

TOWN COUNCIL AGENDA December 17, 2007
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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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|-----------|------|--|
| 6:00 PM | | <u>NON-PUBLIC SESSION – RSA 91-A:3 II(a)</u> |
| 7:00 PM | I. | <u>CALL TO ORDER – PUBLIC SESSION</u> |
| 7:01 PM | II | <u>PUBLIC HEARING</u> |
| | A. | Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics (Cont. from December 3) |
| 8:00 P.M. | III. | <u>PUBLIC COMMENT</u> |
| | A. | Chris Davies |
| 8:15 PM | IV. | <u>OLD BUSINESS</u> |
| | A. | FY09 Budget Recommendations |
| 9:45 PM | V. | <u>NEW BUSINESS</u> |
| | A. | Resolution 2007-35 – Relative to the Adjustment of Building and Other Fees |
| | B. | Staffing Levels |
| | C. | Collective Bargaining Agreements |
| 10:15 PM | VI. | <u>APPROVAL OF MINUTES</u> |
| | A. | Minutes of the Council’s December 3, 2007 Public Meetings |
| 10:20 PM | VII. | <u>OTHER BUSINESS</u> |
| | A. | Liaison Reports |
| | B. | Town Manager’s Report |
| | C. | Board/Committee
Appointments/Reappointments/Resignations |

1. Appointment of Chris Davies to an Alternate Position on the Planning Board, term to end 12/31/10.
2. Re-Appointment of Mike Speltz to an Alternate Position on the Conservation Commission, term to end 12/31/09
3. Re-Appointment of Steve Fassi from An Alternate Position to a Full Position to Replace Mike Speltz on the Conservation Commission, term to end 12/31/10.

10:30 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, January 7, 2008 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Public Hearing – FY09 Budget)
- B. Town Council, January 21, 2008 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Bond Public Hearing – FY09 Budget)

Introduced: 11/05/07

Second Read: 11/19/07

Public Hearing: 12/03/07

2nd Public Hearing: 12/17/07

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. G. 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~~ requested 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.~~
- E.-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.
- F.-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.)

- G. ~~H.~~ **Official:** Any elected or appointed officer, board member, or agent of the Town of Londonderry.
- H. ~~I.~~ **Principals:** Those people who are the subject of the action or application which is before the board.
- I. ~~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.
- J. ~~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.

K. ~~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.

L. ~~M.~~ Resident: A resident of the Town of Londonderry.

M. ~~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.

N. ~~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 Budget Recommendations
Action Schedule

Mon., Dec. 17, 2007

Planning & Economic Dev.	Pg. 78
Building Department	Pg. 103
Public Works	Pg. 106
Solid Waste	Pg. 109
Debt Service	Pg. 122
Sewer Division	Pg. 149
Capital Improvements	Pg. 123
Bonds	
Fire Station	
Roads	
Cap Reserve	
Ambulance	
Fire Apparatus	
Highway Trucks	
Highway Equip.	
Special Articles	
Fire Station Soft Costs	
Non-Cap Reserve Master Plan	
Mammoth/Litchfield Intersection	
Expendable Mtn. Trust	
Alternative Highway Article	
Supplemental Considerations	
Admin. Asst. – Senior Center	
Add'l. Paramedics	
White Fog Lines - DPW	

RESOLUTION 2007 - 35

A Resolution Relative to the Adjustment of Building and Other Fees

First Reading: 12/17/07
Hearing/Second Reading: 01/08/08
Adopted: xx/xx/xx

WHEREAS The Town is continually reviews its fee and permit schedule to reflect the costs of providing those services; and

WHEREAS The Building and Health Department has reviewed its fees and offers recommendations for adjustment; and

WHEREAS RSA 41:9-a requires the Town Council to conduct a public hearing on the Establishment of Fees;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the attached fee structure be adopted in order to insure that the town does not incur non-reimbursable expenses providing these service.

Joseph Paradis - Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
xx/xx/xx

**TOWN OF LONDONDERRY
MODIFICATIONS TO FEE STRUCTURE**

SERVICE	FEE		
Plumbing Permit – Residential	\$	35.00	
Plumbing Permit – Non-Residential New Construction			\$ 125.00
Plumbing Permit – Non-Residential Renovations	\$	75.00	
Electrical Permit – Residential	\$	35.00	
Electrical Permit – Non-Residential New Construction	\$	125.00	
Electrical Permit – Non-Residential Renovations	\$	75.00	
Building Permit – All \$6.00/\$1,000 of value	\$25.00	Application	+
Junkyard License	\$	250.00	

TOWN COUNCIL MEETING
December 3, 2007

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

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, John Robinson, (7:20PM) Ron Campo, (School Liaison), Tom Freda, (7:17 PM), Tom Dolan, Sean O'Keefe.

CALL TO ORDER – PUBLIC SESSION

Chairman Paradis opened the meeting at 7:00 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

Councilor Farmer made a motion to open the public hearing. Second Councilor Oswald. Councils vote 5-0-0

PUBLIC HEARING

Ordinance 2007-12 – Relative to the Establishment of a Code of Ethics. - Councilor Farmer explained reason why he introduced this Ordinance. He stated his reasons to not form a task force, but also stated there is no hurry to finish this tonight. **Chairman Farmer made a motion to sever that part of the Ordinance that establishes an Ethics Committee and deal specifically with the code itself and once we have adopted the code we turn our attention to adopting a formal mechanism, be it a committee or otherwise addressing any complaints brought about as a result of code. Councilor Bove seconded the motion.** Councilor Oswald questioned whether the change in the Ordinance would prevent the public from speaking in favor or against the Ordinance. Chairman Paradis responded he did not think so. Councilor Farmer stated that this would put us in the frame of mind to deal with the code itself. Work those issues out tonight or in next meeting and when Ethics Code is established then return to the issuance of a committee. Councilor Oswald stated he is in favor of the severance of the committee. Councilor Wagner questioned if the motion will kill the committee from the ordinance. Councilor Farmer said no it is out of this Ordinance but the motion contains a discussion point where after we've adopted a code then we come back and talk about the mechanism which could be a committee or other mechanism that we jointly come up with. Councilor

Wagner said she would like to hear what the public has to say. Tom Dolan, 19 Isabella Drive questioned if you were to pass amendment what ordinance will we be having a public hearing on. The amendment needs to surgically cut what is before you if it is something we have had a public hearing on otherwise how do you translate the changes into the documents we have before us. Councilor Farmer said we delete Section V and Section VI and keep the rest of the Ordinance. Councilor Oswald clarified that we are eliminating the bottom half of page 7, pages 8, 9 and 10. Councilor Farmer confirmed eliminate Section V and on. Reed Paige Clark, III, 79 Stonehenge Rd. said everyone has own code of ethics, does not believe a committee can judge others. Dave Ellis, 1 Wilshire Dr. stated he is strongly opposed to code of ethics. If elected officials act unethically they won't be elected again, duty of others to police. Pay attention to legal recommendations. Cindi Rice Conley, 373 Winding Pond Road asked Councilor Farmer to explain motion. He responded motion is to sever that part of Ordinance dealing with forming ethics committee. This Ordinance is two separate things, an Ethics Code and a mechanism to oversee it. Cindi Rice Conley then clarified that he would eliminate everything in the Ordinance that made reference to the ethics committee. Chairman Paradis stated that if there are any references to ethics committee in any other part of the Ordinance it will be eliminated. Ms. Conley quoted a paragraph in Section II G that referenced an ethics committee. Al Baldasaro, 41 Hall Rd., sent a letter to Town Manager and Town Council. He supports a code of ethics and proceeded to read his views about it. Agrees that we should remove employees from the ordinance. Mike Brown, 5 Carousel Ct. stated it is common in the private sector to have a code, should not be a big deal. He agrees with the code; does not agree with a committee. Sean O'Keefe, 163 Mammoth Rd supports the code. John Robinson, 13 Elwood Rd, questioned if there is a need for a code of ethics, there is no demonstrated need for this Ordinance. It comes with a presumption of guilt. Term limits could be the ethics, why isn't ethics board the Town Meeting, the councilors. Most people work honestly; don't do anything until there is a problem. Councilor Farmer said it involves the education of people. It does not take place in the present form. He further stated there have been a number of events in the past 3 years; he has heard repeatedly from people that there have been conflicts of interests or ethical issues. Tom Dolan pointed out all the sections that need to be changed in the Ordinance because they pertain to Ethics Committee. He said the Council needs to consider a second amendment to take them out and said that employees need to protect their personal reputations. Our town is 10 times bigger than Dunbarton, we should have the whole Ordinance changed. He went on to say that in 21 years this board has never gotten that kind of criticism from our legal authority. Never before have we had a document that was this flawed and this bad in terms of the legal exposure in the way it has been put together. Part of that is the process; process used was flawed, resulted in a flawed document. We need to ask workers, volunteers, employees, officials, and appointees what they feel about this; needs a lot of input from everyone. Need a Londonderry specific solution, document is so flawed, we should tear it up and start all over. Need to consider purpose of code, should it regulate or inspire? If it is intended to guide, then we need a code of ethics or missions statement or a code of conduct. Needs to be tailored to the needs of this community. tailor make our code, customize it for us, get everyone involved, consult all the key stakeholders including our vendors, how are our people interfacing with them. Don't move forward with Ordinance, very negative

tone, code needs to be inspirational. Respond to public in ways that are complete, easy to understand. Indicate respect for constitutional law, demonstrate personal integrity, promote ethical organizations, and strive for ethical excellence. Virginia Saint, 109 Hovey Rd. said she researched code of ethics on internet. It is about accountability, need rules and regulations. She mentioned that the former Governor Sheehan had a code of ethics established for state employees in 1998. Keeps people honest and accountable, Town should have a Code of Ethics. At this point in the meeting the Chairman asked for a show of hands of how many people in the audience wanted to speak on this Ordinance. Quite a few hands were raised. Councilor Oswald said the motion was still on the floor. **Councilor Farmer moved the question.** Councilor Oswald said to deal with the Ordinance. Dennis Martin 182 Pillsbury Rd. said he needs to be more educated about the Ordinance. He said a workshop would be a good idea. Steve Young, 7 Fiddlers Ridge cautioned that we have a shrinking volunteer pool, this will continue by creating an inquisition team. He also questioned why create a board of elected individuals that will have access to information that is non-public under RSA 91-A. He asked the Council to vote for the amendment to eliminate the committee and not create it in the future. He questioned who will police the committee. Councilor Wagner read a letter submitted to her from State Representative Betsy McKinney, 3 Leelynn Circle. B. McKinney stated that a “Code of Conduct” and perhaps some rules regarding conflict of interest problems might be appropriate; but an Ethics Code and Ethics Committee is a “can of worms”. Chairman Paradis read a letter from Deb Lievens, Chair of the Conservation Commission. D. Lievens stated “I would like to go on record that I strongly oppose Ordinance 2007-12 as currently presented”. She attached a copy of Section 6.2 of the State RSA’s titled “Conflicts of Interest” and stated that document covers everything. She feels that the referenced RSA along with the Oath of Office everyone including volunteers are required to take covers the entire ethics situation. She referenced a personal incident that recently happened to her that was based on misinformation. It was adequately handled by the Town Manager and the NH Association of Conservation Commission. She stated that an ethics committee “offers many opportunities for misuse, as well as chances to create bad feelings amongst our citizens.” Reed Paige Clark, III had a point of order. He asked for clarification of the amendment. He understood that we should sever that part of the ordinance relating to the Ethics Committee and thought that was what S. Young wanted. Councilor Farmer repeated his motion “I move that we sever that part of the Ordinance that establishes an Ethics Committee and deal specifically with the Code itself and that once we have adopted the Code we turn our attention to adopting a formal mechanism; be it a committee or otherwise of addressing any complaints brought about as a result of the code.” He said if Council agrees to this amendment there is no committee, after the code is adopted, some point in the future they will discuss what mechanism to put in place to hear formal complaints. He proceeded to give different suggestions. R. Clark stated we should just have a code and forget about the committee; in the last 20 years there has been no need for it, makes no sense. Councilor Bove stated the concept of the committee is to stop complaints we have received, it is to protect people. Code of Ethics is about education. He said the Secretary of the State enforces the RSA’s. **Councilor Bove moved the question.** At this point Chairman Paradis said we are not going to talk about a committee. R. Campo had a point of order on the amendment. He understood the amendment but questioned if the concept of a committee

is being brought up as a separate Ordinance, a vote by Council or a public hearing on it. Chairman Paradis said the way it is now we are only going to discuss a committee; the Ordinance would only include putting together a Code of Ethics. R. Campo said the second part of the amendment is very vague about what happens. Councilor Farmer explained if we adopt the amendment we have severed the committee from this Ordinance. Ordinance will not contain a committee. R. Campo asked what is the process for the second part of the amendment. He interpreted it as the Ordinance was severed but there is another part that we are going to re-address the implementation of the committee. Is that part of this ordinance or is it a separate issue that comes up as a separate Ordinance that has a public hearing. Councilor Farmer explained that we could not create another board or committee without going through the public process. T. Dolan suggested deleting the word “sever” and replace with the word “deleting” out Section 5 of the Ordinance. **Councilor Farmer said he would like to amend his motion to delete that part of the Ordinance that establishes an Ethics Committee and deal specifically with the code itself. Once we have adopted a Code we turn our attention to adopting a formal mechanism be it a committee or otherwise of addressing any complaints brought about as a result of the code. And the deletions will be on page 4 of 10, Section 2 paragraph G delete the words “ethics committee”, page 5 of 10, Section 3 under definitions, paragraph E in it’s entirety, paragraph L , page 6 of 10 delete “Ethical Committee”, Section V in it’s entirety. Would like to keep education in Part B and complaints in Part D.** Anne Gaffney, 28 Tokanel Drive said that we should combine the code with the committee because without the committee unable to enforce the Ordinance. Councilor Bove said by default we have the method, either by the Town Manager, Code Enforcement Officer or by the Town Council. Councilor Wagner clarified that we are moving to strike the word “committee” from the Ordinance and start talking about the code. **Councils vote to move question 5-0-0. Councils vote on the amendment to delete ethics committee and talk about the code. Vote 5-0-0. Councils vote on the amended amendment 5-0-0. Councilor Farmer made a motion to continue this public hearing until the next public meeting on 12/19. No second.** Chairman Paradis said we will accept input on this subject until 9:00 PM. Barbara DiLorenzo Harvey Rd. said Town needs ethics code just like all businesses have one. Laura Aronson, 38 Boyd Rd., thanked Mr. Dolan for his comments. There is value in doing this, don’t think we should be railroaded into adopting the Ordinance. It has many ramifications, consider in a broader context, invite more public comments and input. Don’t pass this tonight as written, it has many flaws, come up with something that will enliven and support activity in town. Paul Lamay, 28 Charlston Ave. in favor of standards, code of ethics are common in business, start somewhere. Jeff Locke, 10 Welch, supports code and committee, commended Councilor Farmer on his work. Gregg DePasse, 21 Welch, said the process seems rushed, would like to slow down, would like to see a code. The Town Charter Section 6 has a lot of items already, look to that for language. Anne Gaffney, 28 Tokanel Dr. ethics does not do what it is supposed to do. She spoke about two different types of leadership. Wants Council to assume that all of us in Town are trustworthy. Dave Ellis, pay attention to what Deb Lievens wrote in her letter, we have RSA’s and Town Charter. Use them, don’t reinvent them. Tom Dolan said when it was time to create the Performance Overlay District, Council turned to citizens; when they did the TIF and corridor studies, turned to citizens again, process is as

important as the project. take time to do it. Al Baldasaro, 41 Hall Rd., said the State has 49 pages of ethics. Agrees with a code for the Town. Reed Paige Clark, III said he recommends that the Ordinance be shortened. George Herrmann, 24 Otterson Rd. spoke about volunteers getting on boards, elected or volunteer. People know the difference between right and wrong, all take an Oath to uphold the laws of the State of NH. Don't need another code. Gregg DePasse asked about getting a copy of the Town Charter and was directed to the Town Website. He asked what mechanisms were in place if someone was found to be fraudulent. Councilor Bove explained if someone was found fraudulent first recourse is police then Secretary of State. Chairman Paradis explained mechanism for employees to go through Town Manager. **Councilor Wagner made a motion to continue public hearing to a date certain to be announced at this meeting. Second Councilor Oswald.** Open for discussion. **Councilor Wagner made a motion to continue the Public Hearing to 12/17. Second Councilor Oswald.** Chairman Paradis asked Councilor Farmer to produce a document showing the changes brought on by the amendment. Town Manager Caron will produce a strike out version and a corrected copy. **Councils vote 5-0-0.**

PUBLIC COMMENT

Councilor Oswald reminded the public that the food drive continues for the Londonderry Food Bank. Drop-off centers are at ReMax at Crossroads Mall and at Londonderry High School lobby and will be held until Friday 12/21/07 The second annual non-profit Open House will be hosted on Sunday, January 27 in the Londonderry High School Cafeteria.

Councilor Wagner reminded the public that on 12/15/07 Santa will be at the Cable Access Center.

Town Clerk/Tax Collector Meg Seymour informed everyone that there was a container in the lobby of the Town Hall to collect toys for "Toys for Tots". Unwrapped gifts will be accepted until 12/20/07.

Chairman Paradis announced there is a meeting on Friday 12/7/07 in Town Hall from 1-2PM regarding legislative state-wide taskforce hearings to listen to veterans with medical service issues.

OLD BUSINESS

FY09 Budget Recommendations

Town Manager Caron explained spreadsheet displayed on video screen.

Town Council – Budget Committee recommended a reduction of \$1,475. **Councilor Oswald made a motion to reduce General Expenses by \$1,475.** Expend about \$2K for awards and recognition of Leadership Londonderry dinner/graduation. This will reduce the General Fund from \$3,475 to \$2K. **Councils vote 5-0-0.**

Town Manager – Budget Committee recommended a reduction of \$4,805 and had questions about the Dues and Subscriptions. Town Manager Caron explained charges are attributed to dues and subscription to LGC and SO NH Planning Commission. Membership in those organizations vital to Town. Town Manager Caron said he was directed to cut the budget 1% below default budget. He said it would be a mistake to presume that he supports those reductions, which will put some departments in a position to fail. **No motion**

Moderator - no changes, **No motion.**

At this point in the meeting, Budget Committee, Tom Freda asked why the information passed out tonight in the memo dated 11/30/07 had an increase in the budget of \$4K. Town Manager Caron explained there were (three) general changes:

- 1) Added in merits for LEAE
- 2) Additional reductions to reflect the actual cost of health insurance, it is now 4.3% increase
- 3) Building Inspector services added \$7K back in, taken out in error.
- 4) Fire training did not impact the bottom line we worked with previously, but we did change line items on the new budget sheets.
- 5) Added non-capital reserve fund for the Master Plan which was discussed at the last meeting.

Other than those changes, there are no other changes from what the Council or Budget Committee saw at previous budget meetings. Chairman Paradis asked what the difference in dollars was; Town Manager Caron responded about a \$134K reduction from previous information. Updated budget total is \$35, 594,497. Councilor Farmer clarified that that figure incorporates everything up- to- date for final budget numbers, Town Manager Caron confirmed it was the current figure.

Budget Committee - Budget Committee recommended a reduction of \$50.00 **Councilor Farmer made a motion to reduce by \$50.00. Second by Councilor Bove. Councils vote 5-0-0.**

Conservation. Commission – Budget Committee recommended \$1K reduction. Budget Committee reduced amount based on last years expenditure. **Councilor Farmer made a motion to reduce by \$1K from \$3,500 to \$2,500. Second by Councilor Wagner.** Councilor Oswald opened for discussion He said it was important to understand that basically volunteers were caring for 7K acres of land, can't afford to get a consultant to handle. **Councils vote to reduce budget by \$1K, 0-5-0.**

Town Clerk/Tax Collector - Budget Committee recommends \$6,081 reduction. T. Freda said the Budget Committee suggests that the department does not need Lexus Nexus because RSA's on line for free. Other reductions were based on the Town Manager's 10/24/07 memo. Town Clerk Meg Seymour explained one hard copy of the RSAs was maintained in the building for Staff. She explained that if they

relied on information totally on-line that they would have to use one of the computers in the office to spend time to research the information that the residents would need. Staff would have to take time to avail themselves to research the information. As it is now, she only receives the updates, if discontinued the service she would have to purchase the entire volume of books which would cost more than the updates that they are currently purchasing. Reductions of 1% will affect Management Services, there will be no renewal notices being mailed out to the public. Renewal notices and tax bills will not be mailed out. She stated that her department is a revenue collection office and would like Council to take that into consideration. She reviewed a 10 year analysis of her department. **No motion**

Supervisors of the Checklist -. Budget Committee recommended no changes. **No motion.**

Finance – Budget Committee recommends a reduction of \$7,827. M. Brown said there were two items that were expenditures based on FY07 actuals; \$1,500 in training, \$1K in seminars and workshops; \$6,327 based on Town Manager Caron’s memo of 10/24/07 regarding 1% below default. Councilor Farmer asked about the question the Budget Committee had on the accountant position. Town Manager Caron and S. Hickey explained responsibilities of accountant. T. Freda questioned if accountant’s position could be absorbed by other people in the department. S. Hickey responded no, Town Accountant position requires a bachelor’s degree, it is a management position. Department handles \$95M in cash, has almost 1,000 separate accounts. Checks and balances in the office involve everyone in the department including the Town Treasurer. **No motion.**

Assessing – Budget Committee recommends, a \$6,179 reduction. T Freda said recommended reductions are for telephones, dues, subscriptions, seminars and workshops as recommended in Town Manager’s memo of 10/24/07. Councilor Farmer asked if another re-assessment of Town was scheduled in FY09 budget; if not then, when. Karen Marchant, Town Assessor stated she will be working on that in next 30-45 days; will have some numbers to see where we are and to see if another one will be done in 09. She stated it will be done before final adoption of budget. Councilor Farmer asked if we have a potential increase. K. Marchant said there will be an increase in the postage line, because does not have any money in there now to send out notices. Councilor Farmer said in the past used consultant. K Marchant responded she used Patriot properties two times in 14 years; last year was their invoice was \$35K prior to that it was \$10-\$12K. Town Manager Caron explained why consultant was used on those two prior occasions. Councilor Oswald stated timeline for another possible reassessment was critical so taxpayers can meet abatement time line. **No motion**

IT – Budget Committee recommends a decrease of \$12, 633. M. Brown said they looked at the FY07 actuals, they didn’t think the current budget was supported in four line items. They definitely did not feel the Town should pay for training for a

third party vendor. The Town Manager in his memo of 10/24 had \$4,633. J. Robinson questioned why the 1% cuts recommended by the Budget Committee were not being acted upon by the Council. Chairman Paradis said they will look at line items and make reductions then look at the bottom line to see if reductions can be made. It is a two part process. J. Robinson asked the Council to pay a little bit more attention to the recommendations of the Budget Committee. Discussion ensued about how recommendations will be handled and the saturation point of the default budget. Chairman Paradis stated that Council reduced last years budget by \$500K, this year the Budget Committee is recommending \$300K plus this year, cuts coming out of services. Coming very close to the lowest possible cuts we can make without seriously impairing Town operations. Councilor Farmer said last year he proposed reductions in Staff, but it was not feasible. S. Hickey addressed questions that were in the IT budget. IT telephone system went to Fire and Cable, those departments didn't budget for phone system, will be absorbed in this budget. Maintenance and repairs in FY 07 didn't have much equipment that broke, does not mean that won't happen in FY09. Very hard to know if equipment will break so have to do some planning for it. Training is for consultants to train on our customized system which was designed for our Town. If we weren't customized they would not have to be trained and in turn, train our staff. T. Freda queried why there is a seminar for this unique system. S. Hickey explained the package can be bought from the company, but it is customized for us. Councilor Farmer asked if we delete training, seminars and workshops, can we restructure contract with EagleVue? S. Hickey explained somebody has to be trained, cost will have to be absorbed somewhere else. Councilor Wagner said she agrees with the Budget Committee to reduce by \$2,000. S. Hickey responded again that somebody is going to have to be trained on the system. Guy Blanchette, Pres. of EagleVue explained system is a town-wide software package, processes \$95M of revenue; it is specific to this Town. The training involves not only an EagleVue technician, but also employees of the Town. Councilor Bove explained if we had our own internal IT Dept we would still have to send someone out to train. Councilor Farmer stated we made a management decision for this software; there are other places to make cuts. J. Robinson said it is normal for the consultant to be trained in the software. T. Dolan said specialized training was part of the agreement with EagleVue. Councilor Oswald asked S. Hickey if there was any anticipated cost savings with this software package. S. Hickey said too premature, it has advantages to do things on-line. Councilor Oswald agrees with T. Dolan and Councilor Bove. A year from now he would like to know the cost savings. Councilor Oswald asked about Blackberry fees; S. Hickey responded it is for monthly fees for 10 units. She said people in Public Safety gave up their pagers and cell phones, resulted in a reduction in one line. Councilor Oswald questioned the General Supply line. S. Hickey responded IT pays for all paper, toner and GIS it is town wide. Each department is given two toners purchased at the beginning of the year if they go through that amount each department will have to purchase their own. **No motion.**

Legal - Budget Committee recommended no reductions. T. Freda questioned the '08

budget, it had a surplus of \$31K. Town Manager Caron explained we have been fortunate in avoiding major litigation and expense. The cell tower issue on the north side of Town is going to Superior Court, will consume significant amount of money. **No motion.**

ZBA – Budget Committee recommended reducing by \$456. T. Freda stated reduction based on Town Manager’s 10/24/07 memo. **No motion**

Gen Govt. – Budget Committee recommended a \$7,638 reduction. T. Freda said decision was based on Town Manager’s 10/24/07 memo. Suggested records be stored at the High School. Town Manager Caron explained no room in this building, economical to store offsite rather than increase the square footage in this building. **No motion.**

Cemetery - Budget Committee recommended no reductions. **No motion.**

Municipal Insurance – Budget Committee recommended no reductions. Town Manager Caron explained the policy. **No motion.**

LPD - Budget Committee recommends a reduction to \$74,703. T. Freda said with the revised budget received today, their recommendation would be to reduce to \$24,000. M. Brown said the Committee went by the 1% default reduction. Town Manager Caron said the reductions came from a variety of line items. Capt. Hart stated the 1% reduction of \$133K would result in cuts that would impact professional standards, use of K-9 Officer, Dare Program, Safety Program and community policing. T. Freda questioned Town Manager Caron regarding additional \$50,000; he responded the savings were from health and dental. **No motion**

Fire and Rescue – Budget Committee recommends a reduction of \$83,101. M. Brown explained five items were FY07 actuals, general supplies, public education, fire fighting department expenses, communications over time, communications training and adjustments made by Town Manager. S. Hickey explained budget over expended by \$63,000 due to unanticipated retirements, workers comp and short term disability issues. Reducing a budget that went over budget is detrimental to that department. J. Robinson said the Budget Committee felt if an item had not been spent to amount budgeted for, it offered an opportunity to reduce. Not appropriate to put the money in one line knowing it won’t be spent and using it to cover something else. Put money where it is going to be used. S. Hickey responded that every dept intends on using what they put on that line. Don’t do budget transfers; show what we actually need to spend. Fire Fighter Don Waldron explained actual; supply budget was under \$7K because in January of that year they spent \$9K for purchasing and operating defibrulators. Due to a regulatory issue they weren’t able to be sold, had to put it on hold and unencumbered the funds at the end of year. If we purchased the defibrulators, we would have been over budget that year. We are in FY07 trying to plan what we

will spend in FY09, changes happen. Councilor Farmer asked Town Manager Caron how often he steps in and recommends holding off on expenditures. He responded he views it as a total bottom line budget, will impose a budget freeze if some departments overspend, which impacts all departments; has been done every year except last two. Councilor Farmer cautioned everyone that we can't just look at line items, have to look at total bottom line. T. Freda questioned the trend analysis. Chief Carrier explained that when they receive grant money it goes into the line item for Emergency Management. Fund S. Hickey explained it goes into revenue under General Fund for the Fire Department. Discussion ensued with how the Budget Committee made their recommendations and dealing with unfunded liabilities. Councilor Wagner agreed with the Town Manager's recommendation to not reduce this budget. Chief Carrier talked about second ambulance; it was decided to wait until 12/17 to discuss. Councilor Farmer said Town Manager Caron's 10/24/07 memo has cuts and additions, no additions were discussed tonight. **No motion.**

Social Services - Budget Committee had no adjustments. **No motion.**

Family Mediation - Budget Committee recommended a reduction of \$493. Councilor Bove asked Town Manager Caron why were there increases. He responded due to contractual issues; it is a part time position, no health or dental insurance **No motion.**

Recreation – Budget Committee recommended no changes. Increase of \$11,000 due to part time salaries. Art Psaledas, Recreation Director responded it was not due to an increase in staff, have more work to be done; increased hours from 30 to 35. Increase in duties, fields need more work. **No motion.**

Library – Budget Committee recommended a reduction by \$24,369. M. Brown said reductions were 3 line items based on FY07 budget and Town Manager's 1% budget reduction. Town Manager Caron explained actual reductions were due to health expenses. Barbara Ostertag-Holtkamp, Library Director said they looked at reducing heat and oil; looked back 5 years and found out there would be no savings. Seminars and workshops have already been reduced to the point that it is below the contractual level for the Library, don't recommend reducing that line item. They will try to find the \$2,000 needed for office supplies some place. She reviewed increases. Library works hard to keep to default budget., eliminated a position last year to meet a default budget Richard Matckie, Chair of the Library Trustees stated the 1% below default was difficult and would come out of the book budget and children's programs. T. Freda asked about raising fines, B. Ostertag-Holtkamp looked at it for the past six months to see if comparable to other libraries, and they are. It is not strictly fine money it also includes lost books. Need to look at impact of users. Councilor Bove asked her how much money did she receive last year in fines; she responded lost and late fines for last year totaled \$55,000. R. Matckie quoted RSA's and allocation of fines; Council should not be counting the fines in when they make your appropriation. J.

Robinson asked why area of cuts would be made in children services and book budget. R. Matckie responded only a limited number of things can be cut, can't cut staffing, heat, AC, under union contracts. R. Matckie stated the \$2,000 will come out of the Management Services line item. **Councilor Bove made a motion to cut the Library budget by \$2,000. Second Councilor Wagner. Councils vote 5-0-0.**

Senior Affairs - Budget Committee had no changes. Councilor Wagner asked if the new part time Administrative Assistant position that was requested by the Director of the Senior Center is in the figure for the FY09 budget. Town Manager Caron stated it was not, will be discussed 12/17. **No motion.**

Cable – Budget Committee made a recommendation to reduce \$5,600. J. Robinson read from Town Manager's 11/30/07 memo where it states that the cable budget does not impact the General Fund or the Town tax rate. J. Robinson asked where the money goes. Town Manager Caron responded it is held in a special revenue fund established by a previous Town Meeting. **No motion.**

Police Outside Detail - Budget Committee made no recommendations. T. Freda asked why budgeted \$10,000 last year in Workmen's Comp. if there was no expense last year. S. Hickey responded there is an expense; it was transferred at the end of the year by the auditors. **No motion.**

NEW BUSINESS

Town Economic Development Plan

Andre Garron, Dir. of Planning and Economic Development gave an outline of an economic development planning effort. Some items listed in the memo dated 11/29/07 would require a policy direction from Town Council. Some of the information would be required to pull a lot of information together to see if we want to put together a plan and see where we want to go. Over the last seven years in total we have constructed or had under review 2,975,800 sq. ft. of commercial/industrial development in Londonderry. Resulted in \$8,261,000 in tax revenue, basically about \$1M/yr. He recommends development of a plan because if we are approached with issues we are not quite sure how to react to, then we will have a plan in place to follow. Chairman Paradis explained he had asked Town Manager Caron and A. Garron to put together an outline which is what he did tonight. Council will sit down in January to give him direction. Town Manager Caron stated they will have a timeframe to report back in January. Councilor Farmer talked about expanding the role of LHRA to handle this. Chairman Paradis said to add this as a component to the January meeting because they are chartered to do a specific geographic area. Councilor Bove said Housing Taskforce will be working on a report next month to bring in business. This report could be part of the package that Andre is working on to bring in more business in Town. Councilor Oswald said we could reduce taxes by having more industry in Town. Councilor Wagner asked A. Garron how to better streamline the process with the Planning Board. He responded if the

applicant does their work it will speed up the process but they will look at it. It is a combination of the applicant and the Planning Dept. Councilor Farmer brought up the idea of charging fees for continuance of hearings. Discussion ensued about escrow accounts and having workshops with the developers to establish a faster process through the review process in the Planning Board.

Order #2007-17 – Relative to the Expenditure of Maintenance Trust Funds
Councilor Bove read the first reading, second reading waived, motion to adopt tonight. Second by Councilor Farmer Councils vote 5-0-0.

APPROVAL OF MINUTES

Councilor Bove made a motion to approve Minutes of the Councils November 15, 2007 Public Meetings Second Councilor Wagner. Councils vote 4-0-0. Councilor Farmer did not vote because he did not attend the meeting.

Councilor Bove made a motion to approve Minutes of the Councils November 19, 2007 Public Meeting. Second Councilor Wagner. Councils vote 5-0-0.

OTHER BUSINESS

Liaison Reports - due to late hour, no reports.

Town Manager's Report – Town Manager Caron reported the Cell Tower located on Perkins Road is going ahead. He recently signed mylars and all pre-requisite paperwork is being processed; Verizon needs to obtain permission to erect their antenna from the Planning Board prior to construction beginning.

Board/Committee Appointments/Reappointments/Resignations:

1. Re-Appointment of Mark Oswald as an Alternate Member on the Conservation Commission, term to expire 12/31/08.
2. Re-Appointment of Larry O'Sullivan as a Full Member to the ZBA, term to expire 12/31/10
3. Appointment of Lynn Wiles, an Alternate on the Planning Board to fill the Full Member opening left by resignation of Tom Freda. Term to expire 12/31/10.

Councilor Wagner made a motion to accept all of the above. Second by Councilor Bove. Council's vote 4-0-1

ADJOURNMENT

Councilor Bove made a motion to adjourn at 12:00 PM. Second Councilor Wagner. Council's vote 5-0-0.

Notes and Tapes by:

Margo Lapietro

Date:

12/03/07

Minutes Typed By:

Margo Lapietro

Date:

12/10/07

Approved:

Town Council

Date: