

TOWN OF DERRY

Town Council
Derry Municipal Center

September 5 2017
Tuesday - 7:30 PM

6:30 PM Non-Public Session RSA 91A:3 II (d)

7:30 PM Call to order

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

Roll Call: Councilors Chirichiello, Tripp, Katsakiores, Morgan and Chairman Bourdon, Absent:
Councilors Foote and Wetherbee
Present: TA David Caron, Town Clerk Daniel Healey

Chairman Bourdon stated that Councilor Foote is not attending tonight's meeting because he is in Texas helping the victims of Hurricane Harvey. Councilor Foote along with fellow Derry Village Rotarian Serge Michaud traveled to Texas in a van filled with supplies. Councilor Foote has asked anyone interested in helping to visit the registry on his personal Facebook page to see what donations are needed.

Councilor Tripp motions to move New Business to before Public Forum except 17-120, seconded by Councilor Morgan
Roll Call Vote: 5-0-0

Consent Agenda

17-113 Approve Non-Public Minutes – August 15, 2017 – **minutes sealed**

17-114 Approve Minutes – August 15, 2017

17-115 Ordinance #2017-005 – Amendment to Traffic Ordinance, Section 150-13 Speed Limits – Humphrey Road

17-116 Accept Planning Board Member Resignation

Consent agenda approved

Chairman's Report – Joshua Bourdon
Read a Proclamation for Derryfest.

Town Administrator's Report – David Caron

Kate Miller, Esq. discussed the Comcast Franchise Renewal Process. The current contract does not expire until October of 2019 and input from residents would be helpful. She sees the trend heading more towards online services.

Councilor Morgan and Town Administrator David Caron have been working on a volunteer recruitment process for Boards and Committees. Most towns with fall elections have decided to place Keno on the ballot. A representative from the lottery will be at the November 7th council meeting. A few flashing crosswalks have been installed on Broadway with more planned. They will be advisory only and not used to stop traffic. Signs will be placed at busy intersections to try and deter panhandling. The Town has done some mosquito control and it has worked well so far. Fire Chief Gagnon will be hosting a moment of silence at the Central Fire Station in Derry in

remembrance of September 11, 2001. It is open to the public. Chairman Bourdon asked if the speed limit on Broadway could be reduced to 25 mph and Police Chief Garone stated that a traffic study would need to be completed first but it is possible.

New Business

17-117 Appoint Member to Planning Board

Chairman Bourdon moves to appoint Maya Levin as a member of the Planning Board for a term to expire March 31, 2020, seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

17-118 Appoint Member to Highway Safety Committee

Chairman Bourdon moves to appoint Jared Vaughn as a member of the Highway Safety Committee for a term to expire March 31, 2018, seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

17-119 Appoint Alternate Member to Derry Public Library Board of Trustees

Chairman Bourdon moves to appoint Heather Paradzick as a Trustee to the Derry Public Library for a term to expire March 31, 2018, seconded by Councilor Tripp

Roll Call Vote: 5-0-0

17-121 Appoint Economic Development Members

Chairman Bourdon moves to appoint Paul Needham as a member of the Economic Development Committee for a term to expire March 31, 2018 and to appoint Andrew White as an alternate member of the Economic Development Committee for a term to expire March 31, 2019, seconded by Councilor Katsakiores

Roll Call Vote: 5-0-0

17-122 Appoint Derry Loan Review Committee Member

Chairman Bourdon moves to appoint Alden Watters, Jr as a member of the Derry REDC Loan Review Committee for a 2 year term to expire March 31, 2019, seconded by Councilor Tripp

Roll Call Vote: 5-0-0

Public Forum - *30 Minutes*

Open Public Forum – all agreed

Mike Gendron: Derryfest – Promoted Derryfest which will take place Saturday September 16th from 10am-5pm at MacGregor Park. Friday, Sept 15 from 5pm-6:30pm the Derry Village Rotary will host a Pastafest at Gilbert H. Hood Middle School. Then at 7:00 pm at the Derry Opera House will be Greater Derry's Got Talent.

Marc Flattes: Linlew Dr – Would like to see an ethics policy for elected officials. Does not believe speed is a problem on Broadway and believes the police are doing a good job enforcing the speed limit.

Steve Trefethen: Windham, NH – Agreed with an ethics policy. Brought the tax cards for Abbott Court and Sawyer Court.

Eleanor Sarcione: Chester Rd – Questioned the taxes going up and said the council needs to do something about the schools, in particular Pinkerton Academy.

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

Public Hearings

17-104 Resolution #2017-054, To Accept a Department of Transportation Grant for Infrastructure Improvements

Public Works Director Mike Fowler presented the Grant for Infrastructure Improvements. A pool of funds from fuel taxes is traditionally apportioned to communities via formulas set forth in the Highway Block Grant program. Derry traditionally receives approximately \$666,000 annually from this grant. These funds are booked as revenue into the annual DPW budget and used for this purpose. In the state budget cycle, an additional \$30 million from surplus was appropriated for the purpose of a one-time supplemental Highway Block Grant. Derry's share will be \$578,085.30. Town Council has approved \$1,449,625 in the FY18 budget for pavement management. This grant in the amount of \$578,085.30 will bring the new figure to \$2,027,710.30. The DPW Engineering division has compiled a list of streets originally scheduled for FY19 and FY20 to move forward in FY18 in the amount of the supplemental appropriation.

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 Katsakiores – all agreed

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-054, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 5-0-0

Resolution attached

17-105 Resolution #2017-055, To Approve a Supplemental Appropriation to replenish the Derry Revolving Loan Fund

Town Administrator David Caron along with Laurel Bistany and Anne Struthers presented the replenishment to the Derry Revolving Loan Fund. The Town Council previously established a Derry Revolving Loan Fund in the amount of \$250,000 which is managed by the Rockingham Economic Development Department Corporation (REDC) with guidance from the Derry

Revolving Loan Fund Review Committee. The program has met success, whereby as of 6/30/17 only \$47,022 remained available to be loaned to new or existing small businesses. In order to continue to support similar businesses and to make available sufficient capital, the Council is encouraged to recapitalize the fund in the recommended amount of \$250,000.

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

Andy Day: Pond Rd – Has taken advantage of the Derry Revolving Loan Fund and thinks it is a great program.

Steve Trefethen: Windham, NH – Questioned how the Town knows what businesses are located in town and was told there are many factors that determine that.

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

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-055, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 5-0-0
Resolution attached

17-106 Resolution #2017-056, To Accept JAG Grant from the Department of Justice Chief Garone presented the JAG Grant. The US Department of Justice has announced the 2017 Justice Assistance Grant (JAG) Awards and the Town of Derry is eligible for an award of \$11,691. Rockingham County has been chosen by the DOJ to be the fiscal agent and applicant for the grant. Rockingham County will receive a 5% administration fee for this service. The Town of Derry will receive a net total of \$11,107. The Police Department has six proposed projects that include a surveillance app, two cellular phones, a cellular phone plan upgrade, a forensic computer, a drone, and an iPad Pro.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-056, which reads as follows [*Read the Resolution*], seconded by Councilor Katsakiores
Roll Call Vote: 5-0-0
Resolution attached

17-107 Resolution #2017-062, To Apply and Accept an EMPG Grant from Homeland Security

Emergency Management Director Michael Gagnon and Deputy Emergency Management Director William Gillis presented the EMPG Grant. The Bureau of Emergency Management is requesting permission to apply for an Emergency Management Performance Grant (EMPG) through the New Hampshire Department of Homeland Security and Emergency Management. The amount of this grant request is approximately \$74,000 with a 50% (\$37,000) cost share. The Town's cost share would be funded through soft in-kind matches from existing funds in the FY17 and FY18 Emergency Management budgets. If awarded, this grant funding would support substantial infrastructure upgrades improving system reliability and provide real-time notification to motorists.

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

No one from the public spoke.

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

Councilor Morgan MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-062, which reads as follows [*Read the Resolution*], seconded by Councilor Tripp

Roll Call Vote: 5-0-0

Resolution attached

New Business

17-120 Resolution #2017-065 – To Create a Fiscal Committee

Town Administrator David Caron presented the Fiscal Committee. The Town has maintained separate Finance and Audit Committees with a focus on similar subject matters. The proposed structure allows staff and elected representatives to financial oversight committees that operate more efficiently with a set of responsibilities and expectations which are clearly understood by all stakeholders.

Councilor Tripp MOVES THAT THE TOWN COUNCIL adopt Resolution #2017-065, which reads as follows [*Read the Resolution*], seconded by Councilor Morgan

Roll Call Vote: 5-0-0

Resolution attached

Councilor Comments

Councilor Katsakiores – Was interested in doing a telethon to help the victims of Hurricane Harvey but was told that was not the best option. The most effective option is cash donations. These donations can be made to the Red Cross at redcross.org. The bishop at St Thomas Aquinas will also be collecting donations.

Councilor Chirichiello – The State Representatives received a letter from Pennichuck Water that they will be asking for a significant increase in their prices. Said that bills can be introduced at

the State House this week and encouraged anyone that has an idea to contact one of their State Representatives.

Councilor Morgan – Discussed the Boards and Committees appointment process and said that marketing side could be done a little better with more community out-reach and a television marketing show. More could be done to show people what the positions actually are. Agreed with some points made by Eleanor Sarcione during public forum saying that Pinkerton Academy is a problem for taxes. Would have liked the State Representatives to have fought more over the State budget. Residents of town that are not officials that make a presence in the public often are considered public officials and held to the same standard. Asked for Christmas lights downtown and for some of the trees to be fixed.

Councilor Tripp – Said he was happy to hear that the Fire Department is having a ceremony in remembrance of September 11, 2001. The Derry VFW will be hosting a POW/MIA 24 hour vigil at MacGregor Park on Friday September 15 starting at noon. A candlelight ceremony will take place at 8pm and a closing ceremony the following day at noon.

Chairman Bourdon – Reminded everyone about Derryfest the weekend of September 16th. Met with the mayor of Los Angeles and it was an excellent opportunity to share ideas. One idea was to have a Government 101 class on Derry Television showing the public what the Town Council does. This could be used for Boards and Committees too. This may promote more involvement for the town residents. Has been working with the Net Zero Task Force Committee to bring Solar to town to try and decrease taxes. Worked with 6 moms on an overdose awareness vigil that took place August 31st at MacGregor Park, 100-200 people attended.

Adjournment: 9:45 p.m.


Town Clerk


Date

Recording & Transcription by: Daniel Healey, Town Clerk



RESOLUTION

Number 2017-054

To Accept a Department of Transportation Grant for Infrastructure Improvements

WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, the Governor recently signed SB38 into law, which provides for additional highway funding in the amount of \$578,085.30 for FY18; and

WHEREAS, the Director of Public Works has identified projects which can be accelerated and paid from these funds; and

WHEREAS, the law specifically requires that these funds be expended in addition to other funds previously approved by the local Legislative Body for highway repairs and improvements;

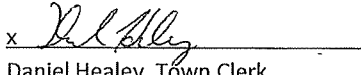
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Town Administrator is hereby authorized to accept and expend such funds derived from the Department of Transportation, Highway Block Grant program and to execute any agreements with NHDOT as may be necessary to finalize receipt of this grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: September 5, 2017

Attest:

x 
Joshua Bourdon, Council Chair
Date: 9/5/17

x 
Daniel Healey, Town Clerk
Date: 9/5/17

Archival Ref: Agenda #17-104



Resolution #2017-055

To Approve a Supplemental Appropriation to Recapitalize the Derry Revolving Loan Fund

WHEREAS, Section 9.6 of the Town Charter authorizes the Town Council to approve appropriations not included in the annual budget as adopted; and

WHEREAS, The Town Council previously entered into an agreement with the Rockingham Economic Development Corporation (REDC) to manage a revolving loan fund to help support local business start-ups; and

WHEREAS, funds previously committed to the fund have been utilized for their intended purpose; and,

WHEREAS, there is a demand for additional funding to further grow the local economy; and

WHEREAS, the Economic Development Advisory Committee has recommended that One Hundred Thousand Dollars (\$100,000) of the requested appropriation be earmarked for Downtown Revitalization, and;

WHEREAS, there are sufficient funds in the Town's Unallocated Fund Balance to recapitalize the revolving loan fund;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Derry Town Council hereby appropriates Two Hundred Fifty Thousand Dollars (\$250,000) from the Town's Unallocated Fund Balance to recapitalize the Derry Revolving Loan Fund; ***and,***

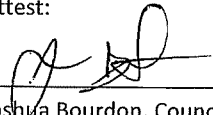
FURTHER, RESOLVED that One Hundred Thousand Dollars (\$100,000) of the requested appropriation be earmarked for Downtown Revitalization under regulations and guidelines to be adopted by the Council at a later date.

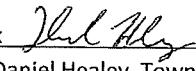
Archival Ref: Agenda #17-105

This Resolution shall take effect immediately upon its passage by an affirmative vote of 2/3 of the entire Council.

Adopted September 5, 2017.

Attest:

x 
Joshua Bourdon, Council Chair
Date: 9/5/17

x 
Daniel Healey, Town Clerk
Date: 9/5/17

Archival Ref: Agenda #17-105



RESOLUTION

Number 2017-056

To Accept a Bureau of Justice Assistance Grant

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 purchase of law enforcement equipment or systems; and

WHEREAS, the Town is eligible for a net grant of \$11,107, which does not include the 5% administrative fee to Rockingham County as grant fiscal agent; and

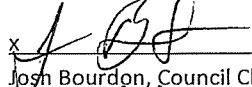
WHEREAS, the Police Department is finalizing an allocation plan to utilize these funds;


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 and/or Rockingham County, Grant Administrator, as may be necessary to finalize receipt of this grant funding.

This Resolution shall take effect immediately upon its passage.

Adopted: September 5, 2017

Attest:

x 
Josh Bourdon, Council Chair
Date: 9/5/17

x 
Daniel Healey, Town Clerk
Date: 9/5/17

Archival Ref: Agenda #17-106



RESOLUTION

Number 2017-062

To Accept EMPG funds from NH Homeland Security

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 Homeland Security to update the Town's AM Advisory Radio System; and

WHEREAS, the Town is eligible for a grant in the amount of \$74,000, with the Town providing a 50% match through the use of in-kind expenses from the Emergency Management Office; and

WHEREAS, this funding would provide for the purchase and installation of three flashing alert signs in the community, install wireless radio transmitter links and allow broadcast message control over the computer network;

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 Homeland Security and to enter into agreements as may be necessary to finalize receipt of this grant funding.

This Resolution shall take effect immediately upon its passage.


Adopted: September 5, 2017

Attest:

x 

Josh Bourdon, Council Chair

Date: 9/5/17

x 

Daniel Healey, Town Clerk

Date: 9/5/17

Archival Ref: Agenda #17-107



RESOLUTION

Number 2017-065

Establish Fiscal Committee

WHEREAS, Section 4.7 of the Town Charter vests in the Town Council the power to establish other administrative committees; and

WHEREAS, the Town Council previously established separate Finance and Audit Committees to advise the Council on fiscal matters; and

WHEREAS, Council and staff efficiencies encourage the restructuring of these Committees into a Fiscal Committee with clearly established responsibilities;

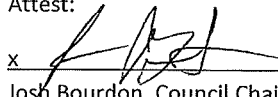
NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that the Fiscal Committee as constituted on the attached Charge is hereby created, and the previously established Finance and Audit Committees are hereby disbanded, with the Council's current appointee to the Finance Committee continuing that role with the Fiscal Committee.

This Resolution shall take effect immediately upon its passage.

Adopted: September 5, 2017

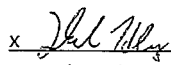
Attest:

x


Josh Bourdon, Council Chair

Date: 9/5/17

x


Daniel Healey, Town Clerk

Date: 9/5/17

Archival Ref: Agenda #17-120

Town of Derry
Fiscal Committee
Charge

I. Charge

The Fiscal Committee shall act in an advisory capacity to the Town Council and work to promote enhanced fiscal responsibility, accountability, integrity, transparency and to recommend fiscal and investment policies for Town Council consideration.

II. Responsibilities

1. Review quarterly and yearly financial statements and alert the Town Council of any revenue or expenditure trends which may impact the Town's financial condition;
2. Review the results of the annual financial audit conducted by the independent auditing firm, and assist with the retention of independent audit services as set forth in Section 9.18 of the Town Charter;
3. Review and recommend fiscal and investment policies to the Town Council.
4. Assist with the Town's long-term financial planning;
5. The Town Council member may request a meeting between the independent auditor and Town Council should circumstances dictate, or may request that the Council undertake an inquiry pursuant to Section 7.4 of the Town Charter;
6. Such other matters as the Town Council may request from time to time.

Archival Ref: Agenda #17-120

III. Membership

1. Town Councilor, as appointed by the Town Council;
2. Town Treasurer, as appointed pursuant to Section 9.16 of the Town Charter;
3. Chairman of the Trustees of Trust Funds;
4. Chief Financial Officer;
5. Accounting Manager.

The Council appointee shall serve at the pleasure of the Town Council; terms for the other committee members shall be co-terminus with their respective positions.

IV. Officers

The committee shall elect the following officers at its first meeting:

- A. Chairperson shall preside at all meetings of the committee when he or she is present and shall direct the work of the committee. The Chair may appoint chairs of any standing sub-committees from the membership as approved by the committee. The Chair shall set the agenda, send the approved minutes to the Town Clerk and post notices of committee meetings and give notice to members when necessary.
- B. Vice chairperson shall assume all duties and powers of the chairperson in his or her absence. The Vice Chair shall assist the Chair in all committee planning and activities.
- C. Secretary shall keep minutes of all meetings and proceedings of the committee and record any action taken.

Archival Ref: Agenda #17-120