

**TOWN COUNCIL  
AGENDA  
March 03, 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.     CALL TO ORDER – PUBLIC SESSION
- 7:01 PM            II     PUBLIC HEARING
- A.     Determination of Breach – Cable Franchise Agreement with Comcast
- 7:30 PM            III.   PUBLIC COMMENT
- A.     Rep. Sherm Packard
- 7:45 PM            IV.   OLD BUSINESS
- A.     2008 Town Meeting – Warrant Review
- 8:15 PM            V.     NEW BUSINESS
- A.     Order #2008-04 – Relative to the Distribution of Conservation Funds to Purchase Property.
- B.     Town Forest – Selective Harvesting
- C.     Ordinance #2008-03 – Relative to the Rezoning of Map 7 Lot 132-28 from C-IV to AR-I
- D.     Order #2008-05 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (Murray’s Auto Recycling)
- E.     Order #2008-06 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (S&S Metals)
- F.     Order #2008-07 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (Londonderry Salvage)
- G.     Order #2008-08 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (Hill’s Salvage Facility)
- H.     Energy Efficiency Task Force

9:30 PM

VI. APPROVAL OF MINUTES

- A. Minutes of the Council's February 7 and 11, 2008 Public Meetings.

9:35 PM

VII. OTHER BUSINESS

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

10:00 PM

VIII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Meeting Voting, March 11, 2008, LHS Gymnasium, 7:00 AM – 8:00 PM
- B. Budgetary Town Meeting, March 15, 2008, LHS Cafeteria, 9:00 AM
- C. Town Council Meeting, March 17, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Town Council Meeting, April 7, 2008, Moose Hill Council Chambers, Town Hall, 7:00 PM

# ORDER 2008-04

An order relative to  
***The Distribution of Conservation Funds  
To Purchase Property***

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First Reading: 03/03/08  
Second Reading: Waived  
Adopted: 03/03/08

***WHEREAS*** the Town of Londonderry has appropriated, at recent Town Meetings, fund for the Open Space Preservation Program to be placed in the Conservation Fund; and

***WHEREAS*** the provisions of RSA 36:A-4 allow the Conservation Commission to receive gifts of money and property and to purchase property; said property and gifts to be managed and controlled by the Commission; and

***WHEREAS*** the Commission may, under the provisions of said State law, acquire in the name of the Town and subject to the approval of the governing body, any property to be conserved and utilized as open space and shall manage and control the same;

***NOW THEREFORE BE IT ORDERED*** by the Londonderry Town Council that the Town Treasurer is hereby authorized, as directed by the Conservation Commission, to expend from the Conservation Commission Fund the sum of \$1,015,000.00 to purchase Map/Lot 11-11, 169 Litchfield Road from R2D4LLC.

Joseph Paradis - Chairman  
Town Council

( TOWN SEAL )

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Marguerite Seymour - Town Clerk/Tax Collector

***A TRUE COPY ATTEST:***  
*xx/xx/xx*

**ORDINANCE 2008-03**  
***AN AMENDMENT TO THE ZONING***  
***ORDINANCE***  
***RELATING TO REZONING MAP 7, LOT 132-28***

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**Introduced: 3/03/08**  
**Second Read/Pub Hrg: 3/17/08**  
**Adopted:**

*x/xx/xx*

***WHEREAS*** the Planning Board received a request to rezone the above-referenced parcels from C-IV to AR-I; and

***WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon the request; and

***WHEREAS*** the requested rezoning is consistent with the Master Plan and with the abutting neighborhood;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the rezoning of Map 7, Lot 132-28 from C-IV to AR-I, to become effective upon passage by the Town Council.

\_\_\_\_\_  
Joseph Paradis  
Chairman - Londonderry Town Council

***A TRUE COPY ATTEST:***

\_\_\_\_\_  
***Marguerite Seymour - Town Clerk***  
*xx/xx/xx*

***Town Seal***

# ORDER 2008-05

An Order Relative to

## THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 03/03/08

Second Reading/Public Hearing: XX/XX/XX

Adopted: XX/XX/XX

### *WHEREAS*

Edward Dudek, Jr., who resides at 36 Strafford Lane, Bedford, NH, and is the owner of Murray's Auto Recycling, 55 Hall Road, Londonderry, NH desires a license to continue operations of said business; and

### *WHEREAS*

Edward Dudek, Jr., has complied with the requirements of RSA 236 and other conditions of operations as set forth by the Town Council; and

### *WHEREAS*

the Londonderry Town Council, acting as the Governing Body of the Town has such licensing authority and with approval of the Londonderry Building/Health Inspector who has oversight authority, it appears that the public good so requires such license be granted;

***IT IS THEREFORE ORDERED*** by the Londonderry Town Council that Edward Dudek, Jr., doing business as Murray's Auto Recycling, be granted a license to operate an auto recycling facility with the conditions as set forth in the attached agreement.

Joe Paradis - Chairman  
Town Council

( TOWN SEAL )

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Meg Seymour - Town Clerk/Tax Collector

*A TRUE COPY ATTEST:*  
XX/XX/XX

# ORDER 2008-06

An Order Relative to

## THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 03/03/08

Second Reading /Public Hearing: xx/xx/xx

Adopted: xx/xx/xx

### *WHEREAS*

Vito J. Solomini, who resides at 39 Tsienneto Road, Derry, NH, and is the owner of S & S Metals, 196 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

### *WHEREAS*

Vito J. Solomini has complied with the requirements of RSA 236 and other conditions of operations as set forth by the Town Council; and

### *WHEREAS*

the Londonderry Town Council, acting as the governing body of the Town has such licensing authority and with approval of the Londonderry Building/Health Inspector who has oversight authority, it appears that the public good so requires such license be granted;

***IT IS THEREFORE ORDERED*** by the Londonderry Town Council that Vito Solomini, doing business as S & S Metals, be granted a license to operate an auto recycling facility and that renewal of said license be hereby granted, and conditioned upon compliance with the attached agreement.

Joseph Paradis - Chairman  
Town Council

( TOWN SEAL )

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Meg Seymour - Town Clerk/Tax Collector

*A TRUE COPY ATTEST:*

xx/xx/xx

# ORDER 2008-07

An Order Relative to

## THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 03/03/08

Second Reading/Public Hearing: Not Required

Adopted: xx/xx/xx

**WHEREAS** Doris and Anthony Iodice, who reside at 211 Rockingham Road, Londonderry, NH and are the owners of Londonderry Salvage, 211 Rockingham Road, Londonderry, NH desires a license to continue operations of said business; and

**WHEREAS** the Londonderry Town Council, acting as the Legislative body of the Town has such licensing authority and with approval of the Londonderry Building/Health Inspector who has oversight authority, it appears that the public good so requires such license be granted;

**IT IS THEREFORE ORDERED** by the Londonderry Town Council that Doris and Anthony Iodice doing business as Londonderry Salvage, be granted a license to operate an auto recycling facility and that renewal of said license be hereby granted.

Joseph Paradis - Chairman  
Town Council

( TOWN SEAL )

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Meg Seymour - Town Clerk/Tax Collector

*A TRUE COPY ATTEST:*

xx/xx/xx

# ORDER 2008-08

An Order Relative to

## THE LICENSING OF A JUNKYARD PURSUANT TO RSA 236

First Reading: 03/03/08

Second Reading/Public Hearing: Not Required

Adopted: xx/xx/xx

### *WHEREAS*

Kenneth Hill, who resides at 7 Litchfield Rd., Londonderry, NH, and is the owner of Hill's Salvage Facility, 7 Litchfield Rd., Londonderry, NH desires a license to continue operations of said business; and

### *WHEREAS*

Kenneth Hill has complied with the requirements of RSA 236 and is in the process of compliance with other conditions of operations as set forth by the Town Council; and

### *WHEREAS*

the Londonderry Town Council, acting as the Legislative body of the Town has such licensing authority and with approval of the Londonderry Building/Health Inspector who has oversight authority, it appears that the public good so requires such license be granted;

***IT IS THEREFORE ORDERED*** by the Londonderry Town Council that Kenneth Hill, doing business as Hill's Salvage Facility, be granted a license to operate an auto recycling facility with the conditions as set forth in the attached agreement.

Joseph Paradis - Chairman  
Town Council

( TOWN SEAL )

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Meg Seymour - Town Clerk/Tax Collector

*A TRUE COPY ATTEST:*

xx/xx/xx



**TOWN COUNCIL  
FY 09 BUDGET PUBLIC HEARING  
February 07, 2008**

The FY09 Budget Public Hearing 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, and Margo Lapietro, Executive Assistant.**

**Budget Members:** Tom Freda, Sean O’Keefe; Jay Hooley, Mike Brown, Tom Dolan, John Robinson (7:09 PM)

**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.

**PUBLIC COMMENT**

Meg Seymour Town Clerk/Tax Collector said she has received notification from the state that the letter selected for first placement on the ballot is “K”; other candidates will be in sequential order after that.

Janusz Czyzowski, Public Works Director prepared cost estimates for newly constructed pathway. He supplied snowfall figures. He proceeded to review the various options.

Plowing the Entire Pathway approximately 5,300 lf

Option I - Services of Outside Contractor consisting of snow removal, salting & sanding as needed. Quote 1 for \$30,000 lump sum-fixed price with a 3 year minimum. Sand and salt to be provided by Town.

Option II is to rent the equipment and hire seasonal laborer on a per hour basis. Cost estimate would be \$25,300.

Option III – Buy attachment for mini loader owned by PW, and hire a seasonal laborer on a per hour basis. Snow blower over 6 ½ ft. wide, not suitable for sidewalks, just the pathway. Snow blower that is 78” could be purchased, cost \$7,000 with additional required attachments would be \$12,200. With a laborer hired the total cost would be \$21,000.

Option IV - Buy equipment suitable for sidewalk & pathway and hire a seasonal laborer on per hour basis. Estimate purchase of trackless tractor and labor, \$125,800.

Option V – Buy Skid steer Bobcat 185, equipment suitable to perform work on sidewalks and pathways, and hire seasonal laborer on an hourly basis. Estimate purchase of Bobcat and labor, \$48,800.

Va – Same equipment as above but hire another permanent employee. Have asked for another permanent employee for a number of years for Public Works (PW); cost will be \$99,000.

Section B, maintain approximately 2,600 feet of pathway from Middle School to LHS. Option I Contractor A not interested, Contractor B is \$32,500.

Plow Pathway from LHS to Middle School approximately 2,600 lf.

Option I - Outside contractor @ \$20,900.

Option II – Rent Equipment and hire seasonal laborer on a per hour basis; cost will be \$20,900.

Option III – Buy attachment for Highway’s Mini Loader and hire a seasonal laborer on a per hour basis, \$16,600.

Option IV – Buy Trackless Tractor, hire seasonal laborer on per hour basis; \$119,400.

Option V – Buy Bobcat 185 and hire seasonal laborer on an hourly basis, cost will be \$44,900.

Option Va – Same as above but hire a permanent employee \$99,000.

Councilor Oswald suggested using wing plows where appropriate. J. Czyzowski said wing plows will not reach 8’, can damage sidewalk, which have only 2” of pavement on them. Councilor Oswald said he was not looking for dry clean sidewalk, just get kids off street. He again suggested using police and fire plow trucks. J. Czyzowski checked with PW foreman, not an option, landscapers won’t do it because equipment will destroy pathway. Bobcat 185 is smallest, will move and blow snow. He also stated that when the grant was applied for it was made very clearly that PW did not have equipment to handle snow removal. School was adamant they would not maintain it. Councilor Bove said that kids have used road for years without any problems. Discuss this issue in next year’s budget, he would rather spend money on a part-time person answering phones in PW. He also suggested changing the snow policy to include pathways. Councilor Wagner said she agrees with Councilor Bove; tough to put in for this year’s budget. Seriously need to address issue, would like to have a contingency plan in place, from Middle School to LHS. Staff we have in PW are capable of answering phones; don’t want to see anymore people hired. LHS students are willing to clear it. She further stated that she can’t support a full time laborer, seasonal laborer is good. Would pick option 2, \$25,300 that cleans the entire pathway or go down to one option which is the seasonal laborer and just do Middle School and High School. It is a safety need, not our responsibility if

someone falls. Councilor Paradis favored Option 2 it is a yearly contract not stuck in a three year contract. Option 3 we buy the equipment the \$12,200 for equipment might be taken out of funds if we can get a grant for condenser, deal with labor when it comes up. Councilor Farmer asked Town Manager if we had any maintenance trust fund money available to buy snow removal equipment. Town Manager Caron responded might be possible to use capital reserve fund. Councilor Farmer said we could use it to buy attachments for \$12,200 in Option III. It would result in no tax impact, makes it much more attractive to own it, life cycle maintenance costs could be built into budget over time. J. Czyzowski said equipment should be good for 7 yrs. If funds are not in budget we are voting on, they won't exist next year unless the Council is willing to tell the Town Manager to strip it out of someone else's budget. Councilor Farmer asked Town Manager Caron to look at current fiscal year budget is there enough in this current fiscal year budget to do some of the snow removal now. Town Manager Caron explained that currently we have exceeded the salt budget and snow overtime budgets, too early now because halfway through fiscal year to use other departments' budgets. Town Manager Caron said if we take \$12,200 from capital reserve would have to replenish the fund sometime in the future. Councilor Farmer suggested adding the amount to Article 6 in the 2008 Warrant and if the voters approve it then they approve it. In favor of putting the money into the budget, \$8,800 so money is available next year to do work should we have this need. He asked Town Manager Caron if there was a possibility to put this money in a revolving fund; if we spent it, we spent it. If not it would continue to carry over into the following year. Town Manager Caron explained state law is very limited to what purposes you can have for a revolving fund. Recreation activity, ambulance fees, etc. He stated that the amount is small; don't think you would want to establish special funds. Councilor Farmer suggested putting the \$8,800 into the FY09 budget. Councilor Wagner asked if trailway impact fees could pay for it; Town Manager Caron responded impact fees are for capital improvements not for personnel. J. Czyzowski asked Council to be careful about taking money from capital reserve that was designated for PW equipment. Increase the money dedicated to replace PW equipment, don't take away. Councilor Farmer said he is suggesting that we have the money in the fund now, we take it now and put that amount back in to Article #6 to make up for it and see if the voters will approve it. Voters will know the reason we went up by \$12, 200 is to buy the equipment that many people think 3,200 kids will use. Mike Brown, Carousel Ct and Budget Member said this is not part of the public hearing; don't vote until incorporated into one of the articles. Tom Dolan, 19 Isabella, Budget Committee Member commented that this year took dramatic steps, reducing staff, etc. This is not the year to reverse this trend. Council will loose credibility because they have already taken drastic steps to reduce the budget. Too many other cuts have been made in other areas to add services because this is a favorite project for some people; hold the line. Consensus of Council was wait until they we get to that warrant.

**Councilor Bove made a motion to go into public session. Second by Councilor Wagner. Councils' vote 5-0-0.**

**2008 Warrant:**

Article 1 – Election of Officers - No action required.

Article 2 – Bond Issue for Highway Reconstruction; Council voted after the Bond Hearing to support 4-1-0. No comments from Council. Open for discussion. Mike Brown, Budget Committee Member asked for a quick synopsis of money bonded last year and return of investment. J. Czyzowski said return was excellent, cost of construction went up 40% He stated that the longer the Town waits for re-construction the higher it will be. Dedicate some money for maintenance prolonging life of roads. Keep the money for maintenance.

Article 3 – Fund Special Revenue Accounts. Sue Hickey explained it was for Sewer Division Fund, Cable Franchise Fee Fund and Police Outside Detail Fund, totaling \$2,756,981. These services are funded through user fees, no property taxes required. All user based fees. No comments from Council; open for discussion. Pat Vitale, 75 Mammoth Rd., spoke about Council’s recommendation to take money from cable and putting into general fund. Don’t agree with it, 88% of people in Londonderry have cable and 12% don’t. Asking 88% to lower the taxes on the other 12%. All large companies will have taxes lowered. Franchise Fees might disappear. Franchise fees have paid for all remote cameras in schools and town hall for public access. Every meeting is being recorded, all comes from franchise fees. If Council withdraws money, cable will run out of money. Students use studio for video production and classes, prior to our own studio the school had to send kids to Manchester and paid for them to go. Chairman Paradis explained \$40,000 taken out of cable franchise fees; it is a one time thing this year. Council did not want to let one person go at the Cable Studio, instead chose taking \$40,000 from fees. Councilor Wagner said they had to make a hard decision, could have let someone go. If franchise fees go away it will be difficult for sitting Council to decide if they want to continue funding the cable studio. Councilor Oswald stated that he appreciated Pat’s many hours dedicated to cable TV. This year Council took a lean view of operating budget, Council agreed at this particular time to withdraw the funds as opposed to losing staff. Councilor Farmer said we have sources of revenue that are used to offset tax impacts for everyone in town. Took money to offset a layoff and offset taxes. **Councilor Oswald made a motion to approve Article 3 as presented to voters. Second Councilor Wagner. Council’s vote 5-0-0.**

Article 4 – Expendable Maintenance Trust Fund. – Town Manager Caron explained it is level funded at \$205,000. Of that amount, \$100,000 is withdrawn from Undesignated Fund Balance account to reduce tax burden. The appropriation allows the Town to maintain all buildings and facilities, parks and playgrounds. No comments from Council. Open to Public, no comments. **Councilor Oswald made a motion to adopt, offer Article 4 to voters for approval. Council’s vote 5-0-0.**

