

TOWN OF DERRY

Town Council
Derry Municipal Center
14 Manning Street



Tuesday October 18, 2022
3rd Floor Meeting Room

MINUTES

6:30 PM Non-Public Session – RSA 91A:3 (b)
7:00 PM Call to order – Chair Bourdon

Motion by Councilor Spencer to leave non-public session, seconded by Councilor Katsakiores
Roll Call Vote: 5-0-0

Motion by Councilor Spencer to seal non-public minutes indefinitely, seconded by Councilor Foote
Roll Call Vote: 5-0-0

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

Roll Call: Councilors Katsakiores, Chirichiello, Foote, Spencer, and Chairman Bourdon
Absent: Councilors Flood and Wetherbee
Present: TA Dave Caron, Town Clerk Tina Guilford

Public Forum - *30 Minutes*

Motion by Councilor Katsakiores to open public forum, seconded by Councilor Spencer
Roll Call Vote: 5-0-0

Butch Timpe, Bowers Road, wants to bring attention to important things happening on the School Board. The budget meetings have started. The School Board needs public input at the meetings. Please visit the website sau10.org and spread the word about a lot of financial impacts coming to our town.

Arthur Caras, North Shore Rd, He has problems with traffic on his road as well as Pond Road. North Shore Road to Beaver Lake Road to Cross Road to Adams Pond Road has seen increased traffic as a cut through. There should be no heavy trucks or tractor trailers. Up to Orchard Drive the road is too tight. The speed is too high. Recreational walking is happening around the lake and drivers are going too fast. Maybe our road should not be 30 miles an hour, there are no sidewalks.

Mark Connors, Cabot Drive, wants to talk about the Rail Trail situation. DOT is sticking with the alternate route and not the tunnel. The Council needs to step up. The Council needs to give a new direction to Dave Caron as he will only do what his bosses tell him to do. We need some backing from the Council, you put the Rail Trail in the Master Plan. The Spaghetti alternative is not a safe alternative. The Council needs to do their homework. The Council needs to speak up.

Steve Trefethen, North Shore Rd, First wants to pay his condolences to the Chief. He was an amazing leader. The Council should investigate a statue to the Chief, as he is willing to donate.

St Thomas is looking to rent space in the former school, preferably to non-profits to keep their tax status. The Church has 10,000 sq. ft. and we are going to need some concessions from Planning and Fire. On North Shore Rd the road is narrow, and the speed limit is 30 and it seems like people are flying. When exit 4A comes in we need the light at Tsiennetto and North Shore, its very congested already.

Tom Cardon, Cunningham Dr, the tunnel is the safest way to go. The Rail Trail has been the cornerstone to economic development in the downtown. The project will be well over 100 million dollars and the 600,000.00 the tunnel costs would not impact that at all.

David Clap, Barkland Dr, it is very important that the School Board gets the input from the public. Disheartened that people did not attend the candidate forum. We need people to show up for everything. We need people to get involved so that we can get the most out of our representation.

Richard Tripp, Windham Road, was at the forum last night. Agrees that there were not a lot of people there. Wants to talk about a study committee he is on in Concord. It is about vacant and abandoned buildings. It seems that Derry is doing an excellent job. There is talk about using Derry's process as a template for other Towns.

Motion by Councilor Chirichiello to close public forum, seconded by Councilor Foote
Roll Call Vote: 5-0-0

Consent Agenda

- | | |
|---------------|--|
| 22-112 | Approve Non-Public Minutes – October 4, 2022 – Minutes Sealed |
| 22-113 | Approve Minutes – October 4, 2022 |

Councilor Foote moves to approve 22-112 and 22-113 consent agenda, seconded by Councilor Katsakiores
Roll Call Vote: 4-0-1 Chirichiello Abstains

- | | |
|---------------|---|
| 22-114 | Resignation Heritage Commission Alternate Member Elena Weymouth |
| 22-115 | Resolution #2022-074 - Approve a Supplemental Appropriation for the Hood Pond Watershed Management Plan |
| 22-116 | Resolution #2022-075 - Accept Unanticipated Revenues from NHDES to complete a Watershed Management Plan for Big Island Pond. |
| 22-117 | Resolution #2022-077 – Authorize the Town to apply, receive and expend a grant from the New Hampshire Police Standards and Training Council for personnel hiring expenses |
| 22-118 | Resolution #2022-078 – Approve a Supplemental Appropriation and accept an ARPA Grant for Water Quality Improvements |
| 22-119 | Resolution #2022-079 – Issue loans through NHDES for water quality Improvements |
| 22-120 | Resolution #2022-080 – Accept the Barkland Acres Water System and Levy Betterment Assessments Thereon |
| 22-121 | Resolution #2022-081 – Adopt a revised user rate schedule for Derry Water Customers |
| 22-122 | Resolution #2022-082 – Issue loans through NHDES for the Hood Pond Watershed Study |

Councilor Foote moves to approve consent agenda, seconded by Councilor Katsakiores
Roll Call Vote: 5-0-0

Chairman Report – Joshua Bourdon

Moment of Silence for Chief Garone.

His leadership will be missed, burial services will be on Thursday, October 20, 2022, at 9AM.

Video presentation from Derry CAM airs for Chief Garone.

Town Administrator's Report – Dave Caron

With September Revenues, the Town has now exceeded its revenue estimate for interest earned on deposits. Motor vehicle revenues are replicating last years collections. No other revenue sources are problematic at this point. The Town and School District has submitted all of their forms to DRA to set the tax rate. We are still awaiting DRA's utility values to finish MS 1 to set rate.

The opening event for the Skateboard Park on October 9 went very well and was heavily attended.

Should the Council proceed with the water quality and extension project, staff recommends moving the second meeting in November from the 15th to the 22nd in order to provide 15 clear notice between public hearings on NHDES loans and Council adoption which is required by state law.

Public Hearings

22-111

Resolution #2022-072 – BVP Grant Program – *Police Chief George Feole presenting*

Recently we were notified by the Bureau of Justice Assistance (BJA) that the Derry Police Department is eligible to receive an award under the Federal Fiscal Year 2022 Bulletproof Vest Partnership (BVP) program. We have participated in the program for a number of years. The FY22 award may be used for National Institute of Justice (NIJ) compliant armored vests. The awarded funds can be used until August 31, 2024. Based on our history and current needs, we have projected that we will need to purchase 18 bulletproof vest during this time. We anticipate that the BJA will award us up to \$11,187 which is half of the cost of the estimated eighteen bulletproof vests. The BJA would be reimburse the police department for up to 50% of each vest after the purchase has been made.

Motion by Councilor Foote to open public hearing, seconded by Councilor Spencer

Roll Call Vote: 5-0-0

No one from the public spoke.

Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Foote

Roll Call Vote: 5-0-0

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-072 which reads as follows [*Read the Resolution*], seconded by Councilor Foote

Roll Call Vote: 5-0-0

Resolution attached

New Business

22-67

Resolution #2022-033 – Transfer funds from the Derry Recovery Expendable Trust – *Chief Financial Officer Mark Fleischer presenting*

To finalize the transfer of \$1.0M of ARPA funds to the Central Fire Station project. The Council tabled this matter in May as the Town had not yet received the second tranche of ARPA funds of approximately \$1.75M

Councilor Spencer MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-033 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

22-123

Resolution #2022-073 – Finalize the FY23 Appropriations for the 2022 Tax Rate – *Chief Financial Officer Mark Fleischer presenting*

To finalize the FY23 Town Budget in the amount of \$75,857,736.00 in order to set the Tax Rate

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-073 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

22-123

Resolution #2022-076 – Transfer funds from the Expendable Maintenance Trust Fund for the Cable Division – *Cable Coordinator Owen Provencher presenting*

The Network Operation Center currently serving the Cable Division requires a dedicated air conditioning unit to maintain the appropriate temperature 24/7 365 days a year. The current unit has served the Town for 15 years and is well past its service expectancy and is showing signs of deterioration. Cable staff has coordinated with Buildings and grounds to identify a sufficient in stock replacement so as to preserve our infrastructure.

Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2022-076 which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

Resolution attached

Councilor Comments / Liaison Reports –

Councilor Spencer – The Phantom of the Opera Event is now at the Derry Public Library on Friday Night. Congratulations to the Skate Park.

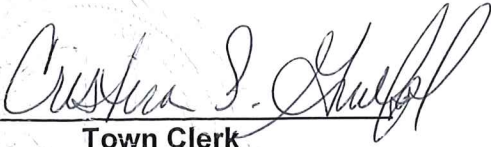
Councilor Chirichiello – Kudos to the Town Council and County for the foresight to bond while rates were low to save taxpayers money. The Town and County also had the foresight to do solar and save the taxpayers money. Sadly, our Schools did not.

Councilor Bourdon – It is amazing that many naysayers have investigated solar and have embraced it to save money from taxpayers.

Councilor Foote – I am amazed at how many people at the skatepark of all ages that are out there enjoying it at various times of day.

**Motion by Councilor Chirichiello to ADJOURN, seconded by Councilor Foote
All Agreed**

Adjourn: 8:07PM



Cristina Guilford

Town Clerk

Recording & Transcription by: Cristina Guilford, Town Clerk

11/1/22
Date



RESOLUTION

Number 2022-072

To Accept a Bureau of Justice Assistance Grant for Personal Body Armor

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 Personal Body Armor; and

WHEREAS, the Town foresees the need to purchase eighteen vests during this budget period, and the DOJ would reimburse the Town for 50% of the cost of this purchase (\$11,187); and

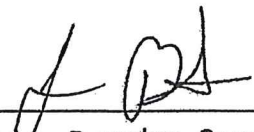
WHEREAS, the availability and use of Personal Body Armor is vital to an officer's safety;

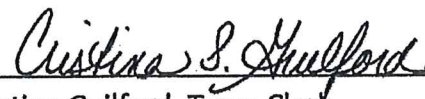
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to apply for, accept and expend such funds derived from the Department of Justice, Bureau of Justice Assistance grant and to enter into agreements with the DOJ as may be necessary to finalize receipt of this grant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

This Resolution shall take effect immediately upon its passage.

Adopted: October 18, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 10/18/22

x 
Cristina Guilford, Town Clerk
Date: 10/18/22

Archival Ref: Agenda #22-111





RESOLUTION

Number 2022-073

To Finalize the FY23 Budget

WHEREAS, Section 9.4 of the Town Charter vests in the Town Council the responsibility to enact the Town budget by May 31; and

WHEREAS, the Town Council has reviewed and revised the budget as proposed by the Town Administrator, and has acted upon Resolutions necessary to effectuate various services and programs within the budget; and

WHEREAS, the Town Council subsequently adopted Resolutions to proceed with the construction of Central Fire Station and replacement of culverts within the Supplemental Appropriations process; and

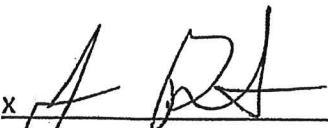
WHEREAS, the State Department of Revenue Administration has requested a revised bottom line budget amount from which the 2022 tax rate will be calculated;

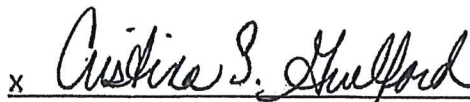
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council hereby finalizes the FY 23 Town Budget in the amount of Seventy-Five Million Eight Hundred Fifty-Seven Thousand Seven Hundred Thirty-Six Dollars (\$75,857,736) as set forth in the attached summary.

This Resolution shall take effect immediately upon its passage.

Adopted: October 18, 2022

Attest:

x 
Joshua Bourdon, Council Chair
Date: 10/18/22

x 
Cristina Guilford, Town Clerk
Date: 10/18/22



RESOLUTION

Number# 2022-076

To Fund Improvements 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 repairs to town facilities as they may arise during the fiscal year; and

WHEREAS, the climate control system vital to the proper operation of the Cable Division servers has become inoperable and in need of replacement;

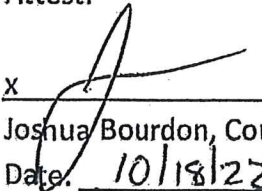
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council, as Agents to Expend, hereby approve the transfer of \$5,000 from the Expendable Maintenance Trust Fund to replace the climate control system in the Cable Division.

This Resolution shall take effect immediately upon its passage.

Adopted: October 18, 2022

Attest:

x


Joshua Bourdon, Council Chair

Date: 10/18/22

x


Cristina Guilford, Town Clerk

Date: 10/18/22