

TOWN COUNCIL MEETING
January 22, 2007

The Council Meeting of January 08, 2007 was called to order at 7:45 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.

BUDGET COMMITTEE: Mike Brown, Tom Freda, Frank Hegarty, Michael Toth, Adriana Komst. Absent: Chairman John Silvestro

CALL TO ORDER

Chairman Farmer opened the meeting at 7:45 PM 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 Oswald made a motion to open the Public Hearing. Second by Councilor Paradis. Councils vote 5-0-0.

FY08 Budget – Bond Issues:

NW Fire Station Town Manager Caron explained Article 2 which is the bond for North/West Substation at an estimated cost of \$1.855 Million. Staff recommends the use of proceeds from the sale of South Fire Station be applied to this project. The Town will receive bids on the property on February 5. The Council can finalize the bond language this evening or wait until the Feb. 8 final hearing; the consensus was to wait until the 2/8/07 meeting. Discussion ensued about how much money was saved by using the same design on both stations, save \$100K in A&E and \$100K in site costs. **Councilor Oswald made a motion that Town Council adopt the proposal, amount not to exceed \$1,855,265, with sale of former station, that number will be reduced, and amend at final hearing on 2/8. Seconded by Councilor Dolan.** Chairman Farmer explained this vote is to put the bond on the ballot. Councilor Bove stated he will not support it in order to reduce taxes. Councilor Dolan asked how much savings, Town Manager Caron said no tax impact in 08; beginning in FY 09 is 5 cents for 6 yrs, then 4 cents for 8 years, then three cents thereafter. Increase of 10% per year in constructions costs if delayed. Councilor Bove asked if the motion for the lower figure fails will the original number go on warrant. Town Manager Caron explained right now nothing goes on the warrant until the Council votes to move it to the warrant. Council has the option to essentially take two votes; one vote is to put an amount on the warrant and a separate vote to support or nonsupport for the article. Other option is to vote it down and not put it on the warrant. Councilor Bove stated he wants to separate the vote; one for support of it and one for putting on ballot. Chairman Farmer clarified that the motion made tonight and seconded was to place the item on warrant not to exceed \$1,855,265. **Councilor Bove make a motion to amend article to two distinct votes. Second Councilor Oswald. Councils' vote to split one in amount, one onto warrant. Vote**

5-0-0. Councilor Oswald made a motion to place Article 2 for a bond for North/West Substation before voters. Second Councilor Dolan. No discussion. Councils vote 4-1-0, with Councilor Farmer dissenting. Councilor Oswald made a motion that the Council support a warrant for North/West Fire Station, in an amount not to exceed \$1,855,265, recognizing we will apply the proceeds of the sale of former station, to reduce the amount of the bond. Second Councilor Dolan. Councils vote 2-3-0, with Councilors Farmer, Bove and Paradis voting against the motion. Motion does not pass to signify that Council's supports article.

