

**TOWN COUNCIL
AGENDA
December 15, 2008**

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

7:00 PM

I. CALL TO ORDER – PUBLIC SESSION

II. PUBLIC COMMENT

A. Interviews of Re-Appointments and New Applicants for Land Boards

- 1 Paul Nickerson - Re-Appointment as a Full Member on the Cons. Comm, term to end 12/31/11.
- 2 Mike Considine – Re-Appointment as a Full Member to the Conservation Commission, term to end 12/31/09.
- 3 Vickie Keenan – Re-Appointment from an Alt. member to a Full Member on the ZBA, term to end 12/31/11.
- 4 Rob Nichols – Re-Appointment as a Full Member to the Planning Board, term to end 12/31/09
- 5 Greg Warner – Re-Appointment as an Alternate to the Planning Board, term to end 12/31/11.
- 6 Art Rugg – Re-Appointment as a Full Member to the Planning Board, term to end 12/31/11.
- 7 Sue Joudrey – Re-Appointment as a Full Member to the Heritage Comm., term to end 12/31/09.
- 8 John Dahlfred – Re-Appointment as a Full member to the Heritage Commission, term to end 12/31/10.
- 9 Laura McIntyre – New Appointment as an Alternate Member to the Heritage Commission, term to end 12/31/10.
- 10 Ben Labrecque – New Appointment as a Full Member to the Conservation Commission, term to end 12/10, or New Appointment as an Alternate Member to the

ZBA. Term, to end 12/09 or New Appointment to the Planning Board that has no openings.

- 11 Toni Bianchi – New Appointment as a Full Member to the Conservation Commission, term to end 12/10, or New Appointment to the Heritage Commission, Alternate Member, if appointed term to end 12/31/09.

III. OLD BUSINESS

- A. Ordinance #2008-14 – Relative to the Adoption of a Fee Structure for Secondhand Dealers and Pawnbrokers Licenses
- B. Town - School District Consolidation Update
- C. Resolution #2008-23 – Relative to the Extension of the Cable Television Franchise Agreement
- D. FY 10 Town Budget
 - a. CART Program
 - b. Preliminary FY10 Budget vote for January 5, 2009 Public Hearing

IV. NEW BUSINESS

- A. Resolution #2008-24 – Relative to an Agreement with Tenneco Incorporated
- B. Resolution #2008-25 – Relative to the Adjustment of a Conservation Easement
- C. Collective Bargaining Agreement with AFSCME Local 1801
- D. Order #2008-20 – Relative to the Expenditure of Maintenance Trust Funds for a Variety of Purposes

V. APPROVAL OF MINUTES

- A. Minutes of the Council's December 1, 2008 Public Meeting.

VI. OTHER BUSINESS

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

1. Re-Appointment of Full Members: Nancy Irwin and Dorothy Greenler to the Elder Affairs Committee, terms to expire 12/31/09
2. Re-Appointment of Full Member, Helen Conti to the Elder Affairs Committee, term to expire 12/31/10.
3. Re-Appointment of Full Member Al Baldasaro to the Elder Affairs Committee, term to expire 12/31/11.
4. Re-Appointment of Full Member Stacy Thrall to the Elder Affairs Committee, term to expire 12/31/10
5. New Appointments of Peg Johnson and Ruth Silverman to the Elder Affairs Committee, terms to expire 12/31/10.
6. New Appointment of Alternate Member, David Howard to the Elder Affairs Committee, term to expire 12/31/11.
7. New Appointment of Alternate Member, Sandra Weston to the Elder Affairs Committee, term to expire 12/31/10.
8. New Appointment of Alternate Member, Flo Silva to the Elder Affairs, term to end 12/31/09.

VII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, January 5, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
BUDGET PUBLIC HEARING
- B. Town Council Meeting, January 19, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
BOND ISSUE PUBLIC HEARING (if necessary)
- C. Town Council Meeting, February 2, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Town Council Meeting, February 9, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM

Introduced:11/17/08
Second Read/Pub Hrg: 12/01/08
Adopted: xx/xx/xx

ORDINANCE 2008-14

***AN AMENDMENT TO THE MUNICIPAL CODE
RELATING TO THE REGULATION OF
SECONDHAND DEALERS AND PAWNBROKERS***

WHEREAS there is a need to provide for the safety and security of town residents when transacting business in the community; and

WHEREAS there is a need to regulate retail transactions of a pawn or second hand nature for the purposes of identifying stolen property unintentionally received and detection of parties intentionally transacting business in stolen property; and

WHEREAS the Londonderry Town Council addressed these concerns by enacting Ordinance 2005-11, which regulates secondhand dealers and pawnbrokers; and,

WHEREAS The Town continually reviews its fee and permit schedule to reflect the costs of managing these regulations; and

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title IV – Public Health, Safety and Welfare, Chapter XII – Secondhand Dealers and Pawnbrokers, is hereby amended as attached, to adopt a fee structure.

Martin Bove
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
xx/xx/xx

Town Seal

RESOLUTION #2008-23

A Resolution Relative to

THE EXTENSION OF THE CABLE TELEVISION FRANCHISE

First Reading: 12/15/08

Second Reading: Waived

Adopted: 12/15/08

WHEREAS the current extension to the Cable Television Franchise in the Town of Londonderry is scheduled to expire on December 31, 2008; and

WHEREAS the Town has been negotiating a renewal franchise with Comcast; and

WHEREAS several outstanding issues relating to the renewal franchise need to be resolved; and

WHEREAS during the period in which a renewal franchise is being negotiated, it is in the best interest of the Town, Comcast and cable consumers to continue the operations of the cable system under the terms and provisions of the franchise agreement originally granted to Harron Cablevision of New Hampshire and ultimately transferred to Comcast pursuant to Resolution 2005-25 as adopted by the Town Council;

NOW THEREFORE, be it resolved that the Cable Franchise Agreement between the Town of Londonderry and Comcast of Connecticut/ Georgia/Massachusetts/New Hampshire/ New York/North Carolina/Virginia/Vermont, LLC be extended, with all terms and conditions of the current franchise remain in full force and effect, until March 31, 2009, or until such time as the Franchise Agreement is renewed, whichever occurs sooner, and that the Council shall execute the Extension Authorization Letter as attached.

Martin Bove, Chair, Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A true copy attest: 12/15/08

RESOLUTION 2008-24

Relative to an
Agreement with Tenneco Incorporated

First Reading: 12/15/08
Second Reading: Waived
Adopted: 12/15/08

WHEREAS Market conditions spurred Tenneco Incorporated (Tenneco) to file for an abatement of property taxes on its natural gas pipeline beginning with the 2005 tax year; and

WHEREAS it is to both the Town's and Tenneco's advantage to insure that the assessment on the property is reflective of fair market value; and

WHEREAS it is in the Town's and Tenneco's best interests to resolve this matter, which results in a predictable tax payment for Tenneco and income stream to the Town; and

WHEREAS the proposed agreement results in no refund to Tenneco for the tax years 2005-2008, and an adjustment to Tenneco's assessment for the years 2009-2013;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to execute the Tax Assessment Agreement between Tenneco Incorporated and the Town of Londonderry for the years 2005-2013.

Martin Bove, Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
12/15/08

RESOLUTION 2008-25

A Resolution relative to
The Adjustment of a Conservation Easement

First Reading: 12/15/08
Second Reading: Waived
Adopted: 12/15/08

WHEREAS

The Town of Londonderry received a conservation easement on property owned by Moose Hill Orchards in 1999; and

WHEREAS

through a series of property transfers in 2000, the grantor of the conservation easement (Moose Hill) is now responsible for insuring that the conditions and restrictions associated with the original easement are enforced; and

WHEREAS

it is customary and more appropriate that the grantee or other designee be tasked with the responsibility to enforce the easement;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Town Manager is hereby authorized to execute all necessary documents on behalf of the Town to bring balance to the relationship by tasking the Town, or its designee, as the party responsible for enforcing the requirements of the conservation easement.

Martin Bove - Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
12/15/08

First Reading: 12/15/08
Second Reading/Public Hearing: Waived
Adopted: 12/15/08

ORDER 2008-20
AN ORDER RELATIVE TO THE EXPENDITURE OF
MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

WHEREAS voters since 2003 have approved funding for the maintenance and repair of public buildings and grounds in the town; and

WHEREAS expenditures have been made for various projects, specifically:

- 1) Repair of leaking pipe, mold remediation and repair of drywall in the sprinkler room of the Town Offices at a cost of \$2,275.18
- 2) Repair to the Senior Center furnace at a cost of \$319.00
- 3) Repair to doors at the Town Offices at a cost of \$570.00
- 4) Repairs to the emergency call box at West Road Athletic Fields at a cost of \$1,238.31
- 5) Repair to fire alarm system Town Offices at a cost of \$675.00
- 6) Mold remediation including testing, removal and repair at North Fire in the amount of \$6,751.09.
- 7) Site work and paving associated with the construction of the salt shed, at a cost of \$16,876.52.

