

TOWN COUNCIL AGENDA November 5, 2007

The Town Council meeting will be held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry. **Scheduled agenda times are advisory only.** Regular meetings are cablecast live and videotaped for the convenience of our viewers at home.

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|---------|------|---|
| 7:00 PM | I. | <u>CALL TO ORDER – PUBLIC SESSION</u> |
| 7:01 PM | II | <u>PUBLIC HEARING</u> |
| | A. | Ordinance #2007-10 – Relative to Citizens’ Petition to Rezone Land on Perkins Road |
| | B. | Ordinance #2007-11 – Relative to Revisions to the Zoning Ordinance |
| 8:00 PM | III. | <u>PUBLIC COMMENT</u> |
| | A. | Conservation Commission |
| | B. | Fire Chief Mike Carrier |
| 8:15 PM | IV. | <u>OLD BUSINESS</u> |
| | A. | FY09 Budget Review |
| | | Gen Gov’t: |
| | | - Cemeteries, HDC/Morrison House |
| | | - ZBA |
| | | - Super. Checklist |
| | | - Conservation Commission |
| | | - Planning/Econ. Development |
| | | - Capital Improvements Plan (CIP) |
| 9:30 PM | V. | <u>NEW BUSINESS</u> |
| | A. | Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics |
| | B. | Resolution #2007-34 – Relative to Participation in the LGC Property-Liability Trust Program |
| | C. | Issuance of \$1.2M Highway Bond |
| 9:45 PM | VI. | <u>APPROVAL OF MINUTES</u> |

- A. Minutes of the Council’s October 15, 22, 25 & 29, 2007 Public Meetings

9:50 PM

VII. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager’s Report
- C. Board/Committee
Appointments/Reappointments/Resignations
 1. Resignation of David DeBaie from the Southern New Hampshire Planning Commission , five year term to expire on 6/09.
 2. Re-Appointment of John Farrell to the Planning Board, three year term to expire on 12/10.
 3. Re-Appointment of John Michels to the International Exchange Committee, three year term to expire on 12/10.
 4. Resignation of Mike Toth from the Budget Committee, three year term to expire on 12/31/10.
 5. Resignation of Tom Freda from the Planning Board, three year term to expire on 12/31/08.

10:00 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, November 15, 2007 @ 7:00 PM, Moose Hill Council Chambers – FY 09 Budget Workshop
- B. Town Council, November 19, 2007 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)
- C. Town Council, December 3, 2007 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)
- D. Town Council, December 17, 2007 @ 9:00 AM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)

Introduced: 10/15/07

Second Read/Pub Hrg: 11/05/07

Adopted: xx/xx/xx

ORDINANCE 2007-10
AN AMENDMENT TO THE ZONING
ORDINANCE
RELATING TO A REQUEST TO REZONE
MAP 16, LOTS 1, 2 & 3

WHEREAS the Town Council has received a Citizens' Petition to rezone Map 16, Lots 1, 2 & 3 from AR-1 to a mix of C-II & R-III; and

WHEREAS the Planning Board has reviewed the request and recommended that the Petition be denied;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 16, Lots 1, 2 & 3 from AR-1 to a mix of C-II & R-III, to become effective upon passage by the Town Council.

Joseph Paradis
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

Introduced: 10/15/07

Second Read/Pub Hrg: 11/05/07

Adopted: xx/xx/xx

ORDINANCE 2007-11
AN AMENDMENT RELATING TO REVISIONS
TO THE ZONING ORDINANCE

WHEREAS the Planning Board and Staff have undertaken the process of systematically reviewing and updating sections of the Zoning Ordinance; and

WHEREAS this process has resulted in amendments to Sections 5.1 and 5.2 to reflect changes to the State Building Code; and

WHEREAS the Planning Board has recommended that the Town Council act favorably upon these revisions;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the revisions to Sections 5.1 and 5.2, as recommended by the Planning Board.

Joseph Paradis
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

ORDINANCE 2007-12
*AN AMENDMENT TO THE MUNICIPAL CODE,
CHAPTER XXVI, CODE OF ETHICS*

WHEREAS there is a need to establish guidelines for the ethical standards of conduct for Town Officials, Board Members and Employees:

WHEREAS it is important that the public have confidence in the integrity of its government and that Town Officials, Board Members, Volunteers and Employees have an opportunity to protect their personal reputation;

WHEREAS the Town Council has the authority pursuant to state statute and Town Charter to enact such regulations;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Chapter XXVI Code of Ethics, is hereby amended as attached.

Joseph Paradis
Chairman - Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
01/19/07

Town Seal

CHAPTER XXVI CODE OF ETHICS

SECTION I PURPOSE

The purpose of this code is to establish guidelines for the ethical standards of conduct for town officials, board members and employees.

- It is expected that our public servants and volunteers to act in the best interest of the town.
- It is expected that town officials, board members and employees to disclose any personal, financial or other interests in matters affecting the town which come before them for action.
- It is expected that town officials, board members and employees to remove themselves from decision making if they have a conflict of interest or even the appearance of one.
- It is expected that town officials, board members and employees to be independent, impartial, and responsible to their fellow townspeople in their actions.
- It is expected that the town's official decisions and policies be made through the proper channels of government.
- It is expected that public office or a volunteer position in our town not be used for personal gain.

It is important that the public have confidence in the integrity of its government and that town officials, board members, volunteers and employees have an opportunity to protect their personal reputation.

This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

SECTION II CODE PROVISIONS

A. No Conflicts of Interest

Officials, board members and employees of the Town of Londonderry shall avoid conflicts of interest *or even the appearance of a conflict of interest.*

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

As a town official, board member or employee, you shall not participate in any matter in which you, or a member of your family, have a personal interest which may directly or indirectly affect or influence the performance of your duties. In such instances, you shall recuse yourself from discussion and decision-making.

Recusal means to remove yourself completely from all further participation in the matter in question.

Officials, board members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. When recused, you shall not participate in further discussions, unless you clearly state for the record that you are doing so only as general member of the public. As a recused person, you shall not deliberate or vote on the matter in question.

Town officials, board members or employees, or members of their families having professions outside their relationship with the Town that routinely do business with the Town of Londonderry or within the town limits, shall not participate in any non public meetings of land use boards or committees where information that is divulged by any means may provide them with any information that can be used for personal or professional gain in the conduct of their profession above and beyond what is routinely available to all other members of the public.

Town officials, board members or employees, or members of their families having professions outside their relationship with the Town that routinely do business with the Town of Londonderry shall not be awarded any work, of any value, except that it be done through a complete and open competitive procurement process.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

B. A Duty to Recuse in Quasi-Judicial Actions

A "quasi-judicial action" is any action where the board or committee you are a member of is acting like a judge or a jury. For example, when your board or committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before you, you are involved in a quasi-judicial action. The work of the planning and zoning boards is largely quasi-judicial.

Not only do officials, board members and employees of the Town of Londonderry have a duty to recuse themselves as outlined in the section above, you must recuse yourself in a quasi-judicial action if you would not be qualified to sit as a juror in that case.

For example, jurors are not qualified to sit in a case if they have advised or assisted either party in a matter being decided, are prejudiced to any degree regarding the pending matter, or believe they cannot for any reason be totally fair and impartial. As a representative of the Town of Londonderry, you are expected to hold yourself to this same standard.

C. A Duty to Disclose

As an official, board member or employee of the Town of Londonderry you shall not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter without first, publicly and on the record, stating all:

- dealings
- interests
- relationships
- friendships
- and possible conflicts which may exist between you and your family, and the principals or the issue under consideration.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

D. No Unfair Personal Use of Town Property

No official, board member or employee of the Town of Londonderry shall use town property, services, or labor personally, or make the same available to others *unless* such use is available to other residents upon request on equal terms.

E. No Misuse of Confidential Information

No official, board member or employee of the Town of Londonderry shall use any confidential information acquired by virtue of that individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information which is readily available to the general public.

In addition, no official, board member or employee of the Town of Londonderry shall violate the privacy of others by publicizing, gossiping, or discussing information confidentially acquired in the course of official duties without a legitimate reason to do so.

F. No Improper Gifts

No official, board member or employee of the Town of Londonderry shall accept a gift (or allow acceptance of such gift by a family member) from any individual, group, or corporation which has *or is likely to have* a matter pending before the board, committee, or commission on which the official or employee serves.

This provision of the code is not meant to apply to gifts traditionally exchanged between family members - at holidays or birthdays, for example.

G. A Duty to Cooperate

All officials, board members and employees of the Town of Londonderry shall cooperate with the Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

H. Fair and Equal Treatment

Acting in their official capacity, all officials, board members and employees of town government shall give each and every person fair and equal treatment. No official, board member or employee shall in the course of their official duties give or deny any person special consideration, advantage, or treatment as a result of the person's public status, position, sex, race, religion, creed, sexual orientation, or national origin.

SECTION III DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

- A. **Board:** Any board, committee or commission, permanent or special, established by the Town Council under New Hampshire law.
- B. **Complainant:** A resident of the Town of Londonderry who has submitted a petition to the Ethics Committee requesting an inquiry or alleging a violation of the Code of Ethics.
- C. **Conflict of Interest:** A situation, circumstance, or financial interest which has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty.
- D. **Employee:** A person who is paid by the Town of Londonderry for his/her services, but who is not an independent contractor.
- E. **Ethics Committee:** The committee established by Section IV of this ordinance.
- F. **Family:** Any person who is related to the official, board member or employee in one of the following ways: spouse, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the official, board member or employee in question, regardless of whether they are related by blood or marriage.
- G. **Interest:** Any legal or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or hi part, jointly or severally, including but without limitation, a right, share or claim to land.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION III DEFINITIONS (Cont'd.)

- H. **Official:** Any elected or appointed officer, board member, or agent of the Town of Londonderry.
- I. **Principals:** Those people who are the subject of the action or application which is before the board.
- J. **Public Servant:** A person who serves the Town of Londonderry in an official capacity, whether elected or appointed, paid or unpaid. A town official, board member or employee.
- K. **Recuse:** Officials, board members or employees who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Officials, board members or employees who have been recused shall immediately

leave the room or shall seat themselves with the other members of the public who are present. The recused persons shall not participate in further discussions, unless they clearly state for the record that they are doing so only as general members of the public. Recused persons shall not deliberate or vote on the matter in question.

- L. Respondant:** An official, board member or employee named in a petition submitted to the Ethics Committee as an inquiry or alleging a violation of the Code of Ethics.
- M. Resident:** A resident of the Town of Londonderry.
- N. Quasi-judicial Action:** Any action where the board or committee has a duty to notify the potential parties, hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.
- O. Town:** The Town of Londonderry, including all of its departments, boards, commissions, and committees.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION IV EXCLUSIONS

The provisions of this Code of Ethics shall not be interpreted so as to bar:

- A. Any official, board member or employee who is a resident of the Town of Londonderry from fully participating in any Town Meeting;
- B. Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all local, state and federal laws which pertain to such donations;
- C. Participation in a matter which relates to a person or business from which an official, board member or employee has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;
- D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and,
- E. Supervisors of Town employees from appropriately carrying out personnel policies.

SECTION V ETHICS COMMITTEE

The Town of Londonderry shall establish an Ethics Committee to:

- Educate officials, board members and employees of town government regarding the provisions of the ethics code,
- Provide advice and counsel to officials, board members and employees regarding ethical issues with which they are confronted,
- Hear and resolve ethics complaints which are filed against officials, board members and employees of town government.

A. The Formation of the Ethics Committee

1. The Ethics Committee shall consist of five residents of the Town of Londonderry.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION V ETHICS COMMITTEE (Cont'd.)

2. Beginning in March 2008, the voters of the Town of Londonderry shall elect residents to fill open positions on the Ethics Committee by electing:
 - a. two members who shall serve for a one-year term,
 - b. two members who shall serve for a two year term,and
 - c. one member who shall serve for a three-year term.
3. All future members of the committee shall then be elected to serve for three-year terms.
4. No resident of Londonderry shall be eligible to serve on the Ethics Committee, either by election or appointment, who already serves on any other board or committee in any elected or appointed position.
5. Should a vacancy in the committee arise, the remaining members of the Ethics Committee shall elect a town citizen to serve out the remainder of the term. Any tie shall be resolved by the vote of the Town Moderator.
6. The members of the Ethics Committee shall elect a chairperson on an annual basis.
7. A quorum of three or more committee members shall be necessary to hear any complaint which is filed.

B. Education

1. At the time that each newly elected or appointed official, board member or employee takes the oath of office, they shall receive a copy of this code, and acknowledge in writing that they have received a copy of this code.
2. The Ethics Committee shall hold a meeting each spring for newly elected or appointed officials, board members and

employees so they may familiarize themselves with the provisions of this code. It shall be the responsibility of the supervisor of any new employee to ensure that the new employee familiarizes themselves with the provisions of this code.

C. Inquiries

The Ethics Committee shall oversee the mechanism (reference Section V. A) established by this Ordinance by which officials, board members, employees and residents of the Town of Londonderry may obtain advice and counsel from the committee regarding ethical issues which may arise from time to time.

Upon request of a town official, board member or employee, the Ethics Committee may issue a written advisory opinion in response to such an inquiry.

D. Complaints

1. The Ethics Committee shall:
 - a. have the power to investigate all written complaints which are filed;
 - b. oversee the use of forms established by this ordinance (reference Section V. B) by which officials, board members, employees, and residents of the Town of Londonderry may file complaints or request that an inquiry be made;
 - c. only review complaints based on alleged violations of Section I of this ordinance.

All such requests or complaints must be in writing, shall specify the provision of the code which the complainant believes was violated, and must be signed by a resident of Londonderry.

When signing the complaint, the complainant shall certify that he or she has read the Code of Ethics, that they believe the matter within the complaint is a fair subject of inquiry, and they have exhausted all other avenues of relief available to them within our town government.

2. Any official, board member or employee against whom a written complaint is filed shall be given a copy of the complaint, and upon written request shall be afforded an opportunity to be heard and to present evidence to the Ethics Committee.
3. The Ethics Committee shall have sole discretion for setting rules regarding the conduct of hearings. The committee shall seek to make sure that both the complainant and the respondent have an opportunity to be heard and to present evidence, but the committee may limit the testimony and evidence which is presented to it if in the opinion of the committee the testimony and evidence in question is irrelevant, unnecessary, redundant, or unreliable.
4. The Ethics Committee may require, with sufficient written notice, any official, board member or employee of town government to appear before it to provide testimony regarding pending complaints. The Ethics Committee, for this purpose, may administer oaths and require the production of evidence such as documents.
5. Within thirty (30) days of concluding an investigation into a written complaint, the Ethics Committee shall issue a written statement setting forth its findings. The Ethics Committee shall not have the power to impose any monetary or other penalty, only to issue a written statement as set forth above.

SECTION VI ESTABLISHED PROCESSES

A. Inquiry Process

Officials, board members, employees and residents of the Town of Londonderry may obtain advice and counsel from the committee regarding ethical issues which may arise from time to time by completing the following form and submitting it to the Londonderry Ethics Committee

~~End of Chapter~~

RESOLUTION 2007-34

Relative to

**PARTICIPATION in the MULTI YEAR
RATE GUARANTEE PROGRAM
of the
LOCAL GOVERNMENT CENTER
PROPERTY-LIABILITY TRUST, LLC**

First Reading: 11/05/07

Second Reading: waived

Adopted: 11/05/07

WHEREAS the Town has participated in the LGC Property Liability Pool since 1987; and

WHEREAS said participation has resulted in stable and dependable coverages, with the Town experiencing one, 2% increase in rates over the past thirteen years, with cost containment partially due to use of Members' Undesignated Balance; and

WHEREAS the current marketplace is resulting in significant cost increases for insurance coverages;

NOW THEREFORE BE IT RESOLVED

That the Town of Londonderry hereby accepts the offer of the Local Government Center Property-Liability Trust, LLC ("PLT") to enter into its Multi Year Rate Guarantee Program ("PLT2011") as of the date of the adoption of this resolution and to hereby enter and agree to maintain the membership and participation of the **Town of Londonderry** ("Member") in PLT through June 30, 2011 for property, crime (including statutory bonds), casualty, medical reimbursement and related risk protection of PLT. The protection provided by PLT in each of the fiscal years stated shall be as then set forth in the Member Agreement, or similar protection documentation of PLT in effect from time to time for PLT members, hi return for such agreement for maintenance of membership, PLT shall provide to the Member:

- (i) With respect to the fiscal year beginning July 1 and ending June 30 ("FY") in each of the years 2009, 2010 and 2011, a guaranteed maximum annual increase in the standard rates of PLT for the Member of nine percent (9%) of the standard rates established by PLT for the Member for the prior FY, except for underwriting exposures added by the Member.

This Resolution is subject to appropriations with respect to the years FY 2009, FY 2010 and FY 2011 to allow the contributions to be made to PLT for property, crime (including statutory bonds), casualty, medical reimbursement and related risk protection provided by PLT.

Joseph Paradis, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
11/05/07

TOWN COUNCIL MEETING
October 15, 2007

The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald; Brian Farmer (7:32PM), and Kathy Wagner; Town Manager Dave Caron, Assist. Town Manager/Finance Dir. Sue Hickey, and Margo Lapietro, Executive Assistant.

CALL TO ORDER

Chairman Paradis opened the meeting at 7:02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

Councilor Oswald made a motion to go into Public Hearing. Second by Councilor Wagner. Councils' vote 3-0-0.

- A. Ordinance #2007-09 – Relative to an Amendment to the Municipal Code Title VI, Chapter XIII, ambulance Fees and the Collection Thereof. Motion to adopt by Councilor Oswald. Second Councilor Wagner. **Town Manager Caron advised that the Town has an outstanding deficit of \$245K from uncollected bills from Comstar. Comstar is the agency that bills for ambulance calls. At the last Council meeting S. Hickey explained .the use of collection agencies and credit report bureaus for collection of delinquent ambulance fees. She received a report from Comstar with a total of \$437K aging accounts; \$117K is for Londonderry residents. Windham has adopted the action of sending non-residents to a collection agency, residents are not sent to collections. Windham's write-offs were 39% in 07 Salem had a \$197K write off, have 38% in write-offs thus far this year. They have also experienced an increase in calls. . Councilor Oswald questioned if \$437K was year to date, S. Hickey responded, year to date as of last week, with debts dating back three years. Open to public. Jeannine Curro, 103 High Range Rd. received a bill from Constar for services that were covered under Blue Cross/Blue Shield, (BC/BS). She notified Comstar who said they were having problems with BC/BS and needed a provider number. Bill now 90 days overdue. She is still trying to get it solved. If Council adopts the procedure of collection bureau and credit bureau she was concerned that her credit would be damaged even though she has shown an honest attempt to rectify this problem and she is covered for this kind of event. Mike Brown, Carousel Court questioned clarification of \$437K. S. Hickey responded \$177K is for Londonderry residents, \$259K is for non-Londonderry residents. He asked how many calls**

were from MHT. She responded they received 260 calls from MHT, 84 transported. He asked why Windham treated non residents and residents differently; S. Hickey responded that Windham said they were uncomfortable with reporting residents to credit and collection unions. M. Brown said he wants town to move forward with a collection agency, doing nothing is wrong. Chairman Paradis said delinquent accounts should be responsible for their bills. He suggested that a tiered system should be set up that before the account goes to a credit bureau the customer should be contacted by the Finance Dept. Councilor Wagner said this tiered approach should be Finance Dept., Collection agency, then credit bureau. Council's vote that if Comstar is unsuccessful, the Finance Dept. should contact the customer via a telephone call, if no response the unpaid bill should go to collection than credit bureau, 4-0-0.

Councilor Oswald made a motion to close the public hearing. Second by Councilor Wagner Council's vote 4-0-0.

PUBLIC COMMENT

Richard Bielinski and Gerard Adams – Hall Rd. Mr. Adams said there was an incident Friday evening involving a front end loader parked at Mr. Dudeck's junkyard at 5:30 – 5:35PM. At 7:45 he called the Londonderry Police Department (LPD). He requested an officer be sent to document what was seen. He also cited an incident of two trailer trucks who almost collided. He stated that he is trying to get some relief, very little was being done for him by the Town; he alluded to the fact that something will be done in future.

Richard Bielinski, 89 Hall Rd., had issues with the salvage yard dealing with setbacks, non conforming building, non conforming use, parking lot and safety issue with the site line. He stated that the town is setting precedents, not conforming to RSA's and Zoning laws. He cited rulings from a 1996 application for a building permit judge said non-confirming. He was told that parking lot issue would be handled with the site plan review for the new building. Councilor Farmer said he has a difficult time accepting how we have arrived at this point. He also said that it is fairly obvious that it is a non-conforming building, we are setting a precedent. This has been through ZBA, and Planning Board (PB); same issues raised with no effect. Either the Adamses and Bielinski are completely off base or are right and being ignored. Everything appears to be hearsay. Council has not done anything, conditions are set, we are listening to hearsay evidence on both sides of the issue. We have alternative to continue hearing these complaints or look at this and investigate it. Councilor Farmer made a motion to use Section 3.14 of Town Charter and formally investigate the process surrounding ZBA and PB decisions. Mr. Bielinski said we should have a procedure set-up that everyone should adhere to. Councilor Oswald questioned the time frame to challenge the ZBA decision; Town Manager Caron responded 30 days from last Wednesday's PB Meeting. Mr. Bielinski said it his understanding they had 30 days from ZBA. John Farrell, Vice Chairman of the

PB said he interprets it that it has to be appealed from Superior Court. He cautioned Council that they would have to investigate PB and Council, it has multiple pieces. He stated that PB got legal opinion on every move. Had LPD involved with safety issue. The PB exhausted every possible avenue to decide what is best for community. Could only do what they were legally allowed, which was to send it back to Council. Councilor Farmer said we have no process in place, would take a while to have this investigation. Motion second by Councilor Bove for discussion. Councilor Bove said this has been going on for so long in regard to the licensing, has been improved, nobody had intention of doing anything wrong. Investigation needs to be defined. Councilor Farmer said the inquiry is to review facts and find out if there are errors in our process and can we improve it. Town Council does not have authority to overrule ZBA and PB rulings. Look at it on a factual basis and determine what can be improved. Councilor Oswald suggested having a non-meeting with legal council, good place to start. This procedure will take a lot longer than 30 days. If the Adams and Bielinski pursue courts, clock is running. We would be taking up department heads and volunteer's time, a review of the process is probably needed. This is not an investigation of just this particular site plan; results of the investigation should be applied in much broader terms. Councilor Oswald asked Town Manager Caron if we are able to go into a Non-Public session. He responded any investigation will supersede 91-A: 3, depends on where your questions lead and what is the nature of your discussions. Councilor Oswald responded we could make those findings public once we conclude the process. Councilor Oswald stated he would like it to be a thorough review of process, not a witch hunt. Councilor Wagner asked if this is going to investigate the entire process. Chairman Paradis said his understanding is that it is an investigation of this situation and would provide guidance for future. Councilor Farmer said this is the case study. Councilor Oswald amended the motion to add that following consultation with legal counsel the Council will then determine if we will proceed with a thorough review. Councilor Bove second the amendment. Council's vote on the amendment 5-0-0. Council's vote on amended motion 5-0-0.

OLD BUSINESS

- A. Order #2007-16 – Relative to an Expenditure of Recreation Impact Fees for Project P.L.A.Y. Councilor Bove read the first reading; waive the second, made a motion to adopt tonight. Second Councilor Farmer. Art Psaledas, Recreation Director said at the last Council Meeting he was directed to make sure that the Recreation Commission realizes that supporting this Order will deplete their funds. At the last Recreation Commission they voted to go forth with this project. Councilor Bove said he still has a problem with spending a total of \$125K; he has had some folks approach him about winter activities. A. Psaledas said people can contact him, but he has not heard from anyone. He said it was not a good idea to have sledding at Continental Park; cross country activities are going on there. Councilor Wagner asked Town Manager how much do we collect a year, he responded \$6-8K per month. Councilor Wagner questioned investing

impact fees and procedure for payment. Town Manager Caron responded the Town doesn't pay out impact fees until an invoice is received, and during that interim period the funds are invested and interest returns to the general fund. Council's vote not to exceed \$125,000, 5-0-0.

- B. Determination of Town Meeting Time/Location – Councilor Bove said that for years a statement had been made that we could not have babysitting services at town meeting due to various reasons. He talked to Dept. of Health and Human Services and DCY about babysitting. With a one time event there is no licensing obligation as long as in proximity of parents. Chairman Paradis said other concerns at last meeting were issues with costs and number of seats. Reed Paige Clark, III spoke on behalf of the Londonderry Taxpayers Assoc. He said 84 people were putting the petition forward to move the location of Town Meeting to the High School Gym because they have had complaints that the LHS cafeteria is too small. Councilor Oswald said they have had an average of 233 people attend the annual town meeting over the past 6 yrs. He has not heard anyone say they don't like the building, changing venue is not warranted. Councilor Wagner stated we are only discussing Town Meeting, School Board has already voted not to change their venue. New gym is too big, cafeteria is less intimidating. The issue of how many people the gym could handle came up, Ron Campo; School Board said the gym could handle about 2,000 people. Councilor Wagner made a motion to remain in the LHS cafeteria, wait on deliberative session in Feb; if it is a large turn out we will have additional chairs available for 3/15/07. Second Councilor Oswald. Councilor Farmer brought up the idea of having the Town Meeting on a different day instead of on a Saturday. He said we need to do away with the budgetary form of government to allow votes to be on ballots. Reed said it is done that way in NH; people need to be educated on the set-up of town meeting. We have done it this way for 300 yrs. He stressed that the townspeople get involved in their town. Councilor Farmer said not every communities in the state has Saturday town meeting, a lot have a ballot vote on Tuesday. People in this town have to vote twice. Should put it up for the voters to decide how they want to vote. Councilor Bove moved the motion. Council's vote 5-0-0.

- C. Manpower and Succession Planning Report – Fort Wayne Program – Town Manager Caron said he reviewed information on the Six Sigma program offered in Fort Wayne Indiana. Seminars will continue through December, they have some good applications that might be implemented in Londonderry. Staff may possibly attend the December session.

- D. Code of Ethics – Town Manager Caron provided different provisions and

directions Council could take. He outlined the following:

- a. Referenced Statutory Authority RSA 31:39-a pertaining to Conflict of Interest Ordinances.
- b. Reviewed codes from other communities
- c. Code Applications
- d. Resolution process
- e. Should there be an ethics committee?
- f. Reviewed ethics policy currently in place referencing RSA's and Municipal Codes

Councilor Farmer asked if we have a conflict of interest policy in town charter, Town Manager Caron responded we do. Councilor Wagner thought we had already discussed going forward with this. Chairman Paradis said first put a code of ethics then decide what body is put together. Councilor Bove said Dumbarton was good, we all agree we want it. Councilor Farmer said he simplified Dumbarton's, once ethics committee established they set up process. He drafted an Ordinance, requested that Town Manager Caron review it and have it ready for first reading. We don't need to wait for Town Meeting or having a Taskforce. He thinks the press should have access to the information of an investigation, unlike Dumbarton's not letting press know about it. Councilor Bove said we have a good three months to come to a decision on this item prior to March elections. Councilor Oswald suggested having a signed pledge in additions to sworn oath this is already required. The signed pledge goes on file with Town Clerk. Everybody filing for office should get a copy of the oath if it is passed. Councilor Wagner recommended every single volunteer should get a copy of it.

NEW BUSINESS

- A. Resolution #2007-33 – Relative to a process for Reviewing Staffing Levels. Councilor Farmer read first reading, second reading waived. Councilor Farmer made a motion to accept. Second Councilor Bove. Town Manager Caron said this Resolution reflects the process staff has been following for the past 6 yrs. Council's vote 5-0-0.
- B. Ordinance #2007-10 – Relative to Citizens' Petition to Rezone Land on Perkins Road Councilor Oswald recused himself. Councilor Bove read the first hearing, second reading and public hearing is scheduled for 11/5/07. Councilor Bove made a motion to move to second reading on 11/5/07. Second by Councilor Farmer. Council's 4-0-1, Councilor Oswald abstaining.
- C. Ordinance #2007-11 – Relative to Revisions to the Zoning Ordinance – Councilor Bove read first reading, made a motion for second reading and public hearing to be held on 11/5/07. Second Councilor Wagner. Council's vote 3-0-0.

- D. Disposal of NHDOT Property – Ret 102 – Town Manager Caron explained a well is being decommissioned on Rte. 102. Staff recommendation is not to accept ownership. LPD recommends area be secured. It has been recommended that the Town notify DOT that it has no interest in property and request that it be secured. Councilor Oswald suggested requesting DOT put jersey barriers in front of area. Town Manager Caron suggested giving instruction to DOT is to prevent people from parking there. Discussion ensued about DOT selling the property. Councilor Farmer suggested if the Town purchased it for conservation property could we control what gets developed. Town Manager said the area is not large enough, it is actually part of the road right-of-way, and would require subdivision approval.**

APPROVAL OF MINUTES

- A. Minutes of the Council’s October 1, 2007 Public Meeting and Non-Public Meeting.** Councilor Wagner made a motion to accept. Second Councilor Farmer. Council’s vote 4-0-1.

OTHER BUSINESS

- A. Liaison Reports**

Councilor Oswald met with Manchester Airport Authority regarding federally funded noise insulation, no further funds anticipated until probably 2009. There are still 112 homeowners still eligible, they have elected not to be in the program, (9 are in Londonderry). Airport is sending final notices out this week asking them to reconsider. Southwest has added non-stop to Chicago, Orlando, Phoenix, and Philadelphia. Passengers traffic up 5% from a year ago. Cargo traffic up 16%. They have a new cell phone parking lot. There are 10 candidates for Airport Manager position, includes 3 local candidates, being interviewed in next couple of weeks. LPD still popular with airport officials. Conservation Commission had DRC reviews, met in Non Public for negotiations for land purchase. Leadership Londonderry meets this Thursday; topic is schools to include a tour of South School.

Councilor Wagner attended the Planning Board meeting, Perkins Rd rezoning discussed, recommendation forwarded to Town Council. Londonderry Fire Dept. received awards from State for EMS Unit of the Year and water rescue at Constitution Drive last year.

Councilor Bove attended Solid Waste Advisory Committee, Marty Sturgis who is a member of LAFFA volunteered to do recycling at the LAFFA fields. Landscape company has volunteered to landscape around welcome signs. FCC is taking away rights, cable companies won’t have to negotiate with towns, fees will increase. Status Report from Housing Taskforce is out; copies will be forwarded to Councilors.

Councilor Farmer met with Recreation Commission heard tonight the

discussion they had about monies in their budget being used for Project P.L.A.Y.

Chairman Paradis reported that the Londonderry International Exchange Committee had the Russian visitors, who toured the Town.

- B. Town Manager's Report Starting Budget presentations next Monday evening will run through middle of November.

Fire Chief interviews will be conducted on 10/25 at the Town Hall, all day affair.

Tow has received confirmation that our tax rate is set at \$18.22 Last year was \$18.28, six cent reduction. Bills should be received by next Tuesday; and are due by December 1st.

- C. Board/Committee Appointments/Reappointments/Resignations:

1. Re-Appointment of George Herrmann as an Alternate to the Conservation Commission, three year term to expire on 12/31/10.
2. Re-Appointment of Art Rugg as a Full Member to the Heritage Commission, three year term to expire on 12/31/10.
3. Re-Appointment of Duane Himes as a Full Member to the Solid Waste Advisory Commission, three year term to expire on 12/31/10.
4. Re-Appointment of Ben Parker as an Alternate Member to the Recreation Commission, one year term to expire 12/31/08.

Councilor Farmer made a motion to re-appoint all of the above. Second by Councilor Bove. Council's vote 5-0-0.

ADJOURNMENT

Councilor Bove made a motion to adjourn at 10:20 PM Second Councilor Farmer. Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 10/15/07

Minutes Typed by: Margo Lapietro Date: 10/16/07

Approved: Town Council Date:

TOWN COUNCIL/BUDGET MEETING WORKSHOP
October 22, 2007

The Council Meeting/Budget Meeting Workshop of October 22, 2007 was called to order

at 7:03 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman, Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald, Brian Farmer, Kathy Wagner; Town Manager David Caron; Assist. Town Manager/Finance Director Sue Hickey; and Cathy Dirsra, Secretary (Planning Dept.).

BUDGET COMMITTEE: Chairman Tom Freda; Sean O’Keefe, Mike Brown, Jay Hooley, John Robinson, Tom Dolan. Absent Michael Toth

CALL TO ORDER

Vice Chairman Joe Paradis opened the meeting at 7:03 P.M. with the Pledge of Allegiance. This was followed by a moment of silence for the men and women in the service and for those who have given their lives for this country.

PUBLIC HEARING

Town Manager Dave Caron reviewed the FY07 Financial Performance. He spoke about the Fiscal Health of the Town and gave a Powerpoint presentation. The FY09 default budget is \$25,265,724 and the FY09 budget request is proposed for \$25,213,895.

General Fund

General Fund expenses proposed for \$25,213,895.

Caron noted that Jaye Trottier’s position is funded between the Zoning and General Government budgets.

Bond Issues

North fire substation is proposed for \$2M

Highway road management is proposed for \$1.5M; length of bond is recommended for 15 yrs.

Sewer – Councilor Bove asked if debt services paid for Mammoth Rd; Caron responded in the affirmative, sewer funds pay debt service

Overlay/Exemptions

Level fund overlay account at \$300K

Level fund vet’s exemptions at \$487.5K

Offset from state shared revenues of \$104,157

MHT Revolving Fund

Proposed budget is \$2,402,705, which is 1.1% higher than ’08. The town receives 10% administrative fee on some expenses (received \$180K in ’07). The FY09 budget includes \$125K revenue to General Fund resulting from the contract. The item does not require further Town Meeting approval.

Special Revenue Funds

Three funds consisting of: Police outside details, Sewer Div. expenses, Cable Div. expenses.

Special Warrant Article

Completion of Mammoth/Litchfield/Stonehenge intersection - \$398K
Highway reconstruction - \$200K – presented should road bond fail
Three collective bargaining agreements - \$TBD
One-time, non-capital costs for North/West fire facilities project - \$175K from UFB

Projected Town Tax Rate

Tax rate impact - \$0.08, increase of 1.9%

General Government Appropriations

Proposed budget is \$490,347, down 5.05%.
Includes funding for all general services not attributable to any department.

Budget Review Schedule

Town Manager budget

Projected budget is \$413,579. All operating costs level-funded.

Debt Service

He reviewed the Debt Service anticipated for '09, totaling \$2,870,606.

Capital Reserve/Maintenance Trust Fund

He reviewed the Capital Reserve/Maintenance Trust Fund.

Expendable Maintenance Trust

He identified the needs for the '09 budget totaling \$205,000.

Councilor Farmer asked if we have a list of properties that have not paid taxes. Caron said yes; the Town does not receive many tax deeded properties, and code enforcement reviews properties to check for environmental liabilities.

Councilor Oswald asked about the school's energy program. He also wants to ensure we have a cost effective relationship with regional transportation.

Tentative budget workshops will be held 10/25, 10/29, 11/03, 11/05; 11/15.

ADJOURNMENT

Vice Chair Bove made a motion to close public hearing at 8:15PM. Councilor Farmer seconded the motion. Council's vote 5-0-0.

Notes and Tapes by:

Cathy Dirsra

Date: 10/22/07

Minutes Typed by:

Cathy Dirsa

Date: 10/23/07

Approved:

Town Council

Date:

**TOWN COUNCIL/BUDGET WORKSHOP MEETING
October 25, 2007**

The Town Council/Budget meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald; Brian Farmer, and Kathy Wagner; Town Manager Dave Caron, Assist. Town Manager/Finance Dir. Sue Hickey, and Margo Lapietro, Executive Assistant.

BUDGET COMMITTEE: Chairman, Tom Freda; Vice Chairman, Mike Brown, Tom Dolan, (7:15) John Robinson, Jay Hooley, Mike Toth, Dan Bever. Absent, Sean O'Keefe

CALL TO ORDER

Chairman Paradis opened the meeting at 7: 05 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

NEW BUSINESS

Town Manager Caron reviewed Budgets from FY03-FY08 and reported the non-personnel costs have increased \$1.19M. Of that amount, Solid Waste/Recycling; Road Salt, Hydrants; Utilities; and Vehicle Fuel have increased by \$1.26M He explained that in order to reach the 1% reduction the other remaining 258 non-personnel line items would have to be reduced beyond the reductions already made in FY03-FY08, which would seriously impact the Town's ability to deliver services. Staff has not proposed any reductions in staff; as that action would lead to a major reduction in services. Our current staffing levels compared to similar community's levels are at median or below level. Our staff levels are above in cable and police, both areas are dedicated to taxpayers and school.

The 0.5% above default total would be \$67,693 requesting supplemental funding in the following areas:

- Paramedic & Police Officer Training**
- Police Department Expenses**
- Third voting machine for Presidential Election**
- Road paving and reconstruction**
- Augment computer replacement program**
- Restore portion of planning internship program**

Finance: Assist. Town Manager/Finance Dir. S. Hickey stated the Finance Div.

experienced an increase from FY 08 of \$40,181 or 7.9%. Increases totaled \$44,181 due to:

Salaries

Overtime

Contractual and Federal Mandates.

Decreases totaled \$4K due to:

Management Services

Bank Services

Seminars & Workshops

Office Supplies

Budget Committee Member John Robinson asked what were the cuts made in management services; S. Hickey responded they were for legal opinions for bonding. Seminars and workshops have been reduced, office supplies pays for binding for CAFR, etc. Councilor Oswald verified numbers with HR; new hires were 36: 25 were police, 19 were retired or terminated. He questioned what was restructured, at library. He wanted to know the breakdown where the new hires were and clarification if we are replacing all those vacancies. He also asked for the tally of payroll at start of 08 fiscal year. Councilor Oswald also questioned the health insurance holding account. S. Hickey explained they anticipated health costs would be 12% in the budget but they were not that high. Town Manager Caron explained that a holding health account is established per Council order of 7/8/07; and transferred overage to holding account. These funds could be used for other items; funds expendable only when approved by the Council. Councilor Oswald asked to make an asterisk on that line item to explain where that came from. S. Hickey explained that number of \$718,485 listed in the budget book for current Finance Department FY Budget 08 is actually \$504K because that number is not part of Finance. Budget Member T. Freda asked when was the last time audit service was bid out, S. Hickey responded FY 04/05. He suggested that the bid be done every 2 years, as the timing of the audit may produce some savings. S. Hickey explained that municipal audit firms are the ones that do CAFR, not sure that the groups that submit bids are qualified to do municipal audits. She explained the CAFR process and advantages: it gives the Town a higher bond rating resulting in a lower interest rate on bonds. Councilor Farmer asked for an analysis on return on investment for audit. Sue will produce information on this issue.

Human Resources S. Hickey explained the HR Division is part of Finance. She reviewed the statistics for FY07.

185 Full time Employees

32 Part-time Employees

36 New Hires

8 Retirees

11 Terminations

Budget Committee Member Mike Brown asked how many people were in bargaining units. Town Manager Caron responded all but 5-6 employees were represented.

Assessing Karen Marchant explained the budget was \$402,185. Budget Committee Member, J. Robinson questioned part-time salary for clerical person. K. Marchant explained position is vacant, intended to use someone part-time during busy season. He questioned overtime, she responded it is for the Assist. Assessor. Budget Member T. Freda questioned assessment management increase for this year, K. Marchant responded increase was due to use of Patriot Properties and appraisal work. 2010 will be next certification, so values may be adjusted again. Councilor Wagner questioned telephone increases. S. Hickey said it was for local service as well as long distance. K. Marchant said they use the phones to set up appointments with taxpayers. Budget Member J. Hooley complimented her for cutting postage in half with recent postal increases. K. Marchant responded postage was over budget, no money in there to send out postage for an update. Councilor Bove said he is frequently asked the question from taxpayers, with housing market going down when can they expect to see decrease in the value of their homes if they get reassessed. K. Marchant responded possibly in December bills of 2008 which Council will have to discuss. Councilor Bove said even if your value goes down it doesn't mean that your tax bill will go down because the rate may go up. Councilor Farmer asked if update is done in-house how will it be accomplished. K. Marchant responded she has been doing this since 1994; Patriot Properties has been retained to assist only once during that time.

Town Clerk/Tax Collector Meg Seymour reviewed the types and quantities of transactions the department processed for FY 06-07. Total revenues collected \$67,426,329.10, an increase of \$2M. Sewer bills have increased and they are completed in-house. Requesting \$62,873.00. She requested an increase of \$368.00 due to supplies required for larger mailing for sewer bills. Due to the Presidential Election she will have a one time expense of an increase of \$5,392.00. Suggested adding a third voting machine at an additional cost of \$1,025.00. Budget Committee member M. Brown asked how much revenue was lost in motor vehicle permits due to Alamo leaving Londonderry; she responded \$450K. Budget Committee member T. Freda asked for clarifications on liens. M. Seymour responded \$1,200 average release amount. Councilor Bove stated he calculated they did about 140 car registrations a day. How many people are needed for 140 registrations a day? She responded it depends on how many are renewals and how many are new. On a new registration it would take her an entire day to process 100. She said it is a team effort, not just one person processes the registrations.

IT – Bruce Dickerson & Doug Bosteels represented for the IT contractor, EagleVue Technologies. S. Hickey said there is a decrease of \$89,561 or 20.5% for FY 08. The Town experienced reductions in the cost of computers because we were getting deals on purchasing.

Increases were:

Management Services \$24,694

Telephone \$1K

Seminars and Workshops \$500

General Supplies \$500

Councilor Farmer discussed the requested items list, wants to see perceived needs from all the departments D. Bosteels said they will supply at next meeting. S. Hickey

stated the list of requested needs was located in the budget book. Councilor Wagner asked the ages of computers at Londonderry Police Department (LPD), B. Dickerson responded that they rotate them, there are some over 4 yrs. Councilor Oswald asked if they had a source of recycling, D. Bosteels said they tried, but difficult, they have worked with DELL, there is a charge. Councilor Oswald said there was a firm in Boston that will recycle and pick-up. He also asked if they were using refillable ink in the printers, B. Dickerson responded they have been approached by an outside firm, a lot of ours cannot do that because DELL does not have a chip for third party toner cartridges, other brands do. Councilor Oswald asked why an increase in phones. S. Hickey responded it was based on anticipated usage. D. Bosteels explained the Londonderry Fire Dept. (LFD) uses voice over IP system. Only have one telecommunication provider that provides it. S. Hickey said she can provide analysis that costs are starting to slide down. Budget member J. Robinson questioned combining IT services with the School Department. Councilor Farmer explained last year did analysis with school department and found out their needs differed from ours. D. Bosteels said he routinely rotates hardware, does it on a daily basis, will re-build a machine to meet the needs. Budget Member M. Brown asked for clarification of New World. Software. He also asked if the support services were town-wide, S. Hickey responded they were for whole town except school department. D. Bosteels said it includes updates town-wide, not an outrageous amount. Less money compared to other towns. Budget Committee member J. Robinson said general supplies increasing \$500, are they computer related for supplies for computer people. S. Hickey responded the IT Dept pays for supplies for all toners. He questioned if training was for IT personnel, and what where the telephone charges for. She responded that the Town recently got an upgrade on their service and training was for IT personnel. T, Robinson said that seminars and workshops should not be paid by the Town; IT should train themselves on software they are supporting. D. Bosteels explained the software is a new thing; need to have training themselves in order to train personnel. S. Hickey stated that New World is customized to town of Londonderry. He questioned last time the IT contract was bid, and why aren't we participating with the school district when they bid. Councilor Farmer said that we have complete differences in service, not cost savings. Chairman Paradis clarified that the town hall had 2 full time employees initially from Eagleview, now we employ 1.33 employees.

Debt Service – Town Manager Caron reviewed debt service, total for FY09 is \$2.87M. He referenced the three offsets to those payments state aid sewer, Town is receiving aid on two projects, closing out by the southern part of town and also recent Mammoth Rd. sewer constructed in 2002. Received aid to close the Auburn Rd. landfill and sewer fund transfer from the sewer users to the General Fund to pay the balance of the debt service on any sewer related outstanding debt. Total Revenues is \$368,250. Principal and Interest totaled \$2,870,686. Net property tax supported debt is \$2,502,436. Outstanding bonds are for Water, Sewer, Public Improvements which are partially funded by Sewer Division. T. Freda said the listed amounts don't include any bonds for town meeting. Town Manager Caron responded that was correct. The Warrant article gives the voter the true picture of what the actual costs are to float that bond for that particular year. Once the bond

is approved, and we float the bond, by the time the next fiscal year rolls around we know what the actual costs are. Those costs are transferred into the debt service line item. Discussion ensued about bonding particulars. Budget Committee Member J. Robinson asked for breakdown on how much being paid, on each bond; Town Manager Caron responded that information was in budget book. Councilor Farmer suggested comparing bonding for 10 years versus 20 years and see what the savings are at next meeting. Councilor Bove specified that Exit 4A is not on debt service. Town Manager Caron stated we have voter approval to issue \$4.5M.

Revenues – The General Fund Operating Budget is fairly self explanatory. MHT PILOT is the payment in lieu of taxes for private business located at the airport. It has an annual inflator of 2%, which started at half a million dollars five or six years ago. Interest & Costs of Property has gone down, reflects that people are paying their taxes in a timely fashion. Licenses/Fees are largely attributed to the vast number of MV permit fees. State Aid included meals and rooms tax, shared revenues, highway block grants and state aid for sewer and landfill reimbursement for the debt service. Sewer Division Debt & Administrative Fees is the amount of money transferred from sewer fund to general fund to offset both the sewer debt service and a certain percentage of finance, tax collection, IT and public works administration. \$11,311,460 is for non-property tax revenues. The Sewer Division also pays 25% of the Public Works Director and 25% of the balance of the DPW office. Doris Beatty's salary is paid directly from the sewer fund. Councilor Farmer asked what investments draw revenue. S. Hickey said we have a couple of CD's; very limited on what the Town can invest money in. Our budget account is in a "sweep" account which means it leaves the bank every night at 5:00 PM, gets invested by our bank on the daily rate and gets pushed back into our account every morning. Councilor Farmer asked where the money came from for the CD's. Town Manager Caron said it is the town's cash flow from the General Fund. Chairman Paradis asked for clarification on MHT PILOT. Town Manager Caron stated that the Assessor places value on land that is not used for aeronautical services and assigned a tax rate to it. Chairman Paradis questioned LFD service to MHT (Manchester/Boston Regional Airport), Town Manager Caron responded we provide first response service; airport crash/rescue is handled by MHT fire department. Discussion ensued about the 2% annual escalation we receive from the open ended agreement. It was suggested by Councilor Farmer that this issue be revisited in the future so that future Town Manager Caron said the proposed warrant is in the budget book, deals with bond issues, use of fund balance which has changed since the last meeting. Planning Director Andre Garron has notified him that the Town has \$58K in impact fees for Litchfield Rd/Mammoth Rd. intersection. The Town would then use less undesignated fund balance in impact fees. Outside details, sewer use fees, cable franchise fees and Manchester are all self-funded with no impact on taxpayers. Use of undesignated fund balance is now \$340K.

Municipal Insurance Town Manager Caron said the Budget request is \$163,750. It is broken down into three categories:

Property Insurance: Covers all our property, vehicles including required bonds for public officials. Town participates in a municipal pool with 200 plus entities.

Unemployment Insurance

Insurance Deductibles: \$1K deductible

Chairman Bove questioned if this covers all municipal including police and fire vehicles, Town Manager Caron responded it did. Largest use is from the Londonderry Police Dept. (LPD), lot of police litigation both state and nationwide. Councilor Farmer asked if training offers some discounts or is it a pool cost. Town Manager Caron responded it is pooled cost, the Local Government Center (LGC) does provide extensive training opportunities. Budget Member T. Freda inquired as to what coverage we have for an excessive force claim with LPD Town Manager Caron said we have coverage, with \$1K deductible and they will defend the municipality as well as the employee. M. Freda questioned if it included going to a verdict in a civil rights issue, Town Manager Caron responded yes. Budget Member M. Brown asked if schools subscribed to LGC program, Town Manager Caron responded that he though so. Chairman Paradis asked what the increases were in salaries, Town Manager Caron responded 3% unless there is a step involved, depends on the unit. COLA for unionized employees is 3%; contracts state 3-4 1/2% range; if the actual CPI adjustment is above 3% it is up to the Dept. Manager to find the excess out of their particular budget.

ADJOURNMENT

Councilor Bove made a motion to adjourn at 8:35 PM. Second Councilor Farmer. Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 10/25/07
Minutes Typed by: Margo Lapietro Date: 10/30/07
Approved: Town Council Date:

**TOWN COUNCIL/BUDGET WORKSHOP MEETING
October 29, 2007**

The Town Council/Budget meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald; Brian Farmer, and Kathy Wagner; Town Manager Dave Caron, Assist. Town Manager/Finance Dir. Sue Hickey, and Margo Lapietro, Executive Assistant.

BUDGET COMMITTEE: Mike Brown, Jay Hooley, John Robinson (7:05), Ron Campo. Absent Tom Freda, Sean O'Keefe, Tom Dolan, Mike Toth

CALL TO ORDER

Chairman Paradis opened the meeting at 7: 02 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

OLD BUSINESS

S. Hickey reviewed the items that she was asked to provide additional information from the last TC/Budge Meeting held on 10/25/07.

NEW BUSINESS

Cable Division J. Robinson recused himself from this discussion because of conflict of interest. Dottie Grover, Londonderry Access Center Director stated the '09 budget was almost identical to last year with exception of equipment line. She said they did a good job of implementing their 5 yr. Plan. Next year they will have to develop a new plan and will be asking for an additional \$20K on the equipment line; it is also the first year of the franchise renewal. The future plan is bringing the Town into High Definition as well as digital world. Councilor Farmer asked her for a legislation update. D. Grover responded that there was no fed legislature impending. FCC decided to make a rule that would might allow telephone companies an easier way to get into cable or take away cable fees. There is a lot of misinformation out there. Congress has not made a move, but individual congressmen are not pleased with how it is being handled, lot of law suits pending, we are part of one. Public hearing being held this Wednesday in D.C. Rules have not been enforced. Councilor Bove asked what will happen if not agreement is reached. D. Grover responded they will mutually extend the time. Councilor Bove asked if there is an opportunity for another cable company to come in. D. Grover explained the process; the current cable company sits down and negotiates. She said we will negotiate with any cable company. Councilor Bove then asked if more than one cable in could be in town, she responded it would be unlikely. Councilor Bove asked her to explain the process. She explained that they will always have public hearing, company can choose channels. Councilor Bove asked if they have any negotiations to take in school side. She responded they negotiate with town not school; the town gives the school their channel and also gives the school district an annual grant. She did say that Sue Ballard and Nate Greenberg asked to be at the negotiation meetings. Councilor Wagner asked why does she want to add onto LAC. D. Grover explained that each year they have more people interested in program, need to have funding to do it. Councilor questioned if this additional use was from non-Londonderry users; D. Grover explained all programs are produced by Londonderry citizens. Councilor Farmer questioned if we reached the point the center could not sustain school time, would we push the Londonderry public out. Town Manager Caron responded those policy decisions rest with the Council. He said if that happens he would have dialogue with school, how many users are displaced, would have to look to prioritizing. He cautioned that this might not ever happen; D. Grover was just looking ahead Town Manager Caron said that Nate consults with him before each school year on this issue. Councilor Farmer said this

should be put on as an agenda topic for the joint meeting. Councilor Bove stated that D. Grover is presenting this as a contingency plan; need to plan for additional needs. No need to talk to school, nothing specific yet. Councilor Farmer stated this should come from CIP, Councilor Bove said she gets funding from access fees not from taxpayers. D. Grover said the special revenue fund is to be prepared if we need to add on to facility. Also it could be built-up to anticipate losing funding. Council Oswald agrees to a joint hearing with school; suggested D Grover work with schools to devise a needs. D. Grover replied that we are way ahead of this; we need to know if we are going to lose user fees before we have this meeting.

Budget Member J. Robinson explained he recused himself from the discussion because he works as a volunteer with the school and his wife is involved with the school.

Recreation - Art Psaledas, Recreation Director explained his budget request of \$127,621.00. Increase in PT salaries to \$63,164. Councilor Farmer asked him why he cut out office supplies and postage completely from his budget. He responded they never spent it. J. Robinson asked if impact fees are in the Recreation budget, he responded they are a separate item. Budget Member J. Hooley asked if workmen's compensation was part of payroll, S. Hickey responded yes; 9% increase in FY09 based on estimate from our insurance carrier. Budget Member M. Brown commended the Recreation Department for doing so much with less resources and notified the taxpayers that they are paying an average on their taxes of \$8.00 per year for this great program. Councilor Bove asked A. Psaledas for a report of how many recreational programs you have, how many fields, and how many people are involved. A. Psaledas said he would provide that information, but most of it is on website.

Welfare S. Hickey said they have provided \$81K in funding to 16 area agencies/groups. The budget for FY09 is the same. The next year the budget committee will have to review the groups we support for the next two years. Community Health Services (CHS) in Derry is contracted for \$32,932 by the Town to provide general assistance. Balance of appropriation, \$89,500 is expended on direct assistance to needy residents. Only increase is \$2,320 for rental assistance. Clients like the CHS feedback very positive they offer more services than we did as a Town. Thanksgiving baskets are being done; contributors are Stoneyfield Yogurt, Lions Club, Scouting for Food and AES. Last year 147 baskets were distributed, this year more. Chairman Paradis asked how a person goes about receiving the application for a basket. S. Hickey responded anyone who qualifies for a school free lunch program gets an application. Other people will come and contact her. Councilor Bove said in the past received one time rent assistance, and fuel assistance. He said there is a fuel assistance program in Rockingham County. Town Manager said instead of having a Town employee in this building CHS essentially has representative in their building; all program rules and requirements are same, referral abilities have been enhanced. Councilor Oswald questioned if there was a telephone number at Town Hall for Warm Homes. S. Hickey responded there is and when someone dials the General Assistance office extension for Town

Hall they are automatically connected to CHS who answer the phone as Town of Londonderry. They offer same services at different location.

Family Mediation – Joanne McKay said her budget was the same as last year; only change is her anticipated salary. Councilor Farmer asked if there was any need for growth. She responded her department runs with volunteers, she handles workshops and administrative services. She does large training sessions every other year, working well. Councilor Paradis asked how many volunteers has she added, she responded since last Fall got 5 more if need be can borrow other volunteers from another programs..

Senior Affairs – Sara Landry said her budget remained just about the same. Her biggest request is for a 20 hour Administrative. Assist. Position. She explained her present staffing levels. Have van driver and kitchen assistant positions that are funded through Rockingham Nutrition. Kitchen assistant has a 10 hour week. The receptionist administrative assistant position is funded through National Able. Would like to take 5 hours from admin. assistant and give to van driver so they can have coverage on Fridays and he can assist with special programs. This will have no budget impact. Wants to keep admin assist she is funded by National Able which allows them to be on site for just 2 yrs. This would result in her re-training a new person. Current person is well trained; has excellent computer skills. S. Landry stated it is important to maintain our level of service; can't have an entry level person in the position. Councilor Farmer asked if it is in the budget, Town Manager Caron directed him to Appendix A. She is currently working 20 hours would like to keep those hours. Councilor Farmer clarified that the total impact including workers comp would be @ \$9.00/hr. and asked for exact figure. Budget Member M. Brown asked if this position would have any union implications, Town Manager Caron responded no.

Library Barbara Ostertag-Holtkamp, Library Director and Richard Mackie Chair for the Trustees of the Leach Library were in attendance. Budget increased of \$24,762 due to personnel costs. She reviewed all the services, personal issues and transactions. Returned \$28,240.01 to Town in FY07. Budget Member J. Farrell asked how they were able to cut a position. She explained she had a full time executive assistant, position was vacated, used a volunteer, outsourced technical services librarian position. She has contracted it out a number of years. Budget Member J. Robinson asked if she was comfortable with existing staff, she responded yes. Councilor Oswald questioned gift books and lost or withdrawn books.

Pauline Caron, 369 Mammoth Road said she attends the Senior Center they have approximately 370 members. Do a lot of things, beneficial for seniors. She asked what is an undesignated fund balance is, how much money is in it and where does it come from. S. Hickey said the balance is approximately \$4.3M at end of 6/30/07. Money that is turned back from unspent budgets and excess revenues make up the fund. P. Caron then asked how it is invested. S. Hickey responded we have different maturities of interest in CD's, government sweep account that goes in every night, earns about 3.2% interest; limited on our investment P. Caron asked

how is money spent, who has authority to spend it. Town Manager Caron said it is determined at budgetary Town Meeting. She then asked what is the expendable maintenance trust and how are the items that are in the trust picked to be in it. Town Manager Caron said each year recommendations are made to the Town Council, Budget Committee and at Town Meeting to raise “x” number of dollars for the fund. A full list of improvements that will take place during that year is presented and that appropriation is voted on at town meeting; any expenses from that account are only done so with the approval of the council. Councilor Bove asked why maintain an undesignated fund balance. S. Hickey said we need to maintain an undesignated fund balance per DRA criteria who suggest 8-10% of the Town budget plus the net school and the county which is between \$3.4 and \$6.9M. Government Finance Office Association suggests 8-17% which is \$5.5 and \$11.8M. We are at \$4.3M. Need to maintain if any emergencies. P. Caron then asked if we have excess of what DRA requires can it be used against taxes if taxpayers vote on it. S. Hickey responded it could, Council has decided to use the excess if any to fund one time expenses for one time projects to keep tax rate level.. Councilor Farmer said it has a positive effect on bond rating, reluctant to overreach and have balance drop too low which will affect our bond rating. Councilor Bove said he brought this up because he did not want people thinking they could just make a motion to pay for the next fire station because impact would effect operations and bonding rating.

OLD BUSINESS

S. Hickey answered prior questions with a memo she gave to the Councilors. Councilor Farmer discussed terms of bond amounts, and questioned if we specify the term when it is put on the ballot. Town Manager Caron said we historically list 20 years. Is there a method that we can use to put the terms of the bond on the ballot on Tues or Sat. Town Manager Caron said bond counsel continues to advise that the governing body is the body responsible for establishing the terms and conditions of bond issues. If council makes a policy decision prior to completion of the warrant we can structure the warrant article in such a fashion that will include the language in the bond and the impact at that point. Not a lot of difference between 15 & 20, tax rate impact not that significant however the debt service savings over last 5 years is significant. Councilor Farmer suggested to Council that a statement should be on the warrant. Town Manager Caron said Council dictates extent of bond. Councilor Farmer said we should make a decision before it is put on the warrant. Discussion ensued. Budget Member J. Hooley asked if limits of liability insurance are standard. Town Manager Caron responded is a base plan offered by LGC, with \$2.0M coverage per occurrence.

ADJOURNMENT

Councilor Bove made a motion to adjourn at 8:30PM. Second Councilor Wagner. Council’s vote 5-0-0.

Notes and Tapes by:

Margo Lapietro

Date: 10/29/07

Minutes Typed by:

Margo Lapietro

Date: 10/31/07

Approved:

Town Council

Date: