

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday **August 2, 2022**
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Bourdon

Pledge of Allegiance

Motion to come out of Non-Public by Councilor Foote, seconded by Councilor Katsakiores – all agreed

Motion by Councilor Wetherbee to seal the minutes indefinitely, seconded by Councilor Foote – all agreed

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

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

Absent: Councilor Spencer

Present: TA Dave Caron, Town Clerk Tina Guilford

Chair Bourdon makes an announcement about Harvest Estates. On September 20, 2022 the Council will take up the matter of accepting a dedicated easement for future access connecting Village Brook Lane and Harvest Drive as a Class A trail.

Public Forum - *30 Minutes*

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

Katherine Prudhomme O'Brien – Beacon Hill Road – Representative O'Brien is hosting a tour of the State House on August 16th and is inviting all residents to join her at 10:30AM

Stephanie Medrick – 24 Harvest Drive (online) She has 2 main concerns, Emergency vehicles can not make it through with large trucks blocking access and she will be sad if the pedestrian access is restricted because this is one of the reasons she purchased this home.

Kristen Fawcett – Harvest Drive – Emergency use id being blocked and 5th graders are walkers and if unable to use this access the will need to walk on Hampstead Road which is a busy road with no sidewalks. Trail cameras are being used as intimidation tactics and she would like to know if that will continue after September 20th.

Madison, Harvest Drive, 9 years old – Kaylee, Harvest Drive, 9 years old – Grayson, Harvest Drive, 7 years old – They would like to walk on the path to school together like always. They would like a safe way to walk to school.

Melissa Wye – Harvest Drive – How will Derry support us and give us safe transportation to school?

Jay Sailing – Harvest Drive – (online) Feels that the path needs to remain open.

Mark Connors – Cabot Drive – Representing the Derry Rail Trail Alliance – Thanks to the Town for repaving the bad section. The DRTA is getting beacons to install at Broadway and at South Ave. Thursday at West Running Brook there is an Exit 4A meeting. The Rail Trail is concerned about the crossing at 4A, they feel the tunnel is the safest plan.

Steve Trefethen – North Shore Road – The council needs to attend the 4A meeting because the developers need their support to develop the lots so that value can be added to Derry.

Lee Whirling – Lancelot Drive – Representing the Derry VFW. Attending the meeting due to the possible removal of the POW flag. Derry still has someone missing, Major Albert Page. Many have people that are still missing. We also have the missing man table; we need this flag.

Richard Tripp – Windham Road – Thinks it's great that the Rail Trail is getting crossing beacons, but that they are needed at the Bowers Road crossing as well. The Awareness Flags need to be regulated and should be prohibited. Also, against the removal of the POW flag or table.

Mark Flattes – Linlew Drive – The POW flag needs to stay. The council needs to attend the 4A meeting and they should take action to be sure there are no quorum issues.

Tom Cardon – Cunningham Drive – Feels the West Running Brook zoning district has been a failure. The Keystone project does not have a village feel. The commercial needs to be part of the phase in and the Keystone development does not seem to be following the schedule.

Doug Crooker – Pinehurst Ave – A veteran who appreciates the support on the MIA-POW issue the council has provided up til now. Its an important issue.

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

Consent Agenda

22-85 Approve Minutes – July 5, 2022 -

Councilor Foote moves to approve consent agenda item 22-85, seconded by Councilor Katsakiores – 5-0-1 (Wetherbee)

22-86 Acceptance of Resignation – Town Clerk

22-87 Resolution #2022-059 – Apply for and accept grant funding for patient lift device for the Fire Department

22-88 Resolution #2022-060 – Accept a Bureau of Justice Assistance Grant and authorize an Intermunicipal Agreement with Rockingham County

22-89 Resolution #2022-061 – Accept Unanticipated Revenues from the State of New Hampshire for Highway and Bridge Construction

22-90 Resolution #2022-062 – Accept Unanticipated Revenues from the State of New Hampshire for NH Retirement Systems Expenses

22-91 Resolution #2022-065 – Accept and Expend American Rescue Plan Funds

Councilor Foote moves to approve balance of consent agenda, seconded by Councilor Wetherbee – all agreed

Councilor Foote moves for an Emergency of Convenience relative to an appointment of the Derry Town Clerk, seconded by Councilor Wetherbee

Roll Call Vote

5-1-0 (Councilor Chirichiello)

Councilor Chirichiello feels there is an issue with this process

Councilor Bourdon stated that Ms. Guilford comes with the recommendation of the prior clerk.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-063 which reads as follows [*Read the Resolution*], seconded by Councilor Foote

Roll Call Vote: 5-1-0 (Chirichiello)

Resolution attached

Swearing in of Cristina Guilford as Town Clerk

Town Clerk Guilford – Thanks the Town Council and submits her resignation as Town Moderator. Requests the appointment of Lynne Gagnon as Deputy Town Clerk

Councilor Foote moves for an Emergency of Convenience relative to an appointment of the Deputy Town Clerk, seconded by Councilor Katsakiores

Roll Call Vote

5-1-0 (Councilor Chirichiello)

Councilor Chirichiello does not understand why the Deputy could not be Clerk until March and cannot support putting her back into the same position

Councilor Bourdon feels she is being honest and he appreciates her honesty.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-064 which reads as follows [*Read the Resolution*], seconded by Councilor Foote

Roll Call Vote: 5-1-0 (Councilor Chirichiello)

Resolution attached

Swearing in of Lynne Gagnon as Deputy Town Clerk

Chair Report – Joshua Bourdon

Councilor Bourdon invites Ernie St Pierre, Chairman of the Derry Housing and Redevelopment Authority to speak as he was concerned about the vote from the prior meeting that affected DHRA.

Ernie St Pierre – Is upset that there was misinformation at the last meeting. Tyler only resigned because the Salvation Army relocated him, and he was a member until the end of June. Meetings are at 8AM. DHRA has important business but is not connected to the Town. The HUD property is taking some time. We are now in a crisis because Patricia Dowling has resigned. We have 2 people who have submitted applications Cheryl Harvey and Major Gary Thornton, both of whom are acceptable.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL appoint Cheryl Harvey as a member of the Derry Housing & Redevelopment Authority for a term to expire March 31, 2027, seconded by Councilor Chirichiello

Roll Call Vote: 6-0-0

Councilor Bourdon MOVES THAT THE TOWN COUNCIL appoint Major Gary Thornton as a member of the Derry Housing & Redevelopment Authority for a term to expire March 31, 2024, seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Councilor Bourdon also wishes to let everyone know that there is a process for any Food Truck to set up at any park where there are no concessions.

Town Administrator's Report – Dave Caron

Pursuant to the Court's decision, the Town has received permission to move forward with the Fire House project at the Alexander-Carr property.

Special Presentation by Director of EMS Chuck Hemeon and Fire Chief Richardson for the people who assisted in saving the life of Jay Morris at the Memorial Day Parade in May of 2022. Derry is a Heart safe community and our numbers reflect that, Christi Ann Unger, an off duty Danville Fire/EMT and Lindsey Patton a CMC Cardiac Nurse, right away began chest compressions. Derry Police also assisted immediately and after just 1 shock, Mr. Morris regained consciousness and started to speak. The quick actions of those trained has helped Mr. Morris make a complete recovery.

Jay Morris – Has had a career in law enforcement and EMS is thankful to have beat the odds. He is thankful for Derry being so committed to being one of the safest Towns in America. He is truly thankful this happened to him in Derry because he is still here to talk about it.

Our 2020 Master plan has won an award because it was vision based with community involvement. This is an honor to receive this from our peers.

FY22 Preliminary Year End Financial Report presented by Mark Fleischer, Chief Financial Officer – Please note these results are preliminary, we are still processing FY22 transactions and subject to final audit to happen in September. Operational Revenues are expected to exceed estimates by \$1.083M (5%) and Operational Expenses are expected to be below estimates by \$1.522M (3.2% of budget). Information confirms that funds added to the Unallocated Fund Balance therefore, the maximum allowed amount from FY 22 budget can be released to Capital Reserve Funds (\$1.217M)

Public Works Projects update – An RFP was solicited for retrofitting existing field and court lighting to LED at multiple locations. We received one bid and it was grossly overpriced. To put context to the exorbitant bid, there are 12 lights at Hood, not hard to reach or access, the cost to change the fixtures to LED was \$65K or \$5,500 per light. We rejected the bid and will work lighting into the Hood Park RFP for the general park improvements. The engineering RFP for Hood Park has been released with a due date of August 12, expect design efforts to kick off in September or October 2022. The skatepark is on schedule for completion by October 1 barring any setbacks.

Exit 4A Update – Demolition began on multiple structures on Folsom Road during the week of July 25. NHDOT held a pre-construction conference for Exit 4A. Most of the work in 2022 and 2023 will happen in Londonderry. Impacts at the Derry/Londonderry line will be in the 2024

timeframe. NHDOT has scheduled a community update meeting on Exit 4A for Thursday, August 4th at 6PM at West Running Brook.

Public Hearings

22-79 Ordinance #2022-003 – Amendment to Traffic Ordinance, Section 150-5 – Limited Parking – Chester Road – *Highway Safety Vice Chair Dan Healey*

Mrs. Norma Tridenti, resident at 15 Chester Road, asked that this issue be placed on the Highway Safety Committee Agenda in June. At the June 16 meeting it was determined that there are safety issues for pedestrians and oncoming traffic due to the continued long-term parking of commercial vehicles and motorcycles along both sides of Chester Road (102), particularly between Thornton Street and Pond Road. In addition, frequent overnight parking of commercial vehicles is a safety issue that also negatively impacts winter snowplow operations. Our recommendation is that the Town Council prohibit parking on both sides of Chester Road from 10PM to 5AM, on the easterly side of Chester Road (102) beginning at Thornton Street northerly to the intersection of Pond Road and on the Westerly side of Chester Road (102) beginning at Pond Road southerly to Thornton Street.

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

No one from the public spoke.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2022-003 which reads as follows [*Read the Ordinance*], seconded by Councilor Foote

Roll Call Vote: 6-0-0

Ordinance attached

**22-84 Resolution #2022-052 – Relative to Water Treatment at Autumn Woods -Deputy
Director of Public Works Tom Carrier presenting**

On 11/16/2021 the Derry Town Council approved Resolution 2021-074 which appropriated \$280,000 to design and construct an arsenic removal system for the Town's Autumn Woods (AW) community water system. The appropriation included \$45,000 for design and construction engineering, \$200,000 for equipment and installation and a contingency of \$35,000. On 5/19/2022, the Town Council approved Resolution 2022-040 to apply for and accept an American Rescue Plan Act (ARPA) grant from NH DES in the amount of \$52,000 to be applied toward this project. During the final design work, it was noted that the AW pressure tank, which was only to be cleaned as part of the project, did not have the proper pressure certification and was deemed a safety hazard. As a result, the tank replacement, estimated at \$70,000, was added to the scope of the project. The new project estimate based on actual bids, is \$401,900. This leaves a shortfall of \$121,900 which will require a supplemental appropriation. According to NH DES the added costs are not eligible for additional ARPA grant funding. The net cost to the Town after the ARPA grant is approved is \$349,000.

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

No one from the public spoke.

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

**Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-052
which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**

Roll Call Vote: 6-0-0

Resolution attached

New Business

22-92 Resolution #2022-053 – Adopt a regulation Governing Awareness Flags and Banners – *Town Administrator Dave Caron*

The Town began allowing the Pride Flag in the Municipal Center during the month of June beginning in 2021. Recently the Town received a request to display another banner not affiliated with a customary awareness month, which prompted the development of these draft regulations. Town Council has opined that the Municipal Center is an area categorized as limited public speech, which means the Town Council can control the content and display but must maintain consistency in its application. The draft regulations contemplate allowing awareness flags and banners at the Municipal Center which bring focus to social and health issues and have a generally recognized awareness month. A draft list of awareness months is included in the regulations. The regulations also include the display of the American, State and Town Flag as well as the POW/MIA flag.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-053 which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon

Roll Call Vote: 3-3-0 (Flood, Wetherbee, Bourdon)

Resolution fails

Councilor Wetherbee departs the meeting.

22-93 Resolution #2022-054 – Authorize expenses from the Compensated Absences Fund – *Chief Financial Officer Mark Fleischer*

The Town established this fund many years ago to plan for payment of accrued leave due to retiring employees. The total amount expended for Earned Time Payouts due to employee separations and Earned Time pay per contract during FY22 was \$418,952 over the amount

budgeted. It is these funds that are being recommended to be paid from the Compensated Absences Capital reserve Fund.

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-054 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

22-94 Resolution #2022-055 – Transfer funds to finalize the FY22 Budget – *Chief Financial Officer Mark Fleischer*

In FY22, the Town had 2 unplanned elections to fill a vacancy on the General Court. A transfer from the COVID-19 Mitigation, Response Recovery Trust Fund to Elections account #120000-COV19 in the amount of \$10,050 along with a transfer from OMO Legal account 320000 to Elections account 120000 in the amount of \$4,950 will properly fund the costs incurred with holding the special elections with no supplemental appropriation required and no effect on the tax rate.

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-055 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

22-95 Resolution #2022-056 – Transfer Unexpended Appropriations to the CBA Implementation Trust Fund – *Chief Financial Officer Mark Fleischer*

In July 2022, the Town was notified of refunds from various insurance programs. Council historically has transferred from Department budgets to CBA trusts to fund collective bargaining agreements. The total transfer request is \$60,436.96

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-056 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

22-96 Resolution #2022-057 – Authorize Expenses from the Expendable Maintenance Trust Fund and Fire Capital Reserve Fund – *Chief Financial Officer Mark Fleischer*

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. It is recommended repurposing of \$20,000 of budget surplus from the FY22 EMT projects to fund the Transfer Station Fuel Tank project and recommend \$7,400 be paid from the Fire Capital Reserve Fund and applied to revenue account 13309000-039399-FCR.

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-057 which reads as follows [*Read the Resolution*], seconded by Councilor Chirichiello

Roll Call Vote: 5-0-0

Resolution attached

22-97 Resolution #2022-058 – Transfer Water Wheeling Revenues to the Derry Economic Development Expendable Trust Fund – *Chief Financial Officer Mark Fleischer*

FY 2022 wheeling revenue totaled \$236,082 of which \$191,841 was for the period of 9/1/21-6/30/22. Of the \$191,841 received, up to 50% or \$95,920.50 is eligible to be transferred to the Derry Economic Development Expendable Trust Fund.

Councilor Chirichiello MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-058 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

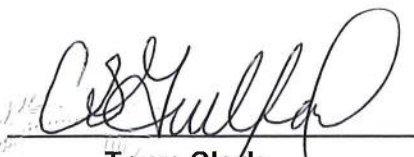
Councilor Comments / Liaison Reports –

Councilor Chirichiello – Would like to apologize to an employee of the Town as the employee was discussed on social media and upon further reflection, it was something that should not have been discussed.

Councilor Chirichiello MOTIONS TO ADJORN, seconded by Councilor Katsakiores

All Agreed

Adjourn: 9:49PM



Town Clerk



Date

Recording & Transcription by: Tina Guilford, Town Clerk