

**TOWN COUNCIL
AGENDA
March 02, 2009**

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. Municipal Awards Presentations
- B. 2009 Town Meeting – Warrant Review

III. OLD BUSINESS

- A. School-Town Collaboration
- B. Economic Development Update
- C. Special Revenue Fund – Allocation of Revenues

IV. NEW BUSINESS

- A. Section 504 Self-Evaluation Plan

V. APPROVAL OF MINUTES

- A. Minutes of Council Public Meetings of February 2, 4, 5, 9 and 23, and non-public meetings of February 4 and 5.

VI. OTHER BUSINESS

- A. Liaison Reports
- B. Town Manager Reports
- C. Board/Committee Appointments/Reappointments
 - a. Re-appointment of Deborah Nowicki to a Full Membership on the International Exchange Committee, term to end 12/31/11.

VII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Meeting Elections and Bonds, March 10, 2009, Londonderry High School Gymnasium, 7:00

AM – 8:00 PM

- B. Budgetary Town Meeting, March 14, 2009, Londonderry High School Cafeteria, 9:00 AM.
- C. Town Council Meeting, March 16, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- D. Town Council Meeting, April 6, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM

TOWN OF LONDONDERRY

504 Self-Evaluation Plan

for Handicap Accessibility

Adopted: March 2, 2009

PURPOSE: Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act provides that no otherwise qualified individuals with handicaps shall solely on the basis of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity or governmental unit that receives Federal Financial Assistance.

In its intent to comply with the terms of Section 504 and the Americans with Disabilities Act, the Town of Londonderry has conducted an evaluation of its buildings and policies. The evaluation was made to determine if any structures contained physical barriers to handicap persons. The evaluation also addressed what Town-adopted policies might prevent handicap persons from fully participating in services, programs, government or employment opportunities.

TOWN BUILDINGS: The following Town owned buildings are handicap accessible: The Library, Police Station, South Fire Station, Cable Access Center, Senior Center.

The following Town owned buildings are not accessible: Central Fire Station, North Fire Station

Structural actions to be taken: The Town is proceeding with Handicap Accessibility to Central Fire Station; North Fire Station is scheduled for replacement in 2009.

PROGRAMS: The Town Council has appointed the Administrative Support Specialist as Londonderry's 504 and ADA Compliance Coordinator. His function, in this capacity, is to keep abreast of all changes in handicap access regulations and to address the needs of handicap persons in gaining access to all Town Offices and activities.

TOWN COUNCIL MEETING
February 2, 2009

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 Chairman Brian Farmer (7:04), Kathy Wagner, Paul DiMarco, Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Bove 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 HEARING

Councilor Wagner made a motion to open the public hearing. Second Councilor DiMarco. Council's vote 4-0-0.

Wagon Wheel Cooperative Water Improvements CDBG Project Update Grant Administrator, Donna Lane said we have to have a public hearing before, during and after the project has been completed. The project is now complete and she was here to answer any questions. Open for comment – none.

Councilor DiMarco made a motion to come out of public hearing. Seconded by Councilor Wagner, Council's vote 4-0-0. At this point in the meeting at 7:04 Councilor Farmer joined the meeting.

PUBLIC COMMENT

Paul Margolin – SWAC Chair brought up the issue that the lay-off of staff will have an impact on his committee. He talked about the current solid waste and recycling contracts. The Town has 60 days after town meeting to renew the contracts. His committee feels there is potential for savings, but at this time has no back-up to guarantee anything. Chairman Bove said when solid waste is down and recyclables are up we will save money. He stated the Council needs solid information so they can see all options to save money. P. Margolin then asked if there is any money to be saved by renegotiating the SWAC contract could it be used for the un-expended fund balance; Town Manager Caron responded yes. P. Margolin said the market in waste is going down, but terms for tipping fees and hauling fees are fixed regardless of volume, savings potential if we go out to bid will be from new vendors and new offers from vendors. Councilor Wagner asked when does the current

contract run out, Town Manager Caron responded the end of this fiscal year. Councilor Wagner asked if we have renegotiated the contract. Town Manager Caron responded we can renew the current contract on the Solid Waste; the solid waste is a 4% increase. The tonnage disposal of waste has an increase of 6/10%. We need to make sure we don't forfeit any renewal rates by putting it out to bid. He said he is currently looking at that. Councilor Brown said that this news is late in the budget sessions. P. Margolin said he started talking about this in November, The December meetings were cancelled due to ice storm, postponed that meeting to 1/8/09 to talk to vendors; they had another meeting last Thursday with more vendors. Now they are starting to receive more information. Councilor Farmer talked about the market dropping for raw materials he said it should impact new contracts. Councilor Wagner questioned if we bid out we could loose the current contract being renegotiated. Town Manager Caron said if that is an issue then he would recommend it not be bid out because the renewable terms are quite fair to the Town. It is currently being reviewed by legal counsel. Chairman Bove said there are other ways to save money by encouraging the recycling program.

OLD BUSINESS

Town-School Collaboration Update – Chairman Bove explained to the audience that they are here tonight to listen to a proposal; no questions will be taken from the public until Council has finished discussing the proposal. School Superintendent, Nate Greenberg clarified information that was given out to the public via bulletins, internet, newspaper and word of mouth. He said questions were asked if the Cable Access Center would be open on snow days, he said it would be because many of the school district employees work on snow days and Access Center employees would be scheduled to work. Hours of operation during the week will increase from 65 ½ hours to 70 hours with the inclusion of Sunday hours. The Town Manager and he have agreed that the Access Center will be devoted to school use from 8:00 AM to noon during school days. He cited security and noise issues for that decision. First amendment rights and freedom of speech were not affected. He stated that the Town and School will enter into an inter-governmental agreement to manage the Access Center. All FCC rules and regulations including federal and state laws would continue to apply and there will be no abridgement of freedom of free speech rights. This is clarified in the inter-municipal agreement. The Advisory Board per RSA 53-a, is a joint advisory board that would be established per the inter-municipal agreement. A volunteer coordinator was not addressed in the budget because it was not addressed in the proposal; it is paid outside of the cable funds. The intent is to keep the volunteer coordinator. He further stated that quality is not an abridgement of any free speech right. He spoke about the vision of public access. He compared the state of art 20 years ago with the current technological advances. The distribution media has moved from cable TV to online distribution. Every TV show is available to be downloaded; you can go on-line to get information from U-Tube and Facebook. His recommendation is to expand the current website to incorporate on demand access to cable offering, develop and put into place video streaming of live events. Staff would work with the Advisory Committee to develop a strategic plan to address and recommend implementation of the “L Tube” or the Londonderry tube

concept and its budget implications. They would also continue with the present cable operations. Phase II would continue and refine Phase I activities, implement the L Tube concept as developed in the strategic plan to include but not be limited to programs on demand; live streaming; video web radio; on demand videos on the website; tools to allow people to collaborate in a virtual environment; website tutorials; access to school and public library resources and continue cable operations. Continue training in Town Council production; multi-media classes, public speaking and journalism classes as well as computer instruction and look to expansion. Councilor Brown questioned access center being open 7 days a week. N. Greenberg said the expanded hours would hopefully get more people involved in the center. The School use is Mon-Fri from 8-12. Councilor DiMarco questioned maintenance of the access center; the contract says the major repairs will be taken care of by the Town who retains ownership of the building out of cable special revenue fund. District responsibility would be for minor wear and tear items. He asked for clarification of what would be considered major and minor. N. Greenberg responded the general cleaning will be taken care of by school, if the roof fell in it would be considered major. Councilor Farmer questioned why in the consolidation does the town supervisory position have to be eliminated, why not the school supervisory position? N. Greenberg said the School was offering the opportunity to provide management services to the Access Center. That would be assumed under library and media, and he would accept some responsibility for it. Councilor Farmer asked how the enhancements will be realized when we are talking about a \$40K/year savings. Where is the funding because some of this requires hardware and expertise? N. Greenberg responded expertise is certainly on the school side and at present they have an equipment budget of about \$125K. If the decision is made to move ahead to L-tube, on demand, etc. we would look to re-direct some of those funds to address those particular examples. He also mentioned the continued use of volunteers to help out. Councilor Farmer asked for clarification of non-affiliated employees. N. Greenberg explained they have non-union employees, the employees of the Access Center would fall within that category. Councilor Farmer asked if we have heard from the unions about their view on this change. Town Manager Caron responded there is no provision within that particular bargaining agreement which would prohibit contracting out those responsibilities. Chairman Bove asked if this prohibited the non-affiliated employees from having a union, if they wanted one. N. Greenberg said there is a process to form a union and he does not believe his current non-affiliated group of employees are interested in it. Councilor Farmer asked if they would have the same health/retirement benefit package with the school as they do with the Town. N. Greenberg said they can save money because the school is bigger and that results in higher savings. Councilor Farmer asked if there was any real study done, and if so, he asked for clarification of the proposed cost savings. Councilor Farmer questioned why the proposal to use cable funding was any different from the Council's proposal to use the same monies to avoid eliminating a Town employee position. The Council was cautioned that it would be hazarding the cable access fees. N. Greenberg responded that they are proposing in the future to provide on demand access to the community. Councilor Farmer said when the Town proposed to use the cable funds they were told that Comcast would withdraw the money because it was not being used for what it was intended to be used. N. Greenberg stated that if that becomes an issue it can be negotiated in the cable contract. Having streaming

video and internet broadcasting is very valuable. Councilor Farmer talked about the board of advisors and questioned how can we rely on the expertise of this board to replace the expertise we currently have. N. Greenberg responded that the school already has the expertise. Councilor Farmer stated the Town is responsible for a lot of the proposed agreement and we will have only three of seven people on the board. He said he is concerned about where the expert advice is coming from. N. Greenberg responded his job was to come up with a consolidation plan with suggestions and ideas. It is the Council's prerogative to accept those ideas or not. Councilor Brown said the advisory board is dictated by state law, it is made up of both joint bodies. Chairman Bove asked who prepared this proposal. N. Greenberg responded it was jointly prepared by the Town Manager and people within his organization who have had cable experience and a background in media and video. Chairman Bove asked if anyone consulted Dottie Grover the current Director of the Access Center. N. Greenberg responded no. Chairman Bove asked if any of the proposals were run- by Dottie. N. Greenberg responded that he had no knowledge of it and he would assume that the School would have been told that they were updating to streaming video, on demand, etc. Chairman Bove asked if any of the School ideas or proposals had been presented to the cable department to see if they could consolidate with the school and work to make those things happen. N. Greenberg said he has not discussed it with them. Chairman Bove said one of the points brought out in the proposal was increased communications. He said if we don't have communication about potential changes from both sides then something is wrong. N. Greenberg said the school was not communicated with when significant equipment changes were completed this summer at the access center. They have an impact on the school. Chairman Bove talked about the administrative duties and N. Greenberg responded the School can do a good portion of the administrative function. Chairman Bove asked him if he has not been in contact with the person doing the job how do they know what the job is. N. Greenberg responded he has been in town for over 10 years and he has been over at the access center on many occasions. Chairman Bove talked about the administrator not being located at the Access Center and asked if that person would be the point person for problems and would they be only available during school hours. N. Greenberg said they would be handled like school department complaints are. Service and responsibilities would be re-distributed. Chairman Bove asked with the proposed expansion of 7 days a week did they ask the studio if they want weekend hours. N. Greenberg said you won't find out until you offer it; if not needed the hours can be adjusted. Discussion ensued about employee hours and state law regarding weekend employment and scheduling. Town Manager Caron said at this point they have not resolved the employee hours. Councilor Farmer said he would like to see the collective bargaining agreement for these employees regarding weekend hours. Chairman Bove also expressed concern that only the school would be involved in the interview process of new employees for the access center. He also said there is not enough information for him to comfortably make a decision that they would see a savings of \$40K. Councilor Farmer said change creates conflict. We have to focus if there is a recognized need, if the type of change is worth it. N. Greenberg again stated that the Council asked the Town and School to find areas of consolidation between the school and town. The report he supplied tonight was the result of that request. The Council has to make the choice. Chairman Bove suggested more communication. Class size and

security were discussed.

Chairman Bove at this point in the meeting passed out e-mails he received from various citizens and employees of other cable access studios. Dottie Grover, Access Center Director responded to the initial proposal. She stated that the school was not experienced in PEG; they had no experience in management and recruitment of volunteers. She expressed concern about the LAC Advisory Board, it sounds like it is a different make-up than the joint board required by 53-a. She said that the proposal is not going to improve the operation of the LAC for the betterment of the community at large; it proposes locking the community out from 8:00 AM until noontime. She suggested last September having the students come to the facility for the first four periods of the school day; Monday through Friday from 7:20AM to 10:38 AM and have exclusive use of the training/classroom during those hours leaving the remainder of the building available to the community. They could have first priority on scheduling from month to month. She proceeded to explain the workings of the cable studio and the student use of the building. She stated it is a town building paid for by the taxpayers. If the main concern is to save money then that is not a reason to turn it over to the school. She said she has not had complaints about the center other than having more availability during the day. She said the future vision of the school is not the vision of public access television. She said she did inform the school district about the fact that they were working on having video on demand and live streaming available. The video tech from the school came over last September and they discussed their plans at length as to what they were pursuing. Drew Caron, Dottie's assistant stated live streaming and video on demand will be completed in two months. He said technology has gotten smaller, better and cheaper, HD is already in the Access Center. He stressed preserving the equipment they already have. D. Grover said there is an expertise that comes into play dealing with volunteers and they have been very successful. Many volunteers have done many things for the center at no cost to the Town. Rep. Frank Amiro from Stonehenge Rd. spoke about the excellent programs put on by the access center. It runs efficiently; leave it the way it is. Joe Paradis, 55 Auburn Rd. said he does not see much in the proposal to change anything. The Franchise agreement is with the town, it takes cable subscribers monies, 5% of that is put into a fund which the cable companies keeps and sends to us. The cable subscribers should have first "swipe" to anything at the Access Center. He said he is concerned that in the proposal it states curriculum first and community second, it should be reversed. He said he does not want the money he pays for cable funds to be used by schools who he already pays taxes to. He does not want to be subject to school rules when using the Access Studio. Funds should be for the community not the school curriculum. Al Baldasaro, 41 Hall Rd. said the proposal needs more study, saw conflicts with freedom on speech. He questioned D. Grover about the fees. She explained the people who pay for PEG access TV are cable subscribers, the funds are based on 5% of the gross revenue on the television side. It does not include any internet or phone. We currently get \$20K PEG access. CTV-20, LEO-21, 22, 28, 30 and 170 are being paid for out of franchise fees. The studio gave the Voc. Ed. Class a start-up grant of \$20K. A. Baldasaro asked if any of that money goes into the general fund to offset taxes. Councilor Bove said a few years ago a Council did make the decision to take some of the access fees and put it toward tax relief. Councilor Farmer stated Council took \$40K two years ago and \$64K proposed for

this year. A. Baldasaro stated he would like the money to go back to the taxpayers. He cannot see the savings of \$40K, this is a community based program, the proposal needs more study. A. Baldasaro asked how much money was deposited into the cable fund; Town Manager Caron responded that we collect about \$320K per year. Chairman Bove stated we have been giving grants to the school of \$7,500 a year to LEO 21, plus all the remote equipment in the school totaling about \$68K. Cameras were set up in various locations in town and were paid for by cable. He also questioned the advisory panel. Pat Vitale, 75 Mammoth Rd, said the equipment in the studio is for the town. If the school takes over the cable studio, the best equipment will be taken by the students and it won't be available to the community. He said 85% of town has cable, when you take money out of the franchise fees to the general fund 85% of the town is paying for the 15% of people don't have cable. That is taxation without representation. You are taking the money to lower the taxes on someone who does not have cable. Greg Warner, 10 Pendleton Ln. sees no reason to have another bureaucracy managing the cable studio, leave it the way it is. Heather Anderson, 31 Perkins Rd. said it was a shame to change something that is not broken – she and her husband do volunteer work at the station. She said there is a real sense of community there. Chris Oliverio, 1 Trolley Car Lane volunteers at the cable center. He questioned the increased use of students using the station. He asked about where he could get the specifics of the budget and Town Manager Caron said he would get that for him. Glenn Douglas, 6 Overlook Ave. said that unlike the Town Council, Budget Meetings, etc the school district would not give DVD's to the library for the public to review. They were informed they are reused and destroyed. It was never addressed publicly. He said he is not sure access to information is going to get any better. The Access Center sends DVD's to the library; keep it the same way it is. Bob Westford, 14 Sherwood Rd. said keep it the way it is, we have an experienced director. Cindy Eaton, 16 Clark Rd, was Chairman of the Facility and the Building Committee for the Access Center. She said the committee did want a larger building but had to cut it down because taxpayers did not want to pay for it. She said she was a School Board member and having children involvement was important when they build the building. They did try to have an isolated area for kids. Community is important because it is a town building. The community had been working on making the building accessible to students during and after school. If the school district takes it over will we still see the same amount of community programs? How and what programming will there be? N. Greenberg said the current programs will still go on. C. Eaton spoke about the hours for students. She asked who would negotiate the contract if Dottie is not there. N. Greenberg said he and the people from the school dept. will be involved in the negotiations. C. Eaton proceeded to inform everyone that D. Grover has helped a number of access centers start-up through out the state. No other access studio has as good a contract as Londonderry does which she attributed to Dottie's hard work. Nicholas LaVallee, Media Services Coordinator for the Town of Merrimack said he disputed the research. He said he never got a call questioning how they were run when they are a town that is constantly being compared to Londonderry. He said that media literacy is not addressed in the agreement. N. Greenberg said a person does not have to be media literate if they want to put on a program. Other people are available to allow them to do it. Dick Gagnon, PEG Access Coordinator from Goffstown Community Television expressed concern that the town would be losing experienced people. He said his studio

is shut down during the day while students use the building. He recommended keeping the studio out of school hands, it was OK to share it but keep it for the community. Denise Beauchesne, Dir. of Lakes Region Public Access in Laconia said they provide service for 10 towns roughly 35K homes. She proceeded to explain the structure of her organization. She recommended keeping the public access separate from schools and gave samples of some of the problems they have encountered. Julian Turner, Exec. Dir. of Concord TV in New Hampshire, she recommended not changing. She stressed that the Access Center is here to service all people. She was concerned that the Superintendent of Schools has extra time to take on the new role of access manager. Margaret Case, Chairman of the Windham Cable Board for 20 yrs and is a volunteer there recommended keeping the Access Center as it is. She advised that it is not a good thing for the Access Center to be part of the school. Bill Jennings, Station Manager for BCTV in Bedford, said their budget is now up to \$375K. The Londonderry model is looked at by everyone in NH. It is public, education and government television broadcasting and it needs a unique individual with a unique personality, with unique skills. He said that D. Grover has those unique skills. No one in the state has the school system run public education and government TV. Doris Ballard, Concord Community TV said that her concern is that teacher's don't have the time to get involved. Chris Oliverio, 1 Trolley Car Lane asked about the contract franchise fees. D. Grover explained we get up to 5% of the gross revenues on the television side, it is up to the council how it is spent; she said those are the terms she negotiated in the contract. C. Oliverio expressed concern about fees going down if people drop cable and use their computers instead of the TV.

Councilor DiMarco thanked both the Town Manager and School Superintendent for a good proposal. He said it is important for youth of today to get involved early. He suggested we take another look at the proposal because he has more questions. Councilor Farmer asked if he wanted another public session. Discussion ensued about how the questions would be addressed. Councilor DiMarco proposed that he table it. Chairman Bove said we need more information we need a time frame before tabling it, just delaying it is not fair to town employees, he said he would like a decision tonight. Councilor Brown said that the School Board and the Council were asked to do this exercise. We are trying to find ways to save money for the taxpayers. He said he does not want to make a decision tonight, labor questions need answers. Councilor Wagner said the citizens told the Council to work with the school to consolidate and find tax savings. She said she still has questions and would like answers. Councilor Farmer said the Council can change the collection and distribution of cable fees. Councilor Farmer stated that if this is tabled, Councilors cannot discuss it, they cannot e-mail their questions. This discussion is completely over and then it is taken up again in the future in a public session, that is the way the Charter works. **Councilor DiMarco made a motion to continue this discussion on 3/2/09. Second by Councilor Brown.** It was agreed that the Councilors will forward their question to the Town Manager. **Council's vote 4-1-0, with Chairman Bove dissenting.**

At this point in the meeting Council allowed a quick break.

Maintenance of Municipal Complex - Town Manager Caron discussed the current

maintenance program and services, which are either contracted services, or employee maintenance. He reviewed the current allocation of resources between the Town Hall, SAU, Police and Library. He said the School has assured him that there will be no re-allocation of personnel for FY10 but there will be for FY11. Everything remains the same for FY10. Barbara Ostertag-Holtkamp, Library Director said the school board voted to reduce the maintenance person by 2 hours per day per week at the 1/15/09 meeting. Town Manager Caron said he was told by the SAU that there would be no reduction in hours for FY10. B. Holtkamp said the employee does not spend 25 hours a week at the Library as stated in the memo. The employee comes in from 7AM-10AM, leaves, then does not come back until 2PM. And from 2PM -2:30PM is their lunch break and he then works from 2:30PM – 3PM so they basically work 3 1/2 hours a day totaling 17 ½ hours a week B. Holtkamp said the library needs scheduling flexibility for their own maintenance. Councilor Wagner checked the School Board Meeting Minutes posted on-line to verify if the school was going to continue providing maintenance services for FY10. It was verified that the School Board will still continue providing maintenance services for FY10. Councilor Farmer said we have to come up with a coordinated effort to work on all buildings to find the cost savings to the taxpayers. B. Holtkamp said their building is getting older they need to have a maintenance person with whom they have the flexibility to schedule repairs. She suggested maybe hiring a part-time person with no benefits for 18 hours a week. She also recommended hiring 3 part-time people for Town, Police and Library. She said the Library is looking for a maintenance person not janitorial services. Councilor Farmer said he is proposing that we all work together and come back with a consolidated agreement for janitorial and maintenance services. He said that the Library is asking for \$18K this year but he will not be in favor of adding that to the FY10 budget. He also said the Library Trustees are responsible for the maintenance of the building. Councilor Wagner said to look at this as another collaborative item. She said she will not consider adding \$18K to the budget. Councilor DiMarco suggested bringing this subject back up in the summer. Councilor Brown said that additional cleaning is done at the police station and asked if the Town Manager was looking at that. Town Manager Caron responded he is looking at its cost effectiveness. Councilor Farmer confirmed we could have a plan in place by this summer and have another discussion in late summer next year. B. Holtkamp had a suggestion about splitting the time of the SAU personnel with the Town. Town Manager Caron suggested she meet with the SAU personnel to see how many hours they have available. B. Holtkamp said the 25 hours they spend in the library is not correct. Councilor Farmer said Council is getting conflicting information, get the correct information by this summer and discuss it again.

NEW BUSINESS

December Ice Storm – After Incident Review - Chairman Bove said a report has already been done. Town Manager Caron said department heads met who responded to the incident to look at the strengths and weakness of the response. The Emergency Operations Center and ALERT were involved. It was broken down between the emergency operations center and any specific concerns of ALERT. The major area of the report focuses on communication. The HS Gym worked out very well. There is a section

in the report on finance, recognizing there are opportunities for reimbursement. Expenses are tracked appropriately. Transportation was a major challenge particularly the clearing of roads. Bolded items are recommended action items. Councilor Wagner asked if it was posted on the website, Town Manager Caron responded it was not posted before Council looked at it because it was in draft form. Councilor Wagner said a lot of people knew it was going to be a long night tonight, asked if it could be scheduled at the next meeting. Chairman Bove agreed with Councilor Wagner to move it to another meeting. If people wanted hard copies they would be available. Chris Oliverio, 1 Trolley Car Lane, Chairman of ALERT, likes the idea of having it continued at the next meeting. Councilor Farmer asked if the Town has an emergency preparedness plan, Town Manager Caron responded yes, it will be updated in April. Chief MacCaffrie said it is updated once a year. It was decided to post the after incident draft report to the webpage and have the meeting on 3/16/09. Councilor DiMarco thanked the ALERT members for the feedback they gave the Town Manager and also thanked the Town employees.

APPROVAL OF MINUTES

Councilor DiMarco made a motion to accept the minutes of the Council's 1/19/09 meeting. Seconded by Councilor Wagner, Council's vote 5-0-0.

OTHER BUSINESS

Liaison Reports - Councilor Wagner questioned the Pettingill Road construction. Town Manager Caron said staff is focusing efforts at the state level, as information received indicates that whatever funds are available will come back with a block grant which will give the state some discretion as to how it is allocated

Councilor DiMarco said the Heritage Commission had a joint workshop with the Planning Board on 1/22/09 regarding the Historic Overlay District. A large turnout of citizens attended, and delivered a clear message of not favoring any commercial development.

Councilor Farmer attended the Economic Development Committee Meeting. Proposals were received, the Committee selected 4 for presentations on 2/9. The Committee will reduce to two and made their decision. This is for the marketing company only, does not include the actual website implementation itself. The Conservation Commission would like to see timber cuts prior to coming to Council for signature; Town Manager Caron said he adjust the information sharing process.

Chairman Bove said he only had what Paul Margolin discussed for SWAC.

Town Manager's Report – Nothing

Board/Committee Appointments/Reappointments/Resignations - Nothing

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 11:18 PM. Seconded by Councilor DiMarco. At this point in the meeting Chairman Bove passed his gavel to Vice Chairman Farmer and gave his written resignation to the Vice Chairman. He said there was no point in his being here because the gentlemen and lady will be making all the decisions for the next year. He said he really does not have anything to add that he has not already said. He said he appreciated working with them but did not see a reason for him to be a part of any more discussions. He wished them good luck and exited the meeting. Vice Chairman Farmer said according to the Charter we cannot appoint anyone because we are within the 90 day window of Town Meeting and we are currently a 4 person council. **Councilor DiMarco made a motion to accept the resignation of Chairman Bove with regrets. Seconded by Councilor Wagner, Council's vote 4-0-0.** Chairman Brown asked what happened and the rest of the Councilors expressed their surprise. **Vice Chairman Farmer again asked for a motion to adjourn, motion by Councilor DiMarco, seconded by Councilor Brown, Council's vote 4-0-0 at 11:20 PM.**

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>02/02/09</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>02/09/09</u>
Approved;	<u>Town Council</u>	Date:

TOWN COUNCIL MEETING
February 4, 2009

The Town Council meeting was held in the Merrill Conference Room, Town Hall, 268B Mammoth Road, Londonderry.

PRESENT: Town Council: Chair Brian Farmer; Vice Chair Kathy Wagner; Paul DiMarco; Mike Brown; Town Manager Dave Caron; Town Counsel Bart Mayer

CALL TO ORDER – PUBLIC SESSION

Chairman Farmer opened the meeting at 7:00 PM.

NEW BUSINESS

Election of Vice-Chair – Councilor Brown nominated Councilor Wagner as Vice-Chair, seconded by Councilor DiMarco. Council's vote, 3-0-1, with Councilor Wagner abstaining.

OTHER BUSINESS

Councilor DiMarco made a motion to enter into Non Public Session pursuant to RSA 91-A: 3 II (a) at 7:01 PM, seconded by Councilor Brown. Aye, Brian Farmer, Aye Mike Brown, Aye Kathy Wagner, Aye Paul DiMarco.

Councilor Wagner made a motion to exit Non-Public Session at 8:14 PM and seal the minutes indefinitely. Seconded by Councilor DiMarco, Council's vote 4-0-0.

Meeting was adjourned at 8:14 PM.

TOWN COUNCIL MEETING/SECOND BUDGET HEARING
February 5, 2009

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

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

Budget Committee: Jay Hooley, Deborah Nowicki, Tom Freda, Mark Oswald; Joe Green

CALL TO ORDER – PUBLIC SESSION

Chairman Farmer 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 Brown made a motion to go into public hearing. Seconded by Councilor DiMarco, Council's vote 4-0-0.

PUBLIC HEARING

Warrant Articles: Chairman Farmer said they would review each article and we would save Article 8 which deals with the operating budget until the end. The Budget Committee will be voting on these Articles this Friday evening after the School Deliberative Session.

Article No. 2 Bond Issue for Replacement of North/West Substation - Councilors support this Article 3-2-0. Chairman Bove's departure from the Council does not change any of the votes, it was the vote of record and will stand. The only way the votes can be changed is if Council reconsiders it tonight. Open for discussion, none.

Article No 3 Bond Issue for Highway Reconstruction - Councilors supported this Article by a vote of 5-0-0. Councilor DiMarco noted a typo error in the written amount, should be One Million Forty Eight Thousand Dollars. Open for discussion, none.

Article No. 4 Fund Special Revenue Accounts – Councilors supported this Article by a vote of 5-0-0. Open for discussion, none.

Article No. 5 Expendable Maintenance Trust Fund. - Councilors supported this

Article by a vote of 5-0-0. Open for discussion, none.

Article No. 6 Creation of Special Revenue Fund to Support Town Common/Forest Activities - Councilors supported this Article by a vote of 5-0-0. Chairman Farmer said this will be a ballot item to create an account for the next article which funds that account. Councilor Brown asked the Town Manger to give the public an update about the cell tower. Town Manager Caron explained the foundation is in, the electrical work is complete. They are working on the communications hut which will contain all the communications equipment. The weather has delayed them, they expect to have the tower up and our fire communications equipment on the tower by the first quarter of this year. Chairman Farmer explained the tower is located out near the Nelson Field area. Open for discussion. Budget Committee member Tom Freda asked why there was a question mark at the end of the first sentence. Town Manager Caron said that was the way the statute was written but he will take a look at it. Councilor Wagner said that the sentence was a question and the question mark is appropriate.

Article No. 7 Fund Special Revenue Account – Chairman Farmer stated this is the actual funding for Article No 6. If Article 6 does not pass it will be skipped. Council supported this Article by a vote of 5-0-0. He explained the cell tower is a lease arrangement, the town receives revenue. Those revenues are special monies targeted for the town forest area. Open for discussion, none.

Article No. 9 Appropriate Funds to Capital Reserve Funds to Replace Ambulances, Highway Heavy Equipment, Fire Trucks and Highway Trucks - Council supported this Article by a vote of 5-0-0. Open for discussion, none.

Article No. 10 Page Road/Rte 28 Intersection - Council supported this Article by a vote of 5-0-0. Councilor Brown asked the Town Manager to explain to the public how we are going to be the project managers vs. the state. Town Manager Caron explained the Town will be the manager of the project, controlling time frame and bidding, the state will be reimbursing the Town. He said he is working with state representatives to ensure that the aid reconstruction fund remains in place during the current state budget deliberations. It will start this summer. Open for discussion. Town Clerk, Meg Seymour pointed out a typo in the written figure on this article.

Article No. 11 Fire Facilities Relocation/Inspection/Equipment & Furnishing Costs - Council supported this Article by a vote of 4-1-0. Open for discussion. Pauline Caron, 369 Mammoth Rd. asked if the fire station article does not pass what happens to this article. Chairman Farmer said it will be withdrawn on the floor at town meeting.

Article No. 12 Fire Department Breathing Apparatus - , Council supported this Article by a vote of 5-0-0. Open for discussion. Councilor Brown questioned that this was the 90/10 match; the Town Manager responded it was. Chairman Farmer explained that a substantial portion of this Article comes from a FEMA grant, the Town intends to use June 30 fund balance in the amount of \$25,280 so there is no property tax impact. We are taking advantage of the grant, but we have to approve a match before we can

accept the grant. Open for discussion, none.

Article No. 13 Ratify Collective Bargaining Agreement Between AFSCME Local 1801 and the Town of Londonderry - Council supported this Article by a vote of 5-0-0. Open for discussion. None.

Article No. 14 Ratify Factfinder Report for Collective Bargaining Agreement Between Londonderry Administrative Employees Association and the Town of Londonderry - Council voted against this Article 5-0-0, they do not support it. Councilor DiMarco asked if the wording for the Town Council vote could be changed to Yes: 0-5-0 instead of No: 5-0-0. Open for discussion. Budget Member, Tom Freda questioned why we show the tax increases in the Article. Town Manager Caron said we show each year the collective bargaining agreement as it applies to and then the relative impact. If you read the body of the Article it states that we have to raise FY09 and FY10 expenses this year at town meeting. T. Freda also pointed out a typo error where a parenthesis should be. Sean O’Keefe, 162 Mammoth Rd stated since this is a Factfinder Report, and did not pass last year, what are the differences between this years and last. Town Manager Caron responded there are two major points. It was a proposed agreement last year not a Factfinder report which was supported by Council but rejected at town meeting. The Council took that as directive that it was not their job to return to town meeting with the same agreement. The Association believed that that same agreement should be re-presented. The legislation has changed this year with respect to retirement expenses. In this particular agreement there is no language which protects the town against those extra expenses unlike Article 13. It would increase costs to the community which is the other major reason why the Council voted to reject the Factfinder report. S. O’Keefe said it is stubborn to not make any concessions and think that it would just pass at town meeting. Chris Davis, Perkins Rd. pointed out a typo on page 7, the tax rate increase should be \$0.21. Pauline Caron, 369 Mammoth Rd. asked how long is the agreement, Town Manager Caron responded 3 yrs, FY09, 10 and 11. P. Caron than asked how many employees will be eligible for retirement during that three year period, he responded there would be 7 or 8. P. Caron than asked if that would be divided into the \$\$575,805. Town Manager Caron responded it would not be evenly divided. She then asked if the retiring employees would be replaced. Town Manager Caron responded it depends on which positions are vacated and what direction he receives from Town Council. Don Jorgenson, 6 Rolling Ridge, said at the bottom of page 7 the wording should be “how many will be eligible.

Article No. 15 Authorization for Special Meeting on Cost Items - Chairman Farmer explained if one or more of Articles 13 & 14 are defeated it would authorize the Town Council to have one special meeting at its option to address Articles 13 & 14 separately. After the town meeting vote if the articles are defeated and Council comes to some other agreement with the collective bargaining agreements Council has the authority to have a special town meeting to have those articles reconsidered for approval. Councilor DiMarco said if we didn’t have this we would have to petition the Supreme Court for a hearing. Town Manager Caron said the Town Council has not voted on this article yet. Open for discussion. – none. **Councilor DiMarco made a motion that the Town**

Council supports Article No. 15 and bring it forward to the town meeting, seconded by Councilor Brown, Council's vote 4-0-0.

Article No. 8 Fiscal Year 2010 Town Operating Budget - Council supported this article by a vote 5-0-0, for a budget of \$25,534,434 which reflects a reduction asked at the last meeting of \$124,120 in personnel costs. Councilor Brown clarified that the operating budget will have a 1.76% increase. Councilor Brown asked if the 1.76% is under default by 2%, the Town Manager responded yes. Councilor Brown said the tax rate is going up by less than 1% He said that the operating budget is increasing by less than 2% and is 2% under default. Chairman Farmer said LAEA is not factored into it. Councilor Brown said he wants to know where the reductions are in personnel. He asked if it is appropriate to do that in this forum. He asked the Town Manager if Council could go into a Non-Public meeting right now to get the specifics on personnel rather talking about it in public under 91-A. Town Manager Caron responded they can go into a Non-Public Session. **Councilor Brown made a motion to convene to a Non-Public Session under 91A:3 II(A) to learn the specifics relative to the reductions. Councilor DiMarco seconded the motion. Roll Call Vote: Aye Mike Brown, Aye Brian Farmer, Aye Paul DiMarco, Aye Kathy Wagner at 7:30 P.M.** Council reconvened at 7:46 P.M. Chairman Farmer stated that at the last public hearing Council had directed the Town Manager to make personnel reductions in the amount of \$124,120, they were non-specific about how he would do it. He stated that the Town Manager has presented Council with various scenarios that are still in the works. Council is comfortable with those scenarios and will not discuss them until they are finalized. **Councilor Wagner made a motion to reduce the operating budget of the Library by \$12K. Seconded Councilor Brown.** Open for discussion. Katherine Brinkhurst, 7 Welch Rd. asked the Council not to decrease services by reducing the Library budget. People have lost jobs resulting in cancellation of services in their homes. They are using the library more for entertainment, internet, CD's, DVD's, etc She said the Library is an essential service to families, it is not an appropriate way to treat the community. Library Director Barbara Ostertag-Holtkamp also asked the Council not to make the reductions, they have had huge increases in usage. She said they saw a 47% increase in museum passes; children's program attendance went up 40%, etc. She proceeded to list all the increases. She said they are experiencing unprecedented usage at the library. Library Trustee, Richard Mackie reminded Council that last year they cut the budget by \$40K below default. He explained this year it will be cut \$24K below default. Gwen Watkins, Shenandoah Ave said her children use the internet all the time at the library because they have fallen on hard times at home. She said it would be a waste to reduce it more. Deb Nowicki, 89 Fieldstone Drive, said she is an avid user of the library, she stated that the Town is family and educationally driven. She said it does not make common sense to decrease the Library budget. The Impact is 1/3 of a penny on the tax rate. Pauline Caron, 369 Mammoth Rd. said that under the current taxes for a \$300K home the cost for the Library for a full year is \$63.00. Right now as it stands after the cuts already made the library is asking for an increase of \$51K. Because of increased usage of the library the costs for the library go up. She said in addition to the \$12K cut the library has to absorb \$8K in benefits because an employee changed her insurance status. They have had a lot of building problems lately at which point Library Trustee, Dick Matckie asked B.

Holtkamp to outline the maintenance problems. Councilor Wagner asked where the \$24K in cuts were and Barbara proceeded to tell her. Chairman Farmer said the library presented a budget of \$1,256,000, the Town Manager reduced it by approximately \$2K. The Council had only reduced the Library budget by \$2K up to this point. Other departments in Town have experienced the same problems as the Library. Town Manager Caron said the initial department head budget has zero for tuition reimbursement. B. Holtkamp said it was \$4,500. they would not have zeroed it out, it could have been a typo.. Councilor DiMarco asked B. Holtkamp what was the original budget request. She responded \$1,256,181 it had \$4,500 in it for tuition reimbursement. Councilor DiMarco said the fiscal 09 budget was \$1,203,024. The new budget with \$12K reduction will be 1,242,056 which is an increase of \$39, 032. He said he wanted to point out that it is an increase over last year's budget. Councilor Wagner said every department was asked to reduce. The \$12K was a percentage that was expected from every budget in town. Chairman Farmer said Council wanted 2% below default, that was the direction given to the Town Manager and he was instructed to reduce personnel. B. Holtkamp said the decrease is a disservice to the community; it is not a wise decision. Councilor Wagner explained it is part of the \$124K reduction. Chairman Farmer explained her reduction is one part of the budget. Councilor Brown said he hoped the School District, County and Town will make reductions, he is well aware that it will affect services. Chairman Farmer said the unions including the library rejected pay freezes, therefore the cuts have to be made elsewhere. B. Holtkamp said last year they had to cut a full time position per council directive and council made a comment that it would be the last time. Chairman Farmer said things have changed since then. Dick Matchie said they need the \$4,500 for an employee's tuition and asked for that money. The current budget recommended by the Town Manager for the Library is \$1,254,056 with a \$12K reduction it will be \$1,242,056. **Councilor DiMarco made a motion to amend a reduction from \$12K to \$7,500. No second, motion to amend dies.** The motion to decrease the library budget by \$12K still remains. **Council's vote is 4-0-0 to amend the library budget by \$12K.**

Budget Member, Tom Freda, asked if this is the only opportunity to discuss the \$124K personnel cuts. Town Manager Caron said he will have a plan to the Council before Town Meeting so the voters will know what the final impact will be. T. Freda said he has to vote tomorrow night if he approves the bottom line budget. He said he wants information to be able to vote on it and asked how and when are the citizens going to have the information. Chairman Farmer said the budget committee can go into Non-Public Session and can have the Town Manager present options without being specific. That way you could have knowledge. He said the public will have their information before voting at town meeting. T. Freda said if it affects someone's job, they have a right to campaign at town meeting to save their job. Town Manager Caron said as soon as a decision is made he will speak to the affected employees. T. Freda talked about the newly created Controller position in the Finance Dept. He suggested using the School's Finance Manager instead of hiring a new person. They manage a \$60M budget and have nine people in the department. He said he didn't see the need of a Controller when the job was filled with an accountant at lower salary. He said the department received awards while employing a town accountant making \$55K. ATM/Finance Director Sue

Hickey explained that the school is different than the Town. All revenues are taken in by the Finance Dept., all billings are done in the Finance Dept. She explained she has over 137 bank accounts with well over \$100M a year being accounted for by two employees, herself and a controller. The other two people are a payroll clerk and an accounts payable clerk. T. Freda made the point that a few years ago when the Finance Dept. was taking in \$80 - \$90 million dollars they were doing it with an accountant being paid \$55K. S. Hickey said that the position was upgraded based on opinions received in the MRI Report and feedback from our auditors. Sean O'Keefe asked if the position has been filled, S. Hickey responded yes. He said the Town has both a Finance Manager and a Controller, and asked does it make sense. Chairman Farmer responded, yes. He explained that S. Hickey has additional jobs. He said the Council made a policy decision to review every open position in public. Council looks at attrition at every opportunity and they unanimously approved the position. Paul Margolin, questioned if the \$12K taken from the library budget was part of the \$124K and Chairman Farmer replied it was. P. Margolin said he had concerns about the reductions in staff and services and asked if he could talk about specific positions. Chairman Farmer said he could talk about them but Council will not respond. . He said we are a community of 25,000, a lot of people are satisfied with the level of services received in town. He said there is no need for further cuts. He asked what the risk would be if the part time position in the Town Clerk's office is lost. Chairman Farmer said we likely will lose rental cars if service is not provided to them. The probability is unknown. P. Margolin asked Town Clerk/Tax Collector Meg Seymour what businesses registered a lot of vehicles with us and she proceeded to list them. P. Margolin asked if you lose a big account what is the loss in revenues. M. Seymour said if we lose Enterprise it will be a \$1.7M loss P. Margolin said the Admin Support Specialist position is another proposed cut and asked if there has been any discussion about what the Town Manager will do with the loss of that position. Chairman Farmer said yes there has been discussion, the Energy Taskforce can be picked-up by another staff member or volunteer or it will be stopped. If it does not work out it can be changed.. P. Margolin said SWAC is going out to bid for trash removal, results will be in before day one of the new fiscal year. If the contracts show significant deductions more than \$124K can the Town Manager come back to Town Council with reductions and have additional appropriations. Chairman Farmer said no but it would be a decision made at that time Deb Nowicki said the probability if someone is not getting services rendered is that they will leave. Cutting the position in the Town Clerk's office is less than one penny on a \$300K house. The loss of \$1.7M from the Town Clerk's office would be an increase of \$151.00 for a \$300K house. Eric Warren, 528 Mammoth Rd asked if all Articles have been decided on. Chairman Farmer explained they are Council's recommendations to the voters. Some will appear on the Tuesday ballot and the balance will be decided on at town meeting. Councilor Brown said the Budget Committee will also make a recommendation. They will have a public meeting and it is being held right after the School deliberative session tomorrow night. Reed Page Clark, III said to bring 499 friends to the school deliberative session tomorrow night.

Chairman Farmer verified with the Town Manager that the amount on Article 8 is correct He responded it is. Chairman Farmer asked if there are any motions to other changes in the budget. Article 8 will appear on the budget as written. Tom Freda asked to change

the word on Article 8 where Council voted to “yes”

**Councilor Wagner made a motion to come out of public and adjourn at 9:15.
Seconded by Councilor DiMarco, Council’s vote 4-0-0.**

Notes and Tapes by: Margo Lapietro Date: 02/05/09

Minutes Typed by: Margo Lapietro Date: 02/11/09

Approved; Town Council Date:

<p style="text-align:center">TOWN COUNCIL MEETING February 9, 2009</p>
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The Town Council/Budget Workshop meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry.

PRESENT: Town Council: Chairman Brian Farmer, Vice Chairman Kathy Wagner; Councilors, Paul DiMarco, Mike Brown; Town Manager, Dave Caron; and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Farmer 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

Pauline Caron, 369 Mammoth Road talked about the directives given for the budget to department heads. At the first meeting on 1/5/09 there were no changes made to the preliminary operating town budget. She stated that according to her calculations the preliminary budget was \$14,642,856. Last Thursday on 2/5/09 the final budget hearing was set and the Council stated it wanted to cut an additional \$124,120 to bring the budget to 2% below default. After the Council returned from a Non-Public session they cut the Library budget by \$12K, they would not disclose where the remainder of the \$112, 120 was to be cut citing Non-Public privacy dealing with personnel matters. Under RSA Chapter 32 the definition of appropriations means “an amount of money appropriated for a specified purpose by a legislative body”. In addition RSA 32; 5 II states “all purposes and amounts of appropriations to be included in the budget or a special warrant article shall be disclosed or discussed at the final hearing.” She stated that the appropriations were not all disclosed or discussed at the final public hearing. Just by deducting the amount of \$124,120 in the printed form of the Town Warrant does not make the amount of \$14,518,856 correct or legal. The Council held the sum of \$112,120 in limbo stating it was Non-Public privilege and stating that the Town Manager would make the decision later and return to the Council by 3/2/09 when appropriations were to be changed. No appropriations were made for this amount of \$112,120. No department appropriations were changed so the amount in Article 8 disclosed and discussed for the town operating budget in the final budget hearing is \$14,630,856. RSA 32:5 II further states “that the governing body of budget committee shall not thereafter insert in any budget column or special warrant article an additional amount of purpose of appropriations which was not disclosed or discussed at that hearing without first holding one or more public hearings on supplemental budget requests for town or district expenditures.” No figures for department appropriations can be changed after 2/5/09. Because the requirements of

RSA 32 were not adhered to the town operating budget is \$14,630,856. She said the Council has to make hard decisions in the budget season and they have to be made upfront in public and not in secret. The public has the right to know where its money is being spent and to discuss the budget in full. She stated the Council cannot cut an additional \$112,120 from the budget after the fact. The figures disclosed and discussed at the final budget hearing is \$14,630,856, this is set in stone. The Council has to correct the budget figure to \$14,630,856 for Article 8 and adjust the operating budget accordingly. She said she thought in conclusion that this matter should be reported to the Attorney General's Office. Chairman Farmer responded that she is certainly free to report that information to the Attorney General's Office. He said if P. Caron had a copy of her statement she could give it to the Town Manager, to which P. Caron responded she does not have a copy, it is her own handwriting. He requested that the Town Manager will look into some of the specifics and provide feedback to the Council.

At this point in the meeting Chairman Farmer laid the ground rules for the junkyard licensing. It is listed under New Business, if anyone has specific comments regarding any of the items under New Business including the junkyards they should come forward during Public Comment. Limit your comments to the facts that are specific to the comments that are specific, no personal attacks directed at the Council, members of town staff, neighbors, junkyard owners; keep it civil. He said there is no need to have a long drawn out hearing because everything is repetitive. New Business according to the RSA's does not require hearing public comment, and Council will not receive comments.

Gerard Adams, 54 Hall Road, stated he was here every year to voice opposition to the business located across the street from his house. He submitted a complaint on 12/7/08 via the website. That was on a Sunday and he thinks Mr. Dudek was open for business because he sold a car based on the conversation he overheard. He went through the proper channels; he felt the code enforcement response was un-professional. He said the owner will be asking for extended hours. The area is residential, not commercial. Mr. Adams stated that Mr. Dudek's hours are long enough. Richard Bielinski, 89 Hall Rd. said the cars are over the fence, and the new building has brought in more cars. Since the new building has been put up he said he sees the cars consistently over the fence. He said he does not call anymore because he does not get any response. No one responds to the website. He said the site plan for the parking lot was supposed to be done when the new building was built. He stated nothing is ever resolved. He submitted pictures taken that day of the cars over the fence.

OLD BUSINESS

None

NEW BUSINESS

Order #2009-02 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (Murray's Auto Recycling - Councilor DiMarco read the first reading. **Motion made by Councilor DiMarco to adopt this Order, second by Councilor Wagner with**

discussion. Councilor Wagner asked if Council approves this Order tonight will it be adopted or will it go to a second hearing. Chairman Farmer stated the Council can proceed in either of those paths, whatever the Council chooses. Town Manager Caron said the operator was found in violation twice this year, he was fined the first time, the fine was suspended the second time. Code Enforcement Officer, Frank Holdsworth reported that environmentally and aesthetically the property has done very well. He stated he had several complaints received, most were un-substantiated, some were directed to our attorney for interpretation. Two were confirmed, and the appropriate action was taken. Chairman Farmer asked if we received feedback from the town attorney. Town Manager Caron responded every time we believe it is unclear whether a violation occurred, staff relays information to the town attorney for interpretation and opinion. There are no outstanding items as far as he is aware. Mr. Dudek appeared with his Attorney Bill Schubert. Attorney Schubert said they want to extend the hours currently from 8:00 AM -5:00 PM Monday through Saturday so the business can operate in a proper manner. He said there are certain state licensing requirements for hours and they would like to extend the hours and perform various work during the company's off-hours. He clarified this work as not necessarily dealing with the public but mostly internal in nature, housekeeping per se. At this time Mr. Dudek is not allowed to do that under the licensing he has. Councilor Wagner asked for a clarification of housekeeping, Attorney Schubert said it means taking inventory, making sure the site is functional and operational during business hours. What is happening now is that everything and anything that is done concerning anything with the business is restricted to the 8-5 hours. With many businesses typically you need the time before and after to make sure that everything is in order so that during the hours of operation everything is orderly. Councilor Wagner said that paperwork means just paperwork in his office. Attorney Schubert replied it was not necessarily housekeeping in the office but that it would be an aspect of it but making sure that the grounds are kept up so that when it is open to the public that he is not doing the housekeeping or taking inventory for example during the course of the hours of operation. Ed Dudek says right now he has restrictions that other people in town don't have; it doesn't seem fair. He is held under a microscope all the time and he is just trying to run his business. Sometimes he needs to get there at 7:00 AM in the morning to meet with someone to do something. Sometimes on a Sunday afternoon he wants to get something out of the yard but he is not open for business. The way the license is written right now he has to go to court every time Gerry calls the Town on him. Everybody else in town that own property can show up on their property anytime they want except for him. Attorney Schubert said Mr. Dudek has complied with the 8-5 hours. Councilor Brown said Council's understanding is that the hours of operation which equal 54 hours a week is more that what meets the minimum required by the State. He stated that he does not understand what he is talking about. Attorney Schubert stated that in order to maintain a NH dealers license you have to be open for operation during those hours but if you are doing housekeeping during those hours, then you are not actually open for business. Mr. Dudek would like the ability to take inventory, do office work, maintain the premises so that during the hours of operation he can be in business to make sales. Councilor Brown said that Attorney Schubert's letter says that in order to comply with the State of NH dealer's license Mr. Dudek needs additional hours, he said that is not our understanding. He has 54 hours a week based on

our contract, the question is is he not able to comply with the State of NH dealer's license because he needs more than 54 hours a week to be open. Mr. Dudek replied no. Attorney Schubert said in the letter he asked that in order to comply he needs a mandated minimum of hours; he believes the 54 hours does meet the minimum mandated hours for operations. His client would like to open the door at 8:00 to be functionally operational. Councilor Brown stated he wanted to make sure that Council was not breaking any state law or stopping Mr. Dudek from meeting his license requirement within the hours of his contract. Chairman Farmer asked what are the specifics Mr. Dudek wants to do outside of the existing hours? He said housekeeping and in the letter it says inventory and office work. Chairman Farmer said the work he wants to do might involve starting up machinery to move items around that is basically operating the business. He asked for a distinction between what you would like to do after hours. Ed Dudek said he can't get on his property at 7:00 AM and he can't have his vehicles arrive after 5:00 PM when every other business in town can. Councilor DiMarco asked where does it say in the agreement that he can't be on his property before 8:00 AM. Mr. Dudek cited examples for Council. Attorney Schubert told Council that something came up approximately two years ago when Mr. Dudek was literally taking inventory in the yard and there were complaints. There was a request that there be stricter adherence to the 8-5. Councilor Brown said individual homeowners can do things that a business cannot do. He is being treated the same way as other businesses in town in an AR1 zone as allowed by the Zoning Board of Adjustment. Councilor Wagner asked F. Holdsworth if Mr. Dudek is working in his office past 5:00 PM is he in violation. F. Holdsworth said he is not in violation if he is in his office before or after hours doing office work. Chairman Farmer said the whole thing comes down to noise. Councilor Wagner said if someone comes before the ZBA to put a commercial business in a residential area they have limitations on hours, noise, etc. Chairman Farmer asked F. Holdsworth how long the hours listed have been part of Mr. Dudek's agreement. He responded since 2002. F. Holdsworth said he was allowed to open once every six weeks or so at 7:00 AM for crushing operations, with that a deal was struck that he would not open Saturday until 9:00 AM. It got re-negotiated he thinks last year and the hours went back to 8:00 AM all the time. The once a month at 7:00 AM was taken out and the Saturday went back to 8:00AM. Councilor Wagner asked if Mr. Dudek is on the property all by himself even if he goes behind the fence is that a violation. F. Holdsworth responded it is not a violation. F. Holdsworth explained a violation is if Mr. Dudek chose to do a certain operation at 7:00 AM. that would disturb a neighbor. The neighbor made the appropriate call, it was found to be credible, and the appropriate action was taken. Mr. Dudek responded that other people in town can start up equipment at 7:00 AM, it was not fair. Councilor Brown said there is a noise ordinance in town; individual homeowners can call the police to handle those complaints. Town Manager Caron cautioned the more you allow different uses to take place outside of the normal hours the more difficult it is to enforce the regulations. Currently the rules are very clear: 8-5 Monday through Saturday the applicant is allowed to transact business and perform junkyard operations only during this time. If you liberalize or condition the hours it makes code compliance that much more difficult to enforce. **Councilor Wagner made a motion to amend the motion to read adoption 2/9/09, second reading waived. Second by Councilor Brown. Councils vote to amend the motion to read adoption 2/9/09, second reading waived is 4-0-0. Councilors**

voted to adopt the Order as it is written leaving the hours as they are. Council's vote 4-0-0.

Order 2009-03 – Relative to the Licensing of a Junkyard Pursuant to RSA 236 (S&S Metals) **Councilor DiMarco read the first reading, second reading/public hearing waived.** Councilor DiMarco made a motion to adopt this Order on 2/9/09, seconded by Councilor Wagner. **Open for discussion. F. Holdsworth said there were no compliance issues and no complaints.** Council's vote 4-0-0.

Order 2009-04 Relative to the Licensing of a Junkyard Pursuant to RSA 236 (Londonderry Salvage) **Councilor DiMarco read the first reading, second/public hearing waived.** Councilor DiMarco made a motion to adopt this Order 2/9/09, seconded by Councilor Wagner. **Open for discussion. F. Holdsworth said there were no compliance issues and no complaints.** Council's vote 4-0-0.

Order 2009-05 Relative to the Licensing of a Junkyard Pursuant to RSA 236 (Hill's Salvage Facility) – Councilor DiMarco read the first reading, second/public hearing waived. **Councilor DiMarco made a motion to adopt this Order 2/9/09, seconded by Councilor Wagner.** Open for discussion. Councilor Brown said this business is in an AR1 zone and it has two conditions: One requiring additional fencing at the N/W side and the second is removing units from the N/E property line. He stated he wants a time frame to have these two items completed. Councilor DiMarco said he agrees. F. Holdsworth discussed it with Mr. Hill who was in attendance and July was established as the time line. F. Holdsworth said the cars are located in a wet area near a brook. Weather conditions could limit getting into the area. Councilor Wagner said if it is an unusually wet season, Council will extend the time frame if F. Holdsworth lets us know. **Council's vote 4-0-0.**

Resolution 2009-02 – Relative to an Agreement to Provide Law Enforcement Services at Manchester-Boston Regional Airport – Councilor Wagner read the first reading. **Councilor Wagner made a motion to adopt the Resolution on 2/9/09, seconded by Councilor DiMarco.** Open for discussion. Councilor DiMarco asked for clarification on what the changes are. Town Manager Caron said the change in dates and the personnel originally requested by MHT was 25 and has been reduced to 23 personnel. Councilor Brown asked what happened to the two policemen, Town Manager Caron responded that there has been turnover at the Police Department (LPD). The LPD will not be filling those positions. He said Capt. Dussault was in attendance if there were any questions. Councilor Brown asked if this extension was part of the original agreement. He asked if the original agreement gave us that contract and the ability to do this, Town Manager Caron responded it did. Councilor Brown said two years go by fast, at what point to do we talk to MHT about renewing the contract, Interim Chief Bill Hart said they will talk to them a year before the contract ends. He said they did a survey about 8 months ago, and received outstanding reviews. Town Manager Caron said the airport director have been very complimentary of Capt. Dussault and his leadership. Councilor DiMarco said the past contract rotated personnel, he asked if that is still being done.

Interim Chief Bill Hart responded yes, it is important for the officers to get well rounded training. **Council's vote 4-0-0.**

APPROVAL OF MINUTES

None

OTHER BUSINESS

Liaison Reports - None

Town Manager's Report – Town Manager said the Legislature in reviewing their budget has asked the NH Municipal Association on its position on revenue enhancement measures. The Association is putting together a lot of information; hopefully we can dedicate some time on 2/23/09 to discuss it. He stated he needs direction from council, NHMA has a meeting scheduled for 3/2/09 and he stated he wants to represent the Council's position on those issues at that time.

Senator Shaheen was in Manchester today. He along with Councilor Wagner and Economic Development Director Andre Garron were there to represent the Town. They spoke to her about the airport access road and Pettengill Road. They got a lot of good information from the Airport Director and the Transportation Commissioner about the economic development tie-in at Pettingell Road. He said that they have also been encouraged by the Senator and Congresswomen Shea Porter's office to submit requests for appropriation for the airport access road which is outside of the stimulus process. They recommend following both paths, so staff would like to submit an application that is due 2/23/09. The application would encompass all the information which the Council has seen in our presentation to date as far as cost, scope and job creations. If the Council concurs with that direction staff will prepare the application; the Council agreed to go forward.

Chairman Farmer said the next meeting will be on 2/23/09 for a Public Hearing on the Town Common Special Revenue Fund followed by a Town Council meeting on 3/2/09. Councilor DiMarco said the week of 2/23/09 is school vacation week and he will be out of town.

Board/Committee Appointments/Reappointments/Resignations - None

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 8:05 PM Second, Councilor DiMarco. Council's vote 4-0-0.

Notes and Tapes by:

Margo Lapietro

Date: 02/09/09

Minutes Typed by:

Margo Lapietro

Date: 02/13/09

Approved;

Town Council

Date:

TOWN COUNCIL MEETING
February 23, 2009

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

PRESENT: Town Council: Chairman Brian Farmer: Vice Chairperson, Kathy Wagner; Councilor, Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant. Absent: Councilor DiMarco.

CALL TO ORDER – PUBLIC SESSION

Chairman Farmer 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, firefighters and police officers serving this community and around the country.

PUBLIC HEARING

Chairman Farmer said this meeting was initially called to meet a statutory requirement on special revenue funds to support the Town Common/Forest activities, but since the Governor has made his budget cuts it was decided to talk about that item as well. He stated that basically this will be a discussion, to get the information out and to formalize a plan to address those impacts. No decisions will be reached tonight due to Councilor DiMarco's absence. The Council is looking at adding a meeting before the regularly scheduled meeting on 3/2/09.

Councilor Wagner made a motion to go into public hearing. Second Councilor Brown, Council's vote 3-0-0.

RSA 31:95-c – Special Revenue Fund to Support Town Common/Forest Activities

Town Manager Dave Caron explained this was a public hearing held in accordance with state law to create a special revenue fund. The Department of Revenue Administration (DRA) has ruled that the Town cannot allocate revenues from one source to fund unrelated expenditures. He explained that it is recommended that we proceed with the process and the Warrant Article. He explained he will meet with our state legislative delegation to request clarifying language to the statute, RSA 31:95-c. The DRA said we cannot spend revenues from a specific source for unrelated purposes. That is happening throughout the state in a number of different jurisdictions.

He stated that the state has erred in:

- 1) 31:95-c IIa regards special revenue funds for highway purposes and the last

sentence reads “shall be used for highway expenditures” The legislature was very clear saying highway revenues have been used for highway expenses. That language is absent from the balance of the law.

- 2) Looking at subsection III the last two lines allows Town Meeting to expend surpluses “until such time as the legislative body shall have voted to appropriate a specific amount from said fund for a specific purpose related to the purpose or source of the revenue”

He said that we would have two options, establish a purpose other than the source of revenue or you would not need the word “or” in the law. They have been advised to proceed forward and hopefully at Town Meeting the voters will approve the Special Revenue Fund and hopefully the Town will be successful with the wording with the DRA. Tonight’s hearing is to take input for lease revenues from the cell tower for various items such as the Morrison House/Old Home Day/ Conservation Commission/Town Forest, etc. The first year’s revenues are dedicated to the purchase of electronic equipment for the Londonderry Fire Department (LFD). The Town has received those funds and 2/3 of those funds have been appropriated for that equipment, additional expenses will use all the first years’ revenues and all resources from the expendable maintenance trust fund. Subsequent years the plan is to have a dedicated source of revenue for those particular funds which will then fall off the appropriations process in the operating budget. Councilor Brown clarified expenses for LFD will not be at any risk because we do not have the special fund created. The first year’s revenues have been used already. Town Manager Caron responded that is correct. Councilor Brown also clarified that this item will go forward on the warrant, as Articles 6 & 7, it will move forward regardless of the DRA and Town Manager Caron responded that that is staff’s recommendation. Chairman Farmer said if the voters approve the revenue funds then the next article funds it then Council will make a motion to amend the budget by an offsetting amount. Due to the fact that we won’t have the final word from the DRA on this ruling until the summer he suggested not reducing the operating budget by that amount because that would be ‘zeroing’ out several lines for which we have intended purchases in the budget. He asked the Councilors to consider not zeroing it out of the budget. Councilor Brown asked Town Manager Caron if the articles are approved by DRA, and the budget is not reduced what happens with the approved articles. He responded if they are approved by DRA than we have \$18,540 budgeted into two separate locations. His suggestion would be that the Council at the proper time approves an order removing those funds from the operating budget and placing them into a holding account. If not used for a specific purpose by Council they will lapse into the general fund. If DRA does not approve it then Articles 6 & 7 will not be approved they be considered an invalid warrant even though approved by the voters. Councilor Brown suggested he should explain these two Articles at town meeting. Councils’ consensus is to direct Town Manager Caron to continue communicating with DRA on this issue.

Councilor Wagner made a motion to close the public hearing at 7:15 PM, seconded by Councilor Brown. Council’s vote 3-0-0.

OLD BUSINESS

FY10 Budget – Ramifications of Governor’s Budget – Town Manager Caron explained the recent cuts from the Governor received after the budget was established for the Town resulted in a loss of 2/3 of the Town’s general revenue sharing only leaving the highway block grants. That equates to a loss to Londonderry of about \$1.33M. He met with department heads and was able to develop a budget adjustment plan which consists of increasing revenues to the general fund of about \$697,960 and reducing expenses in the area of \$651,000. He cautioned that timing was critical due to our Town Meeting in March and that the State budget won’t be finalized until June. He suggested offering an amendment at Town Meeting to adjust the budget when the State finalizes their budget. He recommended the Town Council may wish to hold a Special Town Meeting while the state budget is being resolved. He further stated he would like to meet with the DRA to make sure they are comfortable with this sort of amendment to the budget. If that fails he would like authority to file a petition for declaratory judgment from Superior Court to have the Court review. If we are unsuccessful at that level then he would recommend that the Town Council announce at the Town Meeting that they intend to hold a Special Town Meeting once the State budget is resolved in an attempt to get voter input and action into a final FY10 budget. The State Legislature is currently studying SB39 which would grant Towns the authority to hold Special Town Meetings in response to the Federal Stimulus Package without going through the normal procedure of Superior Court approval. He has asked that NH Municipal Assoc meet with legislative leadership to see if they can expand that bill to include authorization for Special Town Meeting in response to the Governor’s budget. Due to the proposed loss of revenues of about 10% on the Town side, Staff looked at all revenue sources and looked at expense adjustments totaling \$651K to include the reduction of 2.5 full-time employees from staff. He said he would like to wait until the state makes their decision because it could be a lot different. Councilor Farmer said if the DRA’s concurrence on that language fails, and the court says no, will we have those decisions before Town Meeting. Town Manager Caron responded that it is a possibility. Chairman Farmer asked if we don’t get the permission from everyone and we adopt the budget as currently stated the impact will fall upon the taxpayers. Town Manager Caron responded that the 4 cents per thousand increase may be 43 cents per thousand with the governor’s budget. With a house assessed at \$300K it would be a \$126.00 tax increase on the town side only. Chairman Farmer also referred to the Transaction of Other Business Article as another means of talking about the Articles. Councilor Brown questioned what would be in the proposed stimulus package. Town Manager Caron explained we have been told by state officials that there is \$160M in federal stimulus money to offset the anticipated \$200M loss to towns and cities. He said nobody has been told what kind of aid it is; it is understood to be purely educational, and they don’t know what conditions are attached to the funds. The stimulus package will be spread over two years. Chairman Farmer cautioned Council that there are a lot of unknowns we have to deal with.

Town Manager Caron said Staff has identified five new revenue resources totaling \$697,960 and he proceeded to go through them:

1. Establish Municipal and Transportation Improvement Fund which will result in an

- additional \$5.00 per vehicle
2. Levy additional Clerk & Admin. Fees for MV Registration which results in an \$1.50 additional cost per vehicle
 3. Current use Penalties to General Fund which results in funds no longer deposited into Conservation Fund. This is for new penalties only.
 4. Civil Forfeiture Program – dog registrations - charge \$25.00 if a dog is not registered and it would involve using the dog officers.
 5. Property Tax Increase of 2% which results in Town tax rate increase of 2.9%.

Councilor Brown asked for clarification of the first proposal. Town Manager Caron explained \$160K is about 5 cents on the tax rate. A taxpayer with a \$300K house would see a property tax savings of \$5.00. If they have two cars the additional cost is \$10.00 so they save \$5.00, if they have three cars they break even if they have four cars they are paying more. Most of the surrounding communities either charge the extra \$5.00 and/or \$1.50. He said that this has to be adopted by town meeting at a special meeting; Items 2, 3, 4 and 5 are Council policy. Chairman Farmer asked if by adding \$6.50 to the registration does he think the rental companies will leave? Town Manager Caron stated that Town Clerk Meg Seymour researched and found that the surrounding communities already charge one or both those two fees.

Chairman Farmer asked Town Manager Caron if there was any action to be taken at Town Meeting on Current Use Penalties to General Fund. Town Manager Caron said it was his recollection that this was a Council action but he will confirm with legal counsel. Chairman Farmer said when this was discussed in the Budget process it was left with the Conservation Commission to discuss later in the year but due to the governors cuts it has to be done now. Chairman Farmer said the property tax increase of 2% comes to \$270K, and asked what the pennies would be; Town Manager Caron said it will be 8 cents/thousand; Council's current budget impact will go from 4 cents to 12 cents which is \$36.00/on a \$300K assessed house. Councilor Brown clarified that if we have a consensus to reduce the Conservation Fund it will reduce the governors proposed budget impact by 6 cents on its own. Councilor Brown said if don't want to raise taxes, it has to be made up elsewhere.

Town Manager Caron proceeded to review the Expenditure Reductions:

#1 – Reduction in cleaning services at Town Hall

#2 – Solid Waste Collection

#3 – Pre-buy gasoline and diesel

#4 - IT purchases deferred for a year. Chairman Farmer asked how they would handle broken computers. ATM/Finance Dir. Sue Hickey said the program to install computer laptops in the LFD vehicles would be suspended. We would be reduced down to 8-10 computer replacements for all departments for a year. Chairman Farmer asked if it included replacements in the Library, S. Hickey responded it did include their replacements. No one is getting upgrades.

#5 – General Reductions to the Library Budget – Council has no authority over that budget, therefore a bottom line reduction which the Library Trustees will have to review.

#6 – General Reductions to Recreation Budget.

#7 - General Reductions to Cable Budget – re-directing a greater percentage to the General Fund

#8 - General Reductions to Highway Budget – reductions in cleaning/maintenance/engineering expenses/management services.

#9 - Reduce staff position in Assessing to ½ time

#10 - Reduce 1 Full-time employee in the Police Department

#11 - Restructure Fire Dept. inspection services. Councilor Brown asked if there is a time frame for #11, Town Manager Caron said he would have to have specifics by Town Meeting.

#12 – General Reductions to Finance & Administration Budget

#13 – General Reductions to Town Manager Budget

#14 – Eliminate internship program to Community Development Office

#15 – General Reductions in Family Mediation program

Town Manager Caron summarized the adjustments: the budget presented in the Town Warrant is an increase of 1.76% from the FY09 budget. If the recommendations listed above are adopted the budget will decrease by ¾ of 1%. The budget as posted met the Council's goal of 2% below default; the revised proposal would be 4.39% below default. The tax rate increase from 9/10 of 1% to 2.9% which results in an 8 cent increase from the original proposal, 4 cents to 12 cents. Councilor Wagner asked if we could reduce charitable contributions of \$81K to use this money towards the budget. Chairman Farmer said he would support a general reduction. Town Manager Caron stated the monies go to agencies who help the towns, the less funds received could potentially cause an increase in our general assistance program. He said a 10% decrease might not hurt but reducing in by half could potentially have an impact. Councilor Wagner asked if we can raise dog registrations and if so how much. Town Clerk M. Seymour said it is set by statute we can raise to \$7.50.

Councilor Brown summarized that implementing the recommendations results in an operating budget that is lower by \$629K. We go to 2% below default to 4.39% below default but taxes go up. Town Manager Caron explained the governor's budget has taken 10% of our budget away. Town Manager Caron explained a lot of the departments at Town Hall are small and specialized. If further reductions are necessary the Town is faced with eliminating entire programs. If you target large departments like police and fire, to Town may face public safety implications.

Chairman Farmer asked what the financial impact would be in closing the library one day a week and how much money could be saved. Town Manager Caron said he will have to ask the Library Director. Chairman Farmer also requested that the Town Manager go back to the collective bargaining units and ask them if they would surrender their COLA's and have a wage freeze in general, he needs an answer by 3/2/09. Councilors' agreed it was a fair request. Joe Green, 25 Mammoth Rd, had concerns with issue #10. Town Manager Caron responded it will be up to the new Chief whether the reduction of a

full-time employee will be a Captain/Lieutenant or a patrol officer. J. Green said his concern is that a police patrol officer will be eliminated and he is concerned about increasing safety issues. He also expressed concerns with the highway deductions and was concerned that the cuts will affect the safety of the community. Chairman Farmer responded that no decisions were being discussed tonight. Councilor Wagner suggested everyone contact their state representatives to try to persuade the governor to reduce some of the cuts. Councilor Brown reviewed the motion to reduce the existing budget by \$124K in personnel expenses. The Town Manager did provide Council with that information. Recommendations were made by the reduction of a part-time position and restructuring in the Building, Dept., elimination of COLA for all non-represented personnel in FY10, reductions in the Library of \$12K; a benefits savings of \$25K due to changes in two employees; additional over time reductions in the police and fire department of \$7,361.00 each. Chairman Farmer announced there will be a meeting on 3/1, Sunday at 2:00 PM it will continue with the decision process regarding the governor's proposal. On 3/2 Council will go through the full disclosure of the Town Manager's decision of the budget reduction of \$124K in personnel expenses. Paul Margolin said there are 6 bargaining units do they all have to agree to the cuts. Chairman Farmer responded they all have to agree. He also announced that the Town Manager has agreed to no increase in his contract extension of one year. Councilors are working for \$1.00 starting July 1st. Councilor Brown stated he was glad the governor did what he did, he had to do something. Councilor Wagner asked if we find out things have changed and the governor's cut is not as bad, can we put monies back into the budget, Town Manager Caron responded that is correct.

NEW BUSINESS

State Budget Revenue Alternatives Town Manager Caron stated that we are represented by the State NH Municipal Association; they have asked their membership their positions on different revenue alternatives. They will meet on 3/2 to look at different revenue enhancement measures. Before the meeting he needs input from the Council on:

Meals and Rooms Tax
Communications Services Tax
Legacy and Successions Tax
Retirement Positions
Gambling
Regionalization
Opposition to Decrease in Revenues

He distributed information on all of the above for Council to review and provide direction. Conesus was to discuss these items at the Sunday meeting on 3/1

Resolution 2009-03 – Relative to the Award of a Contract for Sewer Design Services
Councilor Wagner read first reading, second waived. **Motion to accept Resolution by Councilor Wagner, seconded by Councilor Brown.** Town Manager Caron

recommended moving quickly on this so we can take advantage of any sewer funds available from the state. Chairman Farmer said the sewer division budget is a special revenue fund paid for by user fees. **Council's vote 3-0-0.**

Tax Collector M. Seymour said absentee ballots are available in her office and a sample is on the Town website. Elections are 3/10 from 7:00 AM – 8:00 PM in the Londonderry High School Gym. Councilors will be required to be in attendance Chairman Farmer said the Town Meeting format will be revamped slightly, all awards will be done at the Town Council Meeting scheduled for Monday, 3/2/09 so on 3/14/09 we will go immediately into discussion of the warrant articles. Councilor Wagner stressed the March 14 meeting is probably the most important meeting we have had in 10-15 years.

ADJOURNMENT

Councilor Brown made a motion to adjourn at 8:35 PM Second, Councilor Wagner Council's vote 3-0-0.

Notes and Tapes by: Margo Lapietro Date: 02/23/09

Minutes Typed by: Margo Lapietro Date: 02/25/09

Approved; Town Council Date: