

**TOWN OF DERRY**

**Town Council  
Derry Municipal Center**

**September 20, 2016  
Tuesday - 7:30 PM**

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**6:30 PM      Non-Public Session RSA 91A:3 II (c)  
7:15 PM      Consultation with legal counsel (not open to the public)**

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

**Councilor Tripp moves to seal RSA 91A:3 II (c), seconded by Councilor Morgan – 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: ATA Stephen Daly, CFO Susan Hickey Town Clerk Daniel Healey

**Consent Agenda**

**16-121 Approve Minutes – September 6, 2016**

**16-122 Approve Non-Public Minutes – September 6, 2016 – minutes sealed**

**Consent agenda approved (Councilor Morgan abstained)**

**Chairman's Report – Brian Chirichiello**

Thanked all the primary workers and volunteers. Derryfest last Saturday was a huge success with more vendors than ever and it was a nice, sunny day. Residents may register to vote Saturday September 24<sup>th</sup> from 10am to 2pm at the Derry Public Library. Name changes, change of addresses and party affiliation will also be allowed.

**Liaison Reports -**

**Councilor Tripp:**

Audit Committee – Have not met since March, expect to meet before the delivery of the audit.

**Councilor Morgan:**

Economic Development Advisory Committee – The lot adjacent from Linlew is under agreement with Chrysler Corporation, there will be about 50 employees and the project should be completed within a few years. The council is voting on Buxton later on tonight. There have been 6 replies to the ad posted for an Economic Development manager, and a recommendation should be made by the October meeting. The EDAC is looking at doing a survey with the council's permission.

Building & Property Maintenance Committee – Moving well to get properties off of the list. There were more contaminants found at 19 Elm Street so the EPA has come back. About 4 feet of soil

will be removed from a specific area and then it will be backfilled. DPW will come for a recommendation on the site to get it to a more pleasantly viewable condition, but the delay has been because of the EPA. With the chemicals in the building and the ground soil, it is about a 350k-400k expense that the EPA is taking on. There are about 6 properties ready for deeding which would be around 200k in revenue.

Councilor Bourdon:

Health & Human Services – 6 months ago Health & Human Services was at their peak for people under the influence of drugs and alcohol. That number has declined. They are offering help earlier, using a more proactive approach and are offering budget assistance.

Energy Committee – They have been working closely with the SNH planning committee on a Solar Up project and a press release should be coming out in the next few weeks. The energy committee is currently working on creating awareness for an event called Button Up and at some point in October an expert will be invited in to give advice on residential energy efficiency.

Net Zero Task Force – In first 6 months they have adopted a common tool which is the Energy Star Portfolio Manager (ESPM) to help with benchmarking and evaluation of all school and town buildings. The Net Zero Task Force has cataloged all state, federal, and utility subsidies available for clean energy projects.

Councilor Foote:

Taylor Library – Added to the NH State Historical register and received an invite to the NH Preservation Alliance. The Trustees for the Taylor Library will be training for Munis. The library will be closed over Columbus Day, October 9<sup>th</sup> and 10<sup>th</sup>. Polar Express will be happening December 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> and the library has just opened up on Sunday for story hour.

Planning Board – The SNH Planning Commission put on a dinner and Derry planning director George Sioras received a community and regional planning award for all his hard work over the years. Some members of the Planning Board have been taking the NH Municipal Associations legal classes. Cowbell Corner is now open. The old Pizza Hut is being redeveloped with Nestle Tollhouse café looking at the property.

Conservation Committee – Recent purchase in West Derry on Willow Street. Broadview Gardens has had a toll taken due to the drought. There have been several site reviews for subdivisions.

Housing & Redevelopment – Status quo.

Councilor Katsakiores:

Heritage Commission – There was an open house at Derryfest and it was very successful. Just added more display for the Alan Shepard memorial. Working and talking with Londonderry for the centennial that will be coming up. There is a vacancy on the board if anyone is interested.

Chairman Chirichiello – Next Tuesday at 7pm DOT will be discussing Exit 4A in the 3<sup>rd</sup> floor meeting room.

#### **Town Administrator's Report – Stephen Daly**

Thanked the Fire Department, Police Department and Department of Public Works for their election work. The contractor broke ground on the Route 28 water project. Construction started

September 6<sup>th</sup> and work on Frost Rd, Lawrence Rd and Stark Rd will be done this fall. Construction on Route 28 and Blunt Drive will begin in April. For the Economic Development Manager, there are 6 candidates that are being reviewed by a team of people and a result at the next meeting is likely. There are two proposals for the business attraction services contract. The two are Buxton and Camoin Corporation. Both organizations are being reviewed and under the Charter it will be the Town Administrator's decision. There is a project underway to get an inventory of all the boards and committees, their origin, membership, whether the meetings need to be done in public, and their standards, procedures, and policies. The Caras property at 7.5 Willow Street needs to come back before the council to formally transfer the funds. The funds have been set aside. Derry abides by a contract with Manchester Water Works and currently there are no water restrictions in Derry. The only concern may be private wells.

### **Public Forum - \*30 Minutes\***

#### **Open Public Forum – all agreed**

Marc Flattes: Linlew Drive – Wanted to know the status of his petitions. Questioned the changes in the results from the election and the transportation of ballots.

Mark Osborne: Cardinal Circle – Asked questions regarding the Town Administrator search and would like to know the process and the timeline.

Tom Cardon: Cunningham Drive – Said that members of the town council should not touch ballots. Did not understand the moderator audit. Thought that the election results were a mess and has concerns for the general election.

Janet Fairbanks: Rose Ave – Asked if the Town Administrator search was being done in non-public.

Ernest St. Pierre: Sunset Ave – Stated that some of the people that spoke tonight were embarrassing to the Town. Had a few questions on Mr. Flattes' petition.

Katherine Prudhomme-O'Brien: Beacon Hill Rd - Had some concerns over the AP's reporting of election results. Did not agree with the moderator working an election when on the ballot and read a letter she submitted to the ballot commission.

Jeff Moulton: Taylor Brook Lane – The fire code updates are a good idea with all the fees being put in one place but would like a nuisance call added to the fee list.

#### **Katsakiores to close public forum, seconded by Councilor Foote – all agreed**

### **Old Business**

#### **16-98 Town Code Update – Chapter 51: Fire Prevention**

Fire Chief Mike Gagnon and Assistant Fire Chief Scott Jackson presented the amended Fire code. The AED language has been removed and the appeals have been clarified. Councilor Tripp questioned if copies of the fire code are available at all fire stations and he was told that they are. He would also like to see a definitions section to better explain some of the terminology used and felt that some sections could use more information for the public to better understand the meaning. The size of elevators in town compared to the fire department cot size was questioned. Councilor Fischer asked if there was a fee for false alarms and was told no. Councilor Morgan questioned the process of ordinances and how often they are followed up on. He was told there are annual inspections and logs are kept on the inspection reports. Councilor

Bourdon asked how long Assistant Fire Chief Scott Jackson has been working on codes and was told 25 years.

**Councilor Foote MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-002, which reads as follows [*Read the Resolution*], seconded by Councilor Bourdon**  
**Roll Call Vote 6-1-0 (Councilor Tripp)**  
**Resolution attached**

**16-107 Approval of Town of Derry Investment Policy**  
The Finance Committee reviews the investment policy annually for any changes; either in material content or references to RSA's and updated policies. Once the committee votes on the suggested changes, the Town Council is presented with the policy for reaffirmation or adoption as amended.

**Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-024, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores**  
**Roll Call Vote 7-0-0**  
**Resolution attached**

#### **New Business**

**16-123 Teamsters, Local 633, Collective Bargaining Agreement**  
Acting Town Administrator Daly stated that the teamsters contract is settled. It is for 20 public works employees and that the request is to approve the contract and the changes.

**Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2016-029, which reads as follows [*Read the Resolution*], seconded by Councilor Foote**  
**Roll Call Vote 7-0-0**  
**Resolution attached**

**16-124 Economic Development Business Attraction Services RFP**  
No action is needed by the council, the decision under the charter will be the Town Administrators. The council would like the second vendor to make a presentation at an upcoming meeting and would like to have some input in the decision on which vendor is chosen. The appropriation of funds for this expense has already been budgeted.

**16-125 Discussion on Revenue Collection Overages**  
CFO Susan Hickey presented the Revenue Collection Overages. The Town of Derry's annual audit began on September 7, 2016 and is still on-going. Excess revenues recognized as compared with the budget are estimated to be approximately \$657,000 and are attributed, in part, to fees collected from interest and penalties on delinquent taxes (\$130k), excess building permit receipts (\$118k) and motor vehicle permit revenue (\$492k). Expenditures less than appropriates are estimated to be approximately \$1,840,000 and are attributable to fire salaries and related benefits to vacant positions (\$500k), police salaries and related benefits for vacant positions (\$800k), assessing salaries and benefits due to restructuring (\$146), administration and finance salaries due to vacancies and staff changes, and legal savings (\$160k). The beginning unassigned fund balance as of July 1, 2015 was \$11,319,369 and the preliminary results of operations show an anticipated surplus of \$2,497,600. Use of unassigned fund balance during FY16 through Town Council resolutions totaled \$4,475,187, a restriction for a property purchase discussed in June 2016 of \$252,500 and other changes in fund balance

designation total \$112,400. Therefore the preliminary ending unassigned fund balance at June 30, 2016 is \$8,976,282. Councilor Fischer asked what made up the 4.4 million and was told that it went to the MtBe project and exit 4A. There are no anticipated additional uses for the unassigned fund balance and the current policy was put in place in 2013. The town will be reimbursed 80% for the MtBe water project.

### **Council Requests / Open Discussion**

Councilor Bourdon – He would like to request that at the next meeting the Net Zero Task Force gets extended. They were granted a 6 month trial and that is expiring soon. The 4<sup>th</sup> annual Spinathon for hunger will be taking place October 15<sup>th</sup> at the Zoo Health club. The proceeds will go to the First Baptist Church food pantry and the Sunshine Soup Kitchen.

Councilor Morgan – Requests to see a revenue forecast at the end of the quarter. Would like a vetting process established for boards and committees and that to be added to an upcoming agenda and asked about having a workshop specifically for boards and committees. Would like to establish a cable tv board and says it has worked well in other communities. Suggested proceeding with a 2017 survey on community concerns. Wants the town to look into redirected 4A away from Tsienneto Rd.

Councilor Tripp – Thanked the voters although there was a low turnout. Thanked the people for coming to the VFW town hall meetings. Trying to plan an event to have a candidate discussion were residents can come and ask questions.

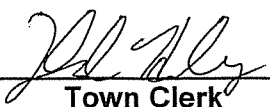
Councilor Foote – Would like residents to adhere to the RSAs and put their campaign signs in the appropriate places.

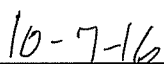
**Councilor Tripp moves that the Town Council go into a non-public session with regards to RSA 91-A:3 II. (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, seconded by Councilor Katsakiores – all agreed**

**Councilor Tripp moves to seal non-public minutes pursuant to RSA 91-A:3 II. (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, seconded by Councilor Foote – all agreed**

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

**Adjournment: 9:45 p.m.**

  
\_\_\_\_\_  
Town Clerk

  
\_\_\_\_\_  
Date

**Recording & Transcription by: Daniel Healey, Town Clerk**



## ORDINANCE Number 2016-002

Repealing Various Chapters of the Town Code and Inserting a New

Chapter 51 – Fire Prevention

Introduced by Councilor Foote

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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, over time, the Council has created and modified several provisions of the Town Code that address Fire Prevention; and

WHEREAS, staff experience with administering the various provisions that pertain to fire prevention has become increasingly difficult, as has the experience of applicants and permit holders subject to the code, due to the dispersion of the requirements throughout several chapters of the Code; and

WHEREAS, an assessment of the various provisions of the Town Code pertaining to fire prevention has determined that their consolidation into a single Chapter will alleviate this difficulty for both staff and those subject to the Code's provisions; and

WHEREAS, the first reading these amendments to the Town Code occurred on July 19, 2016, and a public hearing was held on August 16, 2016, as required under Section 6.2(D) of the Charter;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapters 32, 36 and 50 of the Town Code are hereby repealed and a new chapter entitled "Chapter 51 – Fire Prevention" is hereby created as follows:

### CHAPTER 51 – FIRE PREVENTION CODE

- 51-1 PURPOSE
- 51-2 CODES UTILIZED
- 51-3 PERMITS AND APPROVALS

ORDINANCE  
Number 2016-002

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

Adopted: Sep 20, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 9/20/2016

x Daniel Healey

Daniel Healey, Town Clerk

Date: 9/20/2016



## RESOLUTION

Number 2016-024

To Reaffirm and Adopt the Town of Derry Investment Policy as  
Amended

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WHEREAS, Section 7.1 of the Town Charter designates the Town Council as the governing body of the Town, which is then empowered by New Hampshire law to adopt policies pertaining to the business affairs of the Town; and

WHEREAS, the Council previously adopted the Town of Derry Investment Policy as a measure to guide the Trustees of Trust Funds in performing their duties; and

WHEREAS, from time to time certain revisions to that policy are in order;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town of Derry Investment Policy, dated August 16, 2016, is hereby reaffirmed as the policy of the Town and adopted as revised; and

This Resolution shall take effect immediately upon its passage.

Adopted: September 20, 2016.

Attest:

x Brian Chirichiello

Brian Chirichiello, Council Chair

Date: 9/20/2016

x Daniel Healey

Daniel Healey, Town Clerk

Date: 9/20/2016





## RESOLUTION

Number 2016-029

To Approve and Fund a Collective Bargaining Agreement with the  
Teamsters Local #633

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WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the governing and legislative body of the Town empowering the Council to enter into contracts; and

WHEREAS, the Town Administrator, pursuant to Section 8.6 of the Charter, has proposed that the Town enter into a collective bargaining agreement with the Teamsters Local #633 for the period July 1, 2016 through June 30, 2021; and

WHEREAS, pursuant to RSA 273-A, the legislative body must make an appropriation to fund the cost items of a collective bargaining agreement; and

WHEREAS, the cost items of the collective bargaining agreement applicable to Fiscal Year 2017 do not require an additional appropriation, and the Council is aware of and acknowledges the future costs of the agreement, which the Town shall be obligated to fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the terms, conditions and costs of the "Collective Bargaining Agreement between the Town of Derry and the Teamsters Local #633 for the Period July 1, 2016 through June 30, 2021" is hereby approved.

This Resolution shall take effect immediately upon its passage.

Adopted: September 20, 2016.

Attest:

x \_\_\_\_\_  
Brian Chirichiello, Council Chair

Date: 9/20/2016

x \_\_\_\_\_  
Daniel Healey, Town Clerk

Date: 9/20/2016