

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday September 6, 2022
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Bourdon

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

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

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

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

Present: PWD Mike Fowler, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

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

Lee Brolin, Lancelot Drive, Representing the VFW, American Legion and all veterans. Wants to stress to the council how important it is to increase the Veterans credit to the maximum allowable. Derry needs to do more, especially in our current economic climate, to assist those who have served.

Steve Trefethen, North Shore Drive, feels zoning needs to be corrected. Sited the new development happening on Rockingham Road without a good mix of Retail and Housing and that zoning is an issue. Wants the council to watch the store since zoning is not watching our wallets.

Mary Hogan, Danville Resident, speaking as President of the Greater Derry Arts Council inviting the Town to Derry's Got Talent and Derryfest on September 17. Also, there are lots of renovations happening at the Derry Opera House and there is a lot of excitement for the reopening in October.

Tom Cardon, Cunningham Drive, West Running Brook district should have been like Tuscan Village and its not. Keystone development has passed, and it is not phasing in as it should. As they do more projects, they need to stick with the phasing in process. Retail and Commercial is needed along with the housing. Requests a Workshop to understand the zoning.

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

Consent Agenda

22-99 Approve Non-Public Minutes – August 2, 2022 -Minutes Sealed
Councilor Bourdon motion to approve 22-99, seconded by Councilor Wetherbee – 6-0-1
(Spencer Abstains)

22-79 Approve Minutes – August 2, 2022
Councilor Bourdon motion to approve 22-79, seconded by Councilor Katsakiores – 6-0-1
(Spencer Abstains)

22-101 Approve Minutes – August 9, 2022
Councilor Bourdon motion to approve 22-101, seconded by Councilor Katsakiores – 6-0-1
(Wetherbee Abstains)

22-102 Accept Resignation from Derry Housing & Redevelopment Authority Commission
Councilor Bourdon motion to approve 22-102, seconded by Councilor Katsakiores – 7-0-0

Chair Report – Joshua Bourdon

Town Clerk Tina Guilford and Town Moderator Lisa Hultgren give an overview of election law changes taking effect for the Primary Election on September 13, 2022. Election will be at Calvary on Hampstead Road from 7AM to 8PM. Election Law updates include a new storage procedure for ballot boxes after the election and a new Purity of Election Law.

Mike Fowler gives an overview of the current veterans' tax credit as applicable in Derry and what is available under new statute. Council will continue to review this issue.

****** 5 Minute Recess due to technical difficulties ******

Chairman Bourdon presents a request for a letter to be sent to all the State Representatives running for election showing the Town of Derry's support for the legalization of cannabis in the non-binding question on the Town ballot in March of 2022. Council will review wording and revisit at the next meeting.

Chairman Bourdon presents a request for a letter to be sent to Pinkerton Academy to encourage them to investigate the possible solar options that may be available to the Academy. Council will be reviewing this request at a future meeting.

Committee Status of EDAC – This committee was started when there was a hole that needed to be filled. Residents and business members stepped up and worked on various projects for economic development. The Town has since hired an Economic Development director and at this point this is a committee that has no purpose. The Council will look to sunset this committee at the next meeting.

Town Administrator's Report – Mike Fowler

Pursuant to Article 8 of the Town Charter, the following Resolution is being brought forth. Police Chief Garone has indicated that he will retire effective September 30, 2022. Therefore, a new Police Chief is needed.

Resolution #2022-067 – To Confirm the Appointment of the Police Chief
Deputy Chief George Feole has served for 42 years and has the experience needed to lead our Police Department. Town Administrator Caron has appointed Deputy Chief Feole as the next Police Chief of Derry.

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-067 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached – Effective October 1, 2022

Construction is on schedule for the Adams Memorial Building and the Skate Park at Alexander Carr Park. The progress has been amazing to see. Friends of the Skate Park are scheduling a grand opening for October 1, 2022

TF Moran has been chosen for the Hood Park project and we expect construction to begin in March 2023.

Watermain construction is happening on Highland Ave along with repaving. It will take 8-10 weeks.

Fire Station Project RFPs are in, and a decision will be coming soon.

The NHDOT Exit 4A meeting will be on Thursday, September 22, 2022.

Public Hearings

22-87 Resolution #2022-059 – Apply for and accept grant funding for patient lift devices for the Fire Department – *Fire Chief Jim Richardson*

The Fire Department is requesting permission to apply for the Assistance to Firefighters Grant through the US Department of Homeland Security. The amount of this grant request is approximately \$420,500 with a 10% cost share for 5 Stryker Power Load 6390 devices and 5 Power Pro 2 stretchers.

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

No one from the public spoke.

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

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-059 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

22-88 Resolution #2022-060 – Accept a Bureau of Justice Assistance Grant and authorize an Intermunicipal Agreement with Rockingham County – *Deputy Chief George Feole presenting*

The Town of Derry is eligible for an award of \$12,027 from the US Department of Justice Assistance Grant Awards. The Police Department wishes to use this grant to assist in the purchase of an APEX OFFICER Training Simulator System. Total cost of the system is \$67,500.

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

No one from the public spoke.

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

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-060 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

22-89 Resolution #2022-061 – Accept Unanticipated Revenues from the State of New Hampshire for Highway and Bridge Construction – *Public Works Director Mike Fowler*

The State legislature has decided to share excess revenues from the State Budget in the form of one-time supplements for roads and bridges. Derry's share is \$573,049.60 for the Highway Block grant and \$549,946 for Bridge maintenance or construction.

Motion by Councilor Chirichiello to open public hearing, seconded by Councilor Katsakiores – 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 Resolution #2022-061 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores

Roll Call Vote: 7-0-0

Resolution attached

22-90 Resolution #2022-062 – Accept Unanticipated Revenues from the State of New Hampshire for NH Retirement System – *Public Works Director Mike Fowler*

The State legislature has decided to share excess revenues from the State Budget in the form of one-time fund reimbursement of a portion of Group II NHRS expenses. The Town of Derry's share is estimated to be \$300,000.

Motion by Councilor Chirichiello to open public hearing, seconded by Councilor Spencer – 6-0-0 (Wetherbee left the room)

No one from the public spoke.

Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Foote – 6-0-0

Councilor Katsakiores MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-062 which reads as follows [*Read the Resolution*], seconded by Councilor Spencer
Roll Call Vote: 6-0-0
Resolution attached

22-91 Resolution #2022-065 – Accept and Expend American Rescue Plan Funds –
Public Works Director Mike Fowler

The Town has learned that the final aid total to Derry will be \$3,505,532.88. This Resolution is to accept the funds not included in Resolution #2022-026, which totals \$190,489.67

Motion by Councilor Wetherbee to open public hearing, seconded by Councilor Foote – 7-0-0

No one from the public spoke.

Motion by Councilor Wetherbee to close public hearing, seconded by Councilor Chirichiello – 7-0-0

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-065 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

New Business

22-103 Resolution #2022-068 – Fund repairs from the Expendable Maintenance Trust –
Public Works Director Mike Fowler

The Taylor Library is in need of additional repairs to a rotted-out sill on the front atrium. \$1700 is needed to complete this work.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-068 which reads as follows [*Read the Resolution*], seconded by Councilor Wetherbee
Roll Call Vote: 6-0-1 (Chirichiello Abstains)
Resolution attached

22-104 Resolution #2022-069 – Authorize a Multi-Year Agreement for Property-Liability Workers Compensation Coverage –
Public Works Director Mike Fowler

This Resolution is to enter into a three-year commitment with Primex to provide P/L coverage through FY26.

Councilor Wetherbee MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-069 which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-1
Resolution attached

Councilor Comments / Liaison Reports –

Councilor Spencer wishes to express her appreciation of our Chiefs, both Police and Fire, for their service to Derry.

Councilor Foote – DerryFest September 17th.

Councilor Flood – Jason R Flood Memorial Event on September 17th at Londonderry High School.

Councilor Bourdon – The Net Zero Committee is working hard on a recommendation to the SAU for solar.

Adjourn: 8:49PM



Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk



Date



RESOLUTION

Number 2022-067

To Confirm the Appointment of the
Police Chief

WHEREAS, Section 8.8(A) of the Town Charter requires that the Town Council confirm the appointment of certain Appointive Officers; and

WHEREAS, there exists a vacancy in the office of Police Chief; and

WHEREAS, the Town Administrator has appointed a candidate who possesses the necessary skills and experience to succeed in the position;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the appointment of George Feole as Police Chief is hereby confirmed.

This Resolution shall take effect October 1, 2022.

Adopted: September 6, 2022

Attest:

x *Joshua Bourdon*
Joshua Bourdon, Council Chair
Date: 9/6/22

x *Cristina S. Guilford*
Cristina Guilford, Town Clerk
Date: 9-6-22



RESOLUTION

Number 2022-069

To Authorize Multi-Year Agreement for Property-Liability Coverage

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

WHEREAS, the Town has participated in the PRIMEX insurance risk pools for over thirty years, having obtained insurance coverage for all the Town's risk exposures; and

WHEREAS, participating in a multi-year program provides budget and operational stability;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to execute an agreement to participate in PRIMEX's Contribution Assurance Program for its property/liability insurance program through FY 26.

This Resolution shall take effect immediately upon its passage.

Adopted: September 6, 2022.

Attest:

x

Joshua Bourdon, Council Chair

Date: 9-6-22

x

Cristina Guilford, Town Clerk

Date: 9-6-22



RESOLUTION

Number# 2022-068

To Fund Repairs 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 emergency repairs to town facilities as they may occur during the fiscal year; and

WHEREAS, emergency structural repairs are needed at Taylor Library;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council, as agents to expend, hereby approve the use of \$1,700 for emergency repairs at the Taylor Library.

This Resolution shall take effect immediately upon its passage.

Adopted: September 6, 2022

Attest:

x *Joshua Bourdon*
Joshua Bourdon, Council Chair
Date: 9-6-22

x *Cristina S. Guilford*
Cristina Guilford, Town Clerk
Date: 9-6-22



RESOLUTION

Number 2022-065

To Accept and Expend American Rescue Plan Funds from the United States
Government

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

WHEREAS, Congress has passed and the President has signed the American Rescue Plan Act of 2021; and

WHEREAS, the Act provides funds to the Town for various purposes, all designed to assist the Town in its recovery from the impacts of the COVID-19 Pandemic; and

WHEREAS, the Town Council previously enacted Resolution #2021-025 which established an Expendable Trust for the Derry Recovery Plan to ensure transparency and accountability with these funds and;

WHEREAS, The Town Council previously enacted Resolution #2021-026 which authorized acceptance of a portion of these funds;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to accept the balance of ARPA funds from the United States Government in the amount of \$190,489.67 and deposit into the Expendable Trust Fund for the Derry Recovery Plan.

This Resolution shall take effect immediately upon its passage.

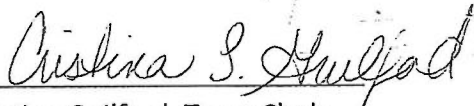
Adopted: September 6, 2022

Attest:

x 

Joshua Bourdon, Council Chair

Date: 9-6-22

x 

Cristina Guilford, Town Clerk

Date: 9-6-22

Archival Ref: Agenda #22-91



RESOLUTION

Number 2022-062

To Accept and Unanticipated New Hampshire Retirement System Reimbursement
from the State of New Hampshire

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

WHEREAS, The State Legislature included additional one-time funding in the FY23-24 Biennium Budget for reimbursement of New Hampshire Retirement System expenses for Group II employees (Police and Fire); and

WHEREAS, the Town plans to use these one-time funds to provide a reduction in the Town tax rate over the next four years; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to accept up to \$300,000.00 in NHRS reimbursement from the State of New Hampshire;

FURTHER, to authorize the transfer of \$225,000.00 to the CBA Implementation Trust and to apply \$75,000 against the 2022 Tax Rate.

This Resolution shall take effect immediately upon its passage.

Adopted: September 6, 2022

Attest:

x 

Joshua Bourdon, Council Chair

Date: 9-6-22



Cristina Guilford, Town Clerk

Date: 9-6-22

Archival Ref: Agenda #22-90



RESOLUTION

Number 2022-061

To Accept and Expend Unanticipated Highway and Bridge Revenues from the State of
New Hampshire

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

WHEREAS, The State Legislature included additional one-time funding in the FY23-24 Biennium Budget for highway and bridge aid; and

WHEREAS, the Town plans to use these funds to accelerate its road reconstruction and bridge rehabilitation schedules; and

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to accept \$573,049.60 in Highway Aid to be added to the Highway Division Budget;


FURTHER, to authorize acceptance of \$549,946 in Bridge Aid to be placed in the Bridge Fund to supplement the culvert replacement program approved in the FY23 budget and, should funds be available, to begin the process to address the Cemetery Road culvert.

This Resolution shall take effect immediately upon its passage.

Adopted: September 6, 2022

Attest:

x


Joshua Bourdon, Council Chair

Date: 9-6-22



Cristina Guilford, Town Clerk

Date: 9-6-22

Archival Ref: Agenda #22-89



RESOLUTION

Number 2022-060

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

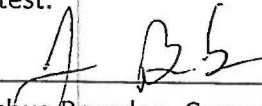
WHEREAS, the award of \$11,185 would allow the Police Department to augment current resources to acquire law enforcement equipment and systems;

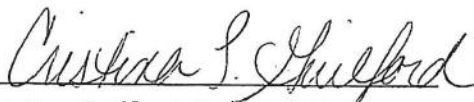
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend such funds derived from the Department of Justice, Bureau of Justice Assistance grant and to enter into agreements with the DOJ and Rockingham County as may be necessary to finalize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

This Resolution shall take effect immediately upon its passage.

Adopted: September 6, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 9-6-22

x 
Cristina Guilford, Town Clerk
Date: 9-6-22

Archival Ref: Agenda #22-88



RESOLUTION

Number 2022-059

To Apply for and Accept Grant Funding to Install Patient Lift Devices
for the Fire Department

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

WHEREAS, the Fire Department seeks to obtain patient lift devices on the ambulances to reduce on the job injuries caused by lifting; and

WHEREAS, a grant opportunity may provide 90% of the funding for this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with the U.S. Department of Homeland Security for an Assistance to Firefighters Grant (AFG) for up to \$420,500 in project funding to purchase patient lift device equipment; further,

UPON successful receipt of the grant, as Agents to Expend, authorize the transfer of up to \$42,100 from the Fire Department Capital Reserve fund to provide the 10% local match.

This Resolution shall take effect immediately upon its passage.

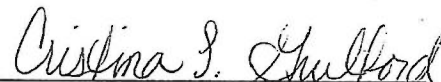
Adopted: September 6, 2022

Attest:

x 

Joshua Bourdon, Council Chair

Date: 9-6-22

x 

Cristina Guilford, Town Clerk

Date: 9-6-22