

TOWN OF DERRY

Town Council
Derry Municipal Center

January 3 2016
Tuesday - 7:30 PM

6:30 PM Non-Public Session RSA 91A:3 II (a)
7:30 PM Call to order

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

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

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

Roll Call: Councilors Bourdon, Foote, Tripp, Fischer, Katsakiores, Morgan and Chairman Chirichiello
Present: TA David Caron, Town Clerk Daniel Healey

Consent Agenda

17-01 Approve Workshop Minutes – December 13, 2016

17-02 Approve Minutes – December 20, 2016

17-03 Schedule Public Hearing – January 24, 2017 To:

- 1) Proposed application to the Community Development Block Grant Funds.
The Town will retain up to \$25,000 for administrative expenses and the remainder will be used toward financing the interconnection into the municipal water and sewer system of the Frost Residents Cooperative, a 30 unit manufactured housing park located at 139 Rockingham Road
- 2) The Housing and Community Development Plan
- 3) The Residential Antidisplacement and Relocation Assistance Plan

Consent agenda approved (Councilor Foote abstained from 17-01)

Chairman's Report – Brian Chirichiello

Wished everyone a Happy New Year. There will a Supervisors of the Checklist session on Tuesday January 24, 2017 from 7:00pm - 7:30pm. The filing period for town offices is Jan. 25 – Feb. 3. Candidates must be registered voters. Residents can register to vote with the Town Clerk during regular hours or at this session.

Town Administrator's Report – David Caron

Signed the contract with Buxton today and will be having a conference call with them on Friday morning.

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Ernie St. Pierre: Sunset Ave – Submitted a 91A request on 91A requests and shared some of the information that he found out based off of that request.

Janet Fairbanks: Rose Ave – Would like the town to consider rezoning certain parcels in town. The parcels she suggests are in medium to high densities. She does not believe Derry needs more apartments and that is what these parcels are being used for.

David Pouliot: Warner Hill Rd – Would like the town to reconsider plowing on dangerous roads.

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

Public Hearings

16-164 Supplemental Appropriation and Reserve on Conservation Commission Funds for 7.5 Willow Street

Town Administrator David Caron presented the Supplemental Appropriation and Reserve of Conservation Commission Funds for 7.5 Willow Street. As authorized by the Council, Town Staff has moved to secure a purchase and sale agreement with the owner of the 63.5 acre parcel known as 7.5 Willow Street. There have been no extraordinary circumstances or terms encountered. The Terms Sheet has been executed by the seller prior to the June 21, 2016 Council meeting. Acting Town Administrator Daly had signed for the Town per the Council's authorization. This action will serve to affirm the Town Council's intent to use unrestricted fund balance and Conservation Commission funds to supplement the NHDES Watershed Protection Grant. The Conservation Commission has been included in this process. The Commission voted to contribute \$150,000 to the purchase at its June 22, 2016 meeting. Councilor Fischer questioned a quarter of a million coming out of the unassigned fund balance and stated that it is not essential at this time or appropriate.

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

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-001, which reads as follows [Read the Resolution], seconded by Councilor Bourdon
Roll Call Vote 5-2-0 (Councilors Fischer and Katsakiores)
Resolution attached**

16-165 Amend Chapter 30 – Building Code

Bob Mackey and Bob Wentworth presented the amendments to Chapter 30 of the Building Code. There are miscellaneous permit fees that need clarification such as foundation only permits, renewal fees, refunds and penalties for work commenced prior to the issuance of a required permit. In addition, the sections dealing with violations and penalties have been modified to coincide with the language contained in the Town's Zoning Ordinance and RSA 676:17, as amended. Several miscellaneous items have also been added that clarify code requirements including a list of the Building Codes currently in effect. Section H has been deleted as these requirements are now contained in Chapter 50 – Fire Prevention. Councilor Tripp would like the Zoning Code to be revised. He is told that Zoning Code will be added to the general references. Fees under this chapter were last raised in 2011.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Ordinance #2017-001, which reads as follows [Read the Ordinance], seconded by Councilor Katsakiores
Roll Call Vote 7-0-0
Resolution attached**

New Business

17-04 Approval of Non-Represented Personnel Policy

The Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town amend its Non-Represented Employees and Personnel Policies and the cost items of the amendments applicable to Fiscal Year 2017 and do not require an additional appropriation. Councilor Fischer opposed this amendment and read a timeline of events stating his reasons why.

Councilor Foote POINT OF ORDER stating that Councilor Fischer had discussed sealed non-public minutes and that there was no vote to unseal those minutes

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-002, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan
Roll Call Vote 5-2-0 (Councilors Fischer and Bourdon)
Resolution attached**

17-05 Economic Development Staffing

Town Administrator David Caron discussed the plan for hiring an Economic Development Manager. He stated that \$105,000 has been put aside for FY2018 for this position. Councilor Morgan questioned the remaining amount left over from FY2017 and asked that to be included as well. The Economic Development Manager would be responsible for developing the remaining parcels in town and doing it right. Councilor Bourdon would like to request that anyone hired have the knowledge of social media. There is no action needed by the council at this time.

17-06 Authorization to apply for and enter into an agreement with NHDES to receive grant funds

Crag Durrett presented the Authorization to apply for and enter into an agreement with NHDES to receive grant funds. The Town has access to various grant funds from the New Hampshire Department of Environmental Services for environmental programs within the Town. In the past, grants have been received for Landfill Closure, Household Hazardous Waste Collection Day, Watershed Assessment, improvements to the Town's Recycling Center and Do-It-Yourself Used Oil Collection Center, and Municipal Sewer Improvement Projects. Section 9.15 of the Town Charter authorizes the Town Council to apply for and accept State, Federal and other governmental grants. NHDES requires such grant applications and contract agreements be signed by an authorized official of the Town (i.e. the Town Administrator) and that the Town execute a Certificate of Authorization stating that the official (i.e. the Town Administrator), by vote of the Town Council, is authorized to sign such grant agreements on behalf of the Town.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-003, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon
Roll Call Vote 7-0-0
Resolution attached**

Council Requests / Open Discussion

Councilor Tripp – Would like a date for a Town Council and Town Administrator workshop. Asked for the rules during public forum to be looked at by a committee.

Councilor Fischer – Complimented Derry Public Works for their work during the last storm. Wished everyone a Happy New Year. Would like to have some input on the agenda items.

Councilor Morgan – Downtown business owner Andy Day complimented the work of Derry Public Works for the snow removal downtown. Wished everyone in Derry a Happy New Year.

Councilor Katsakiores – Read off a list of all the Derry State Representatives and their appointments to various committees in Concord. The House of Representatives will meet on January 4th at 10am followed by a joint session with the Senate. At this joint session, they will confirm the votes for Governor, Executive Council, and Secretary of State. On January 5th at 11am the House will meet again to witness the swearing in of Chris Sununu. Asked for an update on Maureen Rose and was told that the town is still working with her to try and help solve her problem.

Councilor Foote – Stated that Derry Public Works has done a good job during the storms. Wished everyone a Happy New Year.

Councilor Bourdon – The Alan Shepard project has found another town and they have no interest in working with Derry. There are a few areas in Derry that a monument could be placed. The committee is looking into images, drafts, and costs. Wished everyone a Happy New Year,

Adjournment: 8:45 p.m.



Town Clerk

1-31-17
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2017-001

To Approve a Supplemental Appropriation for the Purchase of Land on
Willow Street in Derry for Water Supply Protection and Conservation
Purposes

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to purchase real property for the benefit of the Town and to appropriate funds for such purposes; and

WHEREAS, The Town Council at its June 21, 2016 meeting approved the purchase of a certain parcel of undeveloped land located at 7.5 Willow Street in Derry, if acquired by the Town, will serve to protect an active community water supply and preserve open space in West Derry; and

WHEREAS, the Derry Conservation Commission has voted to contribute One Hundred Fifty Thousand Dollars (\$150,000) toward acquisition of the parcel; and the State of New Hampshire has offered to contribute grant funding of Three Hundred Thirty-Seven Thousand Five-Hundred Dollars (\$337,500);

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the total acquisition cost of Seven Hundred Forty Thousand Dollars (\$740,000) is hereby reaffirmed and a Supplemental Appropriation in the amount of Two Hundred Fifty Two Thousand Dollars (\$252,000) from Unassigned Fund Balance is hereby approved to complete funding; with consummation of the transfer of ownership to the Town contingent upon the funding commitments of the Derry Conservation Commission, as approved by this Council pursuant to RSA 36-A:4, and the State of New Hampshire; and

BE IT FURTHER RESOLVED that the Town Administrator is authorized to execute all necessary documents on behalf of the Town.

This Resolution shall take effect immediately upon its passage.

Adopted: January 3, 2017.

Attest:

x Brian Chirichello

Brian Chirichello, Council Chair

Date: 1/3/2017

x Daniel Healey

Daniel Healey, Town Clerk

Date: 1/3/2017

Archival Ref: TC agenda Item #16-164



ORDINANCE

Number 2017-001

Amending Chapter 30 Building Code to Clarify Certain Permit Fees,
Penalty Language and Code Requirements

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, there is a need to clarify certain permit fees, penalty language and code requirements; and

WHEREAS, changes to the Town's Zoning Ordinance and RSA 676:17 require amendments to Chapter 30 to maintain consistency across town regulations;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapters 30 of the Town Code is hereby amended as published in the proposed revisions dated December 8, 2016 and attached to this Ordinance;

* * * * *

AND FURTHER, that the Town Clerk is instructed to incorporate the amendments hereby approved into the Town Code and to publish the Code anew as amended on the date that this Ordinance takes effect.

This Ordinance shall take effect on the thirty-first day after its adoption.

Adopted: January 3, 2017.

Attest:

x Brian Chirichello

Brian Chirichello, Council Chair

Date: 1/3/2017

x Daniel Healey

Daniel Healey, Town Clerk

Date: 1/3/2017



RESOLUTION

Number 2017-002

To Approve and Fund Amendments to the
Non-Represented Personnel Policies

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to enact policies; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town amend its Non-Represented Employees Personnel Policies; and

WHEREAS, the cost items of the amendments applicable to Fiscal Year 2017 do not require an additional appropriation;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the amendments to the Non-Represented Employees Personnel Policies are hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: January 3, 2017.

Attest:

x Brian Chirichiello
Brian Chirichiello, Council Chair
Date: 1/3/2017

x Daniel Healey
Daniel Healey, Town Clerk
Date: 1/3/2017

Archival Ref: TC agenda Item #17-04



RESOLUTION

Number 2017-003

To Apply for and Accept Grant Funding Related to Household
Hazardous Waste Collection

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

WHEREAS, the Town annually has hosted a Household Hazardous Waste Collection Day to provide residents with a convenient and safe method by which to dispose of household hazardous waste; and

WHEREAS, matching grant funding from the NH Department of Environment Services is available to the Town to help defray expenses associated with this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with NHDES for up to \$5,646 in matching funds and further authorize the Town to hold a Household Hazardous Waste Collection event in Spring, 2018.

This Resolution shall take effect immediately upon its passage.

Adopted: January 3, 2017.

Attest:

x Brian Chirichello

Brian Chirichello, Council Chair

Date: 1/3/2017

x Daniel Healey

Daniel Healey, Town Clerk

Date: 1/3/2017

Archival Ref: TC agenda item #17-06