Open Space/Conservation Program - Article 3. Councilor Oswald made a motion to place the bond before the voters. Second Councilor Bove. Open for discussion. Mike Speltz, from the Conservation. Commission explained importance of \$1M per year. He explained about 700 buildable house lots have been avoided over the past 8 years. Over long term land will be conserved or developed. He urged Town Council to support passage of this bond. Councilor Paradis questioned how much the Cons. Comm. had in the bank; M. Speltz responded \$2.4M Councilor Paradis asked approximately how much would it cost to save the other 2 orchards in town. M. Speltz responded about \$4 - \$8M. Councilor Paradis said he was not sure if we take a year off it will hurt us. He said he would not vote for this bond this year. Councilor Dolan agrees, this year we should be focused on cutting taxes. He received lots of e-mails about reducing taxes, if concerned about cutting taxes vote for open space preservation. The greatest tax savings is to the school district for the education costs for the children that won't be in the houses that won't be built. Councilor Bove received lots of e-mails about cutting taxes, taxpayers will increase the value of their homes whether they vote for Conservation or not. If you vote for it you will increase the value of your home because people want to move here. If you don't support it you will have more houses built and the value of your property will go up anyway. Taxpayers need a break but it will cost, taxpayers have to make the choice. Chairman Farmer understands the tax limits on this program, agrees that we can take a break, can't support it this year. Councilor Dolan said the public has overwhelming supported Open Space, listen to the public to preserve open space. Al Baldasaro, 41 Hall Rd. cautioned taxpayers that other items are coming up from the State be careful with your decisions. Bob Napolitano, 14 Currier Drive asked what the total expenditures were last year. Asked what the debt schedule was for 10 years. He said he thought the idea was to buy up scenic areas in the middle of town. Thought taxes were shared evenly by residential and commercial/industrial 50/50. He now thinks the residential properties are paying 57% as opposed to 43% for commercial/industrial. He suggested Cons. Com. coming to Town Meeting with the proposal when they have identified a lot. Also asked if other Towns are buying huge tracks of land. He stated the Ingersoll property is in the middle of construction. Town Manager Caron said the Town is paying \$789,520 on principal and interest for past Conservation Bonds, which is 24 cents on tax rate. This bond would add another 2 cents. M. Brown said this would be \$72 a year for a \$300K home. Councilor Oswald said commercial properties pay the same tax rate as residential homes and they don't vote. Discussion ensued about how many homes could be built, results of growth maintenance ordinance. Councilor Bove discussed the feasibility of saving the three orchards that have been saved for open space. **Councilor Paradis moved the question. Councils' vote to place the bond before the votes was 3-2-0. Motion to support bond issue by Councilor Oswald. Second by Councilor Dolan.** Open for discussion. Sandy Lagueux said that the operating budget is where we should hold the line. She said we should hear from the people, she will vote for the bond. M. Speltz said all of the open space is located in residential zones. Kathy Wagner 7 Fiddlers Rd., supports Open Space. **Councils' vote to support Article 3, 2-3-0 with Councilors Farmer, Paradis and Bove voting to not support.**

Highway Reconstruction – Article 4. Councilor Dolan made a motion to put this article on the warrant. Second by Councilor Oswald. Councilor Paradis said it was way past time to maintain our infrastructure, and this is a good start. Councilor Bove said he sat on the CIP Committee. This year was the first time they addressed the highway maintenance and paving problems. He will support the article, needs to be done. Al Baldasaro, 41 Hall Rd. said this was the only bond he can support,. Affects us on a long term basis . Chairman Farmer said this is a motion to move bond issue to warrant. **Councils’ vote 5-0-0. Motion by Councilor Oswald to support Article 4. Second by Councilor Dolan. Councils’ vote 5-0-0.**

Councilor Bove made a motion to close public hearing. Second by Councilor Paradis. Council’s vote 5-0-0.

PUBLIC COMMENT

Meg Seymour, Town Clerk announced that the sign ups for Town Elections is on 1/24 and listed all the openings. Must be registered voter, Supervisors of the Checklist have sign ups tomorrow night and on 2/23. School deliberative session is 2/9. Councilor Oswald announced a community open house this Sun. from 1-3 for Non-profits to showcase their organization.

OLD BUSINESS

FY08 Budget – Warrant Review for 2/8/07 Final Budget Public Hearing Town Manager Caron said Town Council has to finalize the warrant in preparation for the February 8 final public hearing. Articles 1-4 have been voted on tonight

Article #5 - Fund Special Revenue Accounts for \$2,521,367 . Chairman Farmer asked Town Manager Caron what would happen if this article was not approved by the voters, even though we have money through user fees. He responded if the appropriation is not voted, funds cannot be expended. No impact on tax rate. **Motion from Councilor Bove to support Article 5. Second by Councilor Paradis. Councils’ vote 5-0-0.**

Article #6 – Establish Trust Fund for Airport Police Services - \$2,347,974 is a revolving fund for FY08, all collected from MHT by Town, if approved only time the trust fund will be on the Warrant, town collects 10% admin fee, which is estimated at about \$125,000 for FY08. Once Town accepts the trust fund according to state law it remains in perpetuity until town meeting decides to rescind the trust fund. **Councilor Bove made a motion to support Article 6. Second Councilor Oswald. Councils’ vote 5-0-0**

Article #7 – Expendable Maintenance Trust Fund - for \$205K, Town Manager Caron explained this trust fund was established at Town Meeting about 4 yrs ago, provides repair and maintenance of town facilities. Open for discussion. Al Baldasaro, 41 Hall Rd, asked for clarification. Councilor Dolan explained that \$100K will come out of undesignated fund balance and \$105K will be raised from property taxes. **Councilor Paradis made a motion to move Article 7. Second Councilor Dolan . Councils’ vote 5-0-0.**

Article #8 – Fiscal Year 2008 Town Operating Budget - Councilor Dolan suggested reviewing the operating budget after review of warrant. Council was in agreement.

Article #9 – Appropriate Funds to Capital Reserve Funds to Replace Ambulances, Highway Heavy Equipment, Fire Trucks and Highway Trucks - **Councilor Oswald made a motion to support Article 9. Second by Councilor Paradis.** Open for discussion. Councilor Oswald stated this program avoids spikes in the tax rate. Kathy Wagner, 7 Fiddlers Ridge Rd.

asked why warrant articles are not part of the budget. Town Manager Caron explained we separate the budget to make sure budget categories are comparable. The Town breaks out the operating budget, revolving fund, bond issues, special revenue funds, capital reserve, special warrant articles and overlay veterans. Any undesignated available fund balance is used on one time expenses. Councilor Dolan said when citizens approve bond articles the annual payment on that bond does become part of the operating budget, part of the debt. S. Lagueux asked why expendable maintenance trust fund and Capital Reserve Funds that are on the warrant each year separated. Town Manager Caron said State law mandates they have to be on a separate article because they are being appropriated into funds other than the general fund. Discussion ensued about undesignated funding and no tax impacts. Would like to see real money listed. Chairman Farmer suggested at town meeting mentioning where the undesignated funds come from. K. Wagner suggested people come to vote on these warrant articles because they can be changed. Councilor Dolan said the Council is only making recommendations to the voters. Councilor Bove explained we are only responsible for the town budget and don't control the school budget. Deal with the school budget at their deliberative session to deal with their budget. T. Freda asked if you can amend bond warrant articles at Town Meeting. Town Manager Caron said you can make changes. Chairman Farmer asked Town Manager Caron if a citizen made a motion to create new town positions of "A, B, and C" in a hypothetical department and made a motion on the floor and it was seconded for \$500K it would be legal. It will effectively add to the budget. Town Manager Caron said the key is that the state will rule if voters have been duly warned of an appropriation. If someone made a motion to double an existing appropriation, then voters have been warned; should a motion be made to expend funds for a new purpose, then voters have not been duly warned. We would have to have another public hearing and duly warn the citizens of that new purpose for expending funds with a set time frame. Councils vote 5-0-0

Article #10 – Acquisition of Fire Equipment – Town Manager Caron explained this is a final payment of \$187,410 of a 2 yr lease/purchase on a piece of equipment. This is the last piece of equipment which the Town will purchase using a lease/purchase arrangement; next vehicle is scheduled for 2011. Open for discussion. **Motion to move, by Councilor Dolan. Second by Councilor Oswald. Councils' vote 5-0-0.**

Article #11 – Fire Facilities Relocation/Inspection/Equipment & Furnishing Costs - Councilor Bove voted to separate motions for support and putting on ballot. Councilor Bove **made a motion to put this article on the ballot. Second by Councilor Oswald. Vote 5-0-0 put on ballot. Councilor Oswald made a motion to support the article. Second by Councilor Dolan.** Open for discussion. Al Baldasaro, 41 Hall Rd. asked for an explanation. Chairman Farmer explained if the bond is passed for the new fire substation (Article 2) it will need communications systems, furnishings and other equipment, construction inspection testing, Clerk of the Works/Town Facilities Coordinator and other associated costs Councilor Dolan encouraged the councilors to support this article, if fire station fails, will be tabled and money not spent. Councilor Bove will vote against this article should not be passed if the fire station article does not pass. Councilor Oswald call question. Councils' vote 3-2-0.

Article #12 – Reassembly of Historic Home – Town Manager Caron explained that at the 2005 Town Meeting the taxpayers approved a warrant article authorizing the dismantling and storage of the house in the amount of \$150K. The project will cost approximately \$50K, and this article would allow the balance of \$100K to be used for the reconstruction of the house. Chairman Farmer said this vote is to support article because money already allocated. Councilor Dolan

said this is an excellent example of volunteers working for taxpayers. Chairman Farmer questioned if this article is approved it will extend the non-lapsing period. Town Manager said this will include a five year non-lapsing period; the funds in the '05 article revert to general fund balance and are then re-appropriated to this project.. **Councilor Oswald made a motion to support the article. Second by Councilor Paradis. Councils' vote 5-0-0** Councilor Bove suggested developing a program in town that developers or business in town can support with donations. Town Manager Caron responded we could work on it in the CIP process. (At 9:45 PM Chairman Farmer left the room and passed the gavel to Vice Chairman Paradis).

Article #13 – Fire Dispatch Center Software - S. Hickey explained replacing software, will make the Fire Dispatch Center more efficient. Open for discussion. **Councilor Bove made a motion to support the article Second by Councilor Oswald. Vote 4-0-1.** Chairman Farmer returned at 9:47 PM and indicated for the record that he would be in support of the article. **Councilor Bove opened up to vote, Councilor Oswald seconded that motion. Chairman Farmer voted in the affirmative for the article.**

Councilor Dolan asked Vice Chairman Paradis to go out of order and address under New Business - Item F.

Article #16 – Ratify Factfinder Report for Collective Bargaining Agreement between AFSCME Local 1801 and the Town of Londonderry and Article #17 Ratify Proposed Collective Bargaining Agreement Between AFSCME Local 1801 and the Town of Laondonderry – and New Business #F

#17 - Councilor Bove made a motion that we accept the collective bargaining agreement based on the rejection of the Fact Finders report on Article #16. Second by Councilor Paradis. Open for discussion. Town Manager Caron said this agreement is with Public Works and secretary staff support positions. COLA each year of 3-4 ½%, customary in most of the Town contracts. Includes a 1% addition to the base in year one, a ½ percent increase to the base in year two and a ½% lump sum in year two. All employees going to 20% co-pay, insurance buy back reduced to about \$4,700 yr in FY 07 and to \$3,244 in FY08 for a family plan. Estimated cost of 3 cents on the rent. Open for discussion. Councils vote to ratify support 4-1-0, with Councilor Farmer dissenting.

Councilor Dolan recommends Council return to Warrant Article #20. Second by Councilor Bove. Vote to go back to public hearing on Warrant Article #20, 5-0-0.

Councilor Bove made a motion to move Article #20. Second by Councilor Oswald. Councilor Dolan said that Highway Reconstruction came out of CIP process at \$1M recommendation. Took \$200K out of department budget, reduced department budget by that amount and put \$200K together with \$1M recommendation to make it \$1.2M. If \$1.2M bond fails this article puts the #200K back into Highway budget to do repairs. Councils' vote 5-0-0.

Article #8- Fiscal Year 2008 Town Operating Budget - Councilor Dolan made a motion to reduce operating budget as it appears in Article #8 by an additional \$77,025. Second by

Councilor Oswald. Chairman Farmer said this would reduce the amount of the operating budget to \$24,800,000. Chairman Dolan requested that Town Manager Caron explain the operating budget procedure and ultimate recommendations by the Budget Committee and Council to the voters. John Robinson, 13 Elwood Rd. asked if there was any particular line item the \$77,025 would come from. Councilor Dolan left up to Town Manager and Dept. Heads to find reductions. Town Manager Caron was asked how much of an increase this would be; he replied 2.5% over last year's budget. Collective bargaining agreements not included in this. Discussion ensued about the School budget. S. Lagueux stated she likes default budgets; the Manager advised that the budget would have to be increased by \$347,000. There is a difference of \$626K between last year's budget and the proposed budget. Town Manager Caron stated if we reduced the budget to that number personnel reductions would occur. The reductions would cost an average position of \$80K including all benefits, workmen's comp and retirement, involve at least 8-10 positions, which would definitely impact services. S. Lagueux asked when vacancies happen next year, look at not filling those positions. A. Komst reviewed figures. K. Wagner requested clarification of default budgets. **Question called by Councilor Oswald to reduce the Town Councilors recommended budget to the voters to \$24,800,000. Councils' vote 5-0-0.**

Councilor Oswald made a motion to close the public Hearing. Second by Councilor Paradis. Councils vote 5-0-0.

NEW BUSINESS

- A. **Resolution 2007-01 – Relative to the Elderly Exemption Policy.** Councilor Dolan made a motion to adopt the first reading waive schedule the second reading and public hearing for February 5, 2007. Second by Councilor Paradis. Councils vote 5-0-0.
- B. **Resolution 2007-02 – Relative to Veteran's Tax Credit Policy** Councilor Oswald made a motion to adopt the first reading, schedule public hearing on February 5, 2007, Second Councilor Paradis. Councils vote 5-0-0.
- C. **Resolution 2007-03 – Relative to the Disabled Persons Exemption Policy.** Councilor Dolan made a motion to accept second readings for Resolutions 2007-03, 04 and 05 and , move all three for a second reading and public hearing to February 5, 2007. Second by Councilor Oswald. Councils vote 5-0-0
- D. **Resolution 2007-04 – Relative to the Blind Tax Exemption Policy**
- E. **Resolution 2007-05 – Relative to the Adoption of Energy System Exemptions (Solar, Wind-Powered & Wood heating) Policy.**
- F. **Proposed Collective Bargaining Agreement – AFSCME 1801**
- G. **Ordinance 2007-01 Relative to Amendments to the Zoning Ordinance Regarding Elderly Housing** - Councilor Dolan made a motion to adopt the first reading, schedule second reading and public hearing on February 5, 2007. Second by Councilor Paradis. Councils' vote 5-0-0
- H. **Order 2007-01 – Relative to the Expenditure of Maintenance Trust Funds –** Councilor Dolan read the Order and made a motion to accept the first reading, no second reading required. Second by Councilor Paradis. Councils vote 5-0-0.

APPROVAL OF MINUTES

Councilor Dolan made a motion to accept the Public Meeting Minutes of 01/08/07. Second by Councilor Oswald. Councils' vote 5-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Bove chaired the So NH Hazmat problem with some individual towns that don't take committee seriously, no quorum. Need a part-timer to handle admin items, costs going up per capita will be a future item due to budget cycles in towns.

Chairman Farmer attended the Old Home Days meeting, they have no plans to expand, have budget for all areas. Letters going out to sponsors for August 2007. Financially in very good shape, on track. Reed Paige Clark III said they discussed restricting size of parade in general, and size of floats, talked about increasing booths, will discuss at next meeting. According to Councilor Dolan they have a lot of politicians marching in parade and they are causing a lot of problems. Councilor Oswald asked about precautionary issues on floats, Councilor Bove stated legislation has been passed or proposed to deal with that issue. Town Manager Caron was directed to look into it. Chairman Farmer stated safety issues will be brought up at next meeting. Reed Paige Clark III then spoke about voters coming to Town Meeting and casting their votes.

Councilor Dolan was out of town for ZBA meeting. Merrimack Valley Water was cancelled no quorum. He said there is still signage on roadways, asked supporters to remove signs.

Councilor Oswald attended the Conservation Commission meeting. Musquash field day scheduled for Sat 2/10.

Town Manager's Report – Town Manager Caron stated they have received notification from Verizon Wireless, proposed lease agreement is coming back with minor revisions for cell tower, moving forward with the project.

Lots of interest for old So. Fire Station. Waiting for proposals to come in, response encouraging. Abutters are aware of what is going on.

Last week had severe ice storm, caused utility problems, PSNH will probably be doing some tree trimming in Town. Chairman Farmer complimented fire department, and Jim Smith the Director of Building/Health Department for opening up shelters and working with the ALERT Team. Councilor Oswald discussed about moving emergency shelter to the High School, possibility of State giving money for a generator. South School was emergency shelter used the last couple of times because it has a generator, does not have sewer and Town Water. Have not been consistent with the emergency shelter locality. Councilor Bove stated we need a better way to notify people where emergency shelter is located. Councilor Oswald stated with Verizon we will have the capability in Town of using reversible 911. Town Manager Caron suggested people call their local police or fire station for information.

Board/Committee Appointments/Reappointments/Resignations:

1. Resignation of Ken Ferreira from the Traffic Safety Committee, appointed member.

Councilor Bove made a motion to accept the resignation with regret. Second Councilor Paradis. Councils vote 5-0-0.

Chairman Farmer discussed the opening in the Manchester/Boston Airport Authority. It was decided to send all applications received to each Councilor for discussion on 2/5/07 . Chairman Farmer asked Town Manager Caron to schedule Kevin Dillon for the next Town Council meeting.

ADJOURNMENT

Councilor Oswald made a motion to adjourn at 10:55 PM. Second Councilor Bove. Councils vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 01/22/07

Minutes Typed by: Margo Lapietro Date: 01/30/07

Approved: Town Council Date: 02/05/07

MEETING SCHEDULE

Town Council, February 5 about 7:00 PM, Moose Hill Council Chambers
Town Council, February 8 about 7:00 PM, Moose Hill Council Chambers – Final Public Hearing on Budget
Town Council, February 19 about 7:00 PM, Moose Hill Conference Chambers Warrant Signing