenses related to coverage for employees on disability leave

It is recommended that the Town Council Approve the following budget adjustments:

- 1) a \$8,500 budget adjustment to FY 2020 General Fund - Buildings & Grounds (18020002-430000) from property insurance proceeds.
- 2) a \$5,185 budget adjustment to FY 2020 General Fund - Buildings & Grounds (18020024-430000) from property insurance proceeds.
- 3) a \$299 budget adjustment to FY 2020 General Fund - Buildings & Grounds (18020002 - 630000) from property insurance proceeds.
- 4) a \$1,211 budget adjustment to FY 2020 General Fund - Buildings & Grounds (18020024 - 630000) from property insurance proceeds.
- 5) a \$1,934 budget adjustment to FY 2020 General Fund - Buildings & Grounds (18020005-490000) from property insurance proceeds.
- 6) a \$5,112 budget adjustment to FY 2020 General Fund - Buildings & Grounds (18020000-140001) from disability insurance proceeds
- 7) a \$9,774 budget adjustment to FY 2020 General Fund - Highway (18422001-630000) from property insurance proceeds.
- 8) a \$16,269 budget adjustment to FY 2020 General Fund (18622000 - 660000- 657) from property insurance proceeds.
- 9) a \$33,563 budget adjustment to FY 2020 General Fund - Transfer Station (18823000 - 140001) from disability insurance proceeds.

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

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

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-038, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan**

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

**Resolution attached**

**New Business**

**20-81** Resolution #2020-039 – Transfer Funds for the Rail Trail / Hood Pond Dam Project – *Public Works Director Mike Fowler Presenting*

Pursuant to Town Council direction provided in Spring 2020, the Department of Public Works has proceeded with solicitation of bid prices for NHDES mandated improvements to the Hood Pond dam and the extension of the Rail Trail between Hood Pond and North High Street. On July 30, 2020, American Excavating furnished the lowest bid (of four received) at a cost of \$465,000. This project was previously bid in 2019, all bids were rejected due insufficient funding. The 2020 bid supplied by American Excavating is within \$10,000 of the 2019 bid. in order to sign the contract and begin construction, Town Council will need to approve a transfer of funding in order to proceed with project in 2020. The accounting of funding required is provided below:

AEC bid	\$465,000
Contingency	\$60,000
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Construction Budget	\$525,000
Less Hood Dam Fund	\$180,000
Less Rail Trail Fund	\$120,000
Funds Needed	\$225,000

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-039, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp**

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

**Resolution attached**

**20-82** Resolution #2020-040 – Amend the FY 21 Town Budget pursuant to Section 9.5 of the Town Charter – *Town Administrator Dave Caron and CFO Mark Fleischer presenting*

The Town Charter anticipated circumstances whereby the budget would need to be adjusted after adoption due to a reduction in revenues. Town staff has been monitoring the budget and making monthly reports to the Town Council in anticipation of revenue reductions resulting from the impacts of COVID-19 upon the community. COVID-19 began significantly impacting New Hampshire during the Town's FY 20 4th Quarter. initially, revenues dropped precipitously and later recovered whereby the FY 20 budget closed with a positive balance. Although revenues have rebounded nicely toward the end of FY 20 and into Quarter 1 of FY 21, the mid- term impacts of COVID-19 upon the economy remains uncertain. To prepare, the Council established a Trust Fund into which one-time capital grants and other available funds were deposited, to be used as revenue replenishment as needed in the future. Governor Sununu has announced that

FY 21 State Revenues to municipalities would not be altered, as that process would require Legislative action. Most of state revenues are fairly static from year to year, although the Highway Block Grant varies according to road toll (gas tax) receipts. The Town was recently informed that its Highway Block Grant for FY 21 is anticipated to experience a 5% reduction, or \$38,731. It is this amount which is recommended to be removed from the Highway Repairs and Maintenance line item for FY 21. Passage of Resolution #2020-040 would reduce the Highway budget by \$38,731 to offset measurable revenue reductions from the State of New Hampshire for FY 21.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-040, which reads as follows [Read the Resolution], seconded by Councilor Morgan**

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

**Resolution attached**

**20-83** Resolution #2020-041 – Transfer funds to the COVID-19 Mitigation, Response and Recovery Trust – *Town Administrator Dave Caron and CFO Mark Fleischer presenting*

The Town has been responding to the impacts resulting from the COVID-19 pandemic since March 2020. To date, the Town has experienced minimal impact on revenues during the recession which resulted. Recognizing that the length of the recession will eventually result in an erosion of some revenue sources, one-time appropriations have been identified for transfer to the COVID-19 Trust to be used either for payment of extraordinary expenses or revenue augmentation. To date, the Town has accumulated approximately \$344,658 in resources for use to combat the impacts of COVID-19 upon the Town's budget. As set forth on the Power Point associated with this agenda item, we have preliminary identified an additional \$1.17M for transfer into the Trust Fund. They are as follows:

- 1) The State has adjusted its requirements regarding reimbursement from the GOFERR Fund. In addition to submitting receipts for eligible expense, the State recently authorized the submittal of public safety payroll information as an eligible expense. Therefore, the Town will be submitting payroll information which is sufficiently large to allow the Town to recover the final \$635K allocated to Derry. As these payroll expenses are already budgeted in the FY 21 budget, these revenues will accrue to the COVID-19 Trust pursuant to Resolution #2020-023. It is anticipated that a portion of these funds will be needed for:
  - a. Unreimbursed election expenses
  - b. Excess solid waste costs
  - c. FFCRA Expenses (federally mandated paid time off for COVID related events)
  - d. Any other extraordinary costs incurred due to COVID-19
  - e. Revenue stabilization
- 2) The Town included \$396,031 in the FY 21 budget as the second portion of the State's one-time infrastructure grant. The Town Council previously approved inclusion of the FY 20 Infrastructure Grant into the Trust. It is these funds which require Council approval for transfer into the Trust.

- 3) The FY 21 Budget appropriated \$100,000 from the State Infrastructure Grant for the reconstruction of the East Derry Road sidewalk. Although it is not currently recommended that these funds be transferred into the COVID-19 Trust, this project will be deferred until Spring 2021 when the Town will have a better picture of any COVID-19 impacts upon the budget.

Without the East Derry sidewalk project, based upon Council approval of this Resolution, the Town will have approximately \$1.5M in the Trust Fund to address extraordinary expenses and any required budget stabilization. All these funds have previously been budgeted or were received from outside sources, with no impact upon the local property tax rate.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-041, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**20-84** Resolution #2020-042 – Transfer funds for the Transfer Station Solar Project –  
*CFO Mark Fleischer presenting*

In 2018 a payment was made from the Public Works Capital Reserve Fund to finance a solar project located at the Transfer Station which generates power to the Transfer Station, Highway Garage, Vehicle Maintenance Building and Wastewater Facility. The total amount of the loan was \$226,240 and was estimated to be repaid to the DPW Capital Reserve Fund over ten years based on the amortization schedule received. The array is in service and a meter located at the Transfer Station is tracking the amount of solar power generated. The amount to be reimbursed by the general fund and Wastewater is \$26,522. A transfer from Wastewater in the amount of \$12,138 was included in the FY20 budget. Due to realized savings, the Transfer Station contribution is estimated at \$11,270. The remaining amount of \$3,114 is being recommended to be transferred from Wastewater given that the COVID-19 pandemic increased activity at the Transfer Station which in turn lowered the expected savings yield for that facility. The additional amount available to transfer is \$14,384; \$11,270 from Transfer Station electricity savings and \$3,114 from the Wastewater electricity line. The total amount of \$26,522 will be transferred to the Publics Works Capital Reserve Fund representing the second-year repayment of the solar project loan.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-042, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan**  
**Roll Call Vote: 7-0-0**  
**Resolution attached**

**Councilor Morgan moves to extend the meeting 10 minutes, seconded by Councilor Tripp**  
**Roll Call Vote: 7-0-0**

**Other Business**

**20-85** Town Council FY 21 Goals and Objectives – *Town Administrator Dave Caron presenting*

**Councilor Wetherbee moves to table the goals and objectives, seconded by  
Councilor Tripp  
Roll Call Vote: 7-0-0**

**Councilor Comments / Liaison Reports –**

Councilor Morgan – Questioned if Derry Housing and Redevelopment is a Town Agency and was told it is part of the State Legislature. It was recommended to check section 7.4 of the Derry Town Charter.

Councilor Tripp – The libraries are open, and people may reserve books online and pick them up. The Hood Park steering committee will have a meeting this Thursday.

Councilor Katsakiores – 100 years ago President Wilson signed into law the 19<sup>th</sup> amendment which gave women the right to vote.

Chairman Foote – The Hood Pond Revitalization Committee will meet August 20<sup>th</sup> at 10am in the 3<sup>rd</sup> Floor Meeting Room at the Derry Municipal Center.

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

**Adjournment: 10:10 p.m.**

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

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

9-18-2020  
Date



## RESOLUTION

Number 2020-038

To Accept Unanticipated Revenues Related to Public Works Activities.

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from a variety of sources to be used for public purposes; and

WHEREAS, the Department of Public Works has experienced a variety of events which required the unanticipated expenditure of town funds for repairs and personnel costs; and

WHEREAS, all of these events resulted in restitution to the Town by the Town's or third-party insurance companies;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept \$80,847 in unanticipated revenues and reimburse the various Public Works accounts as set forth on the attached sheet.

This Resolution shall take effect immediately upon its passage.


Adopted: August 18, 2020

Attest:

X 

Charles Foote, Council Chair

Date: 8/18/20

X 

Daniel Healey, Town Clerk

Date: 8-18-2020

Archival Ref: TC agenda item #20-76



#### **Incidents Resulting in Reimbursements to the Town**

1. \$17,129 for repairs to Adams Memorial, Vets Hall and MGCC related to a lightning strike which caused damage to fire panels and HVAC equipment.
2. \$9,774 for repairs to flashing beacon at crosswalk damaged on East Broadway
3. \$16,269 for repairs to backhoe damage
4. \$38,675 for overtime expenses related to coverage for employees on disability leave

#### **Reimbursements to the following Accounts:**

- 1) a \$8,500 budget adjustment to FY 2020 General Fund – Buildings & Grounds (18020002 – 430000) from property insurance proceeds.
- 2) a \$5,185 budget adjustment to FY 2020 General Fund – Buildings & Grounds (18020024 – 430000) from property insurance proceeds.
- 3) a \$299 budget adjustment to FY 2020 General Fund – Buildings & Grounds (18020002 – 630000) from property insurance proceeds.
- 4) a \$1,211 budget adjustment to FY 2020 General Fund – Buildings & Grounds (18020024 – 630000) from property insurance proceeds.
- 5) a \$1,934 budget adjustment to FY 2020 General Fund – Buildings & Grounds (18020005 – 490000) from property insurance proceeds.
- 6) a \$5,112 budget adjustment to FY 2020 General Fund – Buildings & Grounds (18020000 – 140001) from disability insurance proceeds
- 7) a \$9,774 budget adjustment to FY 2020 General Fund – Highway (18422001 – 630000) from property insurance proceeds.
- 8) a \$16,269 budget adjustment to FY 2020 General Fund – Vehicle Maintenance (18622000 – 660000- 657) from property insurance proceeds.
- 9) a \$33,563 budget adjustment to FY 2020 General Fund – Transfer Station (18823000 – 140001) from disability insurance proceeds.

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Archival Ref: TC agenda Item #20-76



## RESOLUTION Number 2020-039

To Transfer Funds for the Rail Trail/Hood Pond Dam Project

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

WHEREAS, the Town has received a Notice of Deficiency from the New Hampshire Department of Environmental Services to address concerns with Hood Pond Dam; and

WHEREAS, the Town Council previously under Resolution #2020-031 authorized completion of Phase I of the Recreation Facilities Plan, which includes extension of the Rail Trail; and

WHEREAS, funds were previously appropriated from the Rail Trail Fund and FY19 Multi-Purpose Bond to assist with the funding of this project; and,

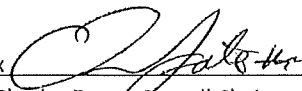
WHEREAS, additional transfers are appropriate to complete funding and allow these projects to proceed;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of One Hundred Eighty Thousand Dollars (\$180,000), from the Derry Commerce Corridor TIF budget, and Forty-Five Thousand Dollars (\$45,000) from the FY19 Multi-Purpose Bond to Fund #2033 to complete financing of the Rail Trail/Hood Pond Dam project.

This Resolution shall take effect immediately upon its passage.

Adopted: August 18, 2020

Attest:

x   
\_\_\_\_\_  
Charles Foote, Council Chair  
Date: 8/18/20

x   
\_\_\_\_\_  
Daniel Healey, Town Clerk  
Date: 8-18-2020

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Archival Ref:     Agenda Item #20-81



## RESOLUTION

Number 2020-040

To Adjust the FY 21 Budget

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WHEREAS, Section 9.5 of the Town Charter authorizes the Town Administrator, with Council approval, to reduce appropriations as may be necessary to keep total expenditures within total anticipated revenues; and

WHEREAS, the Town has been notified of a reduction in its State Highway Block Grant resulting from the impacts of COVID-19; and

WHEREAS, the Town has historically funded a portion of Acct. 84-430, Highway Repairs and Maintenance from this grant; and

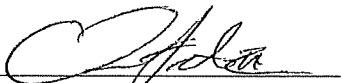
WHEREAS, it is anticipated that the Grant will be restored to historical funding levels in future fiscal years;


NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to reduce Acct. #84-430 by the sum of Thirty-Eight Thousand Seven Hundred Thirty-One Dollars (\$38,731), which amends Resolution #2020-013 by revising the FY 21 Town Budget to Fifty-One Million Six Hundred Nine Thousand, Eight Hundred Fifty-Six Dollars (\$51,609,856).

This Resolution shall take effect immediately upon its passage.

Adopted: August 18, 2020

Attest:

x   
Charles Foote, Council Chair  
Date: 8/18/20

x   
Daniel Healey, Town Clerk  
Date: 8-18-2020

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Archival Ref:      Agenda Item #20-82