

TOWN COUNCIL MEETING
April 02, 2007

The Council Meeting of April 02, 2007 was called to order at 7:03 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Councilors Mark Oswald; Brian Farmer, Kathy Wagner; Town Manager David Caron; and Margo Lapietro, Executive Assistant. Absent Vice Chairman, Marty Bove.

CALL TO ORDER

Chairman Paradis opened the meeting at 7:03 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. He proceeded to express his pledge to fellow citizens and councilors, to deal with dignity, and the business at hand. He asked his fellow Councilors to maintain their focus which is public service. He intends to start each meeting at 7:00 PM and end at 10:00 PM. Chairman Paradis said that leadership comes from all five members and he has received a lot of great ideas for the upcoming year. He will work on steadying the budget, keeping taxes low without hurting real services. He would like to work on clarifying the Ordinances, maintain roads and infrastructure, work on Open Space initial objectives. He would like to work on affordable elderly housing, the town common, TIF District, maintain green space rationally & with foresight for the future. He also stated he would not run for the Council again. He commended the competent Town Manager and his Staff.

PUBLIC COMMENT

- A. **Introduction of Mark Tetreault, Fire Prevention Officer** – Chief Mike Carrier, introduce him and informed the Council that he has 25 yrs progressive fire experience including a BS in Fire Sciences. He worked for the Town of Durham prior to coming to Londonderry.
- B. **Scott Knox, Trustee of the Trust Fund candidate** – Councilor Farmer explained he that no one applied for the two empty positions. Jim Finch got the most write-in votes so he took the one year position. The three year position remains open and Council has the right to appoint an interested party to that position. Scott Knox expressed an interest to fill the three year term for one year, then it will be on the ballot next year again for a two year term. Scott reviewed his background in the banking industry. Councilor Wagner thanked him for stepping forward and made a **motion that Scott Knox be appointed to the position of a Trustee of the Trust Fund. Second Councilor Farmer. Councils' vote 4-0-0.**
- C. **Sarah MacGregor, Dragon Mosquito** – Sarah recalled that last year was challenging with rain and floods which required them to keep going back to check water levels. The identified 65 eligible sites for mosquito habitats, found 46 of them worthy of treatment. Dragon treated 3,215 catch basins and emergency aduictiding at Old Home Day celebration due to EEE threat. More EEE activity

is anticipated this year. State permit application has been submitted to state, which is a lengthy process. Plan to install traps on June 1 in 5 different locations.

S. MacGregor advised the townspeople to check their own yards for containers that collect standing water. Encouraged them to contact Dragon if they have large wet areas. She also advised townspeople if they do not want to be included to request to be on the “no-spray” list. This is larvaciding season. Jim Smith, Health Officer stated there are about 2,300 kinds of mosquitoes, have about 47 different species in NH. S. MacGregor said they have identified 22 different species in Londonderry, 9 have tested positive for EEE somewhere in NH, and one of them has tested positive in Londonderry. She informed the Council of the issues around the state and talked about the EEE and West Nile cycles. She stated that people are better protected now because of education. Councilor Oswald asked J. Smith to put something on Town website and have Dottie Grover put something on the Cable Access TV.

Brian said Councilors are interested in participating in labor negotiations and suggested having a non-meeting with the labor attorney to discuss parameters before selecting two councilors. Town Manager Caron stated historically we have met in non-public with the Council negotiating team to receive guidance, and can expand that meeting’s purpose to determine size and members of the negotiating team.

OLD BUSINESS

NEW BUSINESS

- A. **Resolution 2007-21 – Relative to the Appointment of a Deputy Treasurer – Councilor Farmer read first reading, waived second reading, and made a motion to adopt. Second Councilor Wagner.** Open for discussion. **Council’s vote 4-0-0.**
- B. **Order 2007-09 – Relative to the Administration of Highway Impact Fees** **Councilor Farmer read first reading; second reading waived made a motion to adopt. Second Councilor Oswald.** Open for discussion. Town Manager Caron gave an overview. Any commercial development is assessed an impact fee for traffic. He explained that Elliot Medical requested full credit on their impact fee assessment because the cost of the actual work performed within the corridor exceeds the assessment. Councilor Farmer asked for clarification. Town Manager Caron responded they owe the Town \$241K but spent \$290K in offsite improvements; therefore the recommendation is to credit their impact fee account in the amount of \$241K. **Council’s vote 4-0-0.**

APPROVAL OF MINUTES

Councilor Oswald made a motion to accept the Public Meeting Minutes of 3/19/07. Second by Councilor Farmer. Council’s vote 3-0-1 for 3/19 with Councilor Wagner abstaining.

Councilor Oswald made a motion to accept the Public Meeting Minutes for the Organizational Meeting on March 26, 2007. Second by Councilor Farmer. Council's vote 4-0-0.

OTHER BUSINESS

Liaison Reports - Councilor Oswald attended the Conservation Commission last Tuesday, re-assessing priorities with the bond failure this year. They are negotiating on two parcels. Traffic Safety met this evening; HB802 is being voted on by the House this Wednesday requiring seatbelt use. Contact state reps to encourage passage.

Councilor Wagner had Task Force Meeting for Historic Properties with approximately 100 residents in attendance. She reported that most people have pride in their historic properties, looking for incentives because of upkeep. Zoning laws are too strict, most older homes don't conform to existing zoning ordinances. Major issues deal with working on old homes because too difficult to get zoning variance. Most people are willing to work with Town to preserve the properties, want energy breaks. There are 141 properties that qualify for Historic Properties in Town.

Budget Committee meeting was changed; she is unable to attend because of conflict with another meeting. She suggested appointing an alternate to it. OHD is appointing spotters for floats; state is talking about regulating floats.

Mike Brown, Budget Committee Chair said School Board and TC Liaison are needed at the meeting, to talk to the Budget Committee about expectations. State reps will be in attendance to discuss the retirement system.

Town Manager's Report: Dave Caron talked about cell tower and a meeting will be held this Wednesday evening at Planning Board. He stated that he is currently working on updating goals and objectives for this year's council. He said he will schedule for the next agenda. Town received a complaint that the annual town meeting venue at the LHS Cafeteria is not handicapped accessible. Received a four page letter today from Dept. of Justice about deficiencies at a 1996 Town Meeting. Shared report with Supt. of Schools, requested his maintenance crew take a look at the report and give him a cost to take care of the minor deficiencies that were listed. Will return to the Council with amount and it will be an expense from the Trust Fund. Options are to correct deficiencies or move Town Meeting from school cafeteria as directed by Dept. of Justice. None of the improvements are significant financially. Fire Facilities Committee will meet in about month to determine close out of North site; materials have to be removed by contractor. More drainage and slope work will be done as part of Phase I. Some of work anticipated in Phase I will not be completed due to ledge. Funds will stay in capital account, and will be carried over to next fiscal year. Unless otherwise directed by Town Council, keep money in capital account until we decide what to do with North Fire Station. He is meeting with the School Board to update them on the state retirement system.

D. Caron reviewed the report of recommendations that he was involved in that was presented to LGC. The Working Group comprised of labor leaders and the Town Manager from Peterborough proposed the following:

- 1) Keep a defined benefit plan (House agreed).
- 2) Adopt the Entry Age Normal Method of calculating benefits rather than the Open Growth Aggregate Method (House agreed).
- 3) Recommend a 30-year Amortization of the unfunded actuarial accrued liability (UAAL) (House agreed with a requirement that the actuary determine the UAAL on a regular basis and calculate what each employer must pay on a 30 year basis).
- 4) Include an automatic 2% COLA to the base annuity funded in the retirement rates (HB653 did not include this provision, although it is anticipated that this issue will be discussed further as part of bills retained by the Legislature).
- 5) Eliminate the Special Account, but create a Retirement Stabilization Account (RSA) for the purpose of providing additional COLA's into which the remaining Special Account monies will be deposited; until the annuity fund reaches 80% funding, no additional money will go into the RSA, but after that, everything over a 10.5% rate of return will be placed in that account. If the automatic 2% COLA is deemed unconstitutional pursuant to Part I, Article 28-a of the NH Constitution, the pre-existing Special Account shall resume. (House agreed that no gain sharing would take place until the annuity fund is 85% funded; after which time earnings over 10.5% are swept into the Special Account. The ultimate status/disposition of the Special Account is anticipated to be discussed as part of bills retained by the Legislature).
- 6) Recommend to the NHRS Board of Trustees that they keep the assumption rate at 8.5% (No action on this issue).
- 7) July 1, 2008 NHRS contribution rates will be considered the "floor" for rates going forward. Group I employees agree to pay an additional 2% as part of their contribution rate and Group II employees agree to pay an additional 3.7% as part of their contribution rate. (House recommended "floor" equal to employee rates; 5% for Group I, 9.3% for Group II employees. HB653 did not include a provision for increasing employee rates, although it is anticipated that this issue will be discussed further as part of bills retained by the Legislature).
- 8) Change the calculation of the annuity so that it is based on the average 5 highest years of service rather than the current 3 highest years of service, and cap the annuity at 100% of the member's base salary (Base salary includes mandatory overtime). (House maintained 3 year average and allowed for earnings to reach the "highest year of earnable compensation").
- 9) Repeal the opportunity to purchase up to 5 years of non-qualified service credit. Reinstate the additional contribution option with the same provisions as it contained prior to repeal except the provision to withdraw the additional contributions. Also, authorize the additional contributions to be used to reduce the Social Security offset. (House agreed to repeal buy-in; removed opportunity for additional employee contribution).
- 10) Employee and employer groups support maintenance of the State's 35% share of the employer costs for teachers, fire and police. (Current law and ED&A Committee comments of 3/19/07 indicate that support is there to retain provision).
- 11) Eliminate the so-called "Gentlemen's Agreement", the minimum balance of a 5% COLA for 3 years required to be kept in the Special Account. (House agreed, in light of no additional funding to the Special Account anticipated for some time; see#5 above).
- 12) Change the composition of the NHRS Board of Trustees to include appointment of one management member nominated by LGC, effective July 1, 2007, and further recommend that the Chair be a non-voting member except when required to break a tie vote of the Board. (House agreed to management representation, with the Treasurer as non-voting).

The Working Group recommended that a Phase II to this process be required, i.e. the continuation of discussions and a report back to the legislature within 12 months regarding the potential to include a health component to retirement, such as a health savings account, as well as the potential recommendation of additional changes to the benefit structure of the NHRS. (HB653 did not include any revisions to the Health Insurance subsidy, although it is anticipated that this issue will be discussed further as part of bills retained by the Legislature)

He said he will make a presentation to School Board.

Board/Committee Appointments/Reappointments/Resignations

1. Appointment of John Weigler to an Ad Hoc position on the Housing Task Force – Councilor Oswald made a motion to appoint Weigler and John Conley. Second Councilor Wagner.
2. Appointment of Giovanni Verani to an Ad Hoc position on the Housing Task Force.

Discussion ensued about four people interested in the position. Town Manager Caron explained when agenda was completed we received only 2 written letters from Weigler and Verani for the two positions which no one had previously expressed an interest. The Town received Mr. Conley’s letter of interest Friday afternoon. Councilor Oswald stated that both Mr. Weigler and Verani work for the same firm, better to have people from different business. Councilor Farmer requested withholding these appointments until we confirm the other open at large appointments. Councilor Wagner stated it is important to have diversity. **Councilor Oswald withdrew his motion. Councilor Wagner withdrew her second.**

3. Resignation of Kathy Wagner from a position on the Heritage Commission. **Councilor Farmer made a motion to accept the resignation. Second Councilor Oswald with regrets. Council’s vote 3-0-1.**

ADJOURNMENT

Councilor Oswald made a motion to adjourn at 8:10 PM. Second Councilor Wagner. Council’s vote 4-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>4/02/07</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>4/11/07</u>
Approved:	<u>Town Council</u>	Date: <u>4/16/07</u>

MEETING SCHEDULE:

**Town Council, April 16 @ 7:00 PM, Moose Hill Conference Chambers
Town Council May 7 @ 7:30 PM, Moose Hill Council Chambers
Town Council May 21 @ 7:00 PM, Moose Hill Council Chambers**