

TOWN OF DERRY

Town Council
Derry Municipal Center

August 24 2018
Friday - 7:00 PM

5:30 PM Non-Public Session 91A:3 II (d)
7:00 PM Call to order

Councilor Tripp moves to leave non-public session, seconded by Councilor Wetherbee
Roll Call: 7-0-0

Councilor Tripp moves to seal RSA 91A:3 II (d), seconded by Councilor Katsakiores
Roll Call: 7-0-0

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

Roll Call: Councilors Chirichiello, Tripp, Bourdon, Foote, Katsakiores, and Wetherbee and
Chairman Morgan

Present: TA David Caron, Town Clerk Daniel Healey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Ernie St. Pierre: Sunset Ave – Glad the council has been looking at elderly exemptions.
Thanked the off-duty Derry Firefighters that assisted the Derry Veterans Assistance fund in
building a handicap ramp for a resident.

**Chairman Morgan moves to extend the time, seconded by Councilor Chirichiello – all
agreed**

Katherine Prudhomme-O'Brien: Beacon Hill Rd – Had questions regarding former Derry Police
Sgt. Edward Budroe.

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

Consent Agenda

- 18-91** Approve Non-Public Minutes – July 17, 2018 – **minutes sealed**
- 18-92** Approve Minutes – July 17, 2018
- 18-93** Approve Minutes – Goals Workshop – July 19, 2018
- 18-94** Approve Minutes – August 6, 2018 – **minutes sealed**
- 18-95** Approve Non-Public Minutes – August 6, 2018 – **minutes sealed**
- 18-96** Resolution #2018-044 – Relative to a Supplemental Appropriation to fund
Amendment #8 to the Environmental Impact Statement Consulting Contract
related to the Interstate 93 Exit 4A Project
- 18-97** Resolution #2018-045 – Relative to a Supplemental Appropriation for NHDOT
Professional Services related to the Interstate 93 Exit 4A Project
- 18-98** Ordinance #2018-003 – Amend Article VI, District Provisions, Section 165-32.1,
General Commercial II, to add the following definitions as permitted uses in the
zone: Medical Office and Heath Services Facility

Consent agenda approved (Councilors Wetherbee, Katsakiores, and Foote abstained from 18-94 and 18-95)

Chairman's Report – James Morgan

Will Stewart from Stay, Work, Play gave a presentation. The information shared was a look at why young people are leaving New Hampshire, why they're staying, and why it matters.

To Adopt the Town Council's FY 19 Action Plan

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-046, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

Town Administrator's Report – David Caron

The Town Council on August 6 reaffirmed its position for participation in the partnership which was communicated to the State's legal counsel regarding Southern NH water. The Town received its first report from CHS. The number of calls and walk-ins are down but appointments are up. The preliminary New Hampshire Retirement system rates for Group 1 and 2 employees for FY20 & 21 show a slight decline compared to current rates. As of August 14, the Town approved over \$36K in projects to leverage approximately \$150K in private investment; six additional projects have been or will be submitted under the revised rules or expanded boundaries. The Town Council has expressed a preference for bonding Derry's remaining portion of its \$5.0M obligation for Exit 4A and is considering other initiatives to include in the bond. Economic Development continues to work with a grant manager to develop a request for proposal from planning/development firms who are positioned to provide project conceptals and cost estimates for Abbott Court. Staff has selected Community Circle, a New England based consortium of planners and architects, to provide services to the Town during the Master Plan process. The first meeting is scheduled for September. There will be construction on Fordway beginning September 4th to November 30th from 7am to 5pm.

Monica Hurley, Assessing Agent for the Town of Derry and from Corcoran Consulting, gave a presentation on the Final Valuations from 2018 Update. The final 2017 equalization ratio for Derry came in at 89.7% while the preliminary equalization ratio of 2018 would have fallen to 78% if no update had been completed. This means that the market continued to increase another 11% between 2017 and 2018. The sales analysis included 428 qualified sales from October 1, 2017 to Jul 17, 2018. The analysis also looked at 143 properties currently on the open market in Derry and determined that the new values are within 90%-95% of current asking prices. The goal was to bring all property categories to at or around 95% - 97% assessment sale ratio for the 2018 tax year. As of right now, the town is at an estimated 96% ratio for the 2018 tax year. These revised values will be in place for the final issue tax bill this fall.