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$28,705.10 for the aforementioned repairs and improvements.

Marty Bove, Chairman
Town Council

Marguerite Seymour
Town Clerk

A TRUE COPY ATTEST:
12/15/08

**TOWN COUNCIL MEETING
December 1, 2008**

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

PRESENT: Town Council: Chairman Marty Bove; Vice-Chair Brian Farmer; Councilors Kathy Wagner, Paul DiMarco, Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant.

Budget Members – Tom Dolan; Jay Hooley; Mark Oswald; Joe Green; Deb Nowicki

CALL TO ORDER – PUBLIC SESSION

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

PUBLIC COMMENT

Interviews of Re-Appointments and New Applicants for Land Boards –

Chairman Bove explained that some of the volunteers on land use boards were not appointed by the sitting board and these scheduled interviews gave the Councilors the opportunity to know them. Councilor DiMarco proceeded to thank all the interviewed volunteers listed below:

- 12 Mike Gallagher – Re-Appointment as Alt. to ZBA, term to end 12/31/11
- 13 Ken Henault – Re-Appointment as a Full Member to Cons. Comm, term to end 12/31/10.
- 3 Cole Melendy – New Applicant as an Alternate Member to the ZBA & PB (If appointed to ZBA term to expire 12/31/09 No openings exist at this time for PB).**
- 4 Deb Lievens – Re-Appointment as Full Member to Cons. Comm, term to end 12/31/11.
- 5 Matthew Neuman – New Applicant as an Alternate member to the ZBA, & PB (If appointed to ZBA term to expire 12/31/09. No openings exist at this time on PB and LHRA).
- 6 Mark Oswald – Re-Appointment as an Alt. member to Cons. Comm, term to end 12/31/11.
- 7 David Lee Colglazier – Re-Appointment as a Full Member to the Heritage Comm., term to end 12/31/11.
- 8 Jim Schwalbe – Re-Appointment as a Full Member to the Heritage Comm., term

- to end 12/31/11.
- 9 Mary Wing Soares – Re-Appointment as a Full Member to the Planning Board, term to end 12/31/11.

Questions asked by the Councilors were if they are alternates would they like full member positions; do the new applicants (2) have any interest in other boards; what were their views, priorities and areas of interest; what did the volunteers bring to the board they volunteered on; how many years were served on their board; and interest of stewardship of land.

OLD BUSINESS

Brookview Circle Mitigation Grant – Town Manager Caron explained the flooding issue at Brookview Drive from the junction of Beaver and Black Brooks. Council met with the residents in the neighborhood on 7/17/08 and authorized staff to investigate the feasibility of seeking federal funds through the Hazard Mitigation Grant Program to acquire and demolish four homes subject to flooding issues. Deadline for this grant is 12/9/08. He stated that he is still going through the process to see if the grant process makes sense. The Hazard Mitigation Program requires a 25% non-federal match which may come from cash, soft costs or other investments by the community. The project may be approached from either of two ways:

Scenario #1 – The Conservation Commission is in the process of purchasing a parcel of land located upland of this area which could eliminate future development and increasing the flooding of the grant area. The Town would like to use that purchase as the local match but need to confirm with NH Office of Emergency Management (OEM) that this can be part of the grant application. He outlined the total costs which would be \$1,961,500. The federal share would be \$936,500. If OEM rules that the land is too far removed from the flooding area, then a second option is available.

Scenario #2. This option also includes the acquisition and demolition of four homes. The Town will have to fund the 25% non-federal match, with a maximum of \$215K. The project would extend into FY10; the Town can look into raising funds or using un-designated fund balance in the next fiscal year. Should the Town be required to have its share at the inception of the grant application would create problems as there is no available cash in the FY09 budget. He said he expects to receive more information from OEM this week.

Scenario #1 might result in no money from the town. Scenario #2 is more complex and challenging due to the cash contribution from the Town to make the grant successful. He requested Council direction on the grant application. Whichever method chosen, the project must still meet the burden under the federal cost benefit to prove that the cost of acquisition and demolition is less than past and future anticipated recurring damages incurred by the Town and the residents from the continuing flooding problem in the neighborhood. This test has to be met in order to receive funding. He said he is currently working with the neighborhood to collect the costs expended over the past several years

for clean-up. Councilor Farmer asked if he thought we would pass the initial cost. Town Manager Caron responded the benefit cost analysis results are quite low, Carolyn is working with the State on documenting past expenses; and is not sure if the project will meet the threshold. Councilor Farmer said if we reach the threshold how will OEM look at our open space purchases. Town Manager Caron responded it is a unique grant application on our part; we have not had to date any feedback on how that application will be received. Councilor Farmer verified that under Scenario #2 it could cost up to a \$215K cash contribution to the town. He spoke about the Londonderry Fire Department using the homes for test burns. Town Manager Caron said the test burns will help but it is not a significant cost avoidance factor. Councilor Farmer asked if we have undesignated funds, Town Manager Caron said the Town is approaching the total use of those funds. Councilor Farmer said we have an outstanding tax abatement from Tennessee Pipe and Gas and questioned if we could use that. Town Manager Caron responded he would not feel comfortable with committing any encumbered funds until those abatements are resolved. Councilor Farmer said he had heard in the news that a natural gas company has been sold in NH, he suggested looking at it. Chairman Bove asked if there is a possibility of someone buying parts of the houses, items that are recoverable. Town Manager Caron said they have talked a little bit about that and it would help with some of the costs. Councilor DiMarco said that would only be a few thousand dollars. He questioned how the acquisition price was determined. Town Manager Caron responded the assessed value is being utilized for the grant application. Councilor DiMarco questioned if the \$1M Conservation Commission easement in Scenario #2 is already appropriated. Town Manager Caron responded Cons. Comm. is working with current available funds. He said he is hoping for a meeting Wednesday or Thursday with state officials to review the draft application. Councilor Brown verified that Option #1 is the preferred option if Cons. Comm. acquires the property. Option #2 requires tax dollars to help a couple of people who are hurting. Councilor Brown asked the other Councilors if they are we willing to do this or not. Councilor Wagner asked if we waited a year to vote this in for FY11 will all the work have to be done again. Town Manager Caron responded most of the grant application work is done; the amount of monies from the state depends on the amount of disasters. Floods occurred in 05 and 07, there may be more funds in the future, but that is unknown. Councilor Wagner asked if we can use other federal sources as a local match, which the Town Manager responded no. Councilor Farmer said that Cons Comm. is negotiating for the land; they do not have a purchase and sale agreement at this time. They are following their Master Plan and the land in question was already in negotiations before this issue came up. If the land acquisition is acceptable with the state then Council can proceed with the grant. Councilor DiMarco stated if we can't apply under Scenario #1 we have to put it off for the following year because it is too expensive. Councilor Brown agreed, he said that the Town does not have the money for Scenario #2 and expressed his opinion that he is not sure that the town should be responsible for the consequences. Councilor Wagner agreed not to spend the money this year due to anticipated personnel cuts. Councilor Farmer stated that we have an option to place a Warrant Article at town meeting but he is not in favor of doing that this year because of budget cuts. He agreed with Councilors Brown and Wagner. He said he supports Option #1, he does not support Option #2 Chairman Bove said he supports Scenario #1 if it can't be done he can't go along with Scenario #2.

He said he would like to continue to explore any options to keep the numbers down to help out the homeowners. Councilor Wagner questioned the time line of the grant date. Town Manager Caron explained that he met with Council in July and they authorized him to proceed. OEM brought the grant information to our attention in June and he had meetings with the neighborhood in July. The direction he received was to get more information and bring the final decision before the grant application. Councilor Farmer questioned if the grant process from OEM is accepted and the purchase & sales is not finalized will the grant go forward. Town Manager Caron replied that is one of the questions he has. The state will reimburse the town only 75% of the expenses actually incurred. If the state does accept the proposed local match the town will not proceed until the land is purchased. The town will not put itself into a position to acquire the properties, demolish them and have no local match to fund them. Councilor Bove asked if we have any outstanding mitigation issues that could possibly be applied to this, Town Manager Caron responded no. Consensus is to focus on Scenario #1, if the land is purchased then apply for the grant. Otherwise hold off until next year. Open for discussion. Jerry Gulezian from Brookview Dr, said he has lived there for 32 years, the four houses have been flooded 24 times, 10 times they required evacuation by the fire department using canoes. This is a unique situation, it happens on a continuous basis. He further stated that they expected a workshop and were only told last week they had to get all the information for the grant. Councilor Farmer stated for the town to fund this they have two choices: we would have to put the money in the budget now or put a Warrant Article out. Town Manager Caron said they would have to transfer the funds from other approved line items now or raise the money at town meeting. Discussion ensued about the citizens' petition. Councilor Farmer told Mr. Gulezian he had an option to get the funding by initiating the Citizen's Petition and having it on the warrant for town meeting. Linda from 17 Brookview Dr. talked about flood insurance, she said if a homeowner has flood insurance then the town will be responsible for 10%, and if the homeowner does not have flood insurance then the town is responsible for 25%. She said to check the meeting minutes from the September Council meeting. Town Manager Caron said he is waiting to hear from the state to clarify that but all the information he has received from the state says that it is a 25% non-federal match, does not see a 10% match.

FY10 Budget Review and Preliminary Recommendations Town Manager Caron reviewed the budget timeline. CART is scheduled to meet on 12/15/08 with Council to provide information about ridership and future funding. He reviewed information he gave the Councilors and Budget Members outlining the plans of a 1% and 2% below default budget and the consequences of the proposed personnel cuts. He reviewed alternate budget reductions. The consensus was that Council would work with the reduction plan proposed by the Town Manager listed on page 7 of the pass-out. There was no vote to be taken tonight, they just wanted to discuss and review the suggestions. Councilor Wagner questioned if there are cuts to personnel do we go into non-public. Town Manager Caron responded that the budget presentation needs to occur in public. He said for the past 7 years it has been the policy that if someone retires or leaves their position it is re-evaluated with staff and with Council. He said he was directed to present a default budget, 1% below default and 2% below default. Councilors Wagner and

Brown said they do not want to go through the budget line item by line item. Councilor Brown stated that after the last meeting he asked Town Manager Caron for policy related reductions. Those cumulative tax impact reductions were listed on page 7, which totaled \$620K. These reductions do not cut staffing levels. If this is adopted, Town Manager Caron said \$600K is about 18 cents; the tax rate increase will be 3.5%. Councilor Brown said we started out with a FY10 tax impact of \$4.69 which is 31 cents greater than the previous year for an increase of 7.1%. Chairman Bove clarified that this is the default budget it has no decrease in service and staff. He also stated that he does not want to go line-by-line either. Councilor Farmer asked Budget Member Chairman Jay Hooley if they had any budget cuts. He responded they had not reached a consensus yet. Councilor Farmer questioned the default status of the items on the proposed alternate reduction plan; Town Manager Caron responded it was below 2% default. Councilor Brown said he was satisfied with the policy related reductions but he wants to reduce as much as we possibly can.

Expendable Maintenance Trust Fund - Councilor Farmer verified that it is a reduction in the warrant article amount. Town Manager Caron said the original warrant article right expends \$205K with \$100K from surplus. Councilor Farmer requested that \$5K be deleted from the Expendable Maintenance Trust Fund. The warrant will ask voters to appropriate \$100K, with no funds to be raised by taxation.

Capital Reserve Funding –Town Manager Caron explained we have raised \$325K from the tax revenues in the past. He recommends reducing the expenditure by \$100K, and to use \$100K from the fund balance. Tax rate impact would then be \$125K.

DPW Salt Budget – Councilor Farmer requested \$5K be added to this item and everyone agreed.

General Government Gasoline - Everyone agreed to the reduction; Budget Members agreed.

Budget Member Tom Dolan requested that Council take input before making decisions.

Chairman Bove asked Town Manager Caron what the default budget number is, he responded \$25,857,604. He explained that to reach the tax relief sought results in a combination of expense reductions and additional revenues using undesignated fund balance. J. Hooley said the Budget Committee has no bottom line decision yet.

Budget Member Tom Freda asked about interest from investments. Sue Hickey said last year she got some CD's at higher rates, figures budgeted are based on the economy. He questioned the hiring of the executive secretary for the Londonderry Police Department's prosecutor. He said he understood the main function was to provide discovery for the police prosecutor, and it was stated by the Chief Ryan and Capt. Hart that if the position was not filled cases will be dismissed. He stated he is a prosecutor in Mass. and very few cases were dismissed because there were no police reports. 90% of the arresting officers write their own reports before the arraignment. He said no lawyers in the private sector

have their own secretaries he said he sees no need for the position Capt. Bill Hart said this was discussed for about two hours last summer. He stated that the position is not only to support the prosecutor, it also supports administrators in the office, and provides back-up for the executive secretary doing payroll. He also explained that in NH no felonies are handled in District Court, discovery is not provided at arraignment, it is provided after arraignment upon request. The practices in NH are different than in MA, cases will be dismissed by judge in NH if discovery was not provided in a timely fashion. He explained that they are constantly reviewing positions and it is not appropriate to cut this position. Cuts in LPD and LFD overtime will result in some shifts being left unfilled.

Police Overtime – Chief Ryan said his minimum staffing level will be lowered. He informed the Council that he would not have an officer in attendance at some town events. Budget Member Joe Green asked Chief Ryan how many OT shifts would be reduced. He responded he would have to get back to him with that information but said the majority of OT is spent on filling shifts with regard to minimum staffing, court OT, and some training.

Fire Overtime – Councilor Farmer asked Chief MacCaffrie what that figure was. He responded it is about \$890.00 per shift and they have 10 to 12 – 24 hour shifts. Chief MacCaffrie said that currently they run at minimum staffing – 10 men per shift. If someone takes authorized leave they fill the position with OT. Councilor DiMarco stated that we are potentially looking at shifts that will not be filled. Councilor Farmer said that would be 12 shifts throughout the year, 12 days that a shift will have one less person.

Cable Fees – Chairman Bove said this is a Policy Change involving a 1% franchise fee permanently redirected to the General Fund. Tom Dolan suggested not re-directing money from Cable fees because all taxpayers will benefit from money used by cable subscribers. Large businesses don't pay cable fees it would mean about a \$6K tax cut to them. Cable franchise providers are trying to end the franchise fees and if used for general fund purposes they are making the case for the cable companies to make to congress that they are not being used for the cable access center. Budget Member Deborah Nowicki agreed with him. Jay Hooley clarified that this is permanent; Town Manager Caron said it was the direction he received last year from Council. Councilors Brown and Farmer both stated that if we are unwilling to do reductions, then show them where the money can come from. Chairman Bove said he was leery of saying permanently, suggested just temporarily doing it for this year. Councilor Brown reminded everyone that there are two labor agreements and warrant articles that will have an increase in taxes they are not included in this policy reduction plan. Consensus was to change the wording to temporarily.

Capital Reserve Funding – Councilor DiMarco asked what where the risks in this policy change to temporarily reduce this funding by \$100K. Town Manager Caron said the Town might have to keep fire apparatus or highway equipment longer before replacing. T. Dolan said it has been the policy for the past 10 yrs not to use undesignated funds balance for general fund tax relief. He cautioned the Council that the money has to be

replaced next year. Chairman Bove said it is a temporary reduction for only one year it is not spent unless it is allocated. Councilor Wagner stated that we have to use common sense for this budget; it is not common sense to lay off police and firefighters. J. Green suggested looking at other personnel cuts. D. Nowicki said this economy might continue for the next 2-3 years she asked if there is any more attrition coming up. Chairman Bove said it is looked at every time Councilor Farmer stated if we reduce personnel it will happen in July.

Tom Freda referred to pg 25 of the budget book questioning ambulance revenues. S. Hickey responded that the Town changed ambulance collections companies to enhance collections, however, the still can't expect higher revenues than what is anticipated.

Current Use Taxes - Chairman Bove explained that this is temporary. M. Oswald expressed his concern that Open Space funding was suspended originally for one year but it has progressed to three years. He cautioned that professional stewardship might have to be considered for the Conservation Commission. T. Dolan agreed with M. Oswald, this is the only money available to Cons Comm it will hurt their ability to manage Open Space.

Overlay Account. – Agreed to reduce appropriation to \$200,000.00.

Chairman Bove said all the items in the reduction plan amount to \$620K. Councilor Wagner asked if we can freeze salaries, for a year. Town Manager Caron said only if the unions opt to re-negotiate their contracts. Councilor Farmer asked if unions offer up a wage freeze, can they forgo COLA or merit or both for a year and make a concession at some point in the future. Town Manager Caron responded in the affirmative, if the cumulative monetary impact does not exceed the amount which the voters reviewed when the original contracts were adopted. M. Oswald said that the LPD and LFD are well below the national staffing levels. He asked the Council and the Budget Committee if they are willing to omit the \$10K for OT for both the police and fire He said he is not in favor of the proposed cuts. J. Hooley said the Budget Committee will discuss it. Discussion ensued about cutting back in personnel in the LPD & LFD. Councilor Brown stated that the Chiefs would not offer these reductions if they were going to endanger the community and he said he is going to take their cuts. Chairman Bove said the consensus was pretty clear that they were looking at the deductions listed in page 7 of the information dealing with tax impact reductions and policy changes. Councilor Brown spoke about Chief Ryan acting in a consultant capacity after his retirement to help with the continuation of the accreditation process for LPD. He said it might not be a good idea. He asked why can't the new chief do the accreditation process. Town Manager Caron responded that time constraints preclude that option and said it should be discussed in non-public session. Sandy Lagueux discussed attrition, stated it was not acted on numerous times this year. No one had the backbone to make cuts. Chairman Bove said they have re-organized departments and have lost 9 people over the past 9 years. Chief Ryan said cuts have been made in the police department.

Grant Opportunity for Fire Dept. -. Town Manager Caron explained that he was notified

by Chief MacCaffrie that the Town was awarded a FEMA grant for replacement of the LFD's Breathing Air Packs. It pays for 90% of the equipment. He recommended increasing their budget by \$252,800, offset that with the FEMA Grant of \$227,520 and use Undesignated Fund Balance of \$25,280. The Fund Balance will come from one of the bond's issuance costs, as those costs are incurred once regardless of the number of bonds approved by the voters. It has to be included in all three bonds being presented at town meeting because it is not known which bonds will be approved. He recommended it be included in the FY10 budget at a cost of 10 cents on a dollar. It moves onto the operating budget. Discussion ensued and it was agreed.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Minutes of the Council's November 17, 2008 Public Meeting - **Councilor Wagner made a motion to accept meeting minutes from the public meeting held on 11/17/08, seconded by Councilor Brown. Councils vote 4-0-1, with Councilor DiMarco abstaining.**

OTHER BUSINESS

Liaison Reports - Councilor DiMarco said he, Councilor Wagner and Town Manager Caron went to see the new facility at Murray's. He reported that they all were very impressed with the operation of the removal of fluids from cars located at the facility.

Councilor Wagner said she attended the final workshop of the North End Master Plan; it will now go to the Planning Board for their public hearing.

Town Manager's Report - Town Manager Caron said the Town closed on the sale of the YMCA today. The Town received a check for \$200K and it was placed in the General Fund.

Board/Committee Appointments/Reappointments/Resignations

Re-Appointment of Rosemary Dann to the Londonderry International Exchange Committee, term to expire 12/31/11.

Re-Appointment of Full Members: Kevin Foley and Ron Campo to the Recreation Commission, terms to expire 12/31/11

Re-Appointment of Full Members: Patti Hanley and Mike Boyle to the Recreation Commission, terms to expire 12/31/10.

Re-Appointment of Alternate Member, Ben Parker to the Recreation Commission, term to expire 12/31/10.

Re-Appointment of Full Member Paul Margolin to the Solid Waste Advisory Committee, term to expire 12/31/11

Re-Appointment of Robert Lievens to the Londonderry Housing & Redevelopment

Authority, term to expire 12/31/13.

Councilor Farmer read the re-appointments and **made a motion to accept all of them, seconded by Councilor DiMarco.** A typo error incorrectly listed Robert Lievens' expiration date as 12/31/11 it should be changed to 12/31/13. **Councilor Farmer amended motion, which was seconded by Councilor DiMarco. Council's vote 5-0-0.**

Councilor Farmer asked if we have more interviews on 12/15 for land use boards, Chairman Bove said we have about 9 more. Town Manager Caron pointed out that these positions have to be filled by 12/31/08. The idea of having an additional meeting was discussed and dropped.

ADJOURNMENT

Councilor DiMarco made a motion to adjourn at 11:21PM. Second, Councilor Wagner Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 12/01/08

Minutes Typed by: Margo Lapietro Date: 12/03/08

Approved; Town Council Date: