

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday October 17, 2023
3rd Floor Meeting Room

MINUTES

7:00 PM Call to order – Chair Foote

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

Roll Call: Councilors Katsakiores, Chirichiello, MacEachern, Flood, Spencer, and Chair Foote
Present: Acting TA Mike Fowler, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

Motion by Councilor Katsakiores to open public forum, seconded by Councilor MacEachern
Roll Call 6-0-0

No one from the public spoke.

Motion by Councilor MacEachern to close public forum, seconded by Councilor Katsakiores
Roll Call 6-0-0

Consent Agenda

23-113	Approve Minutes – October 3, 2023
23-114	Accept Resignation – Derry Housing & Redevelopment Member

Councilor MacEachern moves to approve the Consent Agenda, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Chairman Report – Charles Foote

Boston Post Cane Presentation – *Karen Blandford-Anderson, Heritage Commission Chair presenting*

The Boston Post Cane program, with its rich history dating back to 1909, was initiated by the Boston Post Newspaper. The newspaper distributed these canes to towns across New England as a way to recognize and honor the oldest living resident in each town. The 2023 Boston Post Cane Nominee is Lois Palmer Rae. Mrs. Rae was born on August 21, 1926, in Mine Hill Township, New Jersey. Mrs. Rae and her family moved to Derry in 1973 and have lived on Chester Road since then.

Councilor MacEachern moves to approve Lois Palmer Rae as the new Boston Post Cane holder, seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Town Administrator's Report – Dave Caron

After completion of the first quarter of FY24, we have not identified any problematic areas with revenues. The Town expects to exceed its revenue estimate for earnings on investments when the September returns are calculated. The Town recently signed its first construction contract associated with the Central Fire Station project. American Excavating will be completing the site work for the project and will commence operations within the next few weeks. The project budget will be submitted once received from the Architect/Construction Advisor. The US Department of Energy has completed its review and awarded the grant to assist with the construction of the solar field at the closed landfill. We now await Eversource's review of the interconnection in order to proceed with the project. This grant will drop the project's 25-year fixed electricity rate from 6.8 cents to 6.0 cents per kWh.

As you may have heard, HCA, owner of Parkland Hospital, is in discussions with Catholic Medical Center to purchase that facility. We've had discussions with Parkland management about this, and don't anticipate many operational changes at Parkland, except for critical care transfers, which may be directed towards CMC vs Portsmouth Regional Hospital, a benefit for patients and families. The proposed acquisition is under regulatory review and may occur in the next 9-18 months.

New Business

23-115 Resolution #2023-074 – Direct Tax Collector not to execute certain Tax Deeds – *Tax Collector Stacey Beliveau presenting.*

On April 13, 2021, the unpaid balances of the 2020 tax bills were liened at the Rockingham County Registry of Deeds. According to RSA 80:76, "the collector, after 2 years from the execution of the real estate tax lien, shall execute to the lienholder a deed of the land subject to the real estate tax lien and not redeemed." RSA 80:76 also provides the Town Council specific and subjective reasons to waive tax deeding. At this time there are no properties subject to the issuance of a Tax Collector's Deed currently. There are 13 properties not recommended for deeding. These properties are recommended for waivers due to potential liability risk or undesirable obligations. While this will mean a delay in payment and deeding of these properties, they should be recoverable at a later date.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-074 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

23-116 Resolution #2023-075 – Authorize use of Dominion ImageCast Precinct Electronic Ballot Counting Devices – *Town Clerk Tina Guilford presenting.*

The Ballot Law Commission approved two devices for the electronic counting of ballots on September 15, 2023. After a full review of both of the approved devices, the ImageCast device is the one that has been chosen for use in Derry. LHS has been a very responsive partner over the years. They are local, in Salem NH, and we have the ability to drop off and pick up our programming cards for elections. The ImageCast is also very similar to our current AccuVote machine and will be simple for voters to use.

Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-075 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

23-117 Resolution #2023-076 – Transfer funds from the Derry Recovery Expendable Trust – *Town Clerk Tina Guilford presenting.*

Funds from the Derry Recovery Expendable Trust to used to purchase 8 Dominion ImageCast Electronic Ballot Counting Devices for a total of \$50,400.

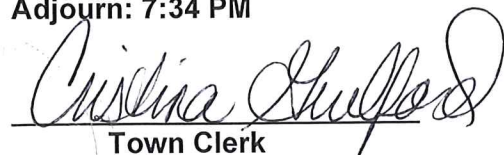
Councilor MacEachern MOVES THAT THE TOWN COUNCIL adopt Resolution #2023-076 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores
Roll Call Vote: 6-0-0

Councilor Comments / Liaison Reports –

Councilor Katsakiores – I attended the Fire Department open house films. It was a great job and a wonderful event.

Motion by Councilor MacEachern to ADJOURN, seconded by Councilor Spencer
All Agreed

Adjourn: 7:34 PM


Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk

November 7, 2023
Date



RESOLUTION

Number 2023-076

Transfer Funds from the Derry Recovery Expendable Trust Fund

WHEREAS, Section 9.7 of the Town Charter empowers the Town Council to transfer any unencumbered appropriation balance; and

WHEREAS, the Town Council pursuant to Resolution #2021-025 created an Expendable Trust for the Derry Recovery Plan to receive funds from the American Rescue Plan Act and disburse as necessary; and

WHEREAS, the Town Council pursuant to Resolution #2023-075 has authorized the use of Dominion ImageCast Precinct Ballot-Counting Devices for elections in Derry; and

WHEREAS, funds are available in the Derry Recovery Expendable Trust Fund (ARPA) to purchase counting devices necessary to conduct elections in Derry.

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of Fifty Thousand Four Hundred Dollars (\$50,400) from the Derry Recovery Expendable Trust Fund to purchase eight Dominion ImageCast Precinct Ballot Counting Devices.

This Resolution shall take effect immediately upon its passage.

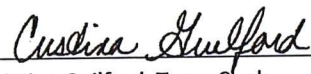
Adopted: October 17, 2023

Attest:

x 

Charles Foote, Council Chair

Date: October 17, 2023

x 

Cristina Guilford, Town Clerk

Date: October 17, 2023

Archival Ref: Item #23-117



RESOLUTION

Number 2023-074

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

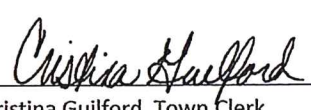
NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed not to execute a tax deed as set forth on the attached list; pursuant to RSA 80:76 III, the Council may revisit this decision at any time and may later direct the Tax Collector to issue a deed for the property subject to this directive.

This Resolution shall take effect immediately upon its passage.

Adopted: October 17, 2023

Attest:

x 
Charles Foote, Council Chair
Date: October 17, 2023

x 
Cristina Guilford, Town Clerk
Date: October 17, 2023

Archival Ref: Agenda Item #23-115



RESOLUTION

Number 2023-075

To Authorize the Use of Dominion ImageCast Precinct Electronic
Ballot-Counting Devices

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 been utilizing electronic ballot counting devices (voting machines) for many years; and

WHEREAS, the current voting machines are becoming obsolete and in need of replacement; and

WHEREAS, the Ballot Law Commission pursuant to RSA 656:41 has evaluated the integrity of modern voting machines and voted to certify two new devices; and

WHEREAS, the Town's election officials have reviewed these machines and recommend one for use in Derry;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council pursuant to RSA 656:40 hereby authorizes the use of Dominion ImageCast Precinct Electronic Ballot-Counting Devices for all elections in Derry conducted on or after March 1, 2024.

This Resolution shall take effect immediately upon its passage.

Adopted: October 17, 2023.

Attest:

x

Charles Foote, Council Chair

Date: October 17, 2023

x

Cristina Guilford, Town Clerk

Date: October 17, 2023

Archival Ref: TC agenda item #23-116