TOWN OF DERRY

Town Council Derry Municipal Center

July 16, 2019 Tuesday - 7:00 PM

6:00 PM	Non-Meeting with Cable Counsel - RSA 91A:2 l.(b)
6:30 PM	Non-Public Session – RSA 91A:3 II (d)

7:00 PM Call to order

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

Councilor Tripp moves to seal RSA 91A:3 II (d), seconded by Councilor Katsakiores – all agreed

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

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

Present: TA David Caron, Town Clerk Daniel Healey

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

Marc Flattes: Linlew Dr – Believes some of the parks and fields improvements should fall more on the SAU side and not that Town side.

Mark Connors: Cabot Dr – Would like the council to review the past zoning board meeting and the statue used for accessory dwelling units. Asked the council if they could see if there is a way for Derry residents to get onto Big Island Pond.

Councilor Morgan moves to extend Mr. Connors time, seconded by Councilor Chirichiello – all agreed

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

Consent Agenda

- 19-72 Approve Non-Public Minutes June 18, 2019 minutes sealed
- **19-73** Approve Minutes June 18, 2019
- **19-74** Resolution #2019-038 Supplemental Appropriation Façade Improvement
- **19-75** Resolution #2019-041 Authorize a long-term land lease at the landfill
- **19-76** Ordinance #2019-005 Amend Traffic Ordinance to prohibit parking on a section of Martin Street
- **19-77** Ordinance #2019-006 Amend Chapter 5, Article V of the Municipal Code, Disposition of Town Property
- **19-78** Acceptance of resignations Economic Development Advisory Committee **Consent agenda approved**

Chairman's Report - Neil Wetherbee

Congratulated the Greater Derry Londonderry Chamber of Commerce and Rockingham Brewing Company on Rockingham Brewing Company's expansion and ribbon cutting ceremony. Pizzastock 3 will take place Saturday, July 20, 2019 from 12 PM – 8 PM at MacGregor Park. There will be live music, pizza, games, community, and information on mental wellness / suicide prevention.

Chairman Wetherbee moves to appoint Kathryn Coyle as a member of the Economic Development Advisory Committee for a 2 year term to expire March 31, 2021, no second Motion fails

Town Administrator's Report - David Caron

A division of UNH will be conducting the Recreation Study and the contract is estimated to be around \$10,000. A stronger blight ordinance is proposed, and information is in the councilor's packets, more information could come up at the goals workshop. There will be a public hearing regarding the solar landfill project scheduled for August 13th. The town has filed suit against the business owner on Central Avenue that is storing too many unregistered cars and they should be coming to an agreement with the property owner shorty. Hood Pond is currently drained and will be filling back up on Friday July 19th. The Town will be rebidding repairs as the quotes came back too high.

Public Hearings – (Informational Packets were available at the back of the room for all public hearings)

19-69 Resolution #2019-037 – Apply for and accept AFG Grant for Fire Department SCBA – *Fire Chief Mike Gagnon presenting*

The Fire Department is requesting permission to apply for an Assistance to Firefighters Grant (AFG) through the U.S. Department of Homeland Security. The amount of this grant request is approximately \$700,000 with a 10% cost share. The Town's cost share would be funded through the capital improvement fund. If awarded, this grant funding would support the replacement of 46 self-contained breathing apparatus (SCBA), 26 additional regulators, 92 air cylinders, 80 face pieces, two rapid intervention team (RIT) air packs and the air cylinder refilling station. The current equipment is at the end of its life cycle and is not compliant with current National Fire Protection Association (NFPA) safety standards.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-037, which reads as follows [Read the Resolution], seconded by Councilor Tripp Roll Call Vote: 6-0-0 Resolution attached

19-79 Resolution #2019-042 – Authorization to apply for Community Development Block Grand funding for energy savings and other Improvements for properties owned and operated by the Derry Housing and Redevelopment Authority – CDBG Administrator Donna Lane presenting

Donna Lane: "Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority (CDFA). Up to \$500,000 annually is available for economic development, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available per feasibility study grants. All projects must directly benefit a majority of low and moderate income persons. This is a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The town will retain up to \$25,000 for administrative expenses and the remainder will be used for upgrades including energy savings improvements, and other improvements that may include new heating systems, new roofs, new siding and repaving of the tenant parking lots and walkways to the VCK Apartment Complex residential units and common areas at 17 Peabody Rd. and 1 and 3 Peabody Rd. Annex, Derry, NH. 03038, owned and operated by the Derry Housing and Redevelopment Authority (DHRA), 29 West Broadway, Derry, NH. 03038. All units within the VCK Apartment Complex are rented to low income/ disabled residents of Derry. This project conforms with Derry's Housing and Community Development Plan's Goal of: Housing - Encourage a varied stock of safe, sanitary, decent and affordable housing for persons of all age and income groups. (Short-term and Longterm goal)."

The Town was recently notified that funds are available during this round for activities proposed under this grant. Derry Housing and Redevelopment Authority owns and operates 27 units for low-moderate income and disabled residents. DHRA also administers 115 Section 8 Housing vouchers. In order to receive grant funding, the proposed use must benefit primarily low to moderate income persons. The grant would be used to fund energy savings and other improvements to the units owned by DHRA. As required by grant rules, the Town needs to act as the grant recipient, with DHRA as the sub-grantee; DHRA would be responsible for grant implementation, and the Town would retain Donna Lane as the grant administrator who is compensated from grant proceeds. No town funds are being requested for this grant - up to \$500,000 may be provided by the Community Development Finance Authority (CDFA), of which up to \$25,000 would be reserved for grant administration expenses.

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

No one from the public spoke.

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

19-80 Residential Antidisplacement and Relocation Assistance Plan – *CDBG Administrator Donna Lane presenting*

This Plan states in general, that if the Town were to undertake a CDBG project which involved displacement and resulting relocation they would follow the Uniform Relocation Act requirements. The Residential Antidisplacement and Relocation Assistance Plan outlines the

measures they would take to find comparable, housing for persons (or businesses) displaced and/or relocated.

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

No one from the public spoke.

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

19-81 Presentation of the results of the Abbott Court CDBG Study. The study was conducted to determine the cost and potential funding for the development of town-owned properties known as Abbott Court in Derry. A potential use for the property may include culinary industry-based training primarily low-and-moderate-income persons – CDBG Administrator Donna Lane and Economic Development Coordinator Bev Donovan presenting

A study, partially funded with CDBG funding, was contracted with TF Moran to include development and financial feasibility analysis for a proposed innovation/training/entrepreneurial center at Abbott Court. The goal is to develop the town-owned properties. TF Moran was asked to segregate three potential pieces of a larger project. The primary project is a 5-6 story building for 50-60K square feet to include retail, culinary training, medical training, classroom and office/flexible meeting space, as well as a commissary/USDA kitchen/food storage and public parking. The range from low to high for this project is between \$5,250,000 and \$6,562,500 for the shell, with fit out range from \$550,000 to \$750,000 (not including specific tenant needs, which could range from \$650,000 to \$5,400,000, costs to be borne by the tenants). The facility would act as a career/job center/incubator/educational center and offer a revolving test kitchen and retail space for the public. The second aspect of the project is a potential parking garage for 150+ cars, with a range between \$3,300,000 and \$4,125,000. Lastly, a separate apartment building was estimated to cost between \$600,000 and \$870,000. Adding underground parking to potentially enhance/maximize the property would add \$550,000 to \$687,500 to the cost.

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

Marc Flattes: Linlew Dr – Does not believe that the parking garage will be part of the grant and questions if the Town could afford to take on a project like this. Believes additional Town employees would need to be hired to maintain the building.

Tom Cardon: Cunningham Dr – Questioned if the site has been marketed.

Steve Trefethen: Windham, NH – Does not believe the initial estimated numbers add up and is worried about that.

Motion by Councilor Chirichiello to close public hearing, seconded by Councilor Tripp – all agreed

Councilor Chirichiello moves to adopt the Residential Antidisplacement and Relocation Assistance Plan, seconded by Councilor Tripp

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Roll Call Vote: 6-0-0

Councilor Chirichiello moves to approve the submittal of the application and vote to authorize the Town Administrator to sign and submit the CDBG application, and upon approval of the CDBG application, authorize the Town Administrator to execute any documents which may be necessary to effectuate the CDBG contract, and any amendments thereto, seconded by Councilor Morgan

Roll Call Vote: 6-0-0

New Business

19-82 Resolution #2019-043 – Amend the Town's General Assistance Guidelines – *Town Administrator Dave Caron presenting*

The Town has long adopted guidelines to assist the Town with processing requests for General Assistance. The Town has relied upon two documents from the New Hampshire Municipal Association to guide its process, The Art of Welfare Administration (2016) and the New Hampshire Model Welfare Guidelines for Welfare Administrators (2012). Periodically, changes in law and nomenclature require that the guidelines be updated. In addition, the guidelines should reflect current economic conditions thus, the allowances for items such as rental housing has been adjusted.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-043, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores Roll Call Vote: 6-0-0 Resolution attached

19-83 Resolution #2019-044 – Human Services Administration Contract with Community Health Services - Town Administrator Dave Caron presenting In FY19 the Town Council approved a proposal to contract for General Assistance Services. The Town contracted with Community Health Services, one of the Town's social services partners which also provides General Assistance services to the Towns of Londonderry and Hampstead. The Town originally signed a 13 month agreement which expires on August 31, 2019. As both the Town and CHS worked through the first year of this partnership, it became evident that clients were in significant need of case management services. These services are designed to assist clients with life management skills in order to attain self-sufficiency and reduce/eliminate reliance upon social services and Town general assistance resources. In FY19, CHS conducted over 250 case management appointments; the time involved with these appointments is significant, however, the corresponding reduction in general assistance payments is even greater. Although CHS performed to the Town's Agreement and administered the program according to the Town's General Assistance Guidelines, the Town did not receive any appeals of those decisions which are known as Fair Hearing requests. The Town level funded its Human Services budget from FY19 to FY20 at \$282,845, which includes \$88,900 in support to the Town's social service agency partners. Due to the heavy investment into case management services, the administrative portion of this contract is proposed to be increased to \$8,750 per month, resulting in an increase of \$20,625 for FY20. These funds are available in the overall Human Services budget and can be transferred to the appropriate line item by the Town Administrator pursuant to Section 9.7 of the Town Charter.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-044, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores

Roll Call Vote: 6-0-0 Resolution attached

19-84 Resolution #2019-045 – Transfer Timber Tax revenues to Conservation Commission – *Town Administrator Dave Caron presenting*

Timber Tax revenues are recognized in the General Fund as a tax. In this specific receipt of funds, the harvest was done on conservation property. Based on the property being in the custody of the Conservation Commission, authorization for a change in revenue recognition is being requested. A harvest was completed at the Doolittle Conservation area. A check was received in the amount of \$9,119.19 in June 2019. The Town's practice is to account for Timber Tax Receipts in the General Fund as a "tax". Given this harvest was done on conservation land, authorization for a deviation in practice is being requested to have the funds received be in the receipt of the Conservation Commission.

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-045, which reads as follows [Read the Resolution], seconded by Councilor Bourdon Roll Call Vote: 6-0-0 Resolution attached

19-85 Resolution #2019-046 – Transfer funds to finalize FY 2019 Budget – *Chief Financial Officer Susan Hickey presenting*

In September 2012 Charter Section 9.7 entitled Transfer of Appropriations was amended indicating that with a majority of the Town Council, the Town Administrator may transfer any unencumbered appropriation balance or any portion thereof from one department to another. During FY19, salary and overtime expenditures for Community Development related activities were expended by the Planning Department creating an over expenditure in the Planning Department of approximately \$8,500. Community Development incurred a portion of these expenditures therefore, the overage is available in Community Development to be transferred to the Planning Department. Additionally, increased development activity has resulted in an over-expenditure of account #310 in the Planning Department budget, Engineering Fees. After reviewing expenditures through June 30, 2019, it has been confirmed that the balance of \$8,500 is available to be transferred from Community Development Account #110 Wages, #120 Overtime and #390 Other Professional Services to the Planning Department Account #110 Wages, #120 Overtime and #310 Engineering Fees to cover all expenditures required of that department for their essential functions.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-046, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores Roll Call Vote: 6-0-0 Resolution attached

19-86 Resolution #2019-047 – Fund Improvements from the Expendable Maintenance Trust Fund for Buildings and Grounds – *Chief Financial Officer Susan Hickey presenting*

The Town has incurred expenses during the FY19 year, which now require the Town Council as the agents to expend to authorize those expenditures be funded by the Expendable Maintenance Trust Fund. Specifically, projects include carpet replacement in the Derry Municipal Center (DMC) 3rd floor meeting room (\$14,600), replacement of the AC unit at the DMC server room (\$22,300), costs for a storage facility for fire equipment (\$113,828) and a generator for the fire station (\$38,717). The total amount expended for building and ground

improvements at various town facilities during FY19 is \$189,445.00. It is these funds that are being recommended to be paid from the Expendable Maintenance Trust Fund.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-047, which reads as follows [Read the Resolution], seconded by Councilor Katsakiores Roll Call Vote: 6-0-0 Resolution attached

19-87 Resolution #2019-048 – Fund expenses from the Compensated Absences Capital Reserve Fund – Chief Financial Officer Susan Hickey presenting
The Town Council created a Compensated Absences Capital Reserve Fund in June 1997. The purpose of the fund is to pay for the Town's obligation to its employees to receive compensation for vested accumulated leave. The Town has incurred expenses during the FY19 year, which now require the Town Council as the agents to expend to authorize those expenditures be funded by the Compensated Absences Capital Reserve Fund. The amount expended for employees separating from the Town is \$268,687.29. The transferred funds would offset Other Municipal Obligations Account #190 Earned Time Payout. The total amount expended for Earned Time Payouts due to employee separations during FY19 is \$268,687.29. It is these funds that are being recommended to be paid from the Compensated Absences Capital Reserve Fund.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2019-048, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores Roll Call Vote: 6-0-0 Resolution attached

Councilor Comments

Councilor Tripp – Appreciates having the solar display monitor in the entryway of the Municipal center but it doesn't seem to always work.

Adjournment: 8:30 p.m.

Recording & Transcription by: Daniel Healey, Town Clerk



Number 2019-037

To Apply for and Accept Grant Funding to Replace Self-Contained Breathing Apparatus for the Fire Department

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 Federal Governments; and

WHEREAS, the self-contained breathing apparatus (SCBA) is a critical piece of safety equipment for our firefighters; and

WHEREAS, the Department's current inventory is twelve years old, subject to frequent repairs and is need of replacement; and

WHEREAS, a grant opportunity may provide 90% of the funding for this program;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to sign Grant Applications and Agreements with the U.S. Department of Homeland Security for an Assistance to Firefighters Grant (AFG) for up to \$700,000 in project funding to replace SCBA equipment; further,

UPON successful receipt of the grant, as Agents to Expend, authorize the transfer of up to \$70,000 from the Fire Department Capital Reserve fund to provide the 10% local match.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Neil Wetherbee, Council Chair

Date: 7-16-19

Paniel Healey, Town Clerk

Date: __

Archival Ref:

TC agenda item #19-69



Number 2019-043

To Amend the Town's General Assistance Guidelines

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

WHEREAS, RSA 165 requires the Town to relieve and maintain any person in town who is unable to support himself; and

WHEREAS, the Town Council previously adopted General Assistance Guidelines to provide direction and guidance during the administration of general assistance; and

WHEREAS, the Guidelines require updating to reflect changes in cost of living expenses and other procedures as guided by state law or court rulings;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Council hereby adopts the Town of Derry General Assistance Guidelines dated July 16, 2019.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Attest:

Neil Wetherbee, Council Chair

Date: 7-16-19

Daniel Healey, Town Clerk

Archival Ref: Agenda Item #19-82



Number 2019-044

To Enter into an Intermunicipal Agreement with Community Health Services for General Assistance Administration

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

WHEREAS, RSA 165 requires the Town to relieve and maintain any person in town who is unable to support himself; and

WHEREAS, the Town Council previously approved a proposal to contract with Community Health Services (CHS) to provide this service on behalf of the Town; and

WHEREAS, the relationship between the Town and CHS has been productive and includes case management services which are designed to assist general assistance clients towards a path of self-sustainability;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to execute the Agreement to provide General Assistance and case management services with Community Health Services.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Attest:

Neil Wetherbee, Council Chair

Date: 7-16-19

Daniel Healey, Town Clerk

Daniel Healey, Town Ci

Archival Ref: Agenda Item #19-83



Number 2019-045

To Authorize Timber Tax Revenues to be Deposited into the Conservation Fund

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

WHEREAS, receipts of timber tax revenues are customarily deposited into the Town's General Fund; and

WHEREAS, the Town generated funds from a timber sale on conservation land; and

WHEREAS, it is appropriate for revenues generated on conservation land to remain in the Conservation Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to deposit \$9,119.19 in proceeds from a timber harvest on the Doolittle Conservation property into the Conservation Fund.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Attest:

Neil Wetherbee, Council Chair

Date: 7-16-19

Daniel Healey, Town Cleri

Data: 7/6/1

Archival Ref: TC agenda item #19-84



Number 2019-046

To Transfer Funds to Finalize the FY 19 Budget

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

WHEREAS, the Planning Department incurred extraordinary expenses due to an increased level of development activity in Derry; and

WHEREAS, Planning Board administrative staff is shared with the Economic Development Department; and

WHEREAS, a transfer is appropriate and required under Section 9.7 of the Charter to fund the Planning Department over-expenditure;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is authorized to transfer the sum of Eight Thousand Five Hundred Dollars (\$8,500), from the FY 19 Economic Development budget, #110 Wages, #120 Overtime #390 Other Professional Services to the Planning Department budget #110 Wages, #120 Overtime #310 Engineering Fees.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Attest:

Neil Wetherbee, Council Chair

Date: 7-16-19

Daniel Healey, Town Clerk

Date: 7-16-14

Archival Ref: Agenda Item #19-85



Resolution #2019-047

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 improvements and major repairs to town facilities as may be identified during the annual budget process; and

WHEREAS, the Town has incurred expenses during the execution of the FY 19 Budget, which require transfers from the Expendable Maintenance Trust Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council, as agents to expend, hereby authorizes the withdrawal of One Hundred Eighty-Nine Thousand, Four Hundred Forty-Five Dollars (\$189,445.00) from the Expendable Maintenance Trust Fund for Buildings and Grounds for payment of the repairs and improvements as listed on the attached summary.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Neil Wetherbee, Council Chair

Date: ____7-16-14

Attest:

Daniel Healey, Town Clerk

Date: 7-16-19

Archival Ref:

FY19 Project Expenditures:

Total Expended

DMC 3 rd Floor Meeting Room Carpet	\$ 14,600.00
AC Unit at DMC Server Room	\$ 22,300.00
Fire Dept. Storage Building at DPW Facility	\$113,828.00
Generator Replacement at Hampstead Road	\$ 38,717.00

\$189,445.00

Archival Ref:



Resolution #2019-048

To Fund Expenses from the Compensated Absences Capital Reserve Fund

WHEREAS, the Town Council created a Compensated Absences Capital Reserve Fund in 1997; and,

WHEREAS, the purpose of the fund is to pay for the Town's obligation to its employees for vested accumulated leave upon separation; and

WHEREAS, several long-tenured employees retired from town service in FY 19; and,

WHEREAS, transfer of funds from Compensated Absences will stabilize the impact of end-of-service payments on the Town's General Fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Council, as agents to expend, hereby authorizes the withdrawal of Two Hundred Sixty-Eight Thousand, Six Hundred Eighty-Seven Dollars and Twenty-Nine Cents (\$268,687.29) from the Compensated Absences Capital Reserve Fund to fund end-of-service accumulated leave obligations.

This Resolution shall take effect immediately upon its passage.

Adopted: July 16, 2019

Neil Wetherbee, Council Chair

Date: 7-/6-/9

Daniel Healey, Town Cleri

Date: 7-/6-/9

Archival Ref:

FY19 Project Expenditures:

4,600.00
2,300.00
.3,828.00
8,717.00

Total Expended

\$189,445.00

Archival Ref: