

**TOWN COUNCIL
AGENDA
March 16, 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.
- III. OLD BUSINESS
 - A. December, '08 Ice Storm After Incident Review
- IV. NEW BUSINESS
 - A. Ordinance #2009-01 Relative to Amendments to the Zoning Ordinance Regarding Fences
 - B. Order #2009-09 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects
 - C. Resolution #2009-04 – Relative to the Award of a Contract for the Reconstruction of Bartley Hill Road
- V. APPROVAL OF MINUTES
 - A. Minutes of Council Public Meetings of March 1 and 2.
- VI. OTHER BUSINESS
 - A. Liaison Reports
 - B. Town Manager Reports
 - C. Board/Committee Appointments/Reappointments
 - D. Non-Public Session (RSA 91-A:3II (c))
- VII. ADJOURNMENT

MEETING SCHEDULE:

- A. Town Council Meeting, April 6, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM
- B. Town Council Meeting, April 20, 2009, Moose Hill Council Chambers, Town Hall, 7:00 PM

December, 2008 Ice Storm

After Incident Review



*Town of Londonderry
&
Londonderry ALERT Team*

PLEASE NOTE THAT THE TOWN COUNCIL WILL ACCEPT PUBLIC COMMENT ON THIS DOCUMENT AND THE TOWNS' RESPONSE TO THE ICE STORM AT THE MARCH 16, 2009 TOWN COUNCIL MEETING. CITIZENS ARE ENCOURAGED TO SEND COMMENTS TO THE TOWN MANAGER AT DCARON@LONDONDERRYNH.ORG

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***Dec. 11-23 Ice Storm Event
After Incident Review
January 27, 2009***

Summary: On the evening of December 11, 2008, Londonderry was affected by a severe ice storm that impacted the entire southern half of the state resulting in severe damage including downed trees, blocked roads, and large-scale power outages. The town was affected from December 11 until approximately December 23, when power was essentially restored to all of Londonderry.

The Town mobilized its Emergency Operations Center on December 11 and marshaled all available resources to assist with service recovery. The Police, Fire and Public Works Departments were heavily involved in the effort, as were resources from the Town's ALERT Team, the American Red Cross and other town departments.

The Emergency Operations Center was located in the conference room at the Police Facility, where the status of the storm and recovery were reviewed, resources were deployed and vital communications occurred. The American Red Cross opened a shelter at the Londonderry High School gymnasium, the first time the facility was used for this purpose after the installation of an emergency generator, funded jointly by the State of New Hampshire and Town of Londonderry. The ARC reports that the Londonderry shelter was the largest in the State, housing multiple occupants until it ceased operation on December 23, 2008.

Each declared disaster possesses its own unique characteristics; this incident was characterized by heavy ice accumulation, and widespread prolonged power outages. As such, once town and ancillary resources reopened roads, opened the shelter, and insured the safety of the general population, the main responsibility for service restoration remained with Public Service Company of New Hampshire.

Power outages were widespread; however, an area generally south of Rte. 102 was the most severely impacted. This area is served from an electric circuit originating in Hudson, with significant damage between Londonderry and the Hudson source contributing to prolonged outage in this area. Although power was restored to some residents in Londonderry almost immediately, large segments of the community remained in the dark until December 18, when more neighborhoods were restored. Most major areas were restored on December 19-20, with remaining service connections to individual homes being repaired through December 23.

As with all declared disasters, once the initial local response is completed (for this event, the clearing of roadways, house checks on residents and opening the shelter), the most important recovery tool is good communications. New Hampshire residents are hardy, and can adapt to the most difficult circumstances, however it is incumbent upon the Town and other disaster responders to provide the most current and accurate information available, in order to allow Londonderry residents to prepare to their individual circumstances.

The Town is indebted to the many volunteers who assisted during this disaster, particularly the Londonderry ALERT members, whose assistance was invaluable. ALERT also completed an After Action Review, which is incorporated in part into this report. The full ALERT report is also attached.

Town staff met to review the performance and circumstances surrounding the disaster and identified six major areas in which to review actions, events and opportunities for performance improvement. The areas are:

- Communications
- Shelter
- EOC
- Finance
- ALERT
- Transportation

Each will be discussed in greater detail below. The recommendations contained herein shall be incorporated into the Town's Emergency Management Plan.

Communications: As stated previously, communications is a major component of any disaster response and recovery effort. Effective communications between town departments, volunteers, groups such as ALERT, other responders (i.e. PSNH) and the public is critical for a swift disaster recovery and management of issues during the disaster. Each subcomponent is reviewed below:

Interdepartmental – Town Departments work extremely well together under normal circumstances. In times of disaster, cooperation and communications elevate to an even higher level, with all focused upon a single purpose to ameliorate the impacts of the event, and help all return to a sense of normalcy. There are some points of emphasis which need to be reaffirmed:

- All communications with outside agencies/utilities to be coordinated through the Fire Department. ***(The Emergency Management Director <Fire Chief> shall act as or appoint a Public Information Officer, who shall be responsible for communications. The EMD shall also act or appoint a designee to act as information coordinator with outside agencies/utilities. For this event, most of the***

communications occurred with PSNH.)

- Maintain updated cell phone numbers and other information between all departments and school. ***(The EMD or his designee shall quarterly review and update all emergency contact information between all Departments, School District, ALERT team leadership and other agencies which are regularly involved in disaster response and mitigation.)***

ALERT Communications – Initial Callout of ALERT Members - Contacting ALERT members during the initial callout was difficult due to downed lines and power outages. It is worth noting that regardless of the conditions, ALERT was able to get over 20 volunteers on the first day of the storm.

- ***Utilize an AM or FM radio station to broadcast ALERT activation instructions to volunteers. WLL0 (102.9 MHz) could be utilized for this purpose if it can boost its effective range to cover the entire Town of Londonderry. ALERT has sent a letter to the School District Superintendant to explore the possibility of improving the WLL0 antenna.***
- ***Set up text message broadcast mechanism. This recommendation does depend on each ALERT member having access to their cell phone during a call out. One ALERT member is already testing a prototype of this.***

Headquarters to Field - During traffic operations, ALERT members were dispersed around the town with little or no communication back to the EOC. LFD loaned 4 radios to ALERT and utilized the primary LPD frequency. While ALERT was instructed not to use the radio unless there was an urgent need, the few times it was used could negative impact police operations. It is not recommended as a long term solution. Additionally, it was difficult to check up on the status of ALERT members in the field due to the lack of a separate

communication channel.

- ***Utilize a spare LPD or LFD frequency not being utilized.*** Consider setting up another radio frequency outside of LPD, LFD or the Highway Dept. for use by ALERT during town-wide emergencies or activities.
- ***Utilize Amateur Radio Operators.*** Several ALERT members are licensed Amateur Radio Operators (Hams). While there is a repeater in Derry with suitable coverage, in an emergency it would be utilized by that town and would not be available to Londonderry. Consider setting up an Amateur Repeater in Londonderry possibly owned and operated by ALERT and hosted on Town property.
- ***Update ALERT Standard Operating Procedure.*** The ALERT SOP should be updated to provide a mechanism to check on and relieve ALERT members in the field.

Other Comments:

- LPD was extremely helpful with sending officers to check on ALERT members in the field throughout the day, and relieving them when needed.
- LPD and ALERT leadership maintained a full-size map of the town with pins to indicate where ALERT members were located. This proved to be extremely valuable in tracking not only ALERT members, but LPD and LFD units, as well as road hazards.
- During localized operations such as Election Traffic Control or line searches, ALERT can utilize inexpensive FRS radios, or simplex Ham radios for communications.
- Several ALERT members are already licensed Hams, and ALERT will continue to encourage more members to get licensed.
- Cell phone coverage is unreliable in many areas of Londonderry

and contributed to the communication issues as well. Hopefully over time, as more towers are constructed, this problem will diminish.

Extended Events - After the first day, several ALERT members were looking for information on where to go and were unable to find out. The first day, the LPD Community Room was utilized as a Command Center. However, on subsequent days, this room was locked and was not accessible.

