

TOWN COUNCIL MEETING
October 02, 2006

The Council Meeting of October 3, 2006 was called to order at 7:10 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman, Brian Farmer; Vice Chairman Joe Paradis; Councilors Mark Oswald, Tom Dolan, Marty Bove; Town Manager David Caron; Assist. Town Manager/Finance Director Sue Hickey; and Margo Lapietro, Executive Assistant.

CALL TO ORDER

Chairman Farmer opened the meeting at 7:10 P.M. with the Pledge of Allegiance. This was followed by a moment of silence for the men and women in the service and for those who have given their lives for this country.

PUBLIC HEARING

Councilor Dolan made a motion to open the public hearing. Second by Councilor Oswald. Council's vote 5-0-0. At this point in the meeting the projector for the slide presentation was not working correctly, therefore it was decided to recess the public hearing and re-open later in the meeting. **Councilor Dolan made a motion to recess the public hearing. Second by Councilor Oswald. Councils' vote 5-0-0.**

PUBLIC COMMENT

Yearly Updates from Boards/Committees/Commissions

ZBA- Mark Officer, Chairman of the Board explained the Board has heard 52 cases this year. Now have two meetings a month to hear overloads. Biggest challenge is overhaul of ZBA Ordinances, Tim Thompson from Planning Dept. working on it right now. Mark would like to plan a zoning workshop in the future.

Conservation Commission – Deb Lievens, Chairperson explained they are charged by RSA's with protecting the natural resources of the community. Review every dredge and fill; last year had about 11, impacts have gone down. Review conceptual plans for Planning Dept. with 5 conditional use permits which are again down this year. Working with Town Forester for management plan, planning a management timber cut in Musquash within the next year. Stewardship, educating land owners @ easements, monitoring land, land acquisition and land mitigation, all part of what they do. Have Musquash Field Day every year, partners with Londonderry Trailways, worked with Boy

Scouts in past, working with invasive plants and need financial report for that project. Need two alternates and 1 full voting member. Chairman Farmer questioned the make-up of Cons. Comm; Town Manager Caron stated state law allows you to appoint three alternates to the Board, no change needed in the Charter. Councilor Dolan asked about using the monies from the timber cut and using for additional money being requested.

Environmental Baseline Study Committee – Bob Malloy the committee was established in the Spring of 2001. He explained they were basically formed to report on air and water quality in Town. Quality of environment was good. The Committee is now in a maintenance mode for air quality, working with John Vogl, GIS manager to archive results of studies. Discussion ensued about keeping the committee viable with a long term plan with future monitoring based on development in the community. Councilor Dolan recommended changing the “Charge” to include other projects and to research the global warming affect. Chairman Farmer suggested sending a copy of the “Charge” to Bob Malloy to modify it. He also recommended involving the School District in saving our environment. Chairman Farmer recommended working with impact fee to fund environmental studies, work with the Planning Dept. Councilor Bove recommended using someone at UNH to work on this project; Councilor Dolan volunteered to contact UNH to follow-through with speakers.

Historic Properties Preservation Task Force – Russ Lagueux, Chairperson, gave a brief history of the group which was formed this May. Purpose was to identify historic structures in town worthy of preservation and to draft guidelines on their preservation. Eagle Scout Troup 426 did a photo documentary of the properties. NH State regulations will be used in the recommendations that they make to the Town. Formed sub-committees for public outreach and draft an Ordinance to Town Council. Have identified 222 properties, John Dahlfred spent hours reviewing assessing records to verify if they are truly historical properties. He also acknowledged the work of Steve Young.; they are in the analysis portion right now. Final drafts scheduled for end of the year.

Councilor Oswald made a motion to re-open the public hearing. Second by Councilor Dolan. Councils’ vote 5-0-0.

Ordinance 2006-10 Relative to an Amendment to the Municipal Code Relating to Sewer Rental Charges – **Councilor Oswald made a motion to suspend the reading because this was first introduced in public session on 8/21/06. Second by Councilor Bove. Council’s vote to suspend reading 5-0-0.** Town Manager Caron explained the sewer user charges were not adjusted since 1996 because revenues to date have covered our expenses, and a significant wastewater producer came on line 4 years ago. The Town did not have a good estimate of how much wastewater would be generated by this customer, which would significantly impact rates. Current rates do not meet our expenses, expending more funds here and in Manchester for maintaining the system. City of Manchester notified us that improvements to Manchester Wastewater Treatment Plant will coast about \$1.4M over the next five years, line item for \$284K/yr to cover those expenses. Need policy direction on assigning related charges to the Sewer Funds.

Currently have about 1,380 sewer customers, 952/residential; 351/commercial and 77/industrial customers. Residential customers assessed a flat rate; commercial assessed a mix of metered and non-metered accounts; industrial customers are all metered. He reviewed the sewer bonds; compared the FY06 and FY07 user charges. He said policy direction required for:

- 1) Should the Town enact one, uniform rate throughout the community?
- 2) Should the Town charge the Sewer Fund for direct administrative costs?
- 3) Should the Town require the Sewer Fund to pay sewer-related debt service?

One rate versus separate rates, comparison of amounts between different towns was discussed. The proposed rate, including operating, capital, admin. expenses and debt is \$2.52/100 cf which would be \$384.00 annually for residential. Londonderry's current annual charge for residential is \$320.00.

Staff recommends:

- 1) Adopt one rate system for all customers throughout the community
- 2) Increase quarterly base charge to \$96.00 for residential/commercial and \$187.20 for industrial
- 3) Adjust the quantity charge to \$2.52/100 cf for wastewater flows in excess of 3,800 cf for metered commercial customers and 9,400 cf for metered industrial customers.
- 4) Adjust BOD surcharge to \$17.50/100 lbs and TSS surcharge to \$17.57/100 lbs to mirror what Manchester charges the Town to process this waste.

John Palermo, VP of Operations from Coca Cola Bottling of Northern NE and Tim McKenny, Engineering Dir. at Stoneyfield Farm both spoke against the increase in rates. T. McKenny wants Stoneyfield to be rewarded for bringing BOD & TSS way under the average allowed. Discussion ensued; Councilor Oswald questioned "grandfathering" current industrial accounts with TSS & BOD and doing a gradual increase in rates. Town Manager Caron stated it could be done. Councilor Paradis questioned the problem we are encountering with capacity allowed from Manchester. Town Manager Caron encouraged the Council to adjust the rates to at least cover Sewer Division operating expenses. Mike Brown, Carousel Court and Budget Cmte. member agreed that we should do something now, have to cover our own expenses. First three bulleted items need to be addressed right away. Councilor Oswald questioned when effective date of raised sewer amounts, Town Manager Caron stated they would be in December. He recommended waiting until the next billing cycle going forward. **Councilor Oswald made a motion to adopt the Ordinance as presented with points 1,2 and 3 and DPW come back as soon as possible with a calculation that will allow us to pass on a graduated increase as discussed for commercial/industrial users no later than the calendar year. Second by Councilor Dolan with discussion.** Town Manager Caron stated he sent letters to any sewer customer whose bill currently exceeds \$1K/quarter. Councilor Dolan made a proposal to amend the Ordinance, take the base charge for residential and commercial

from \$80.00 to \$96.00 and industrial to \$187.20. **Councilor Dolan made a motion to amend the Ordinance to make the base charges \$88.00/residential and commercial to \$110.00, industrial to \$220.00 quarterly flat rate base charges.** This wouldn't change any revenue we get but lessens burden to residential customers. Councilor Paradis stated this would affect. Town Manager Caron stated this would adjust bullet #2 only. No second for the amendment, original motion stands that adopt Items 1, 2 and 3. Town Manager Caron reviewed the increases to commercial/industrial users. Councilor Bove wants to get more information and would like to hear the opinion of residential users. **Councilor Bove used his Councilor's Objection pursuant to Section 3.6 E of the Town Charter to delay action on this Ordinance until the 10/16/06 Town Council Meeting.** Town Manager Caron requested any questions be addressed to him as soon as possible so he can have additional information available for the next meeting.

OLD BUSINESS

Ordinance 2006-08 – Sanctioning of Recreation Groups – Request for Textual Changes – Town Manager Caron stated the School District requested that any references to the District be removed from this Ordinance. The Recreation Director, Art Psaledas and Bill Manning Chairman of the Recreation Commission were in attendance to present the Commission's recommendations. The Commission is drawing a difference between groups that fund-raise and those that don't. B. Manning read the proposed changes and after much discussion it was decided that the changes they proposed required a new public hearing. Councilor Dolan recommended that the Chairperson wait for further discussion until the public hearing. **Councilor Dolan made a motion to schedule a first reading of the new re-write of the Ordinance on 10/16/06, schedule public meeting on 11/6/06. Second by Councilor Oswald with discussion.** Councilor Oswald suggested scheduling the public meeting on 10/16/06. **Councilor Oswald made an amendment to the motion to schedule the first reading and public meeting on 10/16/06. Councilor Dolan modified his motion to 10/16/06.** Chairman Farmer suggested hosting a forum on non-profits complying with state regulations. Discussion ensued about scheduling and usage of the fields. **Council's vote 5-0-0.**

Resolution 2006-25 – Relative to an Agreement with New Hampshire Flying Tigers for Use of the Auburn Road Property – Rick Bono was in attendance. Town Manager Caron stated that US EPA still reviewing agreement, which could result in language changes to the agreement. Changes to the terms and conditions as they impact the Town would be minimal, if any. Three year agreement with 90 day notice, renewal to be determined by Council at a later time. **Councilor Dolan made a motion to adopt, waive the second reading and adopt tonight to authorize the Town Manager to execute the lease agreement. Second by Councilor Oswald with discussion.** . **Councils' vote 5-0-0.**

NEW BUSINESS

Abatement Request – Wagon Wheel Tenants Association – Deloris Pino represented the park. She stated there are three homes in the park that are deserted, people are breaking in and causing destruction. Lost more than \$12K in rent, will cost them \$12K to clean up and move the homes. Councilor Bove question Town Manager Caron about the feasibility of condemning the property. Town Manager Caron stated it is an option, but we have to look at the situation to determine who the responsible parties are, and explore a reasonable opportunity to collect funds. The units are individually owned, taxes are assessed on the property, and not to the owners. By state law, need a permit to remove the buildings, unless taxes are abated. Councilor Dolan asked if we abated the taxes, could they be sent to a collection agency as a civil matter to go after the people responsible. Town Manager Caron responded once abated, it is written off, debt wiped out nothing legally to collect. Councilor Dolan said he was uncomfortable with letting these people walk away from their debt, should exhaust all avenues to obtain back taxes. Town Manager Caron stated he would consult with counsel. Ms. Pino stated that the Town owns these units. The Town Manager explained when people don't pay their taxes, the Town puts a lien on the property, does not equate to ownership. They have a two year redemption period, then the Town may at its choice take a tax deed to the property, the Town does not own these property. Councilor Dolan suggested allowing Town Manager Caron the opportunity to research this issue with Town Counsel. **Councilor Dolan made a motion to consider this request at Town Council Meeting scheduled for 10/16/06. Second by Councilor Oswald. Councils' vote 5-0-0.**

Order 2006-15 – Relative to Use of Cable Division Funds - requesting the sum of \$2,700 to purchase sound equipment for use at the Town Commons. Open for discussion. **Councilor Dolan made a motion to accept the Order and waive the second reading. Second by Councilor Oswald with discussion.** He asked Dottie Grover, Dir. of the Lond. Access Center where will the equipment be stored – at the Access Center. Will training be offered, she stated they would train the appropriate people to use the equipment along with the Londonderry Arts Council. **Council's vote 5-0-0.**

APPROVAL OF MINUTES

Councilor Dolan made a motion to accept the Public Meeting Minutes of September 18, 2006. Second by Councilor Paradis. Councils' vote 5-0-0.

OTHER BUSINESS

Liaison Reports:

Councilor Bove attended the So. NH Hazemat Mutual Aid District meeting, had good turn out. All equipment use was demonstrated as well as National Guardsman equipment. The group is reviewing the rates charged to each town, right now flat fee of

\$5K imposed on each town, some of the smaller towns will be adjusted as well as Charter changes.

Councilor Dolan stated Budget Committee reviewed presentation of new assessments and State requirements. Historic Properties covered tonight.

Councilor Oswald attended Conservation Commission. Working on timber harvest, discussed illegal ATV use in protected areas, invested \$2K in bollards and a gate. Traffic Safety met earlier this evening, granted approval for a guardrail on Pillsbury Rd. near Gilcreast; scene to two fatalities in the past five years. Talked about town-wide speed limits. Discussion ensued about High Range Rd.

Town Manager's Report

Town Manager Caron stated that we are going ahead with the cell towers, bids are out. Leadership Londonderry class of 2007 met last Thursday with 21 members. Have a RFP for re-roofing the Senior Center, hope to have that project completed the end of the month. They will get also seek quotes to put a roof extension over the entryway. The vehicle lease on the Town Hall fleet has expired, Carolyn working with Enterprise on options. Chairman Farmer suggested use of hybrid cars. Traffic issues in area of Mammoth and Buttrick relative to Elliott Hospital project with turning lanes on both Mammoth and Buttrick. Discussion ensued about state repair work on Mammoth Rd.

Board/Committee Appointments/Reappointments/Resignation:

Councilor Oswald made a motion to appoint below to Ad Hoc positions on the CERT Team:

1. Fire Representative – Capt. Jim Roger
2. Police Representative – Sgt. Bob Michaud
3. School Rep. – Chuck Zappala
4. Town Mgr. Rep. – John Vogl
5. ALERT Reps – George Herrmann, Paul DiMarco, Dave Palmisano

Second by Councilor Bove. Councils vote 5-0-0.

Budget Committee Appointment:

Councilor Oswald made a motion to appoint Michael Toth to the vacant full time position on the Budget Committee, term to expire 3/13/07. Margo was instructed to send thank you letter to the other two applicants Susan Fletcher and Bill Devin thanking them for their interest and encouraging them to volunteer on other boards.

Chairman Farmer passed the gavel to Vice Chairman Paradis and **made a motion to appoint Councilor Oswald to an Alternate position on the Conservation Commission. Second by Councilor Dolan with discussion. Term to end 12/31/07. Councils' vote 4-0-1, Councilor Oswald abstained.** Gavel returned to Chairman Farmer.

NEXT MEETING

October 16, 2006 at 7:00 PM, Town Hall, Moose Hill Conference Room
October 23, 2006 @ 7:00 PM. Moose Hill Conference Room
November 6, 2006 at 7:00 PM, Town Hall, Moose Hill Conference Room

ADJOURNMENT

Councilor Dolan made a motion to adjourn at 10:32 P.M.. Second by Councilor Paradis. Councils' vote 5-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>10/02/06</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>10/04/06</u>
Approved:	<u>Town Council</u>	Date: <u>10/16/06</u>