

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**April 16, 2019
Tuesday - 7:00 PM**

**6:00 PM RSA 91A:3 II 9(c,e)
7:00 PM Call to order**

Councilor Tripp moves to leave non-public session, seconded by Councilor Morgan – all agreed

Councilor Tripp moves to seal RSA 91A:3 II (c,e), seconded by Councilor Katsakories – all agreed

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

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

Present: TA David Caron, Town Clerk Daniel Healey, CFO Susan Hickey

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Scott Savard: Londonderry Lane – Here on behalf of the Derry Little League The fields need improving and he would like to recommend some of their wants and needs. An advisory committee for the fields in town was suggested.

Motion by Councilor Chirichiello to close public forum, seconded by Councilor Katsakories – all agreed

Point of order – When appointing members to the Planning Board, it was not specified how long the two alternates terms would be.

Councilor Tripp moves to appoint Jim MacEachern to the 1 year alternate Planning Board term and Dave Granese to the 2 year alternate Planning Board term, seconded by Councilor Katsakories

Roll Call Vote: 6-1-0 (Councilor Morgan)

Consent Agenda

- 19-30** Approve Non-Public Minutes – April 2, 2019
- 19-31** Approve Minutes – April 2, 2019
- 19-32** Accept resignation – Planning Board Alternate
- 19-33** 2018 Elderly & Disabled Tax Deferral Applications
- 19-34** Resolution #2019-020 – Accept grant funding from the NH Department of Environmental Services for Water System Improvements

Consent agenda approved (Councilor Bourdon abstained from 19-30 & 19-31)

Chairman's Report – Neil Wetherbee

Chairman Wetherbee moves to appoint Jacob Pelletier as a member of the Highway Safety Committee, for a 1 year term to expire March 31, 2019, seconded by Councilor Tripp

Roll Call Vote: 7-0-0

Chairman Wetherbee read a proclamation where the Derry Town Council proclaim May 2019 to be "Older Americans Month". They urge every resident to take time during the month to recognize older adults and the people who serve them as essential and valuable members of the community. The By-Laws of the Legislative Committee were amended to change state officials from members to invited members. Saturday April 27th the Town Council will meet at 9am to look at all the fields in town. They will meet at the Municipal Center parking lot. Councilor's Katsakories, Foote, and Wetherbee were present at the 300th Gala and it was well-attended.

Town Administrator's Report – David Caron

The meeting room is currently being upgraded. There will be two 75 inch monitors on the sidewalls and two 100 inch monitors in the front corners. The meetings will be recorded in HD and go out to Comcast in HD but because of the current capabilities, Comcast will not be able to broadcast in HD. The RFP to construct the Solar project is out. The Net Zero Committee has been reviewing them and the deadline to receive those proposals is May 7th. The stewards of the Marion-Gerrish building are looking to install a brick paver patio and have been communicating with public works. The town will be proceeding with the replacement of the culvert bridge at North Shore Road, it is 80% funded by the State of New Hampshire. Improvements to Hood Dam and the Rail Trail will be put on hold. The Southern New Hampshire Planning Commission did a study on Rail Trail usage off South Ave between March 9th and March 27th. The Town rolled out a recommendation regarding expansion of the TIF district and it is part of the budget package. The school district and county commissioners have been invited to the TIF district meeting on April 30th but have currently not replied. There will be a public hearing and they are welcome to share their input.

CFO Susan Hickey presented the 3rd Quarter financials. March 31st is 75% through the fiscal year. The General Fund revenue and expenditures are at 71% and 77% respectively. Cable revenue and expenditures are at 28% and 41% respectively. Water revenue and expenditures are at 79% and 55% respectively. Wasterwater revenue and expenditures are at 80% and 61% respectively. Previous year third quarter revenues were at 66%. Previous year third quarter expenditures were at 80%.

New Business

19-35 Resolution #2019-017 – Authorize the sale of cemetery plots to non-resident -
Director of Public Works Mike Fowler

The Forest Hill Cemetery Policies and Procedures document, as adopted by Town Council states, "Burial lots shall be sold exclusively to current residents of the Town of Derry; however, exceptions may be granted and/or reviewed by the Cemetery Trustees." As noted in the attached letter, Mr. Gary Vincent and his wife Kim Vincent are not current residents of Derry, making them ineligible to purchase two cremation plots unless an exemption is granted. The general rationale behind restricting lot sales to residents stems from a period prior to 2007 when the cemetery was running out of available plots. At one point, there were under 100 plots available for sale. A major expansion in 2007/2008 added capacity for approximately 1500 additional burial plots. This provision has remained in effect without any change to the policy. Requests for non-resident plot purchases are very infrequent. The most recent request was approved in 2017. Since 2007, there have been three approved exemption requests for plot purchases. In those cases, past residency and/or property ownership within Derry were cited as supporting reasons to approve the exemption. Mr. & Mrs. Vincent lived on Hampshire Drive in Derry for 33 years. Mrs. Vincent worked at the Nutfield Cooperative School at First Parish Church for 25 years before Alzheimer's disease left her unable to work. Ms. Vincent is currently living in an Alzheimer's Unit in Hudson, NH.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-017, which reads as follows [Read the Resolution], seconded by Councilor Katsakories
Roll Call Vote: 7-0-0
Resolution attached

18-36 Resolution #2019-018 – Enter into an Intermunicipal Agreement for the Southern New Hampshire Regional Water Interconnection Project – *Director of Public Works Mike Fowler and Deputy Director of Public Works Tom Carrier*

The Town of Derry has been working with the State of New Hampshire for the past year on a state funded initiative to provide additional drinking water to the southern tier communities of Salem, Windham, Atkinson, Hampstead and Plaistow. In 2016, the Legislature voted to transfer administrative responsibilities of the \$300M MTBE fund from the Department of Environmental Services to a Legislative Committee which established the Drinking Water and Groundwater Trust Fund. This fund will be used as the main financial catalyst to implement the SIA, as well as other projects statewide needed to address drinking water contamination and water supply issues. Under the SIA, Manchester Water Works (MWW) has agreed to supply water from its existing Water Treatment Plant on Lake Massabesic and from its proposed treatment facility along the Merrimack River to Windham, Salem, Atkinson, Hampstead and Plaistow. The SIA proposes to route water through Derry's existing water system. The SIA requires an extension of the Derry water system along Rte. 28 to the Windham town line as well as other Derry water system improvements needed to flow up to 3.13 million gallons per day (MGD) of drinking water into Windham. The SIA proposes additional infrastructure in Windham, Salem, Atkinson, Hampstead and Plaistow to be constructed to ultimately connect all the communities. The SIA clearly states that all infrastructure improvements required in Derry to implement the SIA, estimated at \$6.29 Million, will be paid by a grant from the Drinking Water and Groundwater Trust fund with no costs to Derry taxpayers or water ratepayers. The SIA further sets forth the cost of water, purchase guarantees, liability issues, timelines, etc.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-018, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 7-0-0
Resolution attached

BUDGET WORKSHOP

Emergency Management

Fire Chief Mike Gagnon

Assistant Fire Chief James Richardson

Department Mission: Leads the community effort to prepare the Town of Derry to effectively mitigate, prepare for, respond to, and recover from any natural or human-made disaster. Emergency management assists other town departments in developing contingency emergency plans and maintains a comprehensive all hazards Emergency Operations plan.

Councilor Tripp moves the bottom line at \$45,517, seconded by Councilor Bourdon
Roll Call Vote: 7-0-0

Fire (Prevention & Emergency Services)

Fire Chief Mike Gagnon

Assistant Fire Chief James Richardson

Department Mission: The mission of the Derry Fire Department is "Plan, Prevent, Provide." To plan for emergency incidents and events, to prevent those incidents from occurring, and when they are unable to prevent them; to provide the highest level of fiscally responsible, effective, and efficient services in order to enhance the health, welfare and safety of the citizens, visitors and businesses in the Town of Derry.

Councilor Morgan moves the bottom line at \$10,851,722, seconded by Councilor Bourdon
Roll Call Vote: 7-0-0

Police

Chief of Police Ed Garone

Captain George Feole

Department Mission: To protect life and property, enforce the laws of society, maintain order in the community and to assist the public at large in a manner consistent with the rights and dignity of all persons as provided for by law and under the Constitutions of the United States of America and the State of New Hampshire. Councilor Morgan made note that the budget went up \$600,000 from last year due to CBA agreements and the retirement system.

Councilor Chirichiello moves the bottom line at \$9,310,759, seconded by Councilor Morgan
Roll Call Vote: 7-0-0

Animal Control

Chief of Police Ed Garone

Captain George Feole

Department Mission: A function of the Operations Division of the Police Department. It is charged with the responsibility of enforcing Town Ordinances and State statutes relative to

domestic animals. Responsible for the enforcement of the licensing ordinance for dogs, responding to citizen complaints, apprehending stray animals, and maintaining a kennel and placement of strays or unwanted animals when appropriate.

**Councilor Chirichiello moves the bottom line at \$94,531, seconded by Councilor Bourdon
Roll Call Vote: 7-0-0**

Councilor Comments / Liaison Reports –

Councilor Morgan – When the Town Council goes to look at the fields, someone from the school department should be invited to give their input. Asked about rental of voting machines and the use of Calvary for the Presidential Primary. There are some blight areas in town and the town is working on fixing up these properties. He has been told that the Human Services contractor has been putting more work on the Salvation Army and requests that the town look into this claim.

Councilor Chirichiello – Praised Clint Havens for completing the Boston Marathon and raising money for the Derry Veteran's Assistance Fund.

Councilor Foote – Praised Clint Havens for completing the Boston Marathon and raising money for the Derry Veteran's Assistance Fund. The Derry Village Rotary Club members installed the refurbished cast iron water fountain in MacGregor Park and it was officially unveiled and dedicated at a ceremony in the park on April 14.

Councilor Tripp – The Derry Solar production rate is where it should be so this project is doing well. Attended the school board meeting and the library trustees meeting. The Derry Public Library is certified as a family library. They will be offering training to families on how to deal with and raise their children and this program will be starting sometime in the fall. The library also will have a video on their website of chickens hatching.

Councilor Katsakories – National Prescription Drug Take Back Event will take place on April 27th from 10am-2pm at the Derry Police Department. There is also a take back box in the lobby of the Police Department.

Chairman Wetherbee – Some lots around town in the area of Martin St and Pillsbury are disgraceful. Regulations need to be in place if not already so that town can manage these properties.

Adjournment: 9:20 p.m.



Town Clerk



Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2019-017

To Authorize the Sale of a Cemetery Plot to a Non-Derry Resident

WHEREAS, RSA 289 requires towns and cities to provide suitable cemeteries; and,

WHEREAS, Article 4(D) of the Town Charter delegates the responsibilities of Cemetery Trustees to the Town Council;

WHEREAS, the Town has received a request from a former long-time resident to purchase cremation lots at the Forest Hill Cemetery; and,

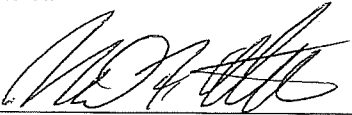
WHEREAS, the Forest Hill Cemetery Policies and Procedures allow the Council to grant exceptions to the requirement that lot sales shall be restricted to Derry residents only;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sell two cremation lots at Forest Hill Cemetery to Gary and Kim Vincent.

This Resolution shall take effect immediately upon its passage.

Adopted: April 16, 2019

Attest:

x 

Neil Wetherbee, Council Chair

Date: 4-16-19

x 

Daniel Healey, Town Clerk

Date: 4-16-19

Archival Ref: Agenda Item #19-35



RESOLUTION

Number 2019-018

To Enter into an Intermunicipal Agreement for the Southern New
Hampshire Regional Water Interconnection Project

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

WHEREAS, RSA 53-A allows municipalities to work jointly to provide any services and facilities which they are authorized to manage individually; and

WHEREAS, the Town has been involved with the creation of the Southern New Hampshire Regional Interconnection Project which will provide benefits to the entire region and specifically to the Town; and

WHEREAS, an Agreement is necessary to set forth the terms, conditions and obligations of each of the participating members;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute the Agreement Regarding the Southern New Hampshire Regional Water Interconnection Project and to manage, either directly or through a his designee, the Town's ongoing participation in the Project.

This Resolution shall take effect immediately upon its passage.

Adopted: April 16, 2019

Attest:

A handwritten signature in black ink, appearing to read "Neil Wetherbee", written over a horizontal line.

Neil Wetherbee, Council Chair

Date: 4-16-19

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

Daniel Healey, Town Clerk

Date: 4-16-19

Archival Ref: Agenda Item #19-36