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- **Designate a central location for ALERT members to check in. Consider setting up a bulletin board at Central Fire, at Town Hall, or at the Police Station for ALERT members to utilize. This board should be updated periodically to indicate where ALERT members are needed or where they should meet. Additionally, this could include updates on shelter operations and specific needs.**

Town with Community – The Community understands that initially information may be limited as town staff and utilities assess the breadth of the disaster and develop strategies to mitigate challenges. Soon after, the Town must develop and maintain a continuous flow of reliable, current information upon which residents and businesses can rely to manage their individual circumstances. Londonderry citizens were not always aware that the shelter existed, its location, and the services it provided.

- WLLO-LP (102.9 MHz) can be used as an effective tool to broadcast information, call out the ALERT team and provide a dependable source of information. Currently, the station's signal is inadequate to reach the entire community, although the School District is investigating options to increase the station's effectiveness. **(The ALERT team is communicating with the**

School District to learn about opportunities to improve the system's reach. The EMD shall investigate whether WLLO-LP can operate under emergency power and if not, strategies to provide power in order to maintain this available communications tool.)

- Web site needs to be activated much sooner – The Town's website needs to be activated sooner, with regular updates. Although counterintuitive to rely upon an electronic medium during a prolonged power outage, many citizens communicated with the Town in this fashion during the disaster through friends and acquaintances outside of the area, or from their place of employment. The success of the website lies in the timeliness and "freshness" of information, which in this event, was provided by sources predominantly outside of the Town's control. ***(The Town Manager's Office shall be responsible for activating emergency information on the home page of the website, immediately upon confirmation that the outage or event shall be prolonged <24 hours or more>. The EMD shall communicate with outside agencies to develop a schedule for updating information to be posted on the website.)***
- Arrange use of traffic message boards with Continental Paving and other agencies/businesses – At the time of the disaster, the Town was using two message boards at the entrance to Town Hall. Subsequently, additional boards were placed in South Londonderry advising residents of the best information available from PSNH. These tools proved effective communicating information. ***(The Director of Public Works shall develop agreements with local businesses for the use of message boards. After being notified of a disaster by the EMD, the***

Director shall consult with the EMD regarding the location and message, and implement the plan to position the message boards in strategic locations in the community.)

- Develop list of businesses (w/fax numbers or email addresses) frequented by residents during emergencies (restaurants, grocery stores, health clubs, etc...) and prearrange agreement to distribute and post emergency information – This tool was implemented during the disaster, and produced positive impacts communicating information to residents. ***(The EMD shall direct his staff to make contacts and develop a list of public places which will cooperate with the Town in publicizing emergency information during disasters. Should future disasters preclude the use of electronic communications, the EMD and Police Chief shall develop a distribution mechanism utilizing public safety personnel.) - Should have a process to update this list – perhaps EMD should verify and update list every 6 months. If several years pass from when the list is developed and when we need it, we may find that the data is stale.***
- Publicize availability of “elderly wellness check list” through Fire Department, which would be available to elderly who wished to be check on during emergencies. ***(The EMD or designee shall develop a list, constructed through advertisement generally and at the Senior Center, age-restricted housing ,etc..., and with the elderly exemption tax list; Meals on Wheels, etc...to reach out to vulnerable citizens who are interested***

in wellness checks.)

- Investigate available methods to communicate with residents or neighborhoods directly via phone or internet – The Town currently has not implemented its Reverse 911 system, due to issues at the state level obtaining and updating reliable data. Currently, legislation has been introduced in the New Hampshire House of Representatives to implement the Reverse 911 system. ***(The Chief of Police or designee shall monitor the status of the legislation and advocate for the necessary tools to implement an effective Reverse 911 system in Londonderry.) Reverse 911 can also be used for activating the ALERT team – this was discussed in the past but tabled due to the aforementioned issues.***
- Prearrange to notify local vendors to request additional orders of emergency staples such as water and batteries for residents to purchase – During this prolonged event, several local stores ran out of such commodities. ***(The EMD shall insure that local businesses such as grocery stores are included on the list of public places to receive updates on the disaster, and shall be encouraged to use their best efforts to maintain an adequate stock.)***
- Utilize the services of USPS for town wide distributions – The

Postmaster has notified the Town that the mail service may be available for town wide distributions during times of disaster.
(The EMD or designee shall meet with the Postmaster to understand procedures for use of the US Postal Service for this purpose.)

Town with PSNH - For this particular event, effective communications with PSNH was critical to understand and convey information to the community regarding a time line for service restoration. During the first week of the event, information received from PSNH was not helpful to the Town in its attempts to provide citizens with updated disaster recover information. During the initial phases of disaster recovery, PSNH was only providing state-wide statistical information, which was not particularly useful.

On December 19, 2008, PSNH assigned both a supervisor to the community and a technical representative based at PSNH's office, who jointly provided community specific information regarding recovery efforts and deployed resources to address critical areas in the community. This information was shared with the community, and greatly assisted in an accelerated recovery process in Londonderry.

(The EMD and Town Manager shall meet with PSNH management to discuss request for the following resources during a similar type event:

- ***PSNH needs to have a representative in town much sooner to direct local personnel attempting to re-open roadways impacted by downed wires.***
- ***PSNH needs to communicate community-specific information much sooner in order to prepare the community for length/severity of service disruption.***
- ***PSNH needs to assign supervisor to community who can implement priorities as recommended by town as much as***

practicable (within confines of electrical circuit layout)

- ***PSNH should educate town officials on circuitry design to enhance town's communications with its residents and businesses.)***

Shelter: Londonderry's designated shelter at the LHS Gymnasium worked very well, and was praised for its size and functionality by the American Red Cross. The Town's EMD worked with School personnel to open the shelter; once the ARC designates the location as an emergency shelter, ARC is responsible for its operation. ARC requested local assistance to operate the facility, as the large number of shelters throughout the State taxed ARC's resources. The Town, primarily through its ALERT team, provided logistical support and resources. The Shelter operated until December 23, at which time the demand for this service had subsided. ALERT volunteers assisted the American Red Cross (ARC) at the Emergency Shelter at the Londonderry High School Gym, taking direction from their director in many capacities for the entire time that the shelter was open (approximate 9 days). Staff and ALERT envision the following enhancements to future shelter operations:

Clear understanding of ALERT duties - Initially, it was not apparent what ALERT's role was during shelter operations. After the initial confusion, the shelter operation was very effective once a clear command structure was communicated.

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- **Assignment of Duties: Work with American Red Cross to identify what roles are required and how ALERT can assist.**
 - **Training: Work with ARC to train ALERT in required roles.**
 - **The EMD shall designate one point of contact for the Red Cross to work with regarding resources needed for shelter operation.**
 - **The School District will introduce the school custodian to the Red Cross, who should rely upon that employee for building-related needs at shelter.**
 - **For long-term evacuations, improved A/V activities. The**

School Facilities Manager will work with the Town's Admin Support Specialist to identify and fund infrastructure to meet this goal.

- **The Town Manager shall work with the Senior Affairs Director to review and revise Senior Center policy to open and staff during extended emergencies (which shall not include shelter responsibilities).**
- **The EMD will investigate the feasibility of developing a communications link between the EOC and the Shelter, whereby emergency and power restoration information can be shared.**
- **The Shelter received populations with special needs, and was understandably unprepared for that event. The EMD shall work with counterparts in neighboring towns and the NHDHHS to identify potential sources, and develop procedures to be followed for future events.**
- **The ARC should advertise and pre-plan for volunteer training to insure that adequate staffing is available at the Shelter.**
- **The EMD and ARC, with input from ALERT and the School District, shall develop a Shelter Operations Plan, to include a pre-screening process, and address the Pet Evacuation and Transportation Standards Act of 2006.**

EOC: The Emergency Operations Center was located in the Londonderry Police Department conference room, and serves as the area where a coordinated response between departments takes place. Cooperation between and deployment of resources amongst departments worked as planned, with no significant issues. PSNH was made aware of the periodic update meetings, but did not send a representative.

- On-site additional capabilities are needed in terms of

electronics, cubicles & communications equipment. ***(The EMD and Police Chief have assigned staff to seek grant funding through the NHOEM)***

- ***Departments involved in disaster response and recovery should have staff member(s) assigned to EOC to facilitate communications and deploy resources***
- The Town should develop and publicize dedicated phone number for EOC during emergencies; capability to transfer into EOC from all town phones. ***(The EMD shall work with the Police Chief and IT Department to install the infrastructure and complete logistics to implement this recommendation.)***

Finance: - With limited town budgets and decreasing appropriations, it is imperative that the Town maximize reimbursement opportunities for declared disasters from FEMA and the State of New Hampshire. To achieve this goal:

- ***The EMD will collaborate with the Finance staff to establish accounts, receive and record donations, maintain vendors contacts.***
- ***The Assistant Town Manager-Finance & Administration shall coordinate and assist with record keeping for post-incident reimbursements***
- This is the third declared disaster in four years; ***should the Town establish a Capital Reserve Fund to fund the 25% non-federal share, with the state reimbursement (12.5%) deposited back into the fund?***
- ***The EMD or designee shall develop expense sharing arrangements with neighboring communities whose residents utilize the regional ARC shelter at LHS.***

ALERT: - The Londonderry ALERT group provided vital assistance to the

community during the disaster. Their contributions, responsibilities and concerns are disbursed throughout this report under the appropriate subject area. Other concerns which the ALERT team has identified:

Packing List - *ALERT members could use a standard list of equipment to pack for extended events.*

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- **Create/Update Equipment Lists. Identify list of recommended required equipment for various events that ALERT may participate in. The list should be adjusted for season and weather as well as length of operation.**
 - **..Membership ID's - Several ALERT members do not have identification cards. Several years ago, ALERT worked with LPD to create a durable picture identification card for each ALERT member. Work with LPD to create picture ID's for all members that need them.**

Transportation - Town Departments (Police, Fire, DPW) and others (ALERT) performed exceptionally well identifying and clearing most roads within 24 hours of event. Traffic Control was at the request of the Londonderry Police Department (LPD). Several teams of 1 or 2 ALERT volunteers were sent to various locations around town where roads had to be closed due to debris or dangerous conditions due to downed wires. The ALERT volunteers manned barricades and directed vehicular traffic to their destinations via alternate routes. This enabled LPD to free up police officers for more critical tasks. ALERT conducted Traffic Control for the first full day of the storm only.

Debris clearing was at the request of LFD. Two teams of ALERT volunteers were assigned to work with Londonderry Firefighters on the 2 Forestry Units. Each group contained at least one ALERT volunteers trained in the proper use of a chainsaw. The teams were dispatched around town to clear trees when they could safely do so. ALERT assisted LFD in this

capacity for the first full day of the storm only.

The roads could have been cleared more quickly if PSNH assigned an employee to the community to direct the removal of wires and down trees entangled in wires.

Protocol for Traffic Control - *During traffic operations, ALERT members were not prepared to deal with a closed road. These included:*

- Where to properly position themselves
- How to deal with irate motorists
- Proper signaling
- Proper equipment
- **Provide Training for ALERT. Develop a training program for ALERT volunteers on how to address the above issues, either through LPD or at the State level.**

Tree Clearing - *ALERT members indicated that the Forestry Unit was lacking some equipment for tree cutting.*

- **Verify equipment needs. Identify list of required equipment for clearing of debris and assure that Forestry Units are adequately equipped.**

The LFD / ALERT partnership for the clearing of debris was very productive. This should be considered more of a continuous improvement item than a criticism of how the unit was equipped.

- ***PSNH needs to have a representative in town much sooner to direct local personnel attempting to re-open roadways impacted by downed wires.***

Participants in Review:

Paul DiMarco, Town Council
Members of the ALERT Team

David Caron, Town Manager

Susan Hickey, Assistant Town Manager – Finance & Administration

Kevin MacCaffrie, Fire Chief and Emergency Management Director (also presented input from American Red Cross)

Joe Ryan, Chief of Police

Janusz Czyzowski, Director of Public Works

Andre Garron, Community Development Director

Richard Canuel, Senior Building Inspector & Health Inspector

Introduced: 3/16/09
Second Read/Public Hearing: 4/06/09
Adopted: x/xx/xx

ORDINANCE 2009-01
RELATING TO AMENDMENTS TO THE ZONING
ORDINANCE REGARDING FENCES

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

WHEREAS this process has resulted in the creation of requirements for the construction and installation of fences; and

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Town Zoning Ordinance be amended to reflect the creation of new Section 3.14 Fences and amending Section 4.7 Definitions, as recommended by the Planning Board.

Chairman
Londonderry Town Council

A TRUE COPY ATTEST:

Marguerite Seymour - Town Clerk
x/xx/xx

Town Seal

First Reading: 03/16/09
Second Reading/Public Hearing: Waived
Adopted: 03/16/09

ORDER 2009-06
AN ORDER RELATIVE TO THE EXPENDITURE OF
MAINTENANCE TRUST FUNDS FOR VARIOUS PROJECTS

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

WHEREAS expenditures have been made for various repairs and improvements, specifically:

- 1) Replacement of fuel pump hoses at a cost of \$490.00;
- 2) Purchase ergonomically correct equipment for workstation at a cost of \$800.93

NOW THEREFORE BE IT ORDERED by the Town Council of the Town of Londonderry that the Town Treasurer is hereby ordered to expend \$1,290.93 for the aforementioned repairs and improvements.

Chairman
Town Council

Marguerite Seymour
Town Clerk

A TRUE COPY ATTEST:
03/16/09

RESOLUTION #2009-04

A Resolution Relative to the
Award of a Contract for the Reconstruction of Bartley Hill Road

First Reading: 03/16/09
Second Reading: Waived
Adopted: 03/16/09

WHEREAS the Town has planned for the re-construction of Bartley Hill Road;
and,

WHEREAS said construction is best coordinated with the re-construction of the
Litchfield/Bartley Hill/Mammoth Roads intersection; and,

WHEREAS the Town has an opportunity to complete this work under prices
submitted by the low bidder for the intersection project;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that
the Town Manager is hereby authorized to execute a contract with Continental Paving to
complete the Bartley Hill re-construction project, in the amount of \$450,911.00.

Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:
xx/xx/xx

TOWN COUNCIL MEETING
March 1, 2009

The Town Council 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; Councilors, Mike Brown, Paul DiMarco; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Farmer opened the meeting at 2:08 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 called to review the proposed response to the Governor's budget, which reduces revenues to Londonderry in the amount of \$1.33M. He stated that the state budget won't be adopted until June. He said the Council wanted a plan in place when the final budget is passed. The Council asked the Town Manager to provide them with a list showing where the proposed cuts would be made.

Town Manager Caron said he was notified by the school business manager that the school district has been notified by the state that they will receive another \$1.1M in IEEA funds. He stated that we don't know the timing, context, requirements; and don't know if it can be used as an offset to the governor's budget. He also stated that the first item on his list, the Municipal and Transportation Improvement Fund will require more study; there is a bill in the legislation to further refine that statute. He said there is no additional news at this point regarding changes in the state budget. On the Expenditure Reductions he did have an item to restructure the Londonderry Fire Department (LFD) Inspection Services. He received an e-mail Friday evening from Chief MacCaffrie suggesting some alternatives including fee enhancements and expenditure adjustments. He suggested continuing looking at the \$85K impact from the LFD.

Budget Adjustment Plan: Library Director Barbara Ostertag-Holtkamp and Board of Trustees Chair Richard Matchie were in attendance. The Library Trustees had a meeting 2/24 and they reviewed a \$35K cut in the proposed budget. They came up with alternatives, close the library on Saturdays, reductions in material and staff reductions. The Saturday savings would be \$47,614 for one year. Councilor DiMarco asked if they considered closing another day during the week, B. Ostertag-Holtkamp responded they did and it was the consensus that Saturday would work out. Councilor DiMarco asked what is the "Trustees Account"? Barbara said it is an account for donations. R. Matchie said they normally don't use that money for operating expenses. B. Ostertag-Holtkamp said donations are down 98% this year. Chairman Farmer verified that the library would be implementing this if we face this shortfall; she responded they will but they will still

have to do something because they are still short \$30K. Al Baldasaro, 41 Hall Rd talked about what other towns are spending. He passed out information from Auburn and pointed out that different departments in Auburn are closed a day a week. He suggested Town Hall either change their hours or close a day. He also said that Candia extended the life of their trucks for one year. He suggested we do the same and hold off on the \$300K Warrant Article for one year. He brought up insurance issues and asked if by doing that did it affect our insurance rates. Councilor Brown asked how many residences were in Auburn. He said he thought they had about 9K homes. Town Manager Caron confirmed that Auburn has 4,682 residents. Chairman Farmer said they would look at his suggestions and proceeded to review all the following Revenues:

1. Establish Municipal and Transportation Improvement Fund - Being reviewed per Town Manager Caron
2. Levy additional Clerk and Admin. Fees for Motor Vehicle (MV) Registration - Sean O'Keefe, 163 Mammoth Rd said if we raise the fees we might loose income from the rental cars. He also stated this will result in more taxes on the taxpayers. Councilor Brown stated the Town Manager's remarks last Monday informed the Council that raising MV fees will make us competitive with surrounding towns. Most charge a \$3.00 agency fee we charge \$2.50. Renewal applications are \$1.50. A. Baldasaro asked how much Manchester charges, Town Manager Caron responded \$3.00. Councilor DiMarco said we need to look further into this item; it is a risk, we don't want to loose rental cars. We could raise the tax rate by over a penny or it has to come from somewhere. Town Manager Caron responded if Council enacts the first item and an owner has a home assessed at \$300K, the net savings for 2 vehicles would be \$5.00, it would be a break even for 3, 4 or more would cost the taxpayer. Sean O'Keefe said it is coming out of the taxpayer's pocket, look deeper into the budget. He asked why not restructure positions in town government. Tom Freda asked how much it costs to register a car now. Town Manager Caron responded in addition to the MV permit fee which is based on the age and value of the vehicle, currently the Town Clerk charges \$2.50 for the agent fee, \$3.00 for MV reclamation fee. T. Freda asked how many rental car agencies register their cars in Town; Town Clerk/Tax Collector Meg Seymour responded there are three: Thrifty, Dollar/National and Enterprise. Enterprise registers about 5K per year; Thrifty and Dollar have about 500 each. Sean O'Keefe asked if they can go to another state, M. Seymour said they can. John Farrell said we should keep what we have and go to the other larger companies and see if they would be interested in registering in Londonderry. Councilor Wagner said we should hold off on #2 until we find out the ramifications, we don't want to lose \$1.4M in revenue. Richard Matckie said he thought we had an agreement that Enterprise always had to register their cars in Londonderry. John Farrell from the Planning Board said there was an understanding that they would register in Londonderry.
3. Current Use Penalties to General Fund - Chairman Farmer explained there is a significant amount of property that Conservation Commission as part of the Open Space purchasing account. The Council will temporarily re-direct the funds for FY10 to the general fund this will not be permanent. Town Manager Caron said

these monies will not impact monies currently in the fund. Councilor DiMarco questioned the anticipated \$200K. Town Manager Caron said it is slightly more than past performances which have been about \$180K. Councilor Brown said we can temporarily change policy to re-direct \$200K for FY10 to help reduce the tax impact by 6 cents on this item. A. Baldasaro said he attended the last Conservation Commission meeting where they talked about spending \$1.2M for some property. He asked how much money was left over and it was reported to be \$500K. Councilor DiMarco said the funds they are using for a recent proposed purchase are funds they already have through bonding. The monies being proposed now are for future funds. Budget Committee Member Mark Oswald said there were recommendations during the budget process to take \$104K to be used from conservation funds and either the DRA or state statutes prohibited that. Chairman Farmer said that was a suggestion. Council decided not to look at that this year, but they would have a dialogue with the Conservation Commission this summer about how to treat those appropriations in the future. The loss of \$1.33M changed everything. M. Oswald suggested Council meet with the Conservation Commission sooner than later. M. Oswald said speaking as a taxpayer said we have lost sight that 85% percent of residents rely on aquifers for their water source. He requested that Council give that some consideration. We are preserving our land and water which is necessary for the quality of life in Londonderry. He asked Council to reconsider cutting the \$200K. George Herrmann a member of Cons. Comm, said that three years ago it was a temporary situation to not fund Open Space, it has now been three years with no funding. He said Open Space is part of this community; land is valuable to the aquifer. Those funds are there so the Cons Comm can act on land when it becomes available, it will affect opportunities to go forward. Councilor Wagner said we had to look at all areas, she said she understood his concern that not funding Open Space could be a habit but she is in current use; they pay a lower assessed value on their property. When it comes out of current use because a developer has bought it there is a penalty that gets paid. Those funds by policy go to the stated that they are only looking at one year, if these cuts are not done the Town will have to lay off employees. We need to do that this year and she requested that it not be continually done each year. Chairman Farmer stated we can set a review date in a Resolution that we review it again, that way it won't bind anyone. Councilor DiMarco said this is the worst case scenario, put a review date on it do it this summer. Paul Nickerson, 7 Sparhawk Dr., a member of the Cons. Comm. said he has seen the long term value of open space. With no more bonding, this is our last source of Open Space money. Quality of life is more than 6 cents on the tax rate. M. Oswald said the \$500K is the balance left over after the Estey land purchases. He asked Council to consider the lead time in making open space purchases. Planning Board member John Farrell said the Town has spent over \$14M in Open Space over the last 10-12 yrs. He asked if the Moose Hill property is presented this year can they move quickly on it at special election. Cons. Comm replied that it is entirely possible. Since 1999 stewardship and how to drive revenue out of it has been an issue. He asked Council if they would consider a special election and moving quickly on properties.

Chairman Farmer stated that three years ago there was a hold on Open Space. Shortly after that an analysis was done to look at the potential cost savings to kids in school, was it actually realized through the math. A decision came back and said no. The Budget Committee, CIP and Council looked at it the following year and a decision was made to control debt service. He said if no one is willing to take additional deductions then the taxpayers will have to pay an additional 39 cents increase on their taxes. He said we should address the revenue side first before reducing staff. He agreed it should be a temporary hold. T. Freda asked Town Manager Caron to use 50% of current use penalties for conservation and the other 50% to the general fund. Town Manager Caron responded they can apply any percentage or any set amount. T. Freda asked what the Cons. Comm. uses for their stewardship costs, M. Oswald said the majority of the \$3,500 is for stewardship, a lot is done by the commissioners. He said they have been fortunate to have interns from UNH who have been helping out. M. Oswald said Cons. Comm. has talked about the need of a park ranger for some time to handle day-to-day issues. The appraisals come from Cons. Comm. funds and they are generally 50/50 between the land owner and Cons. Comm. for developmental rights for a particular parcel. T. Freda said Open Space is not maintained properly and the reason being is because there is not a funding source. We should pay for what we need to pay for in order to maintain it. If it costs \$3K or \$5K to do stewardship then it should come out of the current use tax. Whatever else would be a profit and it could be used for the general fund if it is needed. Chairman Farmer said those were the types of things that would be part of the conversation for this summer with Cons. Comm.

4. Civil Forfeiture Program – Dog Registrations. Councilor Brown said he is in favor of it; as it is responsibility of the dog owner. Residents who follow the law and do pay to register their dogs are treated unfairly when the residents who don't follow the laws get away with it. Councilor DiMarco stated he is in favor of following state statute. He said he was surprised we have over 800 violations a year. Chairman Farmer said he did not recall why we did away with this program. Town Clerk/Tax Collector Meg Seymour said we did away with it because her office sent out 1200 letters; the Council was overwhelmed with the amount of phone calls they received regarding the letters. She said in the past it was not consistently done which it should have. It is for the protection of the community. She asked Council to back-up her staff. Chairman Farmer asked for this to go on the Council agenda in June.
5. Property Tax increase of 2% - Councilors Farmer and DiMarco said if we get the money back from the governor this is first adjustment they want gone. Councilor Wagner asked what the increase would be and Town Manager Caron responded it would be an eight cent increase. Councilor Brown clarified it would go from 4 cents to 12 cents and is based on capturing all of the revenues listed. Councilor Brown said we need more info about the \$1.1M coming for special education funding to the school, we don't know when, if any strings are attached or if it is a policy decision or not. He asked Town Manager Caron if he can get more information. Chairman Farmer asked School Board member George Herrmann if

he could address that item. G. Herrmann replied he was not in a position to speak about it; things need to be worked out. The School District won't know anything until they hear from governor. He said if we held this meeting later it might not be necessary to hold this meeting because it could be a wash. Chairman Farmer said if we do nothing we have a 39 cent increase in the tax rate. A. Baldasaro asked if we can make changes to the budget up to the day of town meeting on 3/14/09. Town Manager Caron responded our town attorney believes that Town Meeting has authority to delegate to Town Council. The responsibility of adjusting the budget after the Town Meeting depends upon the ultimate determination of what is going to happen to our state revenues. That question was presented to DRA mid-week last week and he will be following up this week to make sure they concur with this understanding. He said to expect the state budget to be finalized in June and we will have a better picture of the state impact on the town budget. At that point the Council can make its determination to establish the Town tax rate in September.

Reductions:

1. Reduction in Cleaning Services at Town Hall – Town Manager Caron said they propose to reduce cleaning from 5 days per week to 3 days per week.
2. Solid Waste Collection – Town Manager Caron said he received a revised forecast that our collection tonnage will remain flat in FY10 if the economy stays the same. If the economy improves that line item may be overextended. Public Works will advertise for a new contract for solid waste collection. He said he is not sure if there will be any savings resulting from that effort. We do have the ability to extend our current contracts for a small, favorable increase in price.
3. Pre-Buy Gasoline and Diesel – Town Manager Caron said he is working with the vendor to tie down our fuel prices for FY10. Chairman Farmer asked if we can get together with other towns to buy as a group. Town Manager Caron said we have done it in the past, sometimes there were no savings. Councilor DiMarco asked if we have tried to reduce the usage of gasoline. He responded yes and a year ago he sent out a memo directing that wherever possible, usage be reduced.
4. IT Purchases Deferred – Town Manager Caron stated that if the governor's budget proceeds, we will scale back on replacing IT equipment. Councilor Farmer asked how many fire vehicles were we deferring installation of laptops. Chief Kevin McCaffrey said they planned to install eight laptops with docking stations into the vehicles. Councilor Wagner asked what the price was for the 8 laptops. S. Hickey responded \$16K. Councilor DiMarco asked what the other reductions were. S. Hickey responded that they were planning on doing 10 office upgrades and some computer replacements among departments.
5. General Reductions to Library Budget – Town Manager Caron stated this was already discussed; the savings are higher with the new library proposal.

6. General Reductions to Recreation Budget - Town Manager Caron said the reductions involve general supplies, water expense, electricity and machines. Councilor DiMarco asked them to see if there were any further reductions. Chairman Farmer said a lot of the costs are self-sustaining and there are a lot of shared costs with the school department. If we ask for more we could work against ourselves.
7. General Reductions to Cable Budget – Town Manager Caron said the cable director has deferred funds in capital purchases. Anticipated \$64K in franchise fees will be directed to the general fund would have to be increased to \$86K. Councilor DiMarco asked if this was just deferring purchases or is it going to effect equipment that has failed. Town Manager Caron responded it is currently not critical, just delaying purchases. A. Baldasaro asked if these recommendations came from the department managers or from the Town Manager and ATM. Chairman Farmer responded they are a result of the Town Manager asking department heads to reduce their budgets by an additional 8%.
8. General Reductions to Highway Budget – Chairman Farmer asked Public Works Director, Janusz Czyzowski if we are getting into some un-safe territory to maintain the roads. He responded the cuts were made in engineering, management services, cleaning/maintenance and storm drains. T. Freda asked for an explanation of the difference between shim and overlay and road reconstruction. Janusz proceeded to explain. Chairman Farmer suggested a prioritized list for Public Works.
9. Reduce Position in Assessor’s Office to Half-Time – Town Manager Caron explained the full-time secretarial position in the Assessor’s Office was reduced to half-time.
10. Reduce a full-time position in the Police Department – Town Manager Caron stated the new Chief will make a presentation regarding the Department’s administrative structure. Councilor Wagner asked when will the position for the new Chief be decided, Town Manager Caron responded by the end of March and they were looking at promoting from within. Councilor Brown explained this procedure is a continuation of Council’s current policy of attrition during restructuring, he said he was pleased with it being on the list. Councilor Wagner said she agreed with Councilor Brown. Councilor DiMarco agreed that it was best to let the new Chief make the recommendation. Both Councilors DiMarco and Wagner agreed that if the governor does not make cuts that this is a priority not to cut.
11. Restructure Fire Department Inspection Services – Originally the proposal was to review inspection services, we have two inspectors who share various responsibilities for that job. The Chief has returned with additional information including some revenue enhancements.

12. General Reductions to Finance & Admin. Budget – Town Manager said the reductions would include some overtime expenses, tuition reimbursement, possible part-time salary with the Academy of Finance Program in conjunction with the Londonderry High School.
13. General Reductions to Town Manager Budget – Town Manager Caron said these would involve reductions in seminars, workshops and management services.
14. Eliminate Internship program in Community Development Office – Town Manager Caron said that program will be eliminated, we would have to re-prioritize our planning work and determine which projects can be delayed and what other projects would have to be maintained as a higher priority with the current full-time staff. Councilor DiMarco said he agrees to the elimination of one program for one year but has been on the Planning Board for five years and saw the advantages of this program, would not see it as a long term thing. A. Baldasaro asked why is the intern paid. He said they have interns that work at the state house and they don't get paid. Town Manager Caron explained it is summer employment for a college/masters student and the Town has not had success attracting interns without paying them. Chairman Farmer said there are a lot in this field who are paid for internships. Chairman Farmer said this is a low priority if the Governor's budget does not go through.
15. General Reductions in Family Mediation Program. Town Manager Caron said these reductions were made in operational expenses and training.
16. Councilor Wagner re-addressed charities who receive \$81K. She said a 15% reduction across the board will save the Town \$12K. Councilor DiMarco agreed to 10 – 15%. Councilor Brown said there might be unintended consequences because people might come to the Town for general assistance. Chairman Farmer suggested reviewing the list; some organizations might have more of a detrimental impact. Councilor DiMarco said this should be added to the priority list if the Governor's budget does not go through. Consensus was to reduce contributions to all charities by 10%.

Councilor Brown said that A. Baldasaro brought up the idea of changing the hours of operation, he asked if the Town Manager had considered it. Town Manager Caron said he is currently looking at it, labor contracts with staff specify the hours they work. He said he wants some direction from the Council before he starts that process, as the change would have to be negotiated with the unions. The Council can reduce positions but they can't circumvent a collective bargaining agreement through reorganization. Councilor Brown reminded the public that everything being done today is above and beyond the last motion they made which was for the Town Manager to find \$124K in personnel staff reductions. That is already in the budget, the reductions being discussed this day are on top of it.

Sean O'Keefe, Mammoth Road said the stimulus package might include Exit 4A. If Exit 4A is on the list what does it mean for the taxpayers. Town Manager Caron said the Town is obligated through a court settlement and a town meeting action for \$5M. He said the stimulus package does not include any money for any specific projects. One of the requirements approved by Congress and managed by the State is that all the monies will be distributed through existing programs. As of now with \$130M in state DOT monies the state has reserved between \$4.5M and \$11.5M for municipal projects. The list he has seen is a long list of municipal bridge repairs throughout the state. Exit 4A is not part of the stimulus package. S. O'Keefe asked when is the state finishing the Litchfield/Mammoth Road project. Town Manager Caron replied it is a two year project and it will be finished in the summer of 09. Councilor Wagner said the intersection on Page Road will have the monies coming quicker. Town Manager Caron said we have been assured that we will be reimbursed for that project. He said there are also funds available from the clean water act for sewer work. J. Czyzowski has filed an application for a portion of the Pettengill Rd. project. Councilor Wagner said she and staff met with the governor and the DOT commissioner and received a polite no for funding for Pettengill Road.

Councilor DiMarco stated that he wants to look through the Budget Adjustment Plan to prioritize the list after town meeting so the plan is ready to go. Councilor Wagner said she would like to wait for the figure from the state to prioritize and address this plan in June.

Councilor Brown said that Council came to a consensus at the last meeting to see if the unions were willing to have wage freezes. Town Manager Caron said they will respond to him by next week.

A. Baldasaro asked why are just the unions doing a freeze why not ask all personnel. Chairman Farmer said that all non-union employees including the Town Manager have already agreed to a wage freeze for FY10.

At this point in the meeting Council recessed for a short break.

New Hampshire Municipal Association (NHMA) - Town Manager Caron had distributed a list of options for state budget revenue items that the NHMA requested input on. The Councilors were asked to review them and come back to this meeting with their input.

Meals and Rooms – Councilor Brown asked the Town Manager what his recommendation would be on this item. Town Manager Caron said he recommended a and b:

- a) Support Meals & rooms tax increase as long as it is shared with municipalities and
- b) Support Local option meals and rooms.

He said a message needs to be sent to the State Legislature because over the year the state legislature has reserved the right of taxation to itself, consolidated taxes at the state level, and fails to share those revenues as promised. If the state aid keeps being reduced to the

local level then taxpayers should have the option to determine which revenue sources should be used to fund local services. Consensus was a & b

Communications Services Tax. – Town Manager Caron said this was first enacted in 1990 at 5.5%, it is at 7% now and there is a recommendation to increase it 1% which would bring in about \$11M. Item b (support adding to wireless) has already taken place and is applicable to wireless. Councilor Wagner verified it is an increase from 7% to 8% on all phone bills which would raise an additional \$11M. Councilor DiMarco said he does not support a tax on cell phones. Councilor Brown agreed wireless is not a luxury thing. Consensus “Other” – don’t support it.

Legacy & Successions Tax - Town Manager Caron explained it is the estate tax. If an immediate family died and left you money you would not get taxed. If you had a non-linear relative or a wealthy neighbor who left you money, it would be subject to a tax. Consensus was not to see it re-instituted, Council does not support it.

Retirement Positions – Town Manager Caron explained a & b were to oppose increases to the Town’s cost. He said he needed guidance on c which states “Support deferring state’s obligation in lieu of reducing state’s 65% share” If the state does not have the cash at this point and they don’t want to pay 35% this year; they want to change the law and make it up in later years. He said he does not want to see it become a local obligation. Town Manager Caron recommended looking at a & b. Consensus was to support a & b:

a – Oppose increases to Municipal Employer Costs

b – Oppose increases to Municipal Employer 65% share for police and fire employees

c - Support deferring state’s obligation in lieu of reducing state’s 65% share – Town Manager explained the state wants to go from 35% to 30%. If the state wants to pay 30% and defer the extra 5% later then it is their responsibility not the municipalities. Chairman Farmer said that deferred items do not have a positive effect on anybody. Consensus was to support both a & b.

Gambling – Town Manager Caron explained that NHMA requested the proponents and opponents of gambling to submit statements which were copied to the Councilors. Councilor Brown said that a position on gambling could be such an individual thing. Town Manager Caron suggested that Council take no position, other than a local control option. Consensus was no position other than local control.

Regionalization – Town Manager Caron said that has been an ongoing town goal, as evident by collaboration with the School District.

Opposition to decrease revenues – NHMA has a meeting every other year where they review their policies. It has always maintained the position to be in opposition to a decrease in revenues from the state. Keeping that in place was the consensus of the Council.

ADJOURNMENT

**Councilor Wagner made a motion to adjourn at 4:56 PM Second, Councilor Brown.
Council's vote 4-0-0.**

Notes and Tapes by: Margo Lapietro Date: 03/01/09

Minutes Typed by: Margo Lapietro Date: 03/04/09

Approved; Town Council Date:

TOWN COUNCIL MEETING
March 02, 2009

The Town Council 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; Councilors, Mike Brown, and Paul DiMarco; 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, firefighters and police officers serving this community and around the country.

PUBLIC COMMENT

Municipal Awards Presentations

Sean O'Keefe, Tom Freda and Joe Green Budget Committee (Acrylic Clock) Mike Brown presenting

Steve Fassi, Conservation Commission (Acrylic Clock) – Brian Farmer presenting
Gladys Frederick, Elder Affairs Committee (Acrylic Clock) Paul DiMarco presenting

Greg Warner, Planning Board (Acrylic Clock) – Kathy Wagner presenting.

James Herrick, Solid Waste Advisory Committee, (Acrylic Clock) - Paul DiMarco presenting

Robert Collins Trustees of Leach Library (Acrylic Clock) – Paul DiMarco presenting

Mark Officer, Zoning Board of Adjustment (Acrylic Clock) – Councilor Mike Brown presenting

Housing Taskforce, (Engraved Pen/Pencil Set) – Kathy Wagner presenting:

Marty Bove

Deb Lievens

Jon Weigler

Rob Nichols

Mike Speltz

Giovanni Verani

George Herrmann

Al Baldasaro

John Michels

Earl Rossi

Volunteers of the Year – Project P.L.A.Y. (Inscribed NH Shaped Plaque) presented by Brian Farmer:

Kerin Brown

Julie Grossage

Jessica Lewis

Darlene Dawson

Stephanie Holcombe

Lara McIntyre

Debbie DePasse

Lisa Jean

Erin Murray Seaman

Sarah Fegan

Rebekah Labell

Sarah Ward

Volunteer of the Year - Al Baldasaro (Inscribed NH State-Shaped Granite) presented by Brian Farmer.

Citizen of the Year – A.L.E.R.T. TEAM (Inscribed NH State-Shaped Granite) presented by Kathy Wagner

Marty Bove – Fleece Jacket and Clock/Desk Pen Set for Serving Three Terms on the Town Council. Presented by Brian Farmer.

2009 Town Meeting – Warrant Review. Town Moderator Cindi Rice Conley reviewed the Warrant Articles with Councilors to determine who was going to read, second and describe in detail the article.

Marty Bove 3 Tinkham Lane said he feels the Town government is being burdened unfairly with all the cuts. The Town is who people complain to about their tax bills. The Town is the only one who comes up with other revenues; that is a big burden to carry alone. You have asked Town employees to take pay cuts, the school and town are separate. The school is under SB2 and the only time the school budget can be cut is at the deliberative session. Nobody showed up for it. The whole Town should have to have cuts it should not be just the town employees. He said over the years he has received numerous complaints about school funding, he said we should look at them in a time of crisis. He knows there is nothing we can do about it this year but he encouraged the school to cut their budget and hopefully give back some monies. The School Board supported the COLA's for their employees, that sends out different messages to the taxpayers. He said it is not the school or town's fault, it is the taxpayers' fault for not showing up at the School Board meeting. He proceeded to commend the Council for the difficult task they are faced with.

OLD BUSINESS

School-Town Collaboration – Greg Warner, 10 Pendleton Lane, stated that he does not think that putting the Cable under control of the school board is a good idea. He said the school has tremendous resources already. The Cable Dept. has an exemplary manager, replacing her with two part-timers is an absurdity. He said he would like to see his cable money go to the Cable Center and have it administrated as it currently is.

Dan Gable 41 Sparhawk Drive, said he is a flight test engineer. He proceeded to say that Londonderry has a great gift in the Access Center; it is modern, well equipped and a great place for people to develop their own films and a great place for people to put out their views. Expertise and specialization cannot be replaced, it takes experienced personnel who not only understand the present technology but those in the past including, contract detail and relationship in those fields. He stated no change is required and the proposed changes will cost us more. Suggested that the students first have LHA classroom followed by properly scheduled, fully supervised time at the studio. He said he does not

think security was an issue. Marty Bove, 3 Tinkham Lane said he was concerned about the control the school will have over programming. He passed out a memo from Nate Greenberg dated 2/12/09 addressed to Dottie Grove. It asked Dottie to have all school programs including sports, school programs, concerts, etc... exclusively shown on LEO 21. He said most school programs were taped by school personnel, but at times volunteers were asked to tape/broadcast the school program on other channels than LEO 21. He said he asked the Town Manager if the Access Center equipment was used by a volunteer to tape or broadcast the school activity that there was any prohibition against it exclusively being broadcast on LEO 21. He felt it was not the person or equipment that dictated said distribution but the purpose. The memo went on to say if there was no prohibition from Dottie then all programming will be aired on LEO 21. M. Bove proceeded to say that he has been involved in the Cable Access Center for many years. He was involved in filming a lot of sporting events which was all done by volunteers for years. For years these films were shown on LEO 20, it was never prohibited from LEO 21 but it was shown on LEO 20 because that was where the volunteers got the equipment and that was where they learned how to produce it and show it. He objected to LEO 21 because if there is a limitation to only shows being put on LEO 21 that are at the school, there is a prohibition of only Londonderry Access which is against freedom of speech and press. He said if people who go to these public events and want to tape them and show them on LEO 20 they have every right to do so. If they are going to be prohibitive from doing that then all the press including Channel 9 should be prohibited. The school should not make a decision as to what, where and when shows are being aired. He said that was a major concern of his and of a lot of other people. Chairman Farmer stated we are here to look at the school/town collaboration we are not here to look at school policy. Councilor Wagner said the school is part of the community as well as the Town, refrain from getting personal, keep to the facts. M. Bove said that is a fact, it is public. Councilor Wagner said that there are personnel and communication problems at the Cable Access Center. Peggy Connors, 13 Rossini Road said the town has tremendous assets. She said we hire someone for a position because they have the education and experience to do it. We have the best cable director. Bill Jennings, from Bedford LACTV said Dottie is moving in a new direction. He said councilors from Bedford could be out of state and listen, watch and participate in Town Council meetings on the internet. That is the direction Dottie is moving in. Judi Walsh, 18 Hazelnut Lane said she has volunteered at the Access Center for the past 15 years. She asked why the town should give up control of the Access Center to more control by the school. She stated she was surprised at Ms Wagner's comment to something that was not even addressed tonight. She was surprised to hear from M. Bove that the Superintendent of Schools had direct communication with the Dir. of the Access Center. She thought the contact should be the Town Manager because he oversees the Access Center. She asked if this is a town asset that should be monitored and taken care of between the school and town or is it a town asset that the town should keep control of. She stated that the Town Manager is in charge of the budget and the Access Center and wanted to know if he suggested this collaboration and why is this issue on the table now. Councilor Farmer responded Town Manager Caron did not suggest this collaboration; he proceeded to explain the members of the School Board and Town Council met 3 years ago to expand the collaboration and look for ways that would be meaningful, provide expertise in areas that needed it, and

look for opportunities of savings. The Cable Access Center is the third major effort to follow up on this idea. The first one was several months studying IT needs which resulted in no specific way to collaborate. Council and the School District hired a consultant to look at Finance and HR groups, that came back with a report that there were no advantages to be gained. The Council and School Board members discussed the report and saw that the only other area not looked at was cable. They had a joint session with the Town Council and the School District and asked them to see if there were any advantages to combine the cable with the school. Town Manager Caron and Superintendent of Schools Nate Greenberg met very often with direction from Town Council and came back with this proposal. J. Walsh proceeded to question where she could find details of the meetings and questioned where the collaborative effort was because she said most of the responses in the contract came from the school. After much discussion Chairman Farmer said the proposal was made under the direction of Town Council to look for tax savings to the taxpayers.

At this point in the meeting Town Manager Caron said he had received seven questions from the Council about the merger dealing with the finance of the cable budget and the Council's authority in establishing hours or establishing an advisory board.

Finances - In summary the Council could not under the current arrangement without using the surplus in the Cable Fund the Council re-direct an additional \$40K per year from the cable franchise fees to the general funds and still pay for all the services which are currently provided to the Cable Center. The Councils' budget plan to allocate in FY10 4% of the franchise fee to the cable fund and 1% to the General Fund; that 4% is sufficient to fund the current budget. Council cannot take \$40K more unless they start using the Cable Surplus fund which as of 6/30/08 was \$360,457.

Hours –The Town Manager or the Town Council has the authority to limit the hours of the studio to students or the general public. That can be done with or without an agreement.

Cable Advisory board – The Town Council can establish a Cable Advisory Board outside of an agreement with the School District. The Council under the Town Charter has the authority to establish committees/commissions as it deems desirable.

All Expenses Covered by Cable Franchise Fees – Town Manager Caron said he just spoke about that and they are all covered.

Use of Cable Studio by the School – If the Council approves the agreement the center will be used exclusively by students from 8:00AM – noon only when school is in session.

George Herrmann said he wished this many people had shown up for the school deliberative session when they were eliminating 15 teacher jobs and 14 jobs throughout the district. The proposal was asked for by the School Board and the Town Council. Superintendent of Schools Nate Greenberg addressed some issues that were raised last time he was here. Sunday working hours – checked with his attorney and if they hire

someone whose work hours include Sunday the School does not have to pay double or time and a half. The only exception to that would be a negotiated bargaining agreement, people at the Access Center would be classified as “non-affiliated” employees, non-union members

He addressed the question of the School District’s employees managing the Access Center and proceeded to give the backgrounds on expertise in the school district. They have combined a total of 38 years of experience and he reviewed the background of the experienced experts who helped him put together the contract. He also gave a background of the schools scheduling expertise. He stated the Access Center would be open 65 ½ hours, school use will impact only 15 hours. He reviewed the channel schedule. N. Greenberg thinks it is a viable proposal put together by both boards. LEO 21 is an educational channel, there is no reason why school sports, etc shouldn’t be run on 21. They are moving ahead with on demand video and virtual classroom which will be a benefit to the community and he said is looking towards the future. Chairman Farmer clarified that if a volunteer in town wanted to tape an event at the school district and show it on Channel 20 that they would not be allowed to? N. Greenberg responded that he has been told that if people use cable access equipment they have to show the recording on 20 not 21. The School Department’s point of view is that school related programs should be shown on 21. Every year they have to get permission from the parents if they want their children’s image in a picture or shown someplace. He mentioned they could be running into problems by running school programs on 20. Councilor Wagner said when she went into schools, parents have gotten very concerned about picture taking. She said she has to have approved forms to allow her to take pictures of children. Dottie Grover verified, they have to get permission as well, it has been going on for at least 20 yrs. She stated that they do not tell people if they use access equipment it has to be used only on 20. She does tell them that if they use access equipment it has to be on access TV. She said she then explains the difference between public, education and government channels. She does explain how to get a program on LEO 21, it is part of the community. N. Greenberg said the point he was making is that the perception people had which is what he related. D. Grover said the orientation is in writing. Chairman Farmer said people perceive things differently. Chairman Farmer asked G. Herrmann if the School Board has reviewed and approved this policy. He said they have reviewed the policy individually but have not had a public discussion, they feel it is the right way to go. Councilor DiMarco said he was not familiar with the operations of the cable department. He said he felt at the first meeting it was a good proposal, now he is not so sure which is why he asked for it to be tabled until tonight. He learned a lot more about it and realized what a real gem it is to the community both with the directors and volunteers. He said there is some history between the two departments and he would like to see the differences worked out. The students are citizens as well in this town, they are the future of the cable industry. Councilor DiMarco **make a motion to leave things the way they are with the Town running the Cable Access Studio under the Town Manager and to not accept this proposal. Second made by Councilor Brown.** Councilor Wagner agreed with Councilor DiMarco that everyone has to work together. Councilor Brown agreed with Councilor DiMarco he said he is not in favor of going forward with the proposal as it stands. He said he agrees with the student use of the cable

studio from 8:00 AM – noon and would like to direct the Town Manager to make that happen. Adults involved on both sides will manage it. Chairman Farmer said he has the same concerns, there is room for improvement on both sides of the equation, how we get there we need to figure it out and does not support going ahead with the proposal. **Council's vote of not going forward with the proposal, 4-0-0.**

Chairman Farmer asked if we need to have a cable advisory board that looks at joint issues and is there a recognized need for those operating hours. D. Grover said there is always need for improvements. She said she would like a chance to sit down and talk with the school. She listed alternatives in her memo dated 2/27/09 to Chairman Brian Farmer which would involve scheduling in different ways like doing more work in the classrooms. N. Greenberg responded no. D. Grover continued with her alternatives. Later N. Greenberg apologized for his outburst but said one of the issues of the Access Center was the utilization by the students. They are only asking for 15 hours which is enough time to share that facility. Chairman Farmer asked G. Herrmann to bring a suggestion to the School Board: consider designating two representatives from the Council and two representatives from the School Board to meet with the Superintendent and the Manager at some point in the coming weeks after the elections. It will give us an opportunity to look at issues.

Economic Development Update – Town Manager said the goal tonight is that he and Community Development Director Andre Garron thought about using a PowerPoint presentation as a baseline for the presentation at Town Meeting. They requested that Council give input as to what else they should include in the presentation. A. Garron said it was geared to Economic Stimulus as presented to the Governor, Sen. Shaheen and Rep. Shea-Porter. It will be used to update the community. Councilor Wagner said it was originally used as a marketing tool. The general public will want to see the phasing, the “Challenge Statement” should explain why we have decided to construct the infrastructure and what Londonderry will get out of it. A. Garron said he will explain what is a bond and what is a TIF. He said he will look at all the scenarios we are currently examining so people can understand it. Councilor DiMarco suggesting having the first slide draw attention to the center of Londonderry to show where we are in relation to the Pettingill area. Councilor Brown suggested the “Project at a Glance” slide should show how you got the statistics like 600 jobs that are listed. Chairman Farmer said due to the fact that the original Pettingill presentation is on line do not have pass-outs. He also suggested adding the studies that support the information on that slide be added to the bullet points. Source of the claim and the expertise of the claim should be indicated. Councilor Brown also suggested including any slides related to the activities that this Council and Staff has undertaken to try to receive stimulus funds for this project. Councilor Wagner suggested during the presentation to make it clear this project is vital to the town and why we feel it is important to have bonding or TIF in place. A. Garron confirmed that is what he wanted to make clear in the presentation. Councilor Brown asked Town Manager about the \$210M to build a fire station from the stimulus money and how is that shovel ready to create jobs. Town Manager Caron responded the stimulus package was distributed to a number of different areas; one of those areas is for

fire station construction, which was allocated \$210M nationwide. It is limited to \$15M per station. Rules are to be published in September. Councilor Brown said there are obviously construction jobs but once the station is finished the existing employees move in, it does not sustain the creation of jobs. Chairman Farmer said economic development is coming to that end of Town, one of the things that is key to that is infrastructure and the ability to protect that investment. Councilor Wagner said the frustration is that when the stimulus package was sold Pettingill Rd is the gold standard for the original stimulus package; shovel ready, in the ground will produce jobs immediately and continued to produce professional jobs. It was the best package for us to go forward on and the stimulus money has gone in other directions. Councilor DiMarco said if that money is out there if there is an opportunity, then go for the money. He suggested in the "Solution" page have more flow show factual multiplier information. Page Road/Rte 28 will be brief. Councilor Wagner asked if they were going to allow questions from the floor and Town Manager Caron said it is beneficial if people have concerns to hear about them. M. Oswald, 11 Verdi Lane applauded Andre, Janusz, Dave and the Council for their foresight and pro-active measures with the stimulus. Every federal delegate has been contacted about the stimulus package. His questioned if there is some mechanism maybe through the website, to encourage taxpayers to write to Gov. Lynch to encourage them to earmark money for Pettingill Rd. in Londonderry. He suggested providing taxpayers with postcards to mail to their reps. He asked if the state reps. and state senators are involved? Chairman Farmer replied yes. Council Wagner said Sharon Carson has been actively involved as well as Sherm Packard.

Special Revenue Fund – Allocation of Revenues – Town Manager Caron said somebody at Town Meeting will ask the question about how these funds will be distributed and what the funds are being used for. Councilor Wagner verified that the funds were from the cell tower, Town Manager Caron responded yes. M. Oswald, 11 Verdi Lane asked Council to consider withdrawing the \$200K from those funds and apply to Open Space. His concern was the safety of our water supply. A public water supply for the town is cost prohibitive. Mike Speltz, a member of Cons. Comm said the land use change tax is not prudent to use invested accounts for operating accounts. Most of their agreements take many years to come about. Andy Mack is ready to sell but he is watching what the Council is doing. Conservation is a long term problem that requires long term support. Don't comprise the investment account to make good on the operating account. Discussion ensued about withdrawing the money from the Conservation Fund just for one year.

Councilor Wagner asked when will we prioritize our revenue list? Chairman Farmer said the consensus was to wait until we get the final figures at the end of June.

NEW BUSINESS

Section 504 – Self-Evaluation Plan

Town Manager Caron said this is a review of the handicap accessibility in Town. It needs to be updated to comply with the Community Development Block Grant

regulations. We just recently completed the Wagon Wheel CDBG project. He said he is requesting the Council adopt this updated 504 Self Evaluation Plan for Handicap. **Councilor DiMarco made a motion to accept the plan, seconded by Councilor Wagner. Council's vote 4-0-0**

APPROVAL OF MINUTES

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

Councilor Wagner made a motion to accept the Town Council's Public Meeting minutes of 2/2/09. Second by Councilor DiMarco. Council's vote 4-0-0.

Councilor Wagner made a motion to accept the Town Council's Non-Public Meeting minutes of 2/4/09 and unseal the minutes. Second by Councilor DiMarco. Council's vote 4-0-0

Councilor Wagner made motion to accept the Town Council's Public Meeting minutes of 2/4/09. Second by Councilor DiMarco. Council's vote 4-0-0.

Councilor Wagner made a motion to accept the Town Council's Public Meeting of 2/5/09. Second by Councilor DiMarco. Council's vote 4-0-0.

Councilor Wagner made a motion to accept the Non-Public Meeting minutes of 2/5/09 and seal the minutes indefinitely. Second by Councilor DiMarco. Council's vote 4-0-0.

Councilor Wagner made a motion to accept the Town Council's Public Meeting minutes of 2/9/09. Second by Councilor DiMarco. Council's vote 4-0-0.

Councilor Wagner made a motion to accept the Town Councils Public Meeting minutes of 2/23/09. Second by Councilor Brown. Council's vote 3-0-1.

OTHER BUSINESS

Liaison Reports – Councilor Wagner said Old Home Day is moving along. They are concerned about losing money from sponsorship. They will cut events if need to. Warm Homes is holding a fund raiser on March 28 at the Lions at 7:00 PM, cost is \$25/person. It is a Medieval Theme. On 3/11/09 the Elliot is coming to the Planning Board to move forward with an additional 60 thousand s.f. building. Urgent Care is talking about expanding.

Councilor Brown went to the ZBA meeting in February because they were going to elect their officers for the year. They also had a workshop with the Assistant Building Inspector about items that were of interest to the ZBA as well current laws and updates on RSA's. It was an excellent workshop, well attended. He offered to attend their meetings if they needed a liaison. The new Chair is Vicki Keenan.

Town Manager Reports – The Town Meeting information book will be available at the close of the polls on Tuesday.

Board/Committee Appointments/Reappointments

Re-appointment of Deborah Nowicki to a Full Membership on the International Exchange Committee, term to end 12/31/11. Councilor DiMarco made a motion to appoint. Second by Councilor Brown. Council's vote 4-0-0.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 10:10 PM Second, Councilor DiMarco Council's vote 4-0-0.

Notes and Tapes by: Margo Lapietro Date: 03/02/09

Minutes Typed by: Margo Lapietro Date: 03/11/09

Approved; Town Council Date: