

- A. Town Council, December 3, 2007 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)
- B. Town Council, December 17, 2007 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)

Introduced: 11/05/07
Second Read: 11/19/07
Public Hearing: xx/xx/xx
Adopted: XX/XX/XX

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
xx/xx/xx

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~~

TOWN COUNCIL/BUDGET WORKSHOP MEETING
November 03, 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, Tom Freda, Sean O'Keefe. Absent; Tom Dolan

CALL TO ORDER

Chairman Paradis opened the meeting at 9:07 AM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

None

NEW BUSINESS

Public Safety

Londonderry Police Dept - **Chief Joe Ryan introduced Capt. Bill Hart and Lt. Paul Fulone. Capt. Hart proceeded to review the Mission Statement, and Organizational Chart. Lt. Fulone spoke about Homeland Security Comprehensive Assessment Model (HLS-CAM). It is an assessment of the vulnerability of the Town if there is a perceived threat. Lt. Fulone proceeded to explain how the plan assessed the Town, using Londonderry High School as the first assessment due to its high level of vulnerability. A grant from the Department of Homeland Security totaled \$86,000 that included training and certification, facilitation, and V/A Kit. Operation validation helps LPD secure sites better; it is an ongoing process to benefit the Town. Councilor Oswald asked if there was a re-certification process; Lt. Fulone responded none required, updates will be provided. Councilor Oswald asked what measures other towns were taking. Lt. Fulone said these issues have been used in other parts of state. When a drill is performed they take information and learn from it. Budget Member M. Brown asked if having 3 school resource officers (SRO's) in the schools had any influence? Lt. Fulone explained this was an assessment not a grading process. M. Brown asked if having the SRO's is helpful in these kinds of incidents and do we have enough of them? Capt. Hart responded we are at the higher end but day to day they are a conduit of information to juvenile and police officers. Budget Members T. Freda and J. Robinson questioned security**

measures in place at the schools. Capt. Hart and Lt. Fulone responded that they had instituted some measures after the training session at the LHS and more would be coming. Chief Ryan commended Lt. Fulone for his hard work and dedication in implementing the HLS-CAM.

Request for FY09 default budget of \$6,497,174.; increase of \$145,513. Increases due to salaries, benefits and operating costs. The reduction below default would \$6,414,308 which would result in a negative operating cost of \$80,366. This would eliminate proactive responses, and would result in a decrease in training/professional standards. Above default would be \$6,524,820; increase of \$173,159. Increases would be mostly due to salaries and would give \$30,146 to operating costs. He reviewed key considerations and training methods. 60% of training budget is centered on use of force training. Budget Member J. Hooley asked where the reductions in pro active responses would be. Capt. Hart responded SRO's, community resource officers, community outreach programs and patrols would be reduced. Chief Ryan stated that the budget does not include increases in overtime (OT), reflects increase in salaries due to contractual obligations; if you increase salaries you have to decrease OT hours if you are not going to increase the OT budget. T. Freda asked if retirement is related to MHT. Chief Ryan responded it is a break down in the change in personnel. Retirement is based on the officer's income, if a master officer retires and is replaced by a younger officer at a lower pay scale, the retirement will be reduced. As they advance their salary increases, affects retirement. The retirement system adjust rates on even number years. The change between 07 and 08 is reflective of the significant increase of the rate for retirement for police officers. Not changing the rates for FY09. All costs for police officers at MHT are paid by MHT plus 10% administrative fee. It is a cost plus project; whatever costs we incur from managing LEO at MHT are paid for by the airport plus a 10% administrative fee. T. Freda questioned UOD holiday pay. S. Hickey responded she budgets for holiday pay, but when we actually pay out the payroll we don't classify it to a different account, it gets paid in with the salaries. The two get netted together, just not coded to that line item. T. Freda questioned the officers' liability coverage, asked if is in this budget or another budget. Town Manager Caron responded it is part of municipal insurance located on page 76. Covers only officers assigned to town. Officers at MHT are paid by MHT and it is in their budget. Councilor Wagner asked for clarification, if officer gets OT which increases their pay, which results in more retirement money, does the airport pick that up. Town Manager Caron responded if it is incurred at MHT they pay. Budget Member S. O'Keefe asked if the officer works for 25 yrs at MHT and the officer retires, is the retirement going to be paid for by the Town or does MHT get billed for the services for all those years. Town Manager Caron responded the retirement is paid for by the retirement system. Once they retire from the Town we don't have any further obligations for the retirement expenses, it is all managed in Concord. Budget Member M. Brown verified that we will see another spike in retirement costs from FY.09-FY10. Town Manager Caron stated that he expects another appreciable increase. M. Brown verified it would include School as well, Town Manager Caron said he would guess that as well.

M. Brown questioned what the priority would be on the key considerations for the fault plus budget of .5% Capt Hart said training and weapons supply were the two most important items. M. Brown asked how the MHT three year contract with a year option was working out. Chief Ryan said every report he has received was very positive. M. Brown mentioned that the first full year with this contract, we received more than expected with the Administrative Fee of \$180,000. He said the expected amount this year of \$125,000 would go into the General Fund. Town Manager Caron said the administrative fee of 10% on salaries for the first year there was also a 10% fee on unlimited OT. Year two the 10% fee on the OT goes up to 17% in OT, won't pay the administrative fee over that. M. Brown explained the 10% Administrative Fee goes into the General Fund that reduces the tax burden. If the Council chose to use that money to fund police training they could do so. M. Brown said the police have the highest budget on town side, but provides lots of service, He stated that using the taxpayer white paper he calculated that a homeowner who had a home assessed at \$400K last year would have paid \$443.00 for police services which equate to \$1.25/day. Councilor Oswald is the Manchester Airport Authority liaison and he said at every meeting LPD receives high praise from MHT. Discussion ensued again about retirement. Town Manager Caron stated in FY10 it will be pay as you go. It is generally pay as you go so when somebody retires you have already paid the employer's share of the retirement system, allocation of benefits up to state retirement system at that time, the Town has no further obligations. T. Freda then asked if we had to purchase MHT vehicles would it be part of the cost plus agreement. Chief Ryan said MHT has purchased four vehicles; they pay for them and maintain them. Councilor Farmer explained that MHT is a separate division, has a separate revenue that pays for the total cost of that department, contributes to town tax base. Chief Ryan said that was correct and we now have 25 more trained officers paid by MHT, they are a terrific resource available to us. Town Manager Caron explained the numbers seen this morning are only for Londonderry Police Officers does not include MHT. MHT budget numbers are located at back of the book under "Police Outside Detail" tab. It is for information only, has the same policies and procedures which the Council adopts in collective bargaining agreements. Those costs do not go to Town Meeting, it is a revolving fund already approved by Town Meeting.

Building/Health/Zoning - Dept. Head not in attendance will re-schedule presentation on November 15th.

Fire/Rescue -. Chief Mike Carrier presented a default budget request of \$5,168,019, increase of \$110,955. Increases due to personnel costs. Listed priorities on default budget. Councilor Oswald asked for rational for North/West Station. Chief Carrier responded they did fire facilities study, it determined that 3 fire stations would be sufficient for Londonderry based on geographical areas and response time. By moving the proposed third station closer to the industrial area near the airport it made it feasible. After the report was done it was determined the Town did not need a fourth fire station; no staffing would be needed for the fourth station and it would not affect operating budget. Councilor Bove asked Town Manager

Caron if we had fire impact fees. Town Manager Caron responded we did for West District only. Councilor Bove then asked if the N/W fire station was built next year and then buildings starting going up at the airport, would the money we get from impact fees from these new facilities be re-applied to the fire station. Town Manager Caron responded in this year's budget we have \$80K in impact fees. \$50K are fees collected from the Police Facility, which are being used against the debt service. And \$30K from Library being used against its debt service. Councilor Bove asked if we had a projected figure of amount of tax revenue generated by development in the Northwest quadrant. Town Manager Caron will talk to Andre Garron to clarify what the formula is and review the design charrette that took place for that area. Councilor Wagner said the impact fees formula was changed recently for the whole Town. Town Manager Caron responded it was a new program, we have not withdrawn any money; essentially used up all of the impact fees for West in the past years for A&E. Councilor Oswald said there was a critical component for both stations; both designed to add an additional apparatus bay. M. Brown questioned the minus 1% one time expense of \$8,000 on default budget for CFR course. S. O'Keefe questioned in the FY09 budget the request for 2 firefighters. Chief Carrier explained it was not for additional personnel it was to send them to paramedic school so they could be cross trained. Needed coverage because some fire fighter/paramedics were being promoted to Lieutenant positions. It is increasingly becoming difficult to find paramedics. Town Manager made a correction to ambulance OT on pg 98 ambulance OT should be \$32,000 not \$22,000. Ambulance training should be \$30,000 not \$14,000; no increase to bottom line presented today. Capt. Carrier said in the default budget that was plus .05% that was submitted, priorities from that list would be to send 3 fire fighters for paramedic training and increase the OT by \$5,000. Councilor Bove asked Chief Carrier if there was a projected increase with SO NH Hazmat. Chief Carrier responded he increased the budget last year by \$6,500 for that purpose, will end up somewhere about \$7,000.00. Councilor Wagner asked if he was seeing a dramatic increase in services due to MHT. He responded his calls have increased and projects increases due to more business and I93 expansion, there is tremendous growth in town. Councilor Wagner suggested we should start projecting for an additional ambulance. Chief Carrier said we are at the point where Council and Town should look at staffing the second ambulance; don't have the staff to handle that ambulance. They have two paramedics on duty at all times, one staffs the ambulance and the other is assigned to an engine company. Discussion ensued about airport calls and response calls to Town. Councilor Wagner asked what it would cost to staff another ambulance; he responded \$450K per year. Chief Carrier said 25% of time we have 2 ambulances out the door at the same time. Councilor Wagner asked how many times they assisted with mutual aid, Chief Carrier responded approximately 64 times. J. Robinson asked if they used volunteer first responders or paramedics. Chief Carrier responded we do use them now but most have day time jobs and are unavailable. T. Freda asked if our insurance carrier covered call firefighters, Town Manager Carrier responded they are covered. J. Robinson asked if we have an on-call paramedic who is not a firefighter. Chief Carrier responded we do. Councilor Farmer talked about levels of EMT's, and training. Minimum requirement for

Town fire dept. is that you must be a certified firefighter as well as a certified EMT basic. The classes listed in the budget are for firefighters EMT paramedic level, two steps above an EMT basic. Town Manager Caron explained that every vacancy in fire dept is advertised for a fire fighter/paramedic, unfortunately not a large availability of EMT personnel. Councilor Farmer said we will have a need for more paramedics and ambulance. He asked Town Manager Caron to show impact to this budget of adding additional EMT/firefighters. M. Brown asked to include cost of personnel including retirement, etc. Chairman Paradis asked why we have to cover the airport for fire situations. Town Manager Caron responded it is within boundaries of Londonderry. We can't make policy decision to respond or not based on the use of that property. Discussion ensued. J. Robinson asked if most calls are EMS related and do they pay us for transporting patients. Chief Carrier responded yes to both questions. Collections discussed. Chief Carrier stated we are now sending unpaid bills to collections. Councilor Wagner asked how much were we losing per year? S. Hickey responded FY07 wrote off \$245,000. Chief Carrier stipulated that was a cumulative amount of money over the pas 6-7 years. Councilor Wagner asked if we knew how much we were losing in unpaid bills per year; S. Hickey said she will do an analysis. Chief Carrier said they have always anticipated a collection rate of between 70% and 75% from inception of the ambulance service in Londonderry. Every other community has similar collection rates. Councilor Farmer asked if state RSA's allow us to charge any other types of fees, like call fees, and if we don't transport charge a fee. Town Manager Caron said generally if Planning Board sees a specific impact to a specific part of development the Planning Board can require that applicant to mitigate those costs prior to receiving approval. Councilor Farmer said we can't tax commercial property separately.

OLD BUSINESS

S. Hickey reviewed inquiries from prior meeting dealing with the proposed Administrative Assistant position at the Senior Center. Salary is \$10,076.04. Shift in duties has already been done.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 10:55 AM. Second Councilor Bove. Council's vote 5-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>11/03/07</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>11/ 06/07</u>
Approved:	<u>Town Council</u>	Date:

TOWN COUNCIL/BUDGET WORKSHOP MEETING
November 05, 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 Ron Campo, Tom Freda, Sean O'Keefe, Tom Dolan

CALL TO ORDER – PUBLIC SESSION

Chairman Paradis opened the meeting at 7:03 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

Councilor Bove made a motion to go into Public Hearing. Second by Councilor Farmer. Councils vote 4-0-1. Councilor Oswald recused himself.

PUBLIC HEARING

Ordinance #2007-10 – Relative to Citizens' Petition to Rezone Land on Perkins Road
Chairman Paradis said this was introduced on 10/15/07, second reading and public hearing today. Councilor Bove made a motion to waive the second reading. Second by Councilor Wagner. Councilor Oswald recused himself. **Town Manager Caron stated that the Planning Board did review this petition to rezone three lots on Perkins Road and voted to recommend that the Council not approve the request. Tom Duffy represents the Wallace family who is one of the property owners seeking rezoning. Asked to see detail of review and process for the review of the mini-master plan for the area. The master plan does address transitions zones and the Exit 5 area. He agreed with having Southern NH Planning (SNHPC) conduct participating hearings. Wanted sense of scope and timing requested information from Planning Director Andre Garron. A. Garron stated that back in September he submitted an application to use some of our CTAP (Community Technical Assessing Program) to utilize \$15,000 discretionary fund from I93 widening. SNHPC is involved doing mini-master plan study costing \$17,000, looking at northern area of Londonderry. A study will identify potential for that area, and infrastructure needs. Will have several workshops/public meetings throughout the process. Timeframe is projected a year from start of the process. Councilor Farmer asked for a clarification of the study amount, A. Garron responded the study itself will cost \$17,000.00, \$15,000 from CTAP and \$2,000 from Planning & Economic budget.**

Councilor Farmer asked if the piece of property they were discussing tonight would be involved in that report, A. Garron responded yes in addition to a lot of other properties in northern Londonderry. Report will be back to Planning Board toward the end of 2008 at which time the public hearing process would begin. Discussion ensued to exactly what areas would be involved in the study. Chris Davies, 29 Perkins Rd. passed out information to the Council. Most abutters want to see the area as open space, keep residentially zoned; enough commercial property on Rt. 28. He is a fan of having a buffer zone, not a transition zone. Reed Paige Clark, III, Stonehenge Rd. asked for clarification of boundaries. A. Garron explained area being studied in the report would be from lower boundary of Stonehenge all the way to Manchester. From that route all the way to Manchester town line, from I93 west to Manchester town line. It would include Litchfield Rd. A. Garron said the reason for the report is because they have received a lot of requests for rezoning, concerned if Performance Overlay District (POD) is working. Potential of a lot of development in that area. This makes sure that whenever they go forward, it is an opportunity to look at Master Plan and make sure it is working. Councilor Farmer said there is a large parcel of existing residential property at Perkins, is the mini-master plan for that area being driven by petitions. What percentage of the Town are we looking at for mini-master plan? He questioned if all the area could be included in the study for \$17,000, felt we were overreaching. Councilor Paradis thought they were looking at area around Exit 5 that was all that was driving it. Discussion ensued of area that should be involved in the mini master plan study. Councilor Wagner said it is an overview of the entire Master Plan opens the process again so everyone understands the Master Plan; asking citizens what they want. Bob DeLoed, 56 Bartley Hill Rd. said he heard a Conservation Commission representative say that Perkins Rd. would not be considered for Open Space. He looked at the meeting minutes of the Conservation Commission and could not locate a meeting at which this was discussed. Would like the Council to have this item on the agenda for the pros and cons against opening this area for Open Space. Tim Thompson said it was not in current Open Space Taskforce plan based on the criteria that the Open Space Taskforce supplied. Councilor Farmer explained why Open Space Task Force was established. Mr. DeLoed asked to have the list updated, Chairman Paradis explained that the monies in Open Space are already committed to projects. Councilor Wagner stated that Open Space deals with property that is offered and this property was not offered for Open Space to the Town. Heather Anderson, 31 Perkins Rd, said 154 people were approached regarding these three properties, 151 against and 3 were in favor of the rezoning. Owner of lot #2 had never been approached to rezone. 100% of No Londonderry under mini-master plan feels that some areas that need focus will get lost because of intention to focus on larger area. Who decided to go ahead with mini-master plan without letting the general population know about it? Wanted the 154 petitions to be acknowledged. She was instructed by Chairman Paradis to hold onto the names. Councilor Bove said the housing taskforce is still looking at making their own recommendations; do need to look at additional housing requirements. Need to look at that area in more detail. Councilor Bove made a motion to deny this petition. Second by Councilor Wagner. Town Manager Caron stated Council passed this Ordinance to public hearing,

waived reading, the reading is in the affirmative He suggested they vote actually on the ordinance and if you choose to vote against the rezoning just vote no on that article. Councilor Bove re-stated his motion to approve this petition as presented. Councilor Wagner second. **Town Manager Caron re-stated that a no vote would deny the rezoning request.** Council's vote 0-4-0. **The Ordinance does not pass.**

Ordinance #2007-11 – Relative to revisions to the Zoning Ordinance Councilor Wagner made a motion to waive the second reading. Second Councilor Bove. Councils' vote 4-0-0. **T. Thompson explained the Building Department had minor modifications to update state building codes. Planning Board recommended these changes at its October 10, 2007 meeting. Councilor Bove asked for specifics. T. Thompson said the way the Building Code is written is in a very broad sense. In places it says “the name of municipality adopts these building codes” just have to inserted Town of Londonderry, things like that are the changes. Open for discussion. Hearing no public comment,** Councilor Wagner made a motion to accept the Ordinance. Second Councilor Bove. Council's Vote 4-0-0.

Councilor Bove made a motion to close the Public Hearing. Second Councilor Farmer. Council's vote 4-0-0.

Councilor Oswald rejoined the Council.

Councilor Oswald read a Proclamation designating November 14, 2007 as World Diabetes Day in Londonderry.

PUBLIC COMMENT

- A. Conservation Commission – Councilor Oswald stated that the Conservation Commission is working with a certified forester to work in the Town Forest next to Town Common. The area would not be clear cut, just remove some trees that are diseased. The Commission will be hearing from forester within a month, sale of wood will take care of stump removal expense. Chairman Paradis asked how big the forest was; Councilor Oswald responded around 12 acres.
- B. Fire Chief Mike Carrier – Chief Mike Carrier and Bureau Chief Sue Prentiss of EMS for State of New Hampshire were in attendance as well as Don Waldron the EMS Coordinator for the Town. The Londonderry Fire Department received the Unit of Merit Award from the State. S. Prentiss proceeded to tell Council that there are 299 licensed EMS units in state and described why Londonderry was selected to receive this coveted award. D. Waldron EMS Coordinator accepted the award and thanked the Council, former Fire Chief, Al Sypek, Mike Carrier, the fire fighters for all their cooperation and hard work

Tom Dolan, 15 Isabella Drive had comments about Ordinance #2007-12 regarding establishment of a Code of Ethics Ordinance. Offered both positive and negative feedback about the Ordinance Good that we articulate the need for honesty,

integrity and ethical behavior. Original document reviewed about a week ago, was poorly written, not coherent, rambling and drifted in an out of legalese. It was 14 pages long about 4,000 words. Recommend reducing document to 1-2 pages, to a clear and concise code of conduct. Use ombudsman approach, to review and make recommendations on ethics. He encouraged the councilors to demonstrate leadership by example and to not advocate or delegate this responsibility of ethics on anybody else including an ethics committee. The 5 Councilors are the ethics workdogs, the community holds you accountable for ethics. He urged them to hold themselves accountable and invite the community to do the same. Adding more bureaucracy and potentially more cost are not what we as residents are looking for on this issue. Ken Hajjar, 70 Oakridge Drive, supplemented what T. Dolan said. He is vehemently opposed to an ethics committee, incredibly subjective, will lead to more negativity.

Councilor Oswald said the Londonderry Food Drive will start 11/1/07 - 11/19 coordinated with Londonderry Fire Department. Two collection points: ReMax and LHS.

OLD BUSINESS

A. FY 09 Budget Review

General Government:

Cemeteries - Carolyn O'Connor told Council we have 8 cemeteries in town maintained by the Trustees. Currently Trimmers is the landscaper that maintains the landscaping. The Town Sexton meets with people who want to buy graves, organizes the burials, submits documentation to the Town. Working to repair monuments in old cemeteries.

HDC Town Manager Caron said their budget was reduced by \$130.00. Recommending in FY09 that the Town raise the budget \$870. Art Rugg Chairman said at some point in time they will need additional money for expenses related to Historic Properties Preservation Task Force and future renovation of the genealogy room in the library.

Morrison House – Budget is level funded of \$8,500. Ginny Dahlfred, Pres of Historical Society said last year and this year not asking for additional money; they rely heavily upon volunteers. Adding two historical houses to the Morrison House Museum in 2008.

ZBA – Town Manager Caron said their budget is up a little from their current budget due to personnel costs. The budget supports half of staff position and General Government supports the other half of staff salary. All operational line items are level funded. Budget Member M. Brown said that ZBA recently heard from town staff that the fee structure might be adjusted, will it come to Town Council in the future. Budget Member T. Freda asked why not break up legal costs like they do in other

departments. Town Manager Caron responded we only break out ones that are not supported by taxes which is the sewer department and cable. All other legal fees are in one central legal department. Councilor Farmer asked why printing went up. Town Manager Caron will get details. Budget Member M. Brown serves on the ZBA; costs associated with legal notices, and other things related to printing costs outstripped the fee structure we charge back for that. Discussion ensued. Councilor Oswald stated that Council was going to have this as an agenda topic to re-visit all fees, fines and permitting. Town Manager Caron said it is an ongoing process: building and zoning board fees will probably be done prior to February so we will know of any potential impact to FY09 budget.

Supervisor of the Checklist - Gerry VanGravenhoff reviewed duties. Requesting \$12,271, increase of \$747. During Presidential elections in 04-05 asked for increase of \$1,383.00 needed extra people. Councilor Bove questioned if voting machines come out of the Town Clerk's budget, J. VanGravenhoff confirmed that they did..

Conservation Commission – Returned to past levels, requested \$4,500 for outside consultations. Councilor Oswald said they were looking at baseline studies, used interns from UNH for some studies in the past. Request for 09 is the same as 07. Have stewardship of over 1800 acres.

Planning/Economic Development – Director of Planning and Economic Development, Andre Garron and Tim Thompson, Town Planner presented. Their department is maintaining a default budget and 1.25% budget. A. Garron spoke about reductions to his budget; internship program was reduced \$4,000 and overtime budget by \$1,000, reduced training by \$150, management by \$2,500, maintenance and repairs and miscellaneous repairs were reduced. Increases were in telephones and postage part of which is offset by application fees. Reduced the whole budget by \$8,140. Added back in \$2,680 for a total reduction of \$5,460. Would like to add \$4,000 back into internship program. Councilor Oswald asked where are GIS related expenses, A. Garron responded the IT Dept. handles licensing, maintenance and support. Councilor Oswald asked if anything done on a fee paid basis from John Vogl, GIS Manager. T. Thompson said we do have fees for digital data requests, digital information and printed information are made available at a fee. Councilor Oswald said we should make sure we are competitive. T. Freda questioned if you are limited on what you charge for fees by state statues. T. Thompson said part of engineering review process is charged to applicant. He said we do compare what

other departments charge but will look into it to see if compatible. T. Freda suggested charging the applicants for additional time spent on continuances by staff. Discussion ensued about continuance time Discussion ensued about differences in salaries and benefit costs between a pass-out from that night and figures listed in the Budget Book. M. Brown asked about interns being used again and what the project would be. A. Garron responded would like to have them again, but has not established what the project would be. Andre said he would clarify mini-master plan at 11/14 Planning Board meeting.

Capital Improvements Plan (CIP) – T. Thompson gave a brief overview, it is advisory in nature, clarified what is a capital project. He talked about the potential financing methods, and how the projects are prioritized.

He proceeded to review the year by year project cost totals and the combined tax impact analysis by year. He clarified that the bond for Exit 4A project was not included in the CIP.

Town Manager Caron reminded everyone that the next meeting on 11/15 is the last budget workshop presentation.

NEW BUSINESS

- A. Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics **Read by Councilor Bove** motion to move for discussion. Second by Councilor Farmer. Steve Young, 7 Fiddlers Ridge Road asked how this is being brought forward. Is it due to citizen demand, unilaterally or by consensus of the Board. Chairman Paradis stated that Councilor Farmer brought it forward initially as an item. Councilor Farmer said it was in response to comments, questions and concerns from citizens in the past three years. There was a discussion on this in June at a joint meeting He said according to Town Charter it was permissible to submit an Ordinance. Town Manager Caron said there are three items in Town Council packets; town attorney's opinion on the proposal, the initial proposal from Councilor Farmer, and another revision amended by attorney and staff input. Only difference between staff's input and Town Council's is that employees would adhere to goals and objectives of the code but would not be subject to provisions of investigation by an Ethics Commission if one is formed. This is under purview of Town Manager under RSA 37 and Town Charter. That is the major difference, other ones are listed. Chairman Paradis clarified Council can make adjustments to this Ordinance at public hearing. Town Manager Caron stated that when we go to public hearing nothing requires the council to vote up or down at that meeting. Council can close public hearing and work on document. He cautioned that after review of document, if there are significant changes from the one presented to the public then he would advise the Council to hold a second public hearing. Councilor Wagner said

she does not want this at all, what are her options if she does not want it to go to public hearing. Chairman Paradis said we can vote for this to go to a public hearing and made adjustments during the public hearing. Tonight she heard 4 individuals speak against the Ordinance, has not heard from anyone who is for it. Ethics Committee will not be impartial. Councilor Farmer said by doing the reading and introduction and seconding the motion we vote now to move draft to a public hearing. Attorney's opinion and the mark-up will be brought up in the public hearing process, Town Manager Caron responded yes. Councilor Bove said another option is not to take action now. Town Manager Caron said they have several options; Under the Charter, a Councilor can raise an objection, which would delay consideration until the next meeting; Council can agree to schedule a second reading at the next meeting; can agree to schedule a public hearing for two meetings out. There are a number of different procedural options available which would all result in not having a public hearing at the next meeting. Councilor Farmer said as the author of the Ordinance can he change it. Town Manager Caron said Councils' options are if you do that and have further discussion then he suspected that he would need their concurrence with the changes. If the majority of the Council does not concur with your proposal then the procedural matter would involve the Council not sending it to a public hearing. Councilor Oswald said if we vote today on the document that Councilor Farmer has offered, and send that to a public hearing where it would be presumably heard by the public and voted up or down; or, we are not going to amend it or make any edits or changes or alterations, is that accurate. Town Manager said once Council presents an Ordinance it goes to public hearing; once it gets to the public hearing then it can be amended after receipt of public input. Councilor Oswald asked what is the rush, if you heard these concerns for three years and now we are acting on it not sure if we want to change the landscape dramatically in the course of two weeks. Needs some serious review, will make a number of comments at public hearing Councilor Wagner asked if we are voting on what Councilor Farmer handed out to us at the last meeting, Councilor Oswald said we are voting to just move it to a public hearing on 11/19. She said when an attorney comes back with 4 pages of concerns about the document she is uncomfortable. Chairman Paradis took a poll of Council, he said he didn't mind moving this as it is or move for a second reading to give additional time to review documents. Councilor Oswald said he would be more comfortable with a second reading, allow the public to look at original document and Council to look at all three versions, no rush on it. Councilor Bove agreed he would like to move to second reading. Reed Paige Clark, III, Stonehege Road said nobody has mentioned ethics to him, does not understand why this issue has come up. Councilor Bove made a motion to amend his motion to go to second reading on 11/19/07. Second by Brian. Council's vote 4-1-0. Councilor Paradis asked Town Manager Caron if attorney's opinion, draft of mark-up and letter from one of the collective bargaining units was public information., he replied that legal opinion is not

public until the Council votes to release it to the public.

- B. Resolution #2007-34 – Relative to Participation in the LGC Property-Liability Trust Program – **Town Manager Caron explained that the program is proposing to limit increases to 9% per year for the next three years. The Town’s participation in the program has resulted in one, 2% increase in the past 13 years. The program has been using its Undesignated Members’ Balance to cover some expenses, as a method for returning excess contributions to the membership. Councilor Bove made a motion to adopt, waive the second reading. Second by Councilor Wagner. Council’s vote 5-0-0.**
- C. Issuance of \$1.2M Highway Bond – **Town Manager Caron stated that Town Meeting authorized \$1.2M in highway bonds. Customarily we have issued bonds in the \$1M range for 10 year terms recognizing the community’s tax base and its ability to be paid over that time. A few years ago the Council directed as a policy measure that bonds be issued for 20 yrs. Financial advisor is concerned about issuing 20 year bonds for road construction, their preference is 10 years; 15 years is OK. First full year impact of 10 year bond is 5 cents; 20 year is 3 ½ cents; 15 year bond is 4 cent impact on tax rate. Interest paid for a 10 year bond is \$324,000, 15 year is \$484,500 and 20 year is \$660,000. Councilor Farmer asked if he recalled what term were on ballot, and what the tax impact was. Town Manager Caron said 20 year was on ballot, which was the policy at that time. He said asphalt does not last 20 year which is part of the thought process of the financial advisors recommendations. Councilor Bove asked how this will impact budgets coming forward. Town Manager Caron said it would impact it, recommendation for 09 highway bonds would be whatever you decide this evening. He said he recommend 20 yrs for fire department, larger bond and for an improvement that will last longer than the 20 year bond. Recommendation depends on the type of improvement. Town Manager Caron said that Councilor Farmer has an excellent point, he advises the Council to make these policy decisions before budget process so we can list it on warrant. Councilor Farmer stated he is in favor of 10 years. Councilor Bove said either 10 or 15 is OK. Councilor Oswald said road is not going to last more than 10 years, in favor a 10 year bond for the highway. Councilor Wagner agrees with Councilor Farmer would like to see the breakdown on the warrant, good to get that information on all bonds.**

APPROVAL OF MINUTES

Minutes of the Council’s October 15, 22,25 and 29, 2007 Public Meetings

Councilor Oswald made a motion to approve the public meeting minutes of 10/15/07 with one edit on line 194, he had recused himself from voting so council’s vote should be changed from 4-0-1 to read 4-0-0..Second by Councilor Farmer as amended. Council’s vote 5-0-0.

Councilor Oswald made a motion to approve the public meeting minutes of 10/22 with the correction to line 79 where Councilor Oswald asked about the school’s “energy program” he actually asked when the Town was doing an

energy audit and a baseline with Chuck Zappala at the school. Councilor Farmer seconded as amended. Council's vote 5-0-0.

Councilor Oswald made a motion to approve the public meeting minutes of 10/25 & 10/29 as presented. Councilor Farmer second. Council's vote 5-0-0.

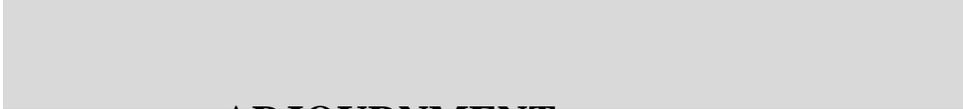
OTHER BUSINESS

- A. Liaison Reports **Councilor Oswald said he will attend Leadership Londonderry next week. It will deal with Finance and Budget and they will attend the budget workshop at 7:00 PM**
- B. Town Manager's Report – **Fire Chief process has been completed; he thanked the three panels for their help in the interview process. Conducting background investigation on a candidate. Will e-mail council for a non public interview of his nominee.**

Have completed the subsurface mediation of Sandborn Road nearing completion, looking for disposal site for "dirty tires" Will receive free fill from Exit 5 construction, will grade the lot then have to decide what to do with area.

- 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.**

Councilor Bove made a motion to accept all above. Second Councilor Farmer for discussion. Councilor Farmer talked about filling the empty budget seat, Town Manager said we will advertise the position upon acceptance of direction. Councilor Farmer said the staggering appointments on Planning Board are out of whack. Town Manager said terms will be staggered when reappointment terms come up to get back into sync. Terms have to adhere to when they were sworn, have to be maintained to years that were sworn in.. T. Thompson said when alternates moved into full membership the alternate expiration dates were maintained rather than being corrected to adhere to the balance of the full member's term. Council was in agreement to handle the terms as suggested by Town Manager Caron. Planning Board will be discussing Tom Freda's resignation this week, usual practice is to appoint the senior alternate, in this case Lynn Wiles. Will then begin search for alternate position. Council's vote 5-0-0. Councilor Bove stated that the Council accepts all the resignations with regret and thanked them for their work.



ADJOURNMENT

**Councilor Farmer made a motion to adjourn at 9:20 PM. Second Councilor Bove.
Council's vote 5-0-0**

Notes and Tapes by: **Margo Lapietro** **Date: 11/05/07**

Minutes Typed by: **Margo Lapietro** **Date: 11/09/07**

Approved: **Town Council** **Date:**