

TOWN OF DERRY

Town Council
Derry Municipal Center

September 15, 2020
Tuesday - 7:00 PM

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.

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

Roll Call: Councilor's Katsakiores and Chairman Foote in-person and Councilor's Bourdon, Chirichiello, Morgan, and Wetherbee by Video. Absent: Councilor Tripp
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 Wetherbee

Roll Call Vote: 6-0-0

Doreen Bergeron: Scobie Pond Rd – Has concerns about a neighbor not following the livestock and fowl ordinance. Has reached out to Town departments in the past but her issue has not been resolved yet.

Motion by Councilor Katsakiores to extend Ms. Bergeron's time, seconded by Councilor Wetherbee

Steve Trefethen: Windham, NH – Has some concerns over proposed developments in the West Running Brook District and would like the Council to review what is being discussed for that property. Is worried that the development will add many more children to the school district and increase taxes.

Motion by Councilor Katsakiores to extend Mr. Trefethen's time, seconded by Councilor Wetherbee

Johnathan West: Scenic Dr – Believes there were some candidates electioneering at the last election and wanted to bring that to the Council's attention. There was a rally downtown for one of the presidential candidates and it appeared to disrupt some businesses. Would like the Council to be aware of this problem.

DJ Burke: Trump Victory Office Manager – The rally was not organized by the Trump Victory campaign.

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

Consent Agenda

20-92 Approve Minutes – August 18, 2020

20-93 Approve Non-Public Minutes – September 1, 2020

20-94 Approve Minutes – September 1, 2020

Motion by Councilor Katsakiores to approve the consent agenda, seconded by Councilor Wetherbee

Roll Call Vote: 6-0-0

Consent agenda approved

Chairman's Report – Charlie Foote

Guidance on Halloween will come from the NHMA webinar on September 30th and then the Council and town will decide on what to do. The first Town Council meeting is scheduled for November 3 which is election night. That meeting will be rescheduled to November 10th. The Council discussed the downtown rally that occurred the weekend prior. Councilor Chirichiello stated that the West Running Brook zone is a conceptual plan, and nothing has been approved yet. Chairman Foote read a proclamation for Councilor Katsakiores for her 58 years of public service.

Town Administrator's Report – David Caron

Revenues generally remain on track with the FY21 projections. Solar production remained strong in August 2020 and continues with positive trends for all of 2020. The revaluation process continues with taxpayer meetings concluding. Staff is assembling information to include Phase II of the Rail Trail in the State 10-Year Highway plan. Recently, the Federal Government decreed that the employee's portion of Social Security may be deferred until Spring 2021. After reviewing the program's potential impacts to the Town, it is not planned to participate in the program. The Town will be submitting its September reimbursement request to GOFERR which would result in all of Derry's allocation being received and deposited into the COVID-19 Trust to offset future related expenses and other financial transactions. The Economic Development Department is working with the Chamber of Commerce to structure a socially distant small business Saturday. A Very Derry Holiday parade is being discussed with Parks and Recreation, Economic Development, the Rotary Club, and the Chamber of Commerce. The holiday decorations and Christmas tree that are included in the FY21 DCC TIF budget will proceed as planned

Public Hearing

20-87 Resolution #2020-047 – Community Development Block Grant Application –
CDBG Administrator Donna Lane presenting

As part of the federal CARES Act, communities may apply for a CDBG-CV which is designed to assist with additional costs incurred by community service organizations such as Town Human Services costs and social service agencies costs. We have hired a grant writer (Donna Lane, compensated by the grant proceeds) to draft a grant application. The maximum limit per

organization is \$500,000.00. One of the limiting requirements of the grant establishes a 70% threshold, whereby 70% of the persons served by the organization must reside within the community applying for the grant. Most of our social service organizations are regional and do not meet Derry's residency threshold. Therefore, our grant writer requested and received permission from the Rockingham County Commissioners to apply for a second grant under the County's name, which makes the 70% threshold attainable. We expect the Town's application to include increased temporary housing costs as we are anticipating the need as the recession lingers and the moratorium on evictions expires.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-047, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Resolution attached
Roll Call Vote: 6-0-0

20-88 Ordinance #2020-008 – Amendment to the Traffic Ordinance, Section 150-10, B, Yield Intersections, Little John Court and Friar Tuck Avenue – *Public Works*
Director Mike Fowler presenting

The Highway Committee received a request from a resident on Matthew Drive to install a stop sign on Little John Court at Matthew Drive. The Highway Safety Committee discussed the issue at the August 20, 2020 meeting and recommended that Yield Signs be placed at two locations: Little John Court at Matthew Drive and Friar Tuck Ave at Rebecca Lane due to its similar road geometry.

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

No one from the public spoke.

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

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Ordinance #2020-008, which reads as follows [*Read the Ordinance*], seconded by Councilor Katsakiores
Ordinance attached
Roll Call Vote: 6-0-0

New Business

20-95 Resolution #2020-046 – Town Council refusal to accept certain Tax Deeds – *Tax Collector Diane Mulholland presenting*

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-046, which reads as follows [Read the Resolution], seconded by Councilor Bourdon

Roll Call Vote: 6-0-0

Resolution attached

20-96 Resolution #2020-048 – Accept Steel Road as a Class V Road – *Public Works Director Mike Fowler presenting*

On September 2, 2020, Derry Planning Board recommended acceptance of Steele Road as a Class V road. Steele Road is a 11 lot subdivision located off Bartlett Road The plan (D-39431) was recorded on May 2, 2016. All construction work was inspected by the Department of Public Works and escrow has been released. Upon acceptance, the Town of Derry Public Works Department will undertake maintenance responsibilities such as cleaning catch basins, pavement management and winter maintenance.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-048, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

20-97 Resolution #2020-049 – Authorize a Master Lease/Purchase Agreement to finance the acquisition of certain capital equipment – *CFO Mark Fleischer presenting*

During the budget review in May 2020, it was determined that entering a competitively bid master lease agreement for capital improvement purchases over the next five to ten years would be cost effective for the town. A bid was produced and sent to local and national banks and lending institutions for quotes of interest rates and terms for a master lease agreement for capital purchases. The FY2021 lease amount is \$1,079,055.00. Bank of America was chosen again for their guaranteed fixed interest rates and no fees passed onto the community. The interest rate is 1.53252% for a 10-year term. The equipment incorporated into this master lease agreement is a Pierce Enforcer Quint 110' Ascendant Platform for Fire. Although the Council's approval of Resolution #2016~025 contemplated adjustments to the list of acquisitions, Bank of America has requested a formal Council amendment to the Resolution for FY2021 purchases.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2020-049, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0

Resolution attached

20-98 Councilor Wetherbee MOVES THAT AN EMERGENCY EXISTS for the Town Council to go into Non-Public, seconded by Councilor Bourdon
Roll Call Vote: 6-0-0



Town Clerk

10-7-2020
Date

Recording & Transcription by: Daniel Healey, Town Clerk



ORDINANCE Number 2020-008

Amendment to Traffic Ordinance, Section 150-10 B
Yield Intersections, Little John Court and Friar Tuck Avenue

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 is responsible for adopting and amending town ordinances; and

WHEREAS, the Highway Safety Traffic Committee has reviewed and recommended the erection of yield signs in the community; and,

WHEREAS, public safety will be enhanced through this action;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town's Traffic Ordinance, Section 150-10 B, Yield intersections, is hereby amended to add the following:

Little John Court at Matthew Drive
Friar Tuck Ave at Rebecca Lane

This Resolution shall take effect 30 days after its passage.

Adopted: September 15, 2020


Attest:

x


Charles Foote, Council Chair

Date: 9-15-2020

x


Daniel Healey, Town Clerk

Date: 9-15-2020



RESOLUTION

Number 2020-046

To Direct the Tax Collector not to Execute Certain Tax Deeds

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

WHEREAS, RSA 80:76 sets forth the procedure for conveying tax deeded properties to the Town; and

WHEREAS, pursuant to RSA 80:76 II and II-a, the Governing Body may refuse to accept a deed on certain properties, whenever in its judgment acceptance and ownership of those properties would subject the municipality to undesirable obligations or liability risks; and

WHEREAS, the Governor has issued Executive Order 56 which, in part, allows municipalities to enter into agreements with property taxpayers for the payment of property taxes; and

WHEREAS, the Town has identified properties eligible for tax deed however acceptance of ownership would not be in the Town's best interest;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed not to execute a tax deed as set forth on the attached list; pursuant to RSA 80:76 III, the Council may revisit this decision at any time and may later direct the Tax Collector to issue a deed for the property subject to this directive.

This Resolution shall take effect immediately upon its passage.

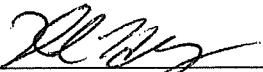
Adopted: September 15, 2020

Attest:

x 

Charles Foote, Council Chair

Date: 9-15-2020

x 

Daniel Healey, Town Clerk

Date: 9-15-2020



RESOLUTION

Number 2020-047

CDBG Authorization for Funding for the Town and Nonprofit Public Service Organizations for Activities Associated with Preparing For, Responding To, or Recovering From the COVID-19 Pandemic

The Town Council, under Agenda Item #20-87 on September 15, 2020, took the following action:

A public hearing was held on the following (Informational packets were made available to the public):

- 1) A proposed Community Development Block Grant-CV application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The town will retain up to \$25,000 for administrative expenses and the remainder will be used by the Town and its non-profit public service partners for expenses for preparing for, responding to, or recovering from the COVID-19 pandemic including, but not limited to, childcare services, food banks, senior services, services for persons with disabilities, legal services, resident services, youth services, transportation services, health, mental health and substance abuse services, financial literacy, foreclosure and homebuyer counseling, homeless services, education outside of school building, tutoring, furniture, equipment, and additional services providers.

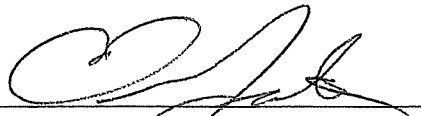
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby authorizes the Town Administrator to:

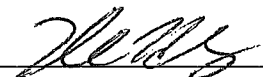
- 1) Sign and submit the CDBG-CV application; and,
- 2) Upon approval of the CDBG-CV application, authorized the Town Administrator to execute any documents which may be necessary to effectuate the CDBG-CV contract, and any amendments thereto; and,
- 3) Take any other action consistent with this Resolution.

This Resolution shall take effect immediately upon its passage.

Adopted: September 15, 2020

Attest:

x 
Charles Foote, Council Chair
Date: 9-15-2020

x 
Daniel Healey, Town Clerk
Date: 9-15-2020



RESOLUTION

Number 2020-048

To Accept Steele Road as a Class V Town Road

WHEREAS, RSA 674:40 and 674:40-a authorizes the Town Council to accept streets as shown on a subdivision plan approved by the planning board; and

WHEREAS, the Derry Planning Board on September 2, 2020 recommended acceptance of Nathan Road as a Class V road; and

WHEREAS, the Department of Public Works has certified that all construction work has been completed to the satisfaction of the Town;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Steele Road is hereby accepted as a Class V road, as shown on Plan D-39431 as recorded at the Rockingham County Registry of Deeds.

This Resolution shall take effect immediately upon its passage.

Adopted: September 15, 2020.

Attest:

x 

Charles Foote, Council Chair

Date: 9-15-2020

x 

Daniel Healey, Town Clerk

Date: 9-15-2020



RESOLUTION

Number 2020-049

To Amend Resolution 2016-025, as previously amended and supplemented by Resolutions 2017-079, 2018-064, 2018-064A and 2019-061 and Authorize an additional Schedule to the Master Equipment Lease/Purchase Agreement to Finance the Acquisition of Certain Capital Equipment

WHEREAS, Section 7.1 of the Town Charter designates the Town Council ("Council") as the Legislative Body of the Town, which is then empowered by New Hampshire law to incur debt on behalf of the Town; and

WHEREAS, the Council incorporated a lease-to-purchase method of financing the acquisition of certain capital equipment into the Fiscal Year 2021 Town Budget; and

WHEREAS, the Council previously approved a Master Equipment Lease/Purchase Agreement (the "Agreement") with Banc of America Public Capital Corp (or one of its affiliates) under Resolution 2016-025;

WHEREAS, the Council amended Resolution 2016-025 under Resolution 2017-079 which was further amended and supplemented by Resolutions 2018-064, 2018-064A and 2019-061, all of which authorized the financing of additional items of capital equipment under the Agreement; and

WHEREAS, the Agreement allows for additional schedules to be entered thereunder to finance the Fiscal Year 2021 capital acquisitions;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town is hereby authorized to enter into a subsequent Schedule to the Agreement to include the following capital items (together with related attachments and equipment):

Fire-Pierce Enforcer Quint 110' Ascendant Platform \$ 1,079,055

Further, that this authorization shall not increase appropriations beyond what has been previously authorized under separate Council action; this lease includes a fiscal funding clause; and the Town Administrator is hereby authorized to execute and deliver the Schedule

and any exhibits thereto or documents and certificates contemplated thereby, including but not limited to, an escrow and account control agreement for the creation of an escrow account as contemplated by the Agreement; and to take such other actions as may be necessary to fulfill the intent and purposes of this Resolution and to consummate the acquisition of the capital equipment described herein and the financing of such capital equipment.


The prior actions of the Town Administrator and the designees of the Town Administrator relating to the transactions contemplated hereunder, as well as all related subject matters and processes, are hereby ratified and affirmed.

All resolutions or parts thereof in conflict or inconsistent herewith, if any, are hereby repealed to the extent of such conflict and inconsistency with respect to this Resolution.


This Resolution shall take effect immediately upon its passage.

Adopted: September 15, 2020

Attest:

x 

Charles Foote, Council Chair
Date: 9-15-2020

x 

Daniel Healey, Town Clerk
Date: 9-15-2020