Public Hearings

18-84 Resolution #2018-039 – FEMA Grant – Fire Chief Michael Gagnon

Derry Public Works incurred a large expense for snow removal operations during the March 13/14 snowstorm event. The President declared a major disaster for parts of New Hampshire to

include Rockingham County on June 8, 2018. As such, the Town may be eligible for 75% public assistance reimbursement for expenses associated with storm operations to include labor costs, equipment usages, private contractors, supplies such as sand/salt, and associated administrative expenses. The gross expense to the Town of Derry associated with this storm was \$155,280. With a 75% public assistance reimbursement, the Town may be eligible for up to \$116,460 reimbursement,

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

No one from the public spoke.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-039, which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee

Roll Call Vote: 7-0-0

Resolution attached

18-88 Resolution #2018-041 – Relative to acceptance of Bureau of Justice Assistance Grant – *Captain George Feole*

The US Department of Justice has announced the 2018 Justice Assistance Grant (JAG) Awards: The Town of Derry is eligible for an award of \$10,740. Rockingham County has been chosen by the DOJ to be the fiscal agent and applicant for the grant. Rockingham County will receive a 5% administration fee for this service, which equals \$537. The Town of Derry will receive a net total of \$10,203.

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

No one from the public spoke.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-041, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Resolution attached

New Business

18-99 Resolution #2018-047 – Relative to Transfers from the Expendable Maintenance Trust for Building & Grounds – *Town Administrator David Caron*

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 expense during the FY18 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 Electronic Message Board (\$17,876), Library (\$46,815.94), Island Pond Fire Station (\$14,200) and a Video Monitoring System at DMC (\$26,891). The total amount expended for building and ground improvements at various town facilities during FY18 is \$105,782.94. It is these funds that are being recommended to be paid from the Expendable Maintenance Trust Fund. The Derry Arts Council will be reimbursing the Town \$876 for the message board to ensure that town expenditures for that project remains within the amount authorized by Resolution #2017-017.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-047, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

18-100 Conservation Commission Appointments

Chairman Morgan moves to appoint Robert Spoerl as a member of the Conservation Commission for a 3 year term to expire March 31, 2021 and moves to appoint David Hernandez as an alternate member of the Conservation Commission for a 1 year term to expire March 31, 2019, seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0

18-101 Resolution #2018-048 – Relative to acceptance of a grant from NHDES for maintenance activities at Willow Bend and Autumn Woods Community Water Systems

The Willow Bend and Autumn Woods Community Water Systems are small independent systems owned and operated by the Town of Derry serving 20 and 30 homes each respectively. Each are serviced by bedrock wells which pump and store water in atmospheric and hydro-pneumatic storage tanks prior to distribution to the residents. Over time, minerals deposit into the bottom of these tanks, coat the sides and may result in corrosion of the tank itself. Periodic cleaning and inspection are required to maintain the integrity of the tanks and the water quality of the system. The NH Department of Environmental Services provides 50% matching grants for small water systems for the inspection and cleaning of these water storage tanks. The Town received a quote of \$9,900 from Underwater Solutions, Inc. to clean and inspect all of the tanks at Autumn Woods and Willow Bend. The Town submitted an application to NHDES for the 50% matching grant which was approved by their letter of 6/15/2018. The award is conditional upon the approval by the Council to enter into a grant agreement with NHDES to fund this project through this matching grant. The FY2019 Water Enterprise Fund has \$18,000 budget for pump station maintenance contractor services that will be used to match the NHDES grant.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-048, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

18-102 Resolution #2018-049 – Relative to FY18 Budget Transfers

In September 2012 Charter Section 9.7 entitled Transfer of Appropriations was amended indicating that with a majority of the Town Council, the Town Administrator may transfer any unencumbered appropriation balance or any portion thereof from one department to another. During FY18, excessive winter conditions and related expenditures for snow removal created an

over expenditure in the Public Works Department of approximately \$80,000. Other Municipal Obligations had planned expenditures that were less than anticipated. Therefore, the balance available in Other Municipal Obligations is not essential for effective operations to that department and is available to be transferred to the Public Works Department.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-049, which reads as follows [Read the Resolution], seconded by Councilor Chirichiello

Roll Call Vote: 7-0-0

Resolution attached

18-103 Resolution #2018-050 – Relative to an agreement with NHDOT for Work Zone Safety at 28 ByPass-Scobie Pond-English Range – *Town Administrator David Caron*

NHDOT will be advertising Contract 24861 shortly on September 11, 2018, which encompasses the new signal installation and associated improvements at the Route 28 Bypass - Scobie Pond Road - English Range Road intersection. NHDOT seeks to formalize an agreement which establishes their right to work within the Town Class V road and allows NHDOT to manage the work zone on a Town right-of-way.

Construction on this project is anticipated in the second half of 2019, after utility relocations have been completed.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-050, which reads as follows [Read the Resolution], seconded by Councilor Bourdon

Roll Call Vote: 7-0-0

Resolution attached

18-104 Resolution #2018-051 – Relative to a central polling location – *Town Clerk Daniel Healey*

Derry used West Running Brook Middle School as the central polling location for the past two Town Elections. According to NH RSA 658:11, the Town Moderator shall preside over the Central Polling Place. Town Moderator Mary Till has requested the Central Polling Location be changed from West Running Brook Middle School to Gilbert H. Hood Middle school. By law, the moderator shall preside over the Central polling location and her preference for this election is Gilbert H. Hood Middle School as less experienced workers will be assigned to that location.

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2018-051, which reads as follows [Read the Resolution], seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Resolution attached

Councilor Comments / Liaison Reports -

Councilor Katsakiores – Praised the IT Department for fixing her cell phone.

Councilor Tripp – The library trustees will be holding an event for the State Representative candidates

Councilor Bourdon – There will be a vigil at MacGregor Park Friday night, featuring music, guest speakers, resource tables and a slideshow of victims of the opioid epidemic. It will be from 6:30pm to 9 pm.

Chairman Morgan – Will not be at the next Town Council meeting.

Adjournment: 8:40 p.m.



Town Clerk

10-1-18

Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2018-046

To Adopt the Town Council's FY 19 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 reflects community priorities; and

WHEREAS, the Action Plan as developed by the Council 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 FY19 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: August 24, 2018

Attest:

x 

James Morgan, Council Chair

Date: 8/24/18

x 

Daniel Healey, Town Clerk

Date: 8/24/18

Archival Ref: Agenda Chairman's Report



RESOLUTION

Number 2018-039

To Accept Grant Funding from the Federal Emergency Management
Agency

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the Federal Government; and

WHEREAS, the Town experienced a severe weather event in March 2018 which qualifies for federal assistance; and

WHEREAS, the Federal Emergency Management Agency may provide 75% reimbursement for storm-related expenses during the event; and

WHEREAS, the FY18 Department of Public Works budget experienced fiscal stress, primarily attributable to the frequent severe winter weather events;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with FEMA for up to \$125,000 in matching funds and to further utilize these funds as offset to the FY18 DPW budget and other related expenses pursuant to RSA 31:95-b.

This Resolution shall take effect immediately upon its passage.

Adopted: August 24, 2018

Attest:

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

James Morgan, Council Chair

Date: 8/24/18

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

Daniel Healey, Town Clerk

Date: 8/24/18

Archival Ref: TC agenda item #18-84



RESOLUTION

Number 2018-041

To Accept a Bureau of Justice Assistance Grant

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 purchase of law enforcement equipment or systems; and

WHEREAS, the Town is eligible for a net grant of \$10,203, which does not include the 5% administrative fee to Rockingham County as grant fiscal agent; and

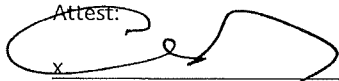
WHEREAS, the Police Department is finalizing an allocation plan to utilize these funds;

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/or Rockingham County, Grant Administrator, as may be necessary to finalize receipt of this grant funding.

This Resolution shall take effect immediately upon its passage.


Adopted: August 24, 2018

Attest:

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

James Morgan, Council Chair

Date: 8/24/18

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

Daniel Healey, Town Clerk

Date: 8/24/18

Archival Ref: Agenda #18-088



Resolution #2018-047

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 18 Budget, which require expenditures 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 Five Thousand, Seven Hundred Eighty-Two-Three Dollars and Ninety-Four Cents (\$105,782.94) 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: August 24, 2018

Attest:

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

James Morgan, Council Chair

Date: 8/24/18

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

Daniel Healey, Town Clerk

Date: 8/24/18

Archival Ref: Agenda Item #18-99

FY18 Project Expenditures:

| | |
|--------------------------------------|--------------------|
| Hood Park CCTV | \$16,791.00 |
| Library Renovations | \$27,115.50 |
| Island Pond Fire Station | \$16,750.00 |
| Electronic Vehicle Charging Stations | <u>\$ 2,377.00</u> |
| Total Expended | \$63,033.50 |

Archival Ref: Agenda Item #18-99



RESOLUTION

Number 2018-048

To Accept Grant Funding from NHDES for Maintenance Activities at
Willow Bend and Autumn Woods Community Water Systems

WHEREAS, the Section 9.15 of the Town Charter authorizes the Town Council to apply for, accept and expend funds received from the Federal Government; and

WHEREAS, the Town owns and operates two community water systems which draw water from bedrock wells; and

WHEREAS, the systems occasionally require maintenance activities on the water storage tanks; and


WHEREAS, funds are available from the State of New Hampshire Department of Environmental Services to assist the Town with this responsibility;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with NHDES to receive funding in the amount of \$4,990 which represents 50% of the cost to clean and inspect the storage tanks in order to maintain water quality.

This Resolution shall take effect immediately upon its passage.

Adopted: August 24, 2018

Attest:

x 

James Morgan, Council Chair

Date: 8/24/18

x 

Daniel Healey, Town Clerk

Date: 8/24/18

Archival Ref: TC agenda item #18-101



RESOLUTION

Number 2018-049

To Transfer FY 18 Funds from Other Municipal Obligations to the Public
Works Department

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

WHEREAS, the Department of Public Works experienced excessive expenses with snow removal and solid waste processing; and

WHEREAS, the Department where ever feasible reprioritize its work plan to minimize the over expenditure; and

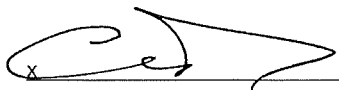
WHEREAS, sufficient under-expenditures were identified in other departments which allowed for this transfer and further allowed the Town to maintain a majority of its FY 18 road reconstruction program;

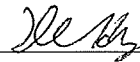
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of Eighty Thousand Dollars (\$80,000), from the FY 18 Other Municipal Obligations budget to FY 18 Department of Public Works budget.

This Resolution shall take effect immediately upon its passage.

Adopted: August 24, 2018

Attest:


x _____
James Morgan, Council Chair
Date: 8-24-18


x _____
Daniel Healey, Town Clerk
Date: 8/24/18

Archival Ref: Agenda Item #18-102



RESOLUTION

Number 2018-050

To Enter into an Agreement with NHDOT for Work Zone Safety at 28
Bypass-Scobie Pond-English Range

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

WHEREAS, NHDOT has announced plans to reconstruct the intersection of Rte. 28 Bypass/Scobie Pond Road/English Range Road; and

WHEREAS, the Town is being requested to enter into an agreement which allows work within the Town's Class V Road and allows NHDOT to manage the work zone; and


WHEREAS, the provisions this agreement will further safeguard the public during the construction period;

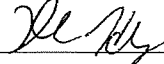
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute the Municipal Work Zone Agreement for NHDOT Contract 24861.

This Resolution shall take effect immediately upon its passage.

Adopted: August 24, 2018

Attest:

x 
James P. Morgan, Council Chair
Date: 8-24-18

x 
Daniel Healey, Town Clerk
Date: 8/24/18

Archival Ref: Agenda Item #18-103



RESOLUTION

Number 2018-051

To Approve Gilbert H. Hood Middle School
as the Town's Central Polling Location

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 public participation and transparency are maximized during the conduct of town elections; and

WHEREAS, designating Gilbert H. Hood Middle School as the Town's Central Polling location allows Derry Cable TV to broadcast the processing of votes allowing any resident of the community to view the proceedings; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby designates Gilbert H. Hood Middle School as the Town's Central Polling Location

This Resolution shall take effect immediately upon its passage.

Adopted: August 24, 2018

Attest:

A handwritten signature of James P. Morgan in black ink.

James P. Morgan, Council Chair

Date: 8/24/18

A handwritten signature of Daniel Healey in black ink, preceded by a small 'x'.

Daniel Healey, Town Clerk

Date: 8/24/18

Archival Ref: TC agenda item #18-104