Article 5 – Fiscal Year 2009 Town Operating Budget – Town Manager Caron explained this is the general operating budget. Based on previous reductions by Council is now \$24,904,919. Have to raise \$13,422,248 in property taxes, balance being offset by other revenues. Largest other revenue is Motor Vehicle permit fees which are slightly over \$6,000,000. This article has a tax impact of \$4.01 in FY09. Covers all expenses for

police, fire, finance, administration, parks and recreation, general assistance, human services, public works, all operations of town except capital reserve funds and special reserve. Chairman Paradis said Council has voted in favor of the article 5-0-0. Councilor Oswald asked what the tax rate on town side was. Town Manager Caron responded it is currently \$4.38. If the entire warrant is approved the tax rate will go up seven cents per thousand or 1.51% Councilor Farmer asked Town Manager Caron if he could find \$4,400 (laborer's salary covering plowing from Middle School to LHS) in this Article Town Manager Caron responded that the request is a very small percent of budget; and if the Town has a "normal" year, funds could be found. If the Town experiences a lot of storms, and unanticipated expenses, then it would be difficult. Councilor Farmer stated he sees no need to make a motion to add money to the budget for that purpose if we can find the money from the budget. Mike Brown asked how much under default is the current budget. Town Manager Caron responded currently under default by approximately \$250,000.

Article 6 – Appropriate Funds to Capital Reserve Funds to Replace Ambulances, Highway Heavy Equipment, Fire Trucks and Highway Trucks – Town Manager Caron explained that the Town attempts to put the same amount of money in the Capital Reserve Fund each year to avoid spikes in the tax rate. The appropriation appears higher this year, as the Town has caught up with the modernization of its fire apparatus fleet, and therefore there are no short term leases on fire equipment. Thus, the funds previously earmarked for lease payments are now included in the \$320,000 to be raised by property taxes, which has a tax rate impact of .10 in FY09. **Councilor Farmer made a motion to amend article 6 under the highway heavy equipment budget, increase amount to \$52,200.00 to replace money we are going to take out of the plan this year. Councilor Wagner second.** Open for discussion. Open to Public. Tom Dolan said it is a mistake on article 5, asked department heads to make cuts and now in the face of a popular project, you want to increase service levels. You have just added an unfunded mandate to the Town Manager of \$4,000 and now adding another \$12,200 in equipment. This year it would be a slap in the face to taxpayers to add services back in that need to be funded and will cost taxpayers money. This is not the year for this, you need to wait to FY10 –11 and see how tax bills come out before you start adding services. Chairman Paradis asked Town Manager Caron if it would add about 1/3 of a penny to tax base and he responded yes. Councilor Bove asked Town Manager Caron if Council encouraged him to keep pathways clean, and we asked you to try and find the money in the budget with no equipment how would he clean it. He responded he would look at contracted service; instead of finding \$4,000 would have to find \$15-20,000 to keep it clean. Highway Heavy Equipment fund is funded at \$40,000 this year, we have recommended Town funds this at \$50,000 next year; and may still be looking at a deficit of \$15,000 in FY10. If Council wants Staff to purchase additional equipment to take care of the pathway we are going to need this appropriation at Town Meeting. Councilor Bove asked if equipment could be used elsewhere, J. Czyzowski responded could be used only on pathways not on sidewalks. M. Brown said he agrees with Tom Dolan from a budget standpoint, this is last moment if there ever was last moment. Community clearly understood this was a 3 season multi-use path. He remembered at Town meeting that the question arose about what the hidden costs would be, it was stated that there would be

none. It is not appropriate to change this late in the game, use it for the three seasons. Chairman Paradis said most of town does not remember it was a three season pathway. M. Brown said he does not think the Town should be in the business of making proper choices for people who are making incorrect choices. He said he has two kids, kids making bad personal choices walking on the road, you should not be legislating that. Councilor Wagner clarified we added \$12,200 it can be changed at Town Meeting, give taxpayers a chance to decide. Councilor Farmer recalls when it went through Town Meeting does not remember hearing anything that it was 3-seasonal just remembers lengthy debate earlier this year about costs. Did not address snow issue. We have a no cost solution to fix a safety problem. Councilor Oswald said Councilor Farmer brought up good issues, doing for little or no money for safety of kids. Sandy Lagueux . went over sequence of events for application of grant. Page that was used to check box for seasons being used, winter not checked off. She stated that at Town Meeting it was never said that it was called a 3 season pathway. She said she would not come back for more money to construct the pathway. She said they had 25% increase in construction costs because it took 6 yrs to build it, construction costs had escalated and they adjusted to go along with the increases. Would agree with Tom Dolan, price now down to \$12,200 in equipment. Stay consistent, she said she will raise the \$12,200 for the equipment. Tom Freda asked Town Manager Caron if the Town can use undesignated fund balance for the \$12,200 for equipment. He responded the Town can, has to be noted on the warrant. Councilor Farmer asked Town Manager if we can do it, needs to be on the warrant. He responded that we would have to change the sentence previous to where it lists the Ambulance, Highway Trucks and to withdraw the amount of \$12,200 from the June 30 undesignated fund balance. The Warrant would say \$332,200, we would still only raise \$320,000 and the \$12,200 would be taken from undesignated funds. Tax impact same. Councilor Farmer asked Town Manager Caron if we have money in undesignated funds, he responded yes. Councilor Farmer said it is a great idea and he **withdraw his motion.** **Second by Councilor Wagner. Councilor Farmer made a motion and asked that we amend the language to include \$12, 200 from the undesignated fund balance. Second by Councilor Wagner for discussion.** Councilor Wagner said she is comfortable with however Council goes. Tony DiFrecesco, Cheshire Court asked if Council is refusing the donation of \$1,200K that S. Lagueux offered and instead you are going to expend money. Chairman Paradis said we are not refusing a donation form S. Lagueux, she offered to make an attempt to fund the money. S. Lagueux said she will do a grant or a fundraiser and put money back into budget. Councilor Farmer said we will accept it as a gift in the general fund to offset this and will replace the money being taken out of the undesignated fund balance as zero tax impact. Looking for a creative solution to solve a problem. Councilor Wagner reminded everyone it could be voted on or up at town meeting. Tom Dolan stated we can't write a grant for something already purchased. We can't buy \$12,200 of equipment, own it, and then write a grant for \$12,200 with the intention of not buying but to provide a gift to the Town. Town Manager Caron responded he is probably correct.. **Councilor Oswald called the question. Council's vote to amend Article 6, 4-1-0. Council Farmer made a motion to pass Article 6 as amended. Second Councilor Oswald. Council's vote 4-1-0.** Town Manager Caron said the Article is now \$332,200, and still raising \$320K in taxes. Council agreed that is what they voted on.

Article 7 - Bartley Hill/Stonehenge/Litchfield/Mammoth Intersection. Town Manager Caron stated that the original appropriation for Article 7 was voted on in 2002, state pays 2/3 of cost, project subject to inflation, estimated cost is almost \$2.1M. Town is responsible for 1/3 of that amount, which is \$698,000. The Town raised \$300,000 in 2002, will fund balance of Town's commitment of \$398,000, funds will be taken from Undesignated Fund Balance. Chairman Paradis asked for State's timeframe, he responded letter received this fall says construction late summer or fall of this year. Councilor Farmer said project was not listed in the state's 10 year highway fund, Town Manager Caron said it is out of a different fund. Councilor Farmer asked if approved at Town Meeting and the state does not go forward what will happen? J. Czyzowski was at state offices today, project will be advertised in March, and a pre-advertisement meeting is scheduled for 2/28/08. Councilor Farmer said if there is a decision to not go forward on 2/28 let Council know so we can remove this article from the warrant before Town Meeting. Open to public. Mike Brown agreed it was a good idea to not put money on warrant if State does not bring project forward. **Councilor Bove made a motion to support. Second Councilor Farmer. Council's vote 5-0-0**

Article 8 - Ratify Collective Bargaining Agreement Between Londonderry Administrative Employees Association and the Town of Londonderry - Town Manager Caron stated that the Council has already voted to support 4-1-0. The Association represents mid-level managers. 26 full time, 1 part time, spread through 8 departments in the Town. It is a 4 year agreement, FY07 no pay adjustment whatsoever. Salary increases based on Boston index. Employees will all be paying 20% for health benefits. Salary increases will be 3.1% FY08, minimum 3.0% FY09 and FY10 Employees receiving the insurance buy-back will see it by FY10 reduced by about 50% from what it is currently. Cost is \$149,580 for FY08 & FY09. Open for public. Sean O'Keefe, 163 Mammoth Rd. and a Budget Committee Member, does not feel Council took enough back from the contract. He said with retro from 07-08 and merit raises, a person can make up to 12.1% more than they are making today. Not reasonable, health insurance buy-back ridiculous, not realistic. He reviewed all benefits, need to be more conducive to change. Budget Member Mike Brown, asked Town Manager Caron that since Council has voted to accept this agreement legally you can't change contract based on tonight's hearing. He responded that was correct. State law requires the governing body to vote on the agreement within 30 days of receiving the agreement. M. Brown then asked Town Manager Caron how he derives an average salary with two increases with two yearly pay raises. Town Manager Caron explained the merit review process is in the existing contracts. Cost of Living (COL) is a new cost; that is what is being represented in this new contract. M. Brown said it allows every member to have two increases on an annual basis. Not fair that we are allowing any worker two raises a year, treat taxpayers fairly, no one in private sector gets two increases in their salary, why are we doing it that way. Do one raise only a year. Paul DiMarco, 30 Holstein asked who the 8 departments are in this contract. Town Manager Caron responded just about all except Town Clerk/Tax Collector, and Library. Tom Freda, Budget Member asked if health insurance buy-back, of \$5,600 factor into this annual raise. S. Hickey said CPI based on base salary only as of 7/1. Reid Page Clark, III got 3% increases in pay when he was in the work force. He

asked about the merit raise, she responded it is not based on the health insurance buy-back, the buy-back stands on it's own .

Article 9 – Ratify Collective Bargaining Agreement Between IAFF Local 3160 and the Town of Londonderry. Town Manager Caron explained that that this union consists of 40 full time employees. Previously voted on by Council at 5-0-0. It will transition them from 48 to 42 hours per week at the same annual salary. Second year of contract there will be a 12.5% increase in their hourly rate. There are 36 fire fighters, 4 dispatchers. The Fire fighters have agreed to forego a COLA adjustment for FY08, 09, and 10. All members in unit have agreed to pay 20% of medical and agreed to reduced buy-back. FY08 only cost impact is 3.1% retro for one fire inspector. FY09 expenses are for additional overtime (OT) costs. They will now work in 4 groups rather than previous 3 groups whereby they currently have extra personnel to cover vacant shifts. Working in 4 groups requires OT for all vacant shifts. FY10 COLA for 5 members. FY 11 will be negotiated COLA for everyone. Councilor Farmer clarified when and if approved, the amounts will be added to the default budget. Voting on future tax increases as well as on the contract. Open for discussion. Jack Lyman, 3 Timber St. said he talked to a fireman recently and they work 2 days out of a 5 day work week. Most people work 5 days. Can't understand why tremendous benefits go to them. Generous pension plan of 60-70% for police and fire. Questioned skill level. Asked taxpayers to turn agreement down. Paul DiMarco, 30 Holstein said he is glad firemen are there. Police are doing detail work, cost covered by construction. Councilor Bove said that both the Police and Fire Departments are there because we need them, they are well trained and well qualified, they are public employees. Chairman Paradis backed up what Councilor Bove said. J Lyman responded this is a very civil, quiet town, they have built up the public's mind, they got soft jobs with high pay.

Article 10 – 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. Town Manager Caron explained the Council does not ratify this agreement, that is role of trustees. Council's role is to make recommendation on the appropriation. It is a five year agreement with COLA each year,. At the end of the fifth year the buyback for not taking medical insurance is \$2,500. Not a retroactive agreement, funding one year for \$18,446. Tom Freda, Budget Member asked for clarification from the Town Manager. He responded it is a two step process the governing body approves the contract and Town Meeting provides final ratification. The first step is by the Library Board of Trustees. T. Freda questioned the use of the word "ratify". Town Manager Caron stated he believes the language is correct because Town Meeting has to approve the final appropriation. Councilor Bove and Wagner asked for clarification of the vote. Town Manager Caron stated that Council is either voting in favor or voting to oppose the appropriation for this year. If the Council votes not to support this appropriation this agreement still goes to Town Meeting. Legally it has to go on the warrant. Mike Brown, Budget Committee Member said there appears to be a lack of clarity. Still looking at contract, agreeing with contents of contract. It is a 5 yr contract all had 12 holidays, vacation carry over of 1.5 times the annual amount, 100% of cash out of vacation carry-over upon leaving, 12 paid



sick days per year, carry over of 66 sick days, cash out of between 10 and 36 sick days upon retirement, health insurance buy-back, annual CPI raise, 3-4.5% automatic and a second raise per year, unfair to the taxpayers of Londonderry. Sean O'Keefe out of all the contracts, the fire fighters contract is the fairest one out of all of them. Agrees with Mike why do they need two raises, do a better job of negotiating these contracts. Chief Joe Ryan asked Town Manager Caron to clarify the two raises. Town Manager Caron said it means you are eligible for portions of your compensation at different times. The cost of living adjustment is awarded at the beginning of the fiscal year, and any performance increase is reviewed at the employee's anniversary date. Other contracts have step increases at the beginning of the fiscal year which is awarded at the same time as the COLA. They negotiate a certain percentage increase every year and at certain anniversary dates they move to another step. Because it happens on the anniversary date of the contract they are getting an adjustment once but it is really two different adjustments. One is the increase in the cost of living adjustment. Second is a mandatory move to a step up. Employee's performances are being evaluated on the employee's anniversary date, not happening automatically at the fiscal year. The Chief asked if the following year the 3% COLA get tacked on, he responded if a person received a 3 1/2 % merit adjustment and they were at maximum pay scale they would receive it as a lump sum payment, would not go into the base. If performance not as good as previous year employee would receive less of an adjustment or no adjustment. Chief Ryan said there was a comparison done with other towns for salaries he asked if was done in these contracts as well. Town Manager Caron responded he could not speak for the Library Trustees but every contract of the Town a market survey with ten other towns is conducted. Chief Ryan asked if the raises were placing the employees at an average or highest salary. He responded the vast majority of our positions are at the 60% percentile, a little bit above average which is the Council's goal. Chief Ryan clarified when at top of merit pay scale will place them at the 60% Town Manager Caron replied that was correct. Councilor Farmer said if they are already at max they might get a bonus and will get COLA. The following year they will see less in total compensation but not a reduction in base pay. Mike Brown said someone at max will get a minimum 5% raise. Can go as high as 9%. Someone not at max will get 6%. He asked the Council to stop it. Councilor Bove said this contract was negotiated by trustees, they won't take a position formally or informally on what we have negotiated. He said he will abstain, not comfortable, no one from the trustees are in attendance tonight. Chairman Paradis said he is not comfortable either because none of the Trustees are in attendance. Councilor Farmer said by RSA it is an appropriation they submitted, we are required to vote. Councilor Bove said there has been a lot of discussion tonight that we have already voted on, can't change vote. Can say something at Town Meeting he said we do as best as we can negotiating contracts. **Councilor Wagner made a motion to support the appropriation on Article 10. Second Councilor Oswald. Council's vote 1-2-2.**

Article 11 – Authorization for Special Meeting on Cost Items – Town Manager Caron explained if Articles 8,9 or 10 are defeated it authorizes Council to call a special meeting to address these Articles. Council had previously voted 5-0-0. Jack Lyman said if contracts don't pass they can be heard again. Chairman Paradise explained only for Articles 8, 9 and 10.

Article 12 – To Revoke a Non-Lapsing Fund – Town Manager Caron explained Articles 12, 13 & 14, address one issue but that state law requires three separate actions. There are excess funds in the non-lapsing trust fund. The goal is to transfer some of that money to a new non-capital reserve program for the eventual updating of our master plan. First, it is recommended to revoke existing fund, which is Article 12, and re-establish that fund under Article 13 at the lower appropriation of \$45K, then take that \$100K balance of the undesignated fund balance, add \$20K and raise \$120K in Article 14 for the non-capital reserve fund to update the master plan. No impact to tax rate. **Councilor Bove made a motion to support Second Councilor Oswald. Council's vote 5-0-0.**

Article 13 – Establish an Expendable Trust Fund for the Purpose of Developing, Promoting and Marketing an Ecological Industrial Park. **Councilor Bove made a motion to support. Second Councilor Farmer. Council's vote 5-0-0.**

Article 14- Establish a non-Capital Reserve Fund for the Master Plan. **Councilor Bove made a motion to support. Second Councilor Oswald. Council's vote 5-0-0.**

Article 15 – Emergency Generator. Town Manager Caron said this issue was brought by the School Board to the Town Council to install a generator at LHS Gym for emergency preparedness about a month ago. Representative Al Baldasaro is seeking a grant to offset funding. Balance will go to undesignated fund balance at end of the fiscal year. It was his belief that it was a 50/50 matching grant. Councilor Bove said the Town will purchase and install the generator, then turn it over to the school to maintain it. Bid will be managed by Town. Councilor Farmer asked if it will come back to Council after bidding. Consensus is that the Council would like to see it come back to Council. **Councilor Bove made a motion to move. Second Councilor Oswald. Council's vote 5-0-0**

Article 16 – Highway Reconstruction. Town Manager Caron said it is similar to article placed last year, if highway bond Article 2 does not pass this is in its place. Councilor Wagner verified that if the highway bond passes we take this Article off at town meeting by voting. **Councilor Bove made a motion to move. Second Councilor Wagner. Council's vote 5-0-0.**

Article 17 – Use of Conservation Funds to Construct a Replacement North Fire Station. Citizens petition received, counsel reviewed. Counsel opinion is that Town Meeting does not have the authority to withdraw funds from the Conservation Fund. The Town filed a Petition for Declaratory Judgment in Superior Court, and the Town's position was affirmed. Court however did not give the Town permission to remove from Town Meeting Warrant. Town attorney has advised us that it should go on the Warrant. Chairman Paradis verified that Council is voting whether we support or not support the actual article. Councilor Oswald clarified that the vote we take is to support the proposed language not to put it on the ballot. Town Manager Caron said it is on the ballot regardless, the vote is whether to support action. Jack Lyman asked how long does it take for Central to respond to north area, he said he would guess it would take only about

5 minutes. Is it worth spending that amount of money for something that is already in place and can cover the area. Chairman Paradise reminded him that Council voted not to support the new fire station. Tom Freda explained the petitioned article was to take money from Conservation Commission to build a fire station. Town Manager Caron stated that state law requires governing bodies to place a citizen's petition on the warrant. **Councilor Bove made a motion to support article as written. Second Councilor Wagner. Vote in favor of supporting Article 17 as written, Council's vote 0-5-0.**

**Councilor Wagner made a motion to close public hearing 9:42 PM. Second Oswald.**

Chairman Paradise said we will have a candidate's forum on Saturday 2/16 on cable TV. Will start at 9:00 AM.

Councilor Farmer announced that at the adjournment of this meeting Council would like to go into a non-public session. Reed Paige Clark said there will be babysitting at the Tuesday deliberative session.

**Councilor Farmer made a motion to go into a non-public hearing at 9:45 PM Second by Councilor Bove. Aye, Brian Farmer; Aye, Marty Bove; Aye, Joe Paradis; Aye, Kathy Wagner; Aye, Mark Oswald.**

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>02/07/08</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>02/19/08</u>
Approved:	<u>Town Council</u>	Date:

**TOWN COUNCIL MEETING**  
**February 11, 2008**

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

**PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald; and Kathy Wagner; Town Manager Dave Caron, and Margo Lapietro, Executive Assistant.**

**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.

**PUBLIC COMMENT**

**Manchester-Boston Regional Airport, Mark Brewer**.- Mark Brewer the new Airport Director at Manchester/Boston Regional talked about his background.. Mr. Brewer has worked eleven years at T F Green in Rhode Island, and reviewed the similarities between the two airports. He reviewed the NE Regional System Plan, which is the first time FAA took a comprehensive look at population centers, highways, rail, and transportation centers that are currently available in the six New England states. Over next 20 years there is expected to be 24 million more people flying in/out of NE airports. Expectations are that Air transportation is going to grow, doubling of passengers in next 15-20 years. MHT right now has about 4M passengers per year expecting it to go to about 8M passengers per year. Runways already lengthened to ultimate, infrastructure set for next 15-20 yrs. Expected growth will be in terminal and land side (parking, roads, etc, possibly to rail). He sits on newly created NH Rail Transit Authority. Rail service is expected to go from Lowell to Nashua then up to Manchester. Now want it to go to Concord.. Airport Access Road will open up 1000 acres of prime industrial land. Not ready until 2011–2012, he said he will try to expedite the construction. Met with FAA on 1/30/08 and talked about the airport’s next 5 year capital improvement program, (CIP). A new Master Plan will be of prime importance in the FY09 CIP. Important for MHT to have good community involvement. Some of the challenges will be traffic congestion and noise for Londonderry and Manchester. Sound Insulation Program is in Phase 9, last phase will be finished in FY08-09, he is looking to expedite it sooner rather than later. Looks forward to working close with Londonderry, will keep Council informed, he told the Council to feel free to contact him or Deputy Director J. Brian O’Neil.. Thanked Steve Young for service on MAA. Chairman Paradis said Logan Airport is a Category X, M. Brewer responded it is a security rating. Chairman Paradis said that MHT is a Category 1, asked what the difference is. M. Brewer responded the security rating is based on size of airport and perceived security threats. Logan is ranked the highest being

Category X, then down 1, 2, 3, 4 level. Chairman Paradis said we will invite him back for updates. Open for discussion. Mike Brown, Carousel Court asked about the runway use. M. Brewer said he will get back to Council with figures for January runway usage. M. Brown asked when Master Plan will be underway. He responded federal fiscal year starts in October this year. Money comes from aviation trust fund through Airport Improvement Program (AIP). AIP funding was authorized for FY08 but never appropriated, there is \$3.5B of airport planning, infrastructure improvements nationwide currently on hold, hopefully will be released in FY09. Only thing not completed in previous master plan was not to construct 4,000 space parking garage behind existing one. Wants to incorporate into Master Plan an analysis of a potential rail system, with a possible site off Brown Ave and will look at a roadway system in Master Plan. M. Brown mentioned the potential growth of 4M-8M passenger growth, will it go the way of Boston and will MHT try to add another runway. M. Brewer said it is one of the things being discussed in the Master Plan, he has not seen any plans for an additional runways. Need about 9250 ft. to get large craft to the west coast. In the future might extend runways, infrastructure already exists to handle them. Some of the aircraft currently at MHT are smaller commuter size craft, he foresees the size of aircraft will grow. Can have a significant growth without a significant number of additional flights.

Chairman Paradis announced he will have a candidate's forum next Saturday in the Moose Hill Council Chambers at 9:00AM. Invited public to attend.

Reed Paige Clark, III said that 162 people attended School Deliberative session. Reminded the citizens to attend Town Meeting on 3/15/08 and vote on 3/11/08.

### **OLD BUSINESS**

**2008 Town Meeting Warrant** – Signatures on 08 Warrant were complete.

### **NEW BUSINESS**

**Firearms Range** – Chief Joe Ryan spoke about ammunition training. Lt. Chris Gandia, Sgts. Russell Goodnow, Ryan Carey, and Ofc. Joseph Bellino were in attendance; they oversee the Department's current training and have researched the subject. The Chief explained they have had conflicts at the various firing ranges they have used.. Some times they have to travel to Concord. The officers have located suitable land free of charge, and the Director at MHT has donated fencing. Area is located near the Fish and Game Club and located a distance from residences. Berms will be constructed to standard, perimeter fencing and interior fencing will be locked and secured. The Department has received a grant to send one of officers to range master's training school. Councilor Oswald asked if there were standards for firing ranges? Chief Ryan said NRA has guidelines. Obtaining grant money and range master trainer will make sure the program meets standards. Councilor Paradis verified that it is entirely outside, Chief Ryan said yes wanted training conditions for year round use. Officers in this department are exceptional well trained in use of force. Councilor Oswald asked Town Manager Caron if Council accept gifts tonight is there a process of approval as in a public hearing, does it go to the Planning Board. Town Manager Caron responded that staff will next

review the required approval process. Councilor Oswald said it should go to a public meeting for input, regarding distances, noise, etc. Councilor Wagner asked how often the police department is required to qualify for firearms, Chief Ryan said they are required at least once a year for qualifications. His department tries to train anywhere from 4-5 times a year, more than what is required by the state. Councilor Wagner asked how it is done now, do they book another range He responded yes, use Fish and Game, not always accessible, membership costs \$2,000. He would like to use that money towards maintenance of new range. Councilor Wagner questioned how much travel time was entailed using other ranges. Chief Ryan explained they have used Pelham Fish & Game which is 16 plus miles, Hudson and the Police Academy in Concord. Councilor Bove questioned access to the proposed range. Chief Ryan said there already is a road there it is maintained by the owner, it is a private road. Lt. Chris Gandia gave exact mileage and times involved with the use of the other ranges. The location of the proposed range makes it convenient for LPD as well as officers positioned at MHT. Councilor Wagner asked if they will let other departments use the facility, Chief Ryan responded yes. Will have liability forms and will reciprocate with other Police Departments like Hudson and Pelham. Councilor Oswald questioned if other police departments charge fees to use ranges, he responded no. Councilor Oswald asked if he had an estimate of annual operating costs for area. He responded at this time there should be none, maybe some upkeep but owner of property willing to help. Chairman Paradis asked how many Police Departments have their own ranges, Lt. Gandia mentioned Hudson, Nashua and Manchester. Town Manager Carom said tonight Council could give guidance to accept the gifts of land and fencing, get a time frame for completion of improvements. Chairman Paradis asked if a public hearing is necessary. Town Manager Caron responded if it is required under the governmental review process. Paul DiMarco, Holstein Avenue, said he is on the Board of Dir. of Pelham Fish and Game. They used to make departments join as a corporate member. They went to a new program a few years ago whereby they charged the police departments by the day but it was \$600-\$700/day. Salem Pelham, Nashua and Windham Police Departments use it. Berms are typically made of sand or dirt, with snow they degrade, every couple of years have to re-address berms. Lt. Gandia responded that Continental will be paving the range, grass pick-up will be taken care of. P. DiMarco also said that citizens will be concerned with the direction of the shooting. Mike Brown, said the public will hear and read about it, Council should have a hearing to allow people to know what is going on. People want to know hours of operation. Councilor Oswald said it could even be an agenda item at a Council meeting. Councilor Wagner asked how often will it be used. Lt. Gandia said they do it on a quarterly basis, takes about 2 weeks. Do training 95% of times Monday - Friday during regular business hours, for most part don't train on weekends. Noise impacts less during that time. Night training is in November, windows closed that time of year so noise not an issue. Councilor Wagner suggested posting a notice that training is in session. Lt. Gandia said the area is close to Londonderry Fish and Game so not a new noise for that area. Councilor Oswald said might be an opportunity to use reverse 911 to notify neighbors. Chief Ryan stated they can put a notice on cable TV. Councilor Bove said that looking at the map the location is half a mile away from homes, safe area. Chief Ryan encouraged any of the citizens to contact him or the other officers for more information. Councilor Oswald suggested putting information on town website. Rick

Olsen, Pres. of Londonderry Fish and Game Club, said he is sorry to see them leave, and described the area which is next to his club. Gun fire can be heard on a daily basis from their club. He said LPD can feel free to contact him for any help he can give. **Councilor Oswald made a motion to accept land and fencing. Second Councilor Wagner Council's vote 4-0-0.** Chairman Paradis said he still would like to have a time frame on the project and suggested that the Chief come back to Council with that information.

#### APPROVAL OF MINUTES

Minutes of the Council's February 4, 2008 Public Meetings. **Councilor Oswald made a motion to approve with the following edits. Edits line 18 change spelling of Amercore to Americorp, line 90 change Councilor Farmer to Councilor Oswald. Line 92 change Councilor Farmer to J. Czyzowski, Dir. Of PW. Council's vote with noted edits, 4-0-0.**

#### OTHER BUSINESS

Liaison Reports – Councilor Bove attended the School Board Meeting, 162 people showed up. No other reports.

Town Manager's Report – None

Board/Committee Appointments/Reappointments/Resignations - None

#### ADJOURNMENT

**Councilor Bove made a motion to adjourn. Second Councilor Wagner. Council's vote 4-0-0. Adjourn at 7:55 PM**

**Notes and Tapes by:**  
**02/11/08**

**Margo Lapietro**

**Date:**

**Minutes Typed by:**  
**02/20/08**

**Margo Lapietro**

**Date:**

**Approved:**

**Town Council**

**Date:**