

TOWN COUNCIL MEETING
June 14, 2007

The Council Meeting of June 14, 2007 was called to order at 7:00 PM in the Moose Hill Conference Room, 268B Mammoth Road, Londonderry, NH.

PRESENT: TOWN COUNCIL; Chairman Joe Paradis; Vice Chairman, Marty Bove; Councilors Mark Oswald; Brian Farmer (7:32PM), Kathy Wagner; Town Manager David Caron; Assist. Town Manager/Finance Dir. Sue Hickey, and Margo Lapietro, Executive Assistant.

CALL TO ORDER

Chairman Paradis opened the meeting at 7:00 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

Councilor made a motion to open the Public Hearing. Second by Councilor. Councils vote 4-0-0.

PUBLIC HEARING

- A. Receipt of Unanticipated Revenues** Town Manager Caron reviewed the list of unanticipated revenues received this year totaling \$105K, which is down significantly from previous years. One equipment donation for police portable radios in the amount of \$114K. Hearing no public comment, **Council's vote 4-0-0** to accept.
- B. Ordinance 2007-03 – Relative to an Amendment to the Zoning Ordinance; Impact Fees.** – Director of Planning & Economic Development, Andre Garron presented the Ordinance. Two amendments are proposed: Update School Impact Fee, and to apply the Fire Impact Fee on a town-wide basis. Bruce Mayberry, town consultant recommended the revision. In general fees were increased 20% - 25%. The last increase for fire impact fee in 1992 only involved the West Fire District. This year the proposal is for a town wide impact fee. John Vogl, GIS Manager, mapped out fire calls which resulted in the request for a N/W fire station. It was found that all fire stations respond and supported all calls. This resulted in a town-wide impact fee assessment. Chairman Paradis clarified that impact fees are imposed on new developments. A. Garron clarified that it is paid