

TOWN COUNCIL AGENDA January 21, 2008

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.

- | | | |
|----------|------|---|
| 7:00 PM | I. | <u>CALL TO ORDER – PUBLIC SESSION</u> |
| 7:01 PM | II | <u>PUBLIC HEARING</u> |
| | A. | FY09 Budget - Bonds |
| | B. | Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics (Cont. from January 7) |
| | C. | Ordinance #2008-01 – Relative to Amendments to the Zoning Ordinance |
| | D. | Ordinance #2008-02 – Relative to the Penalty Provision for Municipal Ordinances |
| 8:30 PM | III. | <u>PUBLIC COMMENT</u> |
| | A. | |
| 8:45 PM | IV. | <u>OLD BUSINESS</u> |
| | A. | Economic Development Plan Update |
| | B. | Collective Bargaining Agreements |
| | C. | FY09 Budget |
| 9:30 PM | V. | <u>NEW BUSINESS</u> |
| | A. | Motor Vehicle Registration Program |
| | B. | 2008 Town Meeting Warrant Review |
| | C. | Order #2008-03 – Relative to an Impact Fee Credit |
| | D. | Revisions/Amendments to the Town Charter |
| 10:00 PM | VI. | <u>APPROVAL OF MINUTES</u> |
| | A. | Minutes of the Council’s January 7, 2008 Non-Public and Public Meetings. |
| 10:05 PM | VII. | <u>OTHER BUSINESS</u> |

- A. Liaison Reports
- B. Town Manager’s Report
- C. Board/Committee
Appointments/Reappointments/Resignations

10:20 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council, February 4, 2008 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting
- B. Town Council, February 7, 2008 @ 7:00 PM Moose Hill Council Chambers – Council Meeting (Final Public Hearing – FY09 Budget & Warrant)
- C. Town Council, February 18, 2008 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting

Introduced: 11/05/07
Second Read: 11/19/07
Public Hearing: 12/03/07
2nd Public Hearing: 12/17/07
3rd Public Hearing: 1/7/08
4th Public Hearing: 1/21/08
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 provide an educational tool and to establish guidelines and community expectations for the ethical standards of conduct for town officials, board members and employees. 11

- Town officials, board members and employees (defined as an elected town official, a volunteer appointed by the Town Council, and a person who is an employee of the Town, one who is paid for their service, but who is not an independent contractor -individually and collectively know hereafter as Community Officials) shall act in the best interest of the town. 10
- Community Officials shall remove themselves from decision making if they have a conflict of interest. (A conflict is when a Community Official votes or acts on a matter in which they have a direct, immediate and definite personal and pecuniary interest, which is capable of being demonstrated.) 1,8
- Community Officials shall be impartial, and responsible to the community in their actions. 10,11
- The town's official decisions and policies shall be made through the proper channels of government as established by the Town Charter and Ordinances, and State Statutes. 1,8
- Public office, a volunteer position or town employment shall not be used for personal gain. 1,7,8,9,10

This code establishes guidelines and expectations regarding potential ethical issues, and it establishes a course of action for bringing complaints.

SECTION II CODE PROVISIONS

A. No Conflicts of Interest

Community Officials of the Town shall avoid conflicts of interest. 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.) 1,8

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

A. No Conflicts of Interest (Cont'd.)

Community Officials 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. (Family is defined as a Community Official's lineal ascendants, lineal descendants, adoptions, siblings and offspring, a Community Official's spouse, the spouse's lineal ascendants, lineal descendants, adoptions, siblings and offspring, members of the same household, and participants in a Civil Union as defined under RSA 457-A.) 2,8,9

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. Community Officials are expected to recuse themselves if a conflict exists or if they believe they cannot for any reason be totally fair and impartial. 1,9

C. A Duty to Disclose

As a Community Official, you shall make full disclosure and not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter if you have a financial interest, direct or indirect, in any planned or existing contract, job, work or service to be performed for the Town or voluntary sale to the Town of any land, materials, supplies, equipment or other property.14

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION II CODE PROVISIONS (Cont'd.)

C. No Unfair Personal Use of Town Property

No Community Official 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. 3,7,8

D. No Misuse of Confidential Information

No Community Official 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. 4,8,10

E. No Improper Gifts

No Community Official 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 employee, board, committee, or commission on which the Community Official serves. (This provision of the code is not meant to apply to gifts traditionally exchanged between family members, or for those gifts normally exchanged during the holiday season with a value of less than \$25.00.) 5,8,9

F. A Duty to Cooperate

All Community Officials shall cooperate with the Appointing Authority regarding any complaint or inquiry alleging violation of this Code of Ethics.

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION III REPORTING PROCESS

Any resident of the Town who believes that a Community Official has violated this Ordinance may report the alleged violation to the Community Official's Appointing Authority using the attached form. The Appointing Authority is:

- A. For all employees, the Town Manager ¹³
- B. For the Town Manager, the Town Council ¹³
- C. For all appointed board, committee and commission members, the Town Council ¹²
- D. For a member of an Elected Body, the Elected Body on which the member serves. An elected body, other than the Town Council¹⁵, has no disciplinary authority over the actions of its individual members. Citizens, however may utilize Section 7.6 of the Town Charter, Recall of Officeholders. ⁶

The Appointing Authority shall investigate alleged violations and act as appropriate within the procedures established within state statute, the Town's Personnel Policy and/or Collective Bargaining Agreements.

SECTION IV DISTRIBUTION

This Ordinance shall be made available to all Community Officials upon their election or appointment, who shall then sign a form acknowledging receipt of same. At least annually, the Town Council shall schedule sessions with Community Officials to review this Ordinance.

SECTION V EXCLUSIONS

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

- A. Any Community Official 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 state and federal laws which pertain to such donations; ⁹

CHAPTER XXVI CODE OF ETHICS (Cont'd.)

SECTION V EXCLUSIONS (Cont'd.)

- C. Participation in a matter which relates to a person or business from which a Community Official 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.

Employees and volunteers under the direction of the Leach Library Board of Library Trustees, and Community Officials elected, hired or appointed by the Londonderry School District, School Board and/or Superintendent are not subject to the provisions of this code.

This Code is adopted pursuant to RSA 31:39-a; which requires that affected officers and employees shall be exempt from the provisions of this Ordinance. The exemption shall be for a period no less than one year. As all of this Code's provisions are rooted in current state statutes or current local ordinance, this provision does not allow community officials to rely upon the exemption and disregard the underlying regulation.

Annotations:

- 1. **Town Charter, Article 6, Conduct of Officials**
- 2. **Town Charter, Section 6.3 Disqualification from Decision Making Process**
- 3. **Town Charter, Section 6.4 Private Use of Town Property and Personnel**
- 4. **Town Charter, Section 6.7 Misuse of Information**
- 5. **Town Charter, Section 6.5 Acceptance of Gifts and Gratuities**
- 6. **Town Charter, Section 7.6 Recall of Officeholder**
- 7. **Municipal Code, Title VI, Chapter XXV, Fraud Policy**
- 8. **Municipal Code, Title VI, Chapter VI, Section X Ethics in Public Purchasing**
- 9. **RSA 640 Corrupt Practices**
- 10. **RSA 643 Abuse of Office**
- 11. **RSA 31:39-a, Conflict of Interest Ordinance**
- 12. **RSA 673:13 Removal of Members, Local Land Use Boards**
- 13. **Town Charter, Article 4, Town Manager**
- 14. **Town Charter, Section 6.2 Conflicts of Interest**
- 15. **Town Charter, Section 3.3 B. Removal of Councilors**

Please respond to the Concord office

January 16, 2008

David R. Caron, Town Manager
Town of Londonderry
268 B Mammoth Road
Londonderry, NH 03053

RE: Code of Ethics

Dear Dave:

This letter is in response to your request that I review the proposed Code of Ethics being considered by the Town Council, and offer my opinions relative thereto. For the most part, the document is more than satisfactory. There are, however, a couple of items which may require further attention.

You may wish to incorporate in the definition of "family," as contained in §II.A., reference to adoption. "Family" has often been defined as individuals who are related by blood, marriage, or adoption. Also, you should make the word "ascendant" plural.

While I understand the intent of §II.E., you may wish to address more specifically the issue of employees receiving improper gifts. As the paragraph is written, it appears to apply more to Town officials on boards. In this case, you may wish to expressly refer to employees, so that it is understood that it is improper for an employee to receive a gift where a "matter may be pending before" an employee.

I am somewhat concerned about the investigation process provided for in §III. There may be some boards that are simply not equipped to perform an investigation of this nature. I guess we will have to see how the circumstances unfold in order to determine whether the process needs to be modified. I hope that any of these boards will contact you and let you know that a claim has been made, so that you may offer your services. Indeed, perhaps you should require that every complaint be filed with the appropriate board or agency, as well as the Town Manager. At least this will keep you advised of what is happening in your community.

Finally, I have concluded that §V.B. is beyond the scope of a town's authority. This provision seeks to limit political contributions. "Towns are merely subdivisions of the State and have only such powers as are expressly or impliedly granted to them by the legislature." Public Serv. Co. v. Town of Hampton, 120 N.H. 68, 71 (1980). Based on this principle, the Supreme Court has rejected a town's efforts to enact a rent control measure, finding that the legislature had not delegated that power under the provisions of RSA 31:39 or RSA 49-B. Girard v. Town of Allenstown, 121 N.H. 268 (1981). "Although the police power is broad and has been described as including such varied interests as public health, safety, morals, comfort, the protection of prosperity, and the general welfare, it is not unlimited." *Id.* (quotations and citations omitted). Because the legislature has failed to expressly grant towns the power to regulate political contributions, and such authority is not *necessarily* implied or incidental to a power delegated to the Town, I must conclude that §V.B. is beyond the scope of the Town's authority.

I trust that the foregoing is responsive to your inquiry. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Barton L. Mayer
bmayer@upton-hatfield.com

BLM/lm

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Introduced: 1/07/08
Second Read/Pub Hrg: 1/21/08
Adopted: x/xx/xx

ORDINANCE 2008-01
*AN AMENDMENT RELATING TO REVISIONS
TO THE ZONING ORDINANCE*

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

WHEREAS this process has resulted in the rewrite of the Excavation Standards, and to include an omission in the Sign sections of the Ordinance as adopted by the Council under Ordinance 2007-08; and

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the revisions to Sections 3.1.2 Local Excavation Standards and 3.11.6.3 Signs, as recommended by the Planning Board.

Joseph Paradis
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
1/21/08

Town Seal

ORDINANCE 2008 - 02

An Ordinance Relative to the Adjustment of the Penalty Provision for Municipal Ordinance

First Reading: 01/07/08
Hearing/Second Reading: 01/21/08
Adopted: xx/xx/xx

WHEREAS The Town continually reviews its Municipal Code to standardize language and processes; and

WHEREAS The Building and Health Department has reviewed the penalty provisions of various Ordinances; and

WHEREAS It is in the public interest to vest in the Courts the penalty for violation of town ordinances and codes;

NOW THEREFORE BE IT ORDAINED by the Londonderry Town Council that the attached amendments to the Municipal Code be adopted in order to provide uniformity in the administration of its codes.

Joseph Paradis - Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour
Town Clerk/Tax Collector

A TRUE COPY ATTEST:
xx/xx/xx

To the inhabitants of Londonderry in the County of Rockingham in said State qualified to vote in Town Affairs:

Voters are hereby notified to meet at the Londonderry High School Gymnasium in Londonderry on Tuesday the eleventh (11th) day of March, 2008, at seven o'clock in the morning to choose all necessary Town Officers for the ensuing year, and to act upon bond and note articles, together with any amendments to the Town Charter, all by official ballot, the polls to be open at seven o'clock in the morning and to close not earlier than eight o'clock in the evening.

Voters are further notified to meet at the Londonderry High School Cafeteria on Saturday, March 15, 2008 at nine o'clock in the morning to discuss, amend and act upon articles, the proposed Fiscal Year 2009 budget and all other matters to come before the meeting.

ARTICLE NO. 1 *[ELECTION OF OFFICERS]*

To choose all necessary Town Officers for the ensuing year, or until another is chosen or appointed and qualified.

ARTICLE NO. 2 *[BOND ISSUE FOR REPLACEMENT OF NORTH/WEST SUBSTATION]*

To see if the Town will vote to raise and appropriate **ONE MILLION EIGHT HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$1,837,000)** for the purpose of constructing a replacement fire substation in North Londonderry.

Said sum to be raised by the issuance of serial bonds or notes not to exceed **ONE MILLION EIGHT HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$1,837,000)** under and in compliance with the provisions of the Municipal Finance Act (NH Revised Statutes Annotated Chapter 33) and to authorize the Town Council to issue and negotiate such bonds or notes, to determine the rate(s) of interest thereon and to take such other actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Londonderry, and to authorize the Town Council to accept any funds from the State of New Hampshire, the Federal Government, and private sources, as may become available, and pass any vote relating thereto; and further, to raise and appropriate **SEVENTY TWO THOUSAND NINE HUNDRED TWENTY FIVE DOLLARS (\$72,925)** for the first year's interest payment and bond issuance cost on said bond, and to authorize the transfer of the June 30 fund balance in that amount for this purpose. (Ballot Vote – 60% approval required)

(If passed, this article will require the Town to raise \$0 in property taxes, resulting in a tax rate impact of \$0.00 in FY 09; \$185,000 in property taxes, resulting in a tax rate impact of \$0.05 in FY 10; and \$180,862 in property taxes, resulting in a tax rate impact of \$0.05 in FY11, based upon projected assessed values.)

This article is supported by:

Town Council - (Yes X-X-0) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 3 [BOND ISSUE FOR HIGHWAY RECONSTRUCTION]

To see if the Town will vote to raise and appropriate **ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$ 1,500,000)** for the reconstruction of roads.

Said sum to be raised by the issuance of serial bonds or notes not to exceed **ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000)** under and in compliance with the provisions of the Municipal Finance Act (NH Revised Statutes Annotated Chapter 33) and to authorize the Town Council to issue and negotiate such bonds or notes, to determine the rate(s) of interest thereon and to take such other actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Londonderry, and to authorize the Town Council to accept any funds from the State of New Hampshire, the Federal Government, and private sources, as may become available, and pass any vote relating thereto and further, to raise and appropriate **SIXTY THOUSAND, SEVEN HUNDRED FIFTY DOLLARS (\$60,750)** for the first year's interest payment and bond issuance costs on said bond and to authorize the transfer of the June 30 fund balance in that amount for this purpose. (Ballot Vote – 60% approval required)

(If passed, this article will require the Town to raise \$0 in property taxes, resulting in a tax rate impact of \$0.00 in FY 09; \$217,500 in property taxes, resulting in a tax rate impact of \$0.06 in FY 10; and \$210,750 in property taxes, resulting in a tax rate impact of \$0.06 in FY11, based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: X-X-X) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 4 [FUND SPECIAL REVENUE ACCOUNTS]

To see if the Town will vote to raise and appropriate the sums set forth below from the special revenue funds already established. Such appropriations shall be used for the purpose of covering Police Outside Details, Cable and Sewer Expenses, and shall be funded from various vendors and users of Police, Cable and Sewer Services. Any surplus in said funds shall not be deemed part of the General Fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said funds for a specific purpose related to the purpose of the funds or source of revenue.

Sewer Division Fund	\$2,056,212
Cable Franchise Fee Fund	265,930
Police Outside Detail Fund	<u>434,839</u>
	\$2,756,981

(These services are funded through user fees and require no property tax support)

This article is supported by:

Town Council - (Yes: X-X-X) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 5 [EXPENDABLE MAINTENANCE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of **TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000)** to be placed in the Town’s Maintenance Trust Fund created by the voters at the 2003 Town Meeting for the purpose of repairing and maintaining town facilities and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation.

(If passed, this article will require the Town to raise \$105,000 in property taxes, resulting in a tax rate impact of \$0.03 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes X-X-X) Budget Committee - (Yes x-x-x)

ARTICLE NO. 6 [FISCAL YEAR 2009 TOWN OPERATING BUDGET]

To raise such sums of money and make appropriations of the same as may be necessary to defray Town charges, exclusive of warrant articles and increases resulting from collective bargaining agreements, for the ensuing fiscal year, July 1, 2008 through June 30, 2009.

(If passed, this article will require the Town to raise \$13,422,248 in property taxes, resulting in a tax rate impact of \$4.01 in FY 09 based upon projected assessed values.)

Town Council - (\$24,904,919 - Vote: X-X-X) Budget Committee - (\$xx,xxx,xxx - Vote: x-x-x)

ARTICLE NO. 7 [APPROPRIATE FUNDS TO CAPITAL RESERVE FUNDS TO REPLACE AMBULANCES, HIGHWAY HEAVY EQUIPMENT, FIRE TRUCKS AND HIGHWAY TRUCKS]

To see if the Town will vote to raise and appropriate the sums set forth below to be placed in capital reserve funds already established, to authorize the Town Council to act as agents to expend said funds.

Ambulances	\$ 50,000
Highway Trucks	\$ 70,000
Highway Heavy Equipment	\$ 40,000
Fire Trucks	<u>\$ 160,000</u>
	\$ 320,000

(If passed, this article will require the Town to raise \$320,000.00 in property taxes, resulting in a tax rate impact of \$0.10 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: X-X-X)

Budget Committee - (Yes: x-x-x)

**ARTICLE NO. 8 [FIRE FACILITIES
RELOCATION/INSPECTION/EQUIPMENT & FURNISHING COSTS]**

To see if the Town will vote to raise and appropriate **ONE HUNDRED SIXTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY SIX DOLLARS (\$168,756)** for the purpose of funding the acquisition of communications, furnishings and other equipment for the North/West Fire Substation, construction inspection testing, the Clerk of the Works/Town Facilities Coordinator and other associated costs; and to authorize the use of the June 30 Fund Balance for these purposes.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: X-X-0) Budget Committee - (Yes: x-x-x)

ARTICLE NO.9 [BARTLEY HILL/STONEHENGE/LITCHFIELD/MAMMOTH INTERSECTION]

To see if the Town will vote to raise and appropriate **THREE HUNDRED NINETY EIGHT THOUSAND DOLLARS (\$398,000)** for the purpose of supplementing funds appropriated at the 2002 Town Meeting for the reconstruction of the Bartley Hill/Stonehenge/Litchfield/Mammoth Roads intersection and the installation of traffic signals at that location; to authorize the use of the June 30 Fund Balance for this purpose in the amount of \$341,059.00 and to authorize the use of \$56,941 in impact fees assessed for this purpose. The Town's total investment in the project is \$698,000.00, with the State of New Hampshire funding \$1,396,000.00.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x) Budget Committee - (Yes: x-x-x)

ARTICLE NO. 10: [RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN LONDONDERRY ADMINISTRATIVE EMPLOYEES ASSOCIATION and THE TOWN OF LONDONDERRY]

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Town of Londonderry and the *Londonderry Administrative Employees Association*, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Union:

<u>Year</u>	<u>Cost Increase</u> From Prev. FY	<u>Tax Increase</u> From Prev. FY ¹	<u>Total Estimated</u> Average <u>Annual Cost</u> <u>Salary Incr.</u>
FY 07	\$ 0.00	\$ 0.00	0.00
		0.0%	
FY 08	\$ 59,342.00	\$ 0.02	59,342.00
		3.1%	
FY 09	\$ 90,238.00	\$ 0.03	149,580.00
		3.0%	
FY 10	\$ 74,185.00	\$ 0.02	223,765.00
		3.0%	

and further, to raise and appropriate the sum of **\$ 149,580.00** (\$0.05 on the tax rate) for the FY08 & FY 09 expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (LAEA represents 26 full time and 1 part time management and professional positions in eight Departments.)

(If passed, this article will require the Town to raise \$149,580.00 in property taxes, resulting in a tax rate increase of \$0.05 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x)

Budget Committee - (Yes: x-x-x)

¹ Projections are based upon projected assessed values.

ARTICLE NO. 11 [RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN IAFF Local 3160 and THE TOWN OF LONDONDERRY]

To see if the Town will vote to accept the Fact Finder's report for the Collective Bargaining Agreement between the Town of Londonderry and the International Association of Firefighters (IAFF), Local 3160, and in doing so, to approve the cost items within said Agreement, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Union:

<u>Year</u>	<u>Cost Increase From Prev. FY</u>	<u>Tax Increase From Prev. FY¹</u>	<u>Total Estimated Average Annual Cost Rate Incr.</u>	
FY XX			\$xxx,xxx.00	
			\$ 0.0x	
			\$xxx,xxx.00	
			xx.x%	
FY xx			\$xxx,xxx.00	
			\$ 0.0x	
			xxx,xxx.00	
			x.x%	
FY xx	\$xxx,xxx.00	\$ 0.0x	xxx,xxx.00	x.x%

and further, to raise and appropriate the sum of \$ xxx,xxx.00 (\$0.0x on the tax rate) for the FY 0x expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (IAFF Local 3160 represents 40 full time and 0 part time Fire Department employees.)

(If passed, this article will require the Town to raise \$xxx,xxx.00 in property taxes, resulting in a tax rate increase of \$0.0x in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x) Budget Committee - (xx: x-x-x)

¹ Projections are based upon projected assessed values

ARTICLE NO. 12: [RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 633 OF NEW HAMPSHIRE & LONDONDERRY LEACH LIBRARY ASSOCIATION and THE LONDONDERRY LEACH PUBLIC LIBRARY BOARD OF TRUSTEES]

To see if the Town will vote to approve the cost items included in the collective

bargaining agreement reached between the Londonderry Leach Public Library Board of Trustees and the International Brotherhood of Teamsters Local 633 of New Hampshire & Londonderry Leach Library Association, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Association:

	Cost Increase Average	Tax Increase	Total Estimated	
<u>Year</u>	<u>From Prev. FY</u>	<u>From Prev. FY</u>	<u>Annual Cost</u>	<u>Salary</u>
<u>Incr.</u>				
FY09	\$ 18,445.86	\$ 0.01	\$ 18,445.86	3.0%
FY10	\$ 17,933.42	\$ 0.01	\$ 36,379.28	3.0%
FY11	\$ 20,133.79	\$ 0.01	\$ 56,513.07	3.0%
FY12	\$ 23,656.87	\$ 0.01	\$ 80,169.94	3.0%
FY13	\$ 31,665.46	\$ 0.01	\$111,835.40	3.0%

and further, to raise and appropriate the sum of \$ **18,446** (\$ 0.01 on tax rate) for the FY09 expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over the appropriation at the current staffing levels paid under any existing agreements.

(Londonderry Leach Library Association represents 7 full time and 7 part time Library employees)

(If passed, this article will require the Town to raise \$18,445.86 in property taxes, resulting in a tax rate increase of \$0.01 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x)

Budget Committee - (Yes: x-x-x)

ARTICLE NO. 13 [TO REVOKE A NON LAPSING FUND]

To see if the Town will vote to revoke the Ecological Industrial Park Expendable Maintenance Trust Fund voted at Town Meeting 2002, Article 5.

(This article, if passed will have no tax impact.)

This article is supported by:

Town Council - (Yes: x-x-x) Budget Committee - (Yes/No x-x-x)

ARTICLE NO. 14 [ESTABLISH AN EXPENDABLE TRUST FUND FOR THE PURPOSE OF DEVELOPING, PROMOTING AND MARKETING AN ECOLOGICAL INDUSTRIAL PARK]

To see if the Town will vote to raise and appropriate the sum of **FORTY FIVE THOUSAND DOLLARS (\$45,000)** and establish a Trust Fund under the provisions of RSA 31:19a for the purpose of developing, promoting and marketing and Ecological Industrial park, and to authorize the transfer of the June 30 Fund Balance for this purpose; further, to designate the Town Council as agents to expend. This shall be a non-lapsing fund.

(This article, if passed will have no tax impact.)

This article is supported by:

Town Council - (Yes: X-X-X)

Budget Committee - (Yes/No X-X-X)

ARTICLE NO. 15: [ESTABLISH A NON-CAPITAL RESERVE FUND FOR THE MASTER PLAN]

To see if the Town will vote to establish, pursuant to RSA 35:1-c, a Non-Capital Reserve Fund for the future updating of the Town Master Plan, to raise and appropriate **ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000)** for said purpose, to authorize the use of the June 30 Fund Balance for this purpose, and to designate the Town Council as Agents to Expend.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x)

Budget Committee - (Yes: x-x-x)

ARTICLE NO.16 [EMERGENCY GENERATOR]

To see if the Town will vote to raise and appropriate **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** for the purpose of purchasing and installing a generator at Londonderry High School Gymnasium to assist the Town with meeting its emergency preparedness responsibilities, and to authorize the use of the June 30 Fund Balance for this purpose.

(If passed, this article will require the Town to raise \$0.00 in property taxes, resulting in a tax rate impact of \$0.00 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x)

Budget Committee - (Yes: x-x-x)

ARTICLE NO.17 [HIGHWAY RECONSTRUCTION]

To see if the Town will vote to raise and appropriate **TWO HUNDRED**

THOUSAND DOLLARS (\$200,000) for the purpose of funding the reconstruction of roads. (This Article is presented as an alternative to Article 3, and will be retracted if the bond issue passes.)

(If passed, this article will require the Town to raise \$200,000.00 in property taxes, resulting in a tax rate impact of \$0.06 in FY 09 based upon projected assessed values.)

This article is supported by:

Town Council - (Yes: x-x-x) Budget Committee - (Yes: x-x-x)

ARTICLE NO.17 [TRANSACTION OF OTHER BUSINESS]

To transact any other business that may legally come before this meeting. No business enacted under this article shall have any binding effect upon the Town.

Given under our hands and seal, this xxth of February, in the year of our Lord, Two Thousand and Eight.

***TOWN COUNCIL
LONDONDERRY, NEW HAMPSHIRE***

Joseph Paradis - Chairman

Martin Bove - V. Chairman

Mark Oswald - Councilor

Kathy Wagner - Councilor

Brian Farmer - Councilor

ORDER 2008-03

An order relative to
Impact Fee Credit

First Reading: 01/21/08
Second Reading: Waived
Adopted: 01/21/08

WHEREAS

the Town of Londonderry by adoption of Zoning Article No. 110 at the Annual Town Meeting on March 10, 1994, added Section X - Impact Fees to the Zoning Ordinance (since revised to Section XIII) which provides for the assessment, collection, and administration of Impact Fees; and

WHEREAS

the Zoning Ordinance allows the Town Council to issue orders to the Town Treasurer for the expenditure of such impact fees collected for Rte. 102 Corridor improvements; and

WHEREAS

the Ordinance further provides by Section 1.2.11 that a credit may be given for public improvements completed by developers; and,

WHEREAS

the Planning Department recommends a full traffic impact fee credit be awarded to Mark Investments (Walgreen) in recognition of the almost \$900,000 in improvements made to public roadways;

NOW THEREFORE BE IT ORDERED by the Londonderry Town Council that the Traffic Impact Fee assessed to Mark Investments in the amount of \$68,225.22 is hereby waived.

Joseph Paradis - Chairman
Town Council

Marguerite Seymour - Town Clerk/Tax Collector

(TOWN SEAL)

A TRUE COPY ATTEST:
01/21/08

**TOWN COUNCIL
FIRST BUDGET HEARING
January 07, 2008**

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; John Robinson; Ron Campo, (7:17 PM School Liaison); Tom Freda (7:07 PM); Jay Hooley; Sean O’Keefe, (7:11 PM). Absent; Tom Dolan.

CALL TO ORDER – PUBLIC SESSION

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

Councilor Bove made a motion to open the public hearing. Second Councilor Farmer. Council’s vote 5-0-0.

PUBLIC HEARING

Chief of Police, Joe Ryan introduced new police officers: James Freda, Nelson Jimenez, Jason Moseley and Kevin Laren. All have graduated from the Police Academy and are currently being field trained at MHT, gradually being infiltrated in the Town. All have earned Bachelor Degrees.

Nate Greenberg, Supt. of Schools and School Board Member, Ron Campo spoke about a generator needed for emergency evacuations at the LHS Gym. It is estimated to cost \$100K for the item; the School District would pick up cost of maintenance. Councilor Farmer asked the Town Manager if there were existing money in the fund balance to handle this acquisition; he responded in the affirmative. Councilor Bove asked Town Manager Caron to research if there was any existing state money to use for it. He also suggested looking at Homeland Security. N. Greenberg submitted to Council a letter written by George Herrmann who is a member of the Emergency Management Council in which he explained the gym is the best location for an emergency shelter. **Councilor Oswald made a motion to take \$100K from undesignated fund balance to purchase a generator for the Town. Councilor Farmer second.** Town Manager Caron explained it has to be accomplished through a warrant article. N. Greenberg suggested that after the equipment is purchased to transfer the ownership to the School District for maintenance. Councilor Oswald clarified that this will appear as a warrant with no

impact to taxpayers, Town Manager Caron responded yes. **Council's vote 5-0-0.**

- B. **FY 09 Town Budget.** Town Manager Caron explained he has two additional reductions in the budget. Reduction in Londonderry Fire Department (LFD) of \$12,130; savings in wages and benefits for Fire Chief position. Under grandfathered position for part-time employee in Public Works Dept., (PW) who is retiring, the position included health and dental benefits. These benefits are no longer available to the new employee filling that position. This results in an estimated reduction of \$14,910 from PW. This results in a total reduction in the budget of \$20,040. J. Czyzowski explained the job responsibilities and said not filling the part-time position will have a detrimental effect on the rest of the department which consists of three divisions, and the handling of invoicing totaling \$7M. Discussion ensued about filling the position with two part-timers, reducing the hours from 30 to 20 and eliminating the position entirely. Councilor Farmer suggested taking phone calls electronically, reduce to 20 hours and see how it works. **Councilor Farmer made a motion to reduce the position to 20 hours/week and ask the IT Dept. to work with PW to create an on-line inquiry form, routed to the PW Dept. and streamline the position. Second by Councilor Wagner.** Councilor Bove asked Town Manager Caron the cost to put two part-time employees into the position. He responded for one part-time person including FICA it would be about \$31,826 at 30 hours. At 20 hours we would be saving \$10,626. **Councilor Farmer amended his motion to reduce PW's budget to \$25,536 for a 20 hour employee. Councilor Wagner seconded his amended motion.** She stated that this was too high a pay scale for a part-time job. Councilor Oswald brought up the idea of cross-training and not filling the position. Councilor Farmer stated cross-training with other Admin. Assists in Town Hall along with the on-line form should be looked into. He feels that at this point reductions in the budget have to be achieved by reduction in head count. Councilor Wagner again stated that the salary was high. Town Manager Caron replied all salaries were established by contract which are reviewed and approved by the Council and approved by Town Meeting and fall within the range for that particular job classification. Councilor Farmer stated we have to take advantage of attrition and introduce technology as a replacement, don't always need a person. Councilor Bove said he is concerned about producing the billing in that department in addition to answering the phones. He stated he would like to see this position go to 40 hours a week, because the department is overburdened. Sean O'Keefe, Budget Committee Member suggested not filling the job, cross-train. He questioned why this part-time job has to be a union job. Town Manager Caron explained if somebody works a certain amount of hours they have to be included in the union contracts. John Robinson, Budget Committee member agreed that the salary is too high. Councilor Bove recommended two part-time people, 20 hours each and pay less for the position. S. O'Keefe stated we have the technology to handle the phones, use it. Al Baldasaro, 51 Hall Rd. suggested using high school students on a work/study program. Budget Committee Member Tom Freda suggested the Admin. Secretary not produce the PW newsletter which would allow her to spend more time doing the work of the Dept. Secretary. Town Manager Caron referred to the union contract for the position and verified that the position is a union position covering part-time employees of less than 20, regular part-time 20-35 and full-time 35 or more. He informed Council that he can

reduce the pay scale by re-classifying the position to a lower grade. The lowest rate is a clerk-typist at \$14.27. Sandy Leagueux, 2 Fiddlers Ridge said taxpayers will accept less services, position can be eliminated, liked restructuring. She suggested not filling the position for a six month period and see how it impacts the department. **Councilor Farmer withdrew his motion to reduce the position to 20 hours. Second by Councilor Wagner. Councilor Oswald made a motion to eliminate the position, cross train employees and use electronic back-up. Councilor Wagner seconded the motion.** Councilor Farmer asked for solutions to other level positions in Town, simplify through technology. Councilor Bove asked what the savings would be by not filling this position for the next year. Town Manager Caron responded it would be an overall reduction of \$46,736. **Councils vote 4-1-0 to eliminate position, with Councilor Bove dissenting.** The total budget for the Town with the above reductions totaling \$58,866 now is \$25,029,429. **Councilor Farmer made a motion to eliminate the part-time clerk position in the Town Clerk's department of \$21,349. Councilor Wagner second with discussion.** S. Hickey said the full amount would be \$22,982. Town Manager Caron informed the Council that the Town Clerk was setting up for elections at the school and suggested waiting for the input from the Dept. Head. He suggested it be brought up again at the 1/21/08 meeting. Councilor Oswald agreed it would be better to have the Dept. Head in attendance. Councilor Farmer said he would table it until that time. J. Robinson stated he would be interested in knowing what the impact on town services would be if that position was eliminated. J. Paradis asked Town Manager Caron if we have had any lay offs in recent years? He responded we have had a couple of re-organizations, laid-off the General Assistance employee and out-sourced her position. T. Freda asked how many motor vehicle registrations have been lost. He said one of the rental car companies stopped registering with the Town. Town Manager Caron responded approximately 1,100 out of 35,000 registrations. **Councilor Farmer withdrew his motion until 1/21/08 and would like the Town Clerk in attendance because he intended to make the motion again. Councilor Wagner withdrew her second. Councilor Wagner made a motion that we cut \$250K out of the General Operating Budget, where the cuts were is left up to the Town Manager. Second Councilor Oswald.** Councilor Oswald said he has been doing this for 9 years, every year counting paper clips, etc. He wants Council to get serious, if it involves head count or addressing attrition due to retirements or resignations it should be done. Chairman Paradis said that \$250K would reduce the proposed budget 1%. Councilor Farmer said some of the cuts that will have to be made are policy decisions should be made by Council working with the Town Manager. Town Manager Caron has already given Council a list of cuts, Budget Committee echoed those cuts, he stated he would not expect anything different from him. Town Manager Caron responded services that are not considered crucial is subjective in the eyes of each of the taxpayers.

C.
D.

Budget Committee Member, Mike Brown said Town Manager Caron already found -1% below default, about \$252K without affecting personnel. He said he is willing to take less services to get a tax reduction. He said he thinks taxpayers are willing to accept less services to reduce their taxes. He spoke about economy factors affecting everyone. He said Council is taking right approach and would like to wait and see what the impacts are. Councilor Wagner said she would accept the cuts that Town Manager Caron had already

indicated because he was more knowledgeable where the cuts could be made. **Councilor Bove stated he would like to amend the motion to not looking at adding things as requested in the appendix of the budget book. Councilor Wagner second.** Sandy Legueux said the Town's expenses, according to her calculations, has gone up 60% in 10 years. Pauline Caron, Library Trustee clarified that the figures in Town Manager Caron's memo with the 1% reductions were recommendations from each dept. manager, they were not recommendations made by him. Library is run by trustees; positions have been cross-trained. The Library Director does restructuring each year, managed very efficiently. Chairman Paradis asked Town Manager Caron if any positions will be eliminated based on his October 24, 2007 memo. He responded positions may not be filled as they are vacated, particularly if operating costs are reaching their budgeted amounts. Councilor Farmer stated that the Town Manager listed the cuts as requested by Council but did not recommend the cuts. John Farrell cautioned the Council that Council can make \$250K in cuts but can still get a motion on the floor to change it. S. O'Keefe said it comes down to cutting peoples' jobs. Councilor Farmer recommended no reductions in the Planning. Department, it is where the life blood for taxes come from. Councilor Bove said that the Council has to direct the Town Manager where to cut. Councilor Oswald said we would have to cut 4-5 people. Town Manager Caron suggested getting direction as to where services should be cut back. S. Leagueux suggested having the police custodian take care of the Town Hall and the Library and cut out the sub-contracted custodial services to those two buildings. Budget Chairman T. Freda said we should consider the fact that people are retiring. **Councilor Wagner withdrew her motion. Councilor Oswald made a motion to cut 4-5 jobs to equal \$200K could involve restructuring and retirements. Councilor Farmer second.** Officer Dan Bouchard, 8 O'Connell Drive announced his retirement. He suggested cutting his program as a DARE Officer because no one was trained to replace him. John Robinson said he wants iron clad commitment to cut \$250K from budget. John Farrell said last layoff was in 1991, cuts of 15 people. Selectmen cut to 8 people, town meeting voted to go along with the cuts. Councilor Oswald said the Town has 3-4 retirements a year; his idea is not to fill those vacancies will not hurt existing jobs. Council will e-mail Town Manager with their suggestion. Councilor Farmer said it will carry over to non-public meeting being held tonight. **Council's vote 4-1-0, with Councilor Bove dissenting.**

Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics. (Cont'd. from December 17) - Councilor Farmer suggested change to Section III; D should have referenced Section 3.3B of the Town Charter. Town Manager Caron told Council that he has reduced the length of the document; it is concise and educational with annotations throughout the document. Any definitions needed have been taken from the town attorney's letter. Reporting Process was addressed; employee conflicts go to Town Manager, Town Manager conflicts go to Town Council; any appointed Board/Commission/Committee conflicts go to Town Council; elected bodies will go to that body. No removal provision for an elected official with the exception of Town Council. Council Farmer wanted the document to be an annual review requirement refresher course for existing employees and be given to new employees. Councilor Oswald questioned page 1 of 5 should we add sanctioning bodies. Town Manager Caron

said it is not a good idea to monitor groups the Council doesn't interact with or have any control of those groups. Councilor Oswald referred to page 3 of 5 under Section II, E "Improper Gifts" He would like to change the amount from \$50.00 to \$25.00. He agreed with Councilor Farmer that Council can discipline members of its own body. Page 4 of 5, Section IV "Exclusions", paragraph B; he would like to have a limitation of campaign donations listed of up to \$25.00 and would like the candidates upon request to provide financial records. Agreed with the annual review. He suggested that a receipt be signed by the recipient receiving the Code of Ethics. He also asked how do we deal with claims on an unjust charge. What liabilities does Town have? Town Manager Caron responded the Town has an "E & O" policy currently. Whoever receives the appointed authority is held to the same standard as the indemnification clause in RSA 31:106. If you are acting without malice then you have coverage; if you are acting with malice, you are not covered by our insurance company. Discussion ensued about unjust charges. T. Freda questioned why it was not noted on the form that the person signs it under pain of perjury. Town Manager Caron responded that he would have to question counsel if we had the authority to do that. Town Counsel has not seen this document yet. Chairman Paradis questioned if page 2 of 5, Section II A "Code Provisions" referencing family should be changed to include civil unions and common law. Councilor Farmer said in the Conflict of Interest Ordinance, Council can adopt measures above and beyond our own Town Charter and above and beyond state law in certain instances. Chairperson Paradis questioned page 3 of 7, Section II C "A Duty to Disclose" if a person recusing themselves, they have to explain why. Not included in this recent version. Chairman Paradis also spoke about page 5 of 7, Section II G under "Fair and Equal Treatment" should it be included in the new version. It was decided to add that section back into the document. Councilor Oswald requested this changed edition be posted again on the website; Town Manager Caron said he would do it. This would be voted on at the 1/21 meeting.

Resolution 2007-35 – Relative to the Adjustment of Building and Other Fees - Assistant Building Inspector, Richard Canuel spoke about raising fees for the building department and junkyard licenses. The last time fees were addressed was back in 1989. He provided a list of current and proposed fees as well as provided a comparison of other towns. Proposed separate fee structure for residential and commercial. Electrical flat fee for residential is \$35. Electrical flat fee for non-residential new construction is \$125. Electrical for non-residential renovations is \$75. Plumbing residential is flat fee of \$35. Plumbing non-residential new construction is \$125. Plumbing non-residential renovations is \$75. Current building permit fees are \$10.00 plus estimated construction cost of \$5/\$1K. Recommendation for building application fee of \$25 plus \$6.00/\$1K of estimated cost. Based on 2006 statistics these combined fees will have a revenue increase of \$88,458.00. R. Canuel explained the methods of the International Code Council and how the construction values are determined for our region. Councilor Farmer requested information of regional values; R. Canuel will send an e-mail to them. Discussion ensued about increasing new construction residential to \$50 for electrical and construction. Consensus of Council was to raise the residential electrical and plumbing on new construction to \$50. Junkyard licenses are currently at \$25, state statute allows fees of up to \$250.00, recommend increase to \$250.00. R. Canuel recommended

reviewing the fee schedule every three years at the same time they review building regulations. Open to public, no comment. Jim Smith said the evaluation sheet from Int'l Code Council is updated every three months. **Council's vote 5-0-0.** Planning Director, Andre Garron asked about effective date. Town Manager Caron responded the resolution is effective today by Council's vote.

Town Clerk/Tax Collector Meg Seymour announced the hours at the polls are from 7:00 AM to 8:00 PM at night. Voters can register at polls with proper ID. She thanked the public for contributing to "Toys for Tots" Program.

Reed Paige Clarke, III told the public to visit the Historic Society booth at the elections and buy a book and have a cup of coffee.

Councilor Farmer made a motion to close Public Hearing. Second Councilor Wagner. Council's vote 5-0-0.

PUBLIC COMMENT

Chris Davies – Council interviewed Chris Davies for his interest as an alternate member on the Planning Board. Councilor Wagner questioned if he had time, he responded yes. Councilor Farmer stated he was very well qualified and he would be a welcomed addition to the Planning Board. Art Rugg, Planning Board Chair said he would be a great asset. Chairman Paradis thanked him for coming forward. C. Davis said he has lived in town for 24 years now has time to put into the Board.

OLD BUSINESS

Collective Bargaining Units – Town Manager Caron stated the IAFF agreement needs more discussion. Councilor Oswald suggested dealing with LEAE now, continue with new business and go into non-public. Town Manager Caron explained the agreement with LAEA:

1. 4 year agreement
2. No retroactive payments to be made for the first year of the contract
3. For the second year beginning 7/1/07 the Town will issue a retroactive pay adjustment of 3.1% of base pay.
4. COLA annually determined by Consumer Price Index range of 3.0 – 4.5%, currently 3.4%
5. Will join other units, paying 20% of health care costs.
6. Employees not in Town Health Plan will see severely reduced compensation, by FY11 will be dropped by about 52% Will be paying \$4,244 to avoid paying which is anticipated in FY11 of about \$20K for a health plan.
7. Anticipate that the agreement will cost \$149K in FY08 which includes the FY08 and FY09 cost and that is about 5

cents on the tax rate, an additional \$74K in FY10.

Councilor Bove made a motion to approve the LAEA as outlined by the Town Manager. Second by Councilor Farmer with discussion by public. M. Brown asked if there is a two year retroactive pay period. Town Manager Caron explained there is a two year retroactive period; there is a one year retroactive pay increase. He then asked if the Council participated in contract negotiations, Chairman Paradis responded no. Reason being that Council discussed a number of times with labor counsel, general opinion was that they felt the union would be looking to the Council for their sympathies rather than as a negotiator. If they talked to Council directly would they be trying to get their minds changed? Councilor Farmer stated they met with labor negotiator; unanimous consensus was that they would not participate in that level; would participate as in the past by direction given to the Town Manager and the negotiator, there would be no concession in the room during negotiations. Town Manager and the negotiator would be simply carrying the message back and forth to the Council. Councilors been active participants in each phase of the negotiations without physically being in the room. Availability of the Councilors to attend meetings was not feasible. Councilor Bove said they didn't want to send mixed messages. M. Brown said he was disappointed that they did not participate. **Council's vote 4-1-0, with Councilor Farmer dissenting.**

NEW BUSINESS

FY09 Bond Issues - Town Manager Caron said that under state law Town is required to hold public hearing on any bonds proposed in excess of \$100K. Budget Schedule requires that this hearing be held at 1/21/08 meeting. Currently two bond issues under consideration; One is \$1.837M to replace North Fire Station and second is to raise \$1.5M for roadways. **Councilor Bove made a motion to move projects to public hearing. Second Councilor Farmer.** No discussion. **Council's vote 5-0-0.**

Ordinance #2008-01 – Relative to Amendments to the Zoning Ordinance – Councilor Farmer read the first reading. **Councilor Farmer made a motion to move the Ordinance to the second reading and public hearing on 1/21/08. Second Councilor Wagner. Council's vote 5-0-0.**

Order #2008-01 – Relative to Expenditure from Capital Reserve Funds Councilor Oswald read the first reading, second reading waived. **Councilor Oswald made a motion to adopt. Second Councilor Farmer.** Chairman Paradis asked if we are keeping the old ambulance, Town Manager Caron responded yes. **Council's vote 5-0-0.**

Ordinance #2008-02 – Relative to the Penalty Provision for Municipal Ordinances - Councilor Wagner read the first reading, second hearing and reading scheduled for 1/21/08. **Councilor Wagner made a motion to move the Ordinance to the second reading and public hearing on 1/21/08. Second Councilor Bove.** Town Manager Caron stated Council has three choices, leave it the same, state law violation of land use ordinances are

\$275 for the first day and \$550 for subsequent offences. Statute also says you can impose fines up to \$1K for public town ordinances, of which the Town has very few of those violations. Looking to ensure compliance with Town regulations. Chairman Paradis asked if the fine stays with the Town, Town Manager Caron responded yes. **Council's vote 5-0-0.**

Order #2008-02 – Relative to the Expenditure of Highway Impact Fees for Additional Traffic Studies. - Councilor Bove read the first reading, second reading/public hearing waived. **Councilor Bove made a motion to adopt. Second Councilor Farmer for discussion.** Councilor Farmer asked Planning Director Andre Garron what additional information was needed for NHDOT and will it impact the mini-master plan on the north end of Town. He responded it will not impact the mini-master plan a lot of the information collected will be weaved into it. Impacts TIF area, east side of Rte. 28 near Derry. Councilor Farmer asked do they follow under lapsed impact fees, Town Manager Caron responded they will lapse. **Council's vote 5-0-0.** Discussion ensued about the wording of Rte 28 East and West Impact Fees and it was decided to add Rte 28 East to the bottom paragraph of the Order.

APPROVAL OF MINUTES

Minutes of the Council's December 17, 2007 Public and Non-Public Meetings and December 20, 2007. **Councilor Oswald made a motion to adopt the Non-Public Meeting Minutes of 12/17/07 and 12/20/2007. Second Councilor Bove. Council's vote 5-0-0.** **Councilor Oswald made a motion to adopt the Public Meeting Minutes of 12/17/07 with one edit and 12/20/07. Line 293 on page 7 of 12/17/07 should read \$5.00/\$1000 value not \$5.00/\$100 of value. Second Councilor Bove. Council's vote 5-0-0.**

OTHER BUSINESS

Liaison Reports –Councilor Wagner had Planning Board meeting, discussed Mini-master plan. Decided to look again at the Rte 28 POD because of Perkins Rd.

Town Manager's Report – Town Manager Caron responded that the Superior Court did uphold ZBA ruling on the cell tower. Plaintiffs have 30 days to file appeal.

Board/Committee Appointments/Reappointments/Resignations

1. Appointment of Chris Davies to An Alternate Position on the Planning Board, term to end 12/31/10. **Motion by Councilor Bove. Second Councilor Oswald. Council's vote 5-0-0.**
2. Appointment of Deb Lievens and Deb Paul as Alternate Members to the Southern NH Planning Commission, terms to end 6/09. **Motion by Councilor Bove. Second by Councilor Farmer. Council's vote 5-0-0.**

Councilor Farmer made a motion to go into a non-public session to deal with matters related to collective bargaining unit and to discuss matters that may affect staffing at 11:01 PM. Second by Councilor Bove. Aye Kathy Wagner, Aye Mark Oswald; Aye Brian Farmer; Aye

Marty Bove; Aye Joe Paradis. Councilors will return for public session after adjourning non-public session.

Public Session resumed at 11:55 PM. **Councilor Wagner made a motion to reject IAFF agreement. Second by Councilor Farmer. Council's vote 5-0-0.**

ADJOURNMENT

Motion to adjourn by Councilor Farmer. Second Councilor Wagner. Council's vote 5-0-0. Adjourn at 12:00 PM.

Notes and Tapes by: Margo Lapietro Date: 01/07/08

Minutes Typed by: Margo Lapietro Date: 01/14/08

Approved: Town Council Date: