

**TOWN COUNCIL
MEETING
October 16, 2006**

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2 The Council Meeting of October 16, 2006 was called to order at 7:10 PM in the Moose Hill
3 Conference Room, 268B Mammoth Road, Londonderry, NH.

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

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8 **CALL TO ORDER**
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10 Chairman Farmer opened the meeting at 7:10 P.M. with the Pledge of Allegiance led by Eagle
11 Scout Eric Cina . This was followed by a moment of silence for the men and women in the
12 service and for those who have given their lives for this country. Councilor Joe Paradis
13 presented a plaque to Eagle Scout Cina

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15 **PUBLIC HEARING**
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17 **Councilor Dolan made a motion to open Public Hearing. Second by Councilor Bove.**
18 **Councils' vote 5-0-0.**

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20 **Ordinance 2006-08 – Sanctioning of Recreation Groups** - Councilor Oswald read the
21 Ordinance and **made a motion to accept. Second by Councilor Paradis.** Art Psaledas,
22 Recreation Director and Bill Manning, Recreation Chairman reviewed changes located in Sec. D.
23 Non-funding groups defined. Town Manager Caron stated the previous draft had listed only two
24 groups, this revision included into 3 categories. Councilor Bove commented that it took a while
25 to work our revisions, thanked Recreation Committee for their work. Councilor Paradis asked if
26 particular accounting practices were set in place for fund raising. Town Manager Caron stated
27 oversight of non-profits is the responsibility of the Attorney Generals office. Chairman Farmer
28 asked about maintenance of paperwork. Town Manager Caron responded it is an annual
29 submittal with AG's Office and non-profits are re-certified every 5 yrs. **Councils' vote to adopt**
30 **changes 5-0-0.**

31
32 **Ordinance 2006-10 – Relative to an Amendment to the Municipal Code Relating to Sewer**
33 **Rental Charges** – Councilor Paradis read the Ordinance, and **made a motion to adopt. Second**
34 **by Councilor Dolan.** Town Manager Caron reviewed the \$2.52 town-wide rate. Reviewed costs
35 if Council votes to maintain two separate sewer rates between Derry/Manchester. Councilor
36 Oswald stated we want to attract industry and reduce tax burden, suggested staggering rates.
37 Town Manager Caron stated if you decide to introduce staggered rates they should apply to all
38 user groups. Councilor Dolan said it would be appropriate to raise 1/3 Jan, 1/3 April and 1/3
39 July. Councilors' Bove, Paradis and Dolan agreed to staggering. Discussion ensued about
40 billing cycles. Tim McKenney, Stoneyfield Farm, appreciated staggering, and wanted Councilors
41 to make an amendment for customers to allow a discount of \$17.50 if below town average of
42 BOD. Encourage customers to keep BOD down. Councilor Bove would like to know impact to
43 Town. Town Manager Caron cautioned that the money would be out of Town pocket, and did
44 not represent measurable savings to the community. Janusz Czyzowski, Public Works Director
45 did not recommend any credits for BOD. Discussion ensued about offering a discount. Town

46 Manager Caron said staff will be glad to discuss this topic with Stoneyfield. Councilor Oswald
47 suggested an amendment if it can be done, **made a motion to adopt Ordinance with three**
48 **incremental adjustments to rates. Second by Councilor Paradis.** Councilor Oswald said the
49 ordinance as written moved and seconded, wait till next meeting to see impact of phasing.
50 **Councils' vote 5-0-0.**

51
52 **Councilor Dolan made a motion to close public hearing. Second by Councilor Oswald.**
53 **Councils' vote 5-0-0.**

54
55 **PUBLIC COMMENT**

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57 **Yearly Updates from Boards/Committees/Commissions**

58
59 Trustees of Trust Fund – Beth Bartlett informed the Council that the three members attend
60 training sessions provided by the State, responsible for investments of trust funds and capital
61 reserve funds, cemetery plots, \$1.5M total on average. They are responsible for submitting
62 annual reports to Secretary of State and Dept. of Revenue. Kent Allen is Sexton and works with
63 families and funeral director. Carolyn O'Connor and John Vogl helped immensely. Finalizing
64 rules and regulations. for cemeteries. Newest cemetery, Pinkerton Cemetery on Harvey Rd. was
65 the object of an Eagle Scout project. Councilor Dolan noted the resignation of Christine Bostaph
66 from the committee and stated Council should explore making an appointment to fill the
67 vacancy. Will advertise opening with a term ending 08.

68
69 Planning Board and Heritage Commission – Chairman Art Rugg – PB Chairman informed the
70 Council that the Board goes back to 1966, consists of nine full members and three alternate
71 positions. Two alternate positions are currently vacant.. The board spends 60-70 percent of their
72 time implementing the Master Plan. They have conducted a series of workshops, summer intern
73 dealt with signage. They have been involve with the Industrial district, conservation subdivision,
74 Open Space Task Force, Town Center Task Force, Auburn Rd. area and Perkins Rd. He
75 discussed building permits, CIP adopted, TIF District. They are looking toward future growth
76 and thanked Town staff for all their work. Brian asked about conservation preservation, Andre
77 Garron, Planning and Economic Director stated that they were working on that ordinance, will
78 take some time to get through it. Heritage Commission is governed by all land use laws come
79 under RSA's, in Administrative Code. Board consists of three – seven full members and up to
80 five alternates. Combination of Historic/Heritage. Oversees historic district, deals with
81 preservation of historical resources, educates public, assists planning board, preservation of stone
82 walls and architectural design, involved in Beautify Londonderry. Received 2 grants this year,
83 had first public hearing about walkway. Currently working on updating Town web page. Will
84 undertake an inventory of genealogy material at library in future. Grange needs utilities and
85 maintenance. Will work on that in the future.

86
87 Londonderry International Exchange Committee – Chairwomen Julie Liese spoke about our
88 sister city in Vologda, Russia. They have been visiting that city since 1991, and the committee
89 supports any visit from any sister city who wants to visit. The committee is responsible for
90 hosting the visitors, communications, and raising funds. The visitor is responsible for coming,
91 and the committee supports them, and do not receive funds from Londonderry. Vologda was
92 established in 1141, has a rich cultural heritage. The committee has hosted 6 visits since 1992,
93 and while the visitors are here they conduct many public visits in Town. Looking for parties
94 who may sponsor visits, top businesses are interested in visiting our Town. Councilor Oswald

95 asked how many trips they have made to Russia, J. Liese responded they made 17 trips
96 Councilor Oswald thanked them for being able to take the time to do that.. Chairman Farmer
97 asked how many groups Londonderry sent to Russia, Julie responded none. They are looking at
98 ways they can interest some of our folks going there for an exchange.
99

100 Elder Affairs Committee – Chairwomen Stacy Thrall stated they have a full committee, thanked
101 Chet Ham and Ralph Johnson for their leadership and thanked Dave Caron for help with
102 revisions of missions and goals. Currently updating website. The committee endorsed Joe
103 DiCarolis’s low-cost subsidized housing. They are involved in the CART program.
104

105 Sewer Advisory Committee – Janusz Czyzowski introduced Chairman William Merrill who has
106 about 30 yrs. experience on the sewer commission and committee. Mr. Merrill gave a history of
107 the commission which was established in 1974 by town meeting. According to RSA 252 they
108 dealt with sidewalks and sewers. They were involved with negotiating an agreement with
109 Manchester Airport in building an interceptor with Manchester and the airport, replaced sewer in
110 airport area along Harvey Rd to Industrial area, and Mammoth Rd. Coca-Cola was their first
111 major industrial project. He has spent 20 years with the commission and 10 year with the sewer
112 The Sewer Commission was active from 1977-1996. J. Czyzowski stated the commission stayed
113 together, still an incredible resource to the PW Dept. Chairman Farmer thanked Mr. Merrill for
114 his many year of volunteerism.
115

116 Councilor Dolan – Participated in Diabetes walk, it was successful. He and his wife participated
117 in “Making Strides Against Breast Cancer” last Sunday. October 20th “National Mammography
118 Day”. November 4 is the Kyle Robinson walk for epilepsy sponsored by Londonderry High
119 School Student Council. He offered his congratulations. to Reed Page Clark, III, who was voted
120 the Greater Derry Citizen of Year. Halloween will be celebrated on 10/31 from 6-8PM. He
121 also asked the townspeople to patronize local farms and businesses in the community. Councilor
122 Oswald reminded everyone that the food drive for the holidays was spearheaded again by Remax
123 at the Crossroads Mall, baskets will be distributed by Fire and Lions Club to families in need,
124 left over food sent to food bank. He also expressed concern about Town payroll, requested a
125 hiring freeze for open town positions until budget year is done. Wants to exhaust every possible
126 option. Chairman Farmer suggested bringing in an outside consultant to study staff levels and
127 include Library Trustees in study. Councilor Oswald stated no need for outside consultant,
128 requested Town Manager Caron find out what is not getting done and determine the level of
129 overtime that is needed because of vacancy. If answer is no, then no need to replace, this is
130 question we can ask without outside consultant. Town Manager Caron stated that it is standard
131 practice for the past 5 years to see if it makes sense to fill vacant positions; re-organization is
132 standard. Chairman Farmer suggested looking at hiring a consultant and schedule it for a future
133 agenda item. Councilor Paradis requested that businesses in Town join the Greater Derry
134 Chamber of Commerce. Reed Page Clark, III said they were talking about changing the name of
135 the Chamber to hopefully have more towns involved.
136

137 Update on CMAQ Pathway Project – Andre Garron, Planning and Economic Director explained
138 the proposed route along Rt 128 and Pillsbury Rd. Janusz Czyzowski, explained that in 2001
139 the Town submitted a request for a grant to construct a multi-use pathway from Moose Hill
140 Kindergarten along Pillsbury Rd easterly to Mammoth Rd., then northerly along Mammoth Rd.
141 to the Londonderry Middle School. Worked with Londonderry Trailways on the Master Plan
142 with Sandy Lagueux, start in center of town to connect schools, town hall and town common.
143 Awarded grant in 2002 now over \$400K from original budgeted figure. \$100K was for design

144 work which was voted on at 2004 Town Meeting and \$498K was for construction voted on at
145 2005 Town Meeting. J. Czyzowski signed agreement with state in 05, Vollmer started design
146 work in 06, hope to bid and start project in 07. Jerry Fortin, P. E. from Vollmer, finalizing plans.
147 Estimates are higher right now, but state working with us. Explained alternate Plan 1 & 2, will
148 bid base project. Councilor Dolan asked what about making a less formal sidewalk, a rural dirt
149 pathway to stretch money to reduce price? J. Czyzowski stated we have to stick with how the
150 application was presented, can't change the project a great deal. Chairman Farmer is concerned
151 about escalation in cost. J. Fortrin stated cost of construction increased resulting in price
152 increases. A. Garron said he approached DOT for escalators in cost, as he experienced same
153 problem in Goffstown when he applied for a grant. Chairman Dolan asked them to explore some
154 creative ways to extend the money we have now, stretch the guidelines of grant so we don't lose
155 grant, get more options. Consensus of Councilors was to explore more options, go back to DOT
156 and develop alternative ideas.

157 158 OLD BUSINESS

159
160 **Abatement Request – Wagon Wheel Tenants Association** - Town Manager Caron stated the
161 Town would not be successful placing liens on property, counsel's opinion is that the cost of
162 recovery would exceed recovery. **Councilor Dolan made a motion to approve abatement**
163 **request for Wagon Wheel Tenants Assoc. and continue to proceed with recovery of unpaid**
164 **taxes with private avenues with counsel under RSA 91.A. Second by Councilor Oswald.**
165 Open for discussion. Councilor Oswald suggested to amendment for a non-precedent setting
166 basis. **Councilor Dolan made a motion to amend. Councilor Oswald made a motion to**
167 **second amendment.** Town Manager Caron will review when estates were created, and
168 maximum efforts without spending a lot of money. Councilor Dolan said that portion will be
169 taken into a non-public meeting . Town Manager Caron said Town will issue permit to remove
170 properties. Abatement request with continued pursuit of legal options was agreed upon.
171 **Councils' vote 5-0-0.**

172 173 174 NEW BUSINESS

175
176 **Ordinances Regarding Use/Activities on Town Property.** Councilor Oswald made a request for
177 no smoking on public property, getting second hand smoke. He also requested a ban on hunting
178 in town. The rule is now 300' from a residence. Town Manager Caron stated we need legal
179 guidance, will follow-up Town can post town property for no hunting, but cannot prohibit
180 anyone from carrying a firearm on town property. Councilor Dolan supports ban of no smoking
181 on town property, would like smoking ban in bars and restaurants, but state won't allow us to do
182 that.. Would support no hunting on town posted property. Councilor Paradis supports the 300 '
183 ban on shooting, can't see how we can support smoking, not way to enforce. Councilor Bove
184 supports no smoking on town property, does not agree with restaurants and bars Chairman
185 Farmer questioned Town Manager Caron if our smoking ban would include recreation fields.- he
186 responded yes. Bow and arrow hunting will be checked out by Town Manager Caron

187 188 APPROVAL OF MINUTES

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190 **Councilor Oswald made a motion to accept the Public Meeting Minutes of 10/02/06, with**
191 **correction to change date from 10/3/06 to 10/2/06. Second by Councilor Paradis.**
192 **Councils' vote 5-0-0.**

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OTHER BUSINESS

Liaison Reports:

Councilor Paradise attended the Solid Waste meeting, they discussed signs, narrowed it down. He also attended the Planning Board meeting, they adopted CIP.

Councilor Dolan attended the ZBA on Wed., Merrimack Valley Water District on Thursday. Councilor Oswald attended Conservation Commission last week, worked on trailway project at the Wilshire area. Did tour for Londonderry High School this AM, students expressed interest in a Jr. Leadership Londonderry (LL) program. LL meets this Thurs at LPD & LFD. Fire Building Committee met this evening-still on schedule and budget

Chairman Farmer attended the Londonderry Arts Council, received feedback on Arts on the Common. Attended Library Trustees Meeting, gag order changed by changing meeting minutes. Will see a Warrant article for \$60K to bring internet into library. Old Home Day meeting this week, recap for this year and kick-off event for next year. Had request to put liaison reports and town manager reports up front of meeting. Councilor Dolan expressed his disappointed that the library didn't participate in going internet at the same time like all the other libraries did – waste of money. They said software used by schools were not compatible with library.

Town Manager's Report:

Town Manager Caron instructed Council to review agenda for budget meetings. Recent frost events hopefully killed mosquitoes, therefore eliminating EEE threat, still need to be cautious \$18.28/thousand unofficial tax rate; Awaiting responses on cell towers.

Board/Committee Appointments/Reappointments/Resignations:

Resignation of Christine Bostaph as Trustee of the Trust Fund elected position to end 3/08.
**Councilor Dolan made a motion to accept. Motion second by Councilor Oswald.
Councils' vote 5-0-0.**

MEETING SCHEDULE:

- A. Town Council, October 23, 2006 about 7:00 PM, Moose Hill Council Chambers – FY08 Budget Presentation
- B. Town Council, October 26, 2006 about 7:00 PM, Moose Hill Council Chambers – FY08 Budget Workshop
- C. Town Council, October 30, 2006 about 7:00 PM, Moose Hill Council Chambers – FY08 Budget Workshop
- D. Town Council, November 4, 2006 about 9:00 AM, Moose Hill Council Chambers – FY08 Budget Workshop
- E. Town Council, November 6, 2006 about 7:00 PM, Moose Hill Council Chambers – Meeting & Budget Workshop

- 242 F. Town Council, November 9, 2006 about 7:00 PM, Moose Hill Council Chambers – FY08
243 Budget Workshop
244 G. Town Council, November 20, 2006 about 7:00 PM, Moose Hill
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246 **ADJOURNMENT**
247

248 **Councilor Dolan made a motion to adjourn 10:40 PM. Second Councilor Oswald.**
249 **Councils' vote 5-0-0.**

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251 **Notes and Tapes by: Margo Lapietro Date: 10/16/06**

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253 **Minutes Typed by: Margo Lapietro Date: 10/19/06**

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255 **Approved: Town Council Date:**
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