

TOWN OF DERRY

**Town Council
Derry Municipal Center**

**March 7 2017
Tuesday - 7:30 PM**

6:10 PM Present: Councilors Bourdon, Tripp, Foote, Fischer, and Chairman Chirichiello
Non- Public Session RSA 91A:3 II (a)
Non- Public Session RSA 91A:3 II (b)
Non- Public Session RSA 91A:3 II (c)
Non- Public Session RSA 91A:3 II (d)
Non- Public Session RSA 91A:3 II (e)

Councilor Tripp moves to seal the non-public minutes, seconded by Councilor Katsakiores – all agreed

7:30 PM Call to order

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

17-25 Approve Unsealed Minutes 5/19/16 – sub a, 6/21/16, 7/26/16, 8/23/16, 9/22/16, 10/11/16, 10/28/16, 11/15/16, 12/6/16 – sub a

17-26 Approve Minutes – February 21, 2017

Consent agenda approved

Councilor Bourdon POINT OF ORDER to approve the consent agenda, no second

Chairman's Report – Brian Chirichiello

There was a moment of silence for Connie Dimmock, wife of former Councilor Al Dimmock.

Councilor Fischer referred back to Councilor Bourdon's point of order to approve the consent agenda.

Town Moderator Mary Till informed the residents where they would be voting and what is on the ballot. District 1 & 4 vote at Hood Middle School. District 2 votes at Calvary Bible Church and District 3 votes at West Running Brook Middle School. Voting will take place on Tuesday March 14 from 7am to 8pm. She announced that she would be doing another audit/recount. Councilor Morgan noted that he would not be present for the election. Town Clerk Daniel Healey stated that a house bill on audits has already failed twice, that it should not be done, and that he would be informing Deputy Secretary of State David Scanlan of Mary's intentions. Mary argued that law does not apply to town elections and that she has not heard a response back from the attorney general's office as of the meeting. Chairman Chirichiello asked Mary what she

gathered from the first audit/recount and she stated that the machines were working as intended.

Town Administrator's Report – David Caron

Anne Struthers was appointed the Economic Development Coordinator. She thanked the town council and town administrator and said that she was honored to be here.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-015, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Resolution attached
Roll Call Vote 7-0-0**

The town received 7 packets from Buxton on potential retailers. There was an NHDOT meeting on Exit 4A that the town administrator and Mike Fowler attended regarding environmental impact. That study is expected to be completed by late summer or early fall of 2018. There are new collective bargaining agreements with 7 units in town and as a result health plans were adjusted. At the next council meeting on March 21st, the 5 year impact will be reviewed. \$237,000 from FY2017 budget will be placed into the health plan fund. The council has spent 1.997 million in allocated fund balance in FY2017.

**Public Forum - *30 Minutes*
Open Public Forum – all agreed**

Marc Flattes: Linlew Dr – Thanked Councilor Fischer for his hard work on the council. Would like to formally protest Mary Till's audit. Questioned who would be transporting the ballots.

Ernest St. Pierre: Sunset Ave – Questioned the unassigned fund balance and would like a simpler version made available. Thanked Councilor Fischer for his service. Thanked Councilor Bourdon for his work on the council and for being transparent. Said he hoped to see him up there in a few weeks.

Eleanor Sarcione: Chester Rd – Thanked David Fischer and said he is greatly appreciated. Would like members of the council to put more energy into saving tax dollars especially for the elderly residents.

Steve Trefethen: Windham, NH – Derry is very fortunate to have experienced people volunteering and running for positions in town. Thanked Councilor Fischer.

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

Public Hearings

17-21 Exit 4A Environmental Impact Statement – authorization to reassign funds from a supplemental appropriation

Director of Public Works Mike Fowler presented the Exit 4A Environmental Impact Statement. NHDOT, Derry, and Londonderry worked to negotiate a scope and fee agreement for Amendment #7 with CLD in the amount of \$2,333,197, with Derry's 50% cost share of \$1,116,598. Amendment #7 will address a number of topics including base mapping, traffic studies, air quality, noise mitigation, water quality technical reports, historic and cultural

resource review. The extensive level of detail was deemed necessary as a result of feedback received by the consultant team and NHDOT. NHDOT is concurrently reviewing CLD's work product and providing feedback to CLD. NHDOT has brought forward a cost proposal of \$200,000 with Derry's share of \$100,000.

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

No one from the public spoke.

Motion by Councilor Morgan to close public hearing, seconded by Councilor Fischer – all agreed

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-013, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan
Resolution attached
Roll Call Vote 7-0-0

17-22 Authorization to Reassign Bridge Improvement Funds

Director of Public Works Mike Fowler presented the Authorization to Reassign Bridge Improvement Funds. NHDOT has stepped forward to actively promote the construction of the Exit 4A project at a total cost of \$53.5 million. The two referenced projects are within the construction area and NHDOT would likely be addressing these locations under the construction funds for the Exit 4A project. Staff is seeking to reassign these funds to design and construct the following culvert replacements. FY18 – North Shore Road – Beaver Lake - \$375,000 and FY20 – North Shore Road – Island Pond - \$485,000. Both projects are eligible for the NHDOT Bridge Aid program which reimburses 80% of design costs or \$128,000.

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

Ernest St. Pierre: Sunset Ave – Questioned what culverts would be improved and was told that the Sunset Ave culvert is on the list and would be moved up once these culverts are completed.

Motion by Councilor Morgan to close public hearing, seconded by Councilor Bourdon – all agreed

Councilor Bourdon MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-014, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan
Resolution attached
Roll Call Vote 7-0-0

New Business

17-27 Derry Municipal Water System Franchise Extension: Lorden Commons Londonderry, NH

Director of Public Works Mike Fowler and Deputy Director of Public Works Tom Carrier presented the Derry Municipal Water System Franchise Extension. Jason Lopez of Keach-Nordstrom contacted Derry on behalf of his client, Lorden Commons, who is developing +/- 85 residential homes off Old Manchester Road (Old Derry Road in Londonderry) approximately 1,400 feet beyond the Derry/Londonderry town line. They are interested in extending Derry's

public water to service this development. This proposed main extension is consistent with Derry Water System Master Plan's future second interconnection between Derry and Manchester Water Works. Pennichuck Water Works, who presently has the rights to sell water in this part of Londonderry, indicated that they would be agreeable to releasing this area to Derry from their Londonderry franchise. This would require approval by the Towns of Derry and Londonderry, Pennichuck Water Works and the NH Public Utilities Commission.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-016, which reads as follows [Read the Resolution], seconded by Councilor Bourdon
Resolution attached
Roll Call Vote 7-0-0

17-28 Withdrawal from Land and Buildings Improvement Fund for Community Center Sign

There is currently an older sign at the Derry Opera house which requires staff to manually post announcements. With the installation of an electronic message board, multiple Opera House events, as well as notices of public meetings and hearings which are held throughout the community, could be programmed and scrolled to alert motorists and pedestrians along West Broadway. The council question the design and are shown a sketch of what it would look like.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-017, which reads as follows [Read the Resolution], seconded by Councilor Bourdon
Resolution attached
Roll Call Vote 7-0-0

Council Requests / Open Discussion

Chairman Chirichiello – Wished Councilor Fischer good luck in the future. Presented him with his Councilor picture, name plate and a bottle of champagne. Expressed his gratitude to the council and appreciates everyone, their feedback, and accomplishments.

Councilor Fischer – Appreciated the opportunity over the past 3 years to work with all of the councilors. Wishes this council, the new council and the town administrator best wishes in the future.

Councilor Katsakiores – It's been a delight working with Councilor Fischer and she hopes to see him in church. Wishes him the best. The Finance Committee from Concord held a public meeting in Derry last night, they thanked Derry for allowing them to use the facility. The meeting was very successful.

Councilor Bourdon – Thanked Councilor Fischer for his service.

Councilor Foote – Thanked Councilor Fischer. Welcomed Anne Struthers to the town.

Councilor Tripp – Said it's going to be interesting having someone else sitting next to him. Thanked Councilor Fischer. Informed the residents that the election is next Tuesday and everyone should take the time to go out and vote. Stated that the Derry Public Library Trustees meeting needs a new liaison. They have a lot of things going on including a briefing on Medicare 101 on May 15th at 1pm in the afternoon.

Councilor Morgan – Thanked Councilor Fischer for a great year and said he has learned a lot from him. The Derry Veteran's assistance fund has raised close to \$53,000. The gentleman's house will be torn down this weekend and volunteers will start building a new house. It has been a very good year for Derry. There is a .01 cent reduction in taxes and services have been added and economic development is improving. Councilor Morgan suggested a Master Lease program that has also saved money. In one year Councilor Bourdon and Morgan have raised over \$75,000 in donations. Said that Councilor Fischer will be missed.

Adjournment: 9:05 p.m.



Town Clerk

3-31-17
Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2017-015

To Confirm the Appointment of the
Economic Development Coordinator

WHEREAS, Section 8.6(B) of the Town Charter requires that the Town Council confirm the appointment of officers and employees who report directly to the Town Administrator; and

WHEREAS, the Council previously concurred to support the funding and hiring of a full-time Economic Development Coordinator to assist the Council with its primary goal of enhancing economic development opportunities throughout the community; and

WHEREAS, after a comprehensive search involving stakeholders in the economic development process, 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 Anne Struthers as Economic Development Coordinator is hereby confirmed.

This Resolution shall take effect immediately upon its passage.

Adopted: March 7, 2017.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 3-7-17

x Daniel Healey

Daniel Healey, Town Clerk

Date: 3-7-17

Archival Ref: TC agenda – Town Administrator's Report



RESOLUTION

Number 2017-013

To Transfer Funds from Amendment #7 to the Environmental Impact
Statement Consulting Contract for NHDOT Professional Services
Related to the Interstate 93 Exit 4A Project

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, advancement to construction of the Interstate 93 Exit 4A project is a priority of the Council toward which the Council is required by Agreement with NHDOT to invest a maximum amount of \$5,000,000 into the project; and

WHEREAS, the Council previously approved an Amendment to the EIS Consulting Contract to advance the project; and

WHEREAS, the Agreement with NHDOT requires the Town to fund its proportionate share of NHDOT Professional Services associated with this project, all within the Town's \$5.0M investment cap;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) is hereby repurposed from the \$1,116,598 supplemental appropriation approved by the Council on June 7, 2016 to fund NHDOT Professional Services.

This Resolution has been adopted by a two-thirds majority of the Council as required by Charter and shall take effect immediately upon its passage.

Adopted: March 7, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 3-7-17

x Daniel Healey

Daniel Healey, Town Clerk

Date: 3-7-17

Archival Ref: TC agenda item #17-21



RESOLUTION

Number 2017-014

To Reassign Bridge Improvement Funds for
North Shore Culvert Replacements

WHEREAS, the Town Charter establishes the Town Council as the appropriating authority of the Town and as such it is empowered by Section 9.6 of the Charter to make supplemental appropriations after the annual budget is adopted; and

WHEREAS, the Town Council established a Bridge Improvement Fund on May 3, 2011 and further identified the replacement of the North High Street/Folsom Road bridge and the Tsienneto Road culvert near Rte. 102 as projects initially to be funded; and

WHEREAS, it is anticipated that the Exit 4A project will address deficiencies with those two structures, thus making available current and scheduled reimbursement funds in the amount of \$775,783; and

WHEREAS, the Town is best served by reassigning these funds for replacement of culverts on North Shore Road at Beaver Lake and Island Pond;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the current cash balance of \$595,783 in the Bridge Replacement Fund, along with any promised and anticipated NHDOT Bridge Aid Reimbursement funds, are hereby reassigned for replacement of culverts on North Shore Road at Beaver Lake and Island Pond.

This Resolution has been adopted by a two-thirds majority of the Council as required by Charter and shall take effect immediately upon its passage.

Adopted: March 7, 2016.

Attest:

x Brian Chirichello

Brian Chirichello, Council Chair

Date: 3-7-17

x Daniel Healey

Daniel Healey, Town Clerk

Date: 3-7-17

Archival Ref: TC agenda Item #17-22



RESOLUTION

Number 2017-016

To Authorize the Extension of the Derry Water System

WHEREAS, RSA 38:17 authorizes the Town Council to enter into a supply contract for the purposes of supplying water from the Derry Water Department; and

WHEREAS, the Town has approached by a development in Londonderry seeking to connect to the Derry water system; and


WHEREAS, analysis by the Department of Public Works indicates that said connection will increase the capital and operating revenues to the system, address future infrastructure requirements and not adversely impact the system's ability to serve current and future Derry water customers;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, acting as Water Commissioners, that the Town Administrator is authorized to negotiate the extension of the Derry water system into Londonderry to service Lorden Commons, Old Derry Road, Londonderry, including executing all necessary agreements and approvals with other stakeholders, including but not limited to the Town of Londonderry, Pennichuck Water Works and the NH Public Utilities Commission.

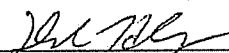
This Resolution shall take effect upon its passage.

Adopted: March 7, 2017

Attest:

x 

Brian Chirichiello, Council Chair
Date: 3-7-17

x 

Daniel Healey, Town Clerk
Date: 3-7-17

Archival Ref: TC agenda item #17-27



RESOLUTION

Number 2017-017

To Approve and Fund New Signage at the Adams Memorial
Building

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town, thereby empowering the Council to expend from Capital Reserve Funds; and

WHEREAS, the Derry Arts Council and the Town have been seeking ways to better promote meetings, activities and events at the Opera House and throughout the community, and provide additional opportunities to alert the public to emergencies and other hazards; and

WHEREAS, the Adams Memorial Opera House is strategically located along West Broadway, the gateway to downtown commerce and arts; and

WHEREAS, the cost to install electronic signage does not require an additional appropriation, as funds have been previously appropriated to the Land and Buildings Capital Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to withdraw up to \$17,000 from the Land and Buildings Capital Reserve Fund for the purchase and installation of an electronic sign at the Adams Memorial Opera House, and to execute all necessary documents and permits to effectuate this Resolution.

This Resolution shall take effect immediately upon its passage.

Adopted: March 7, 2017.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 3-7-17

x Daniel Healey

Daniel Healey, Town Clerk

Date: 3-7-17

Archival Ref: TC agenda Item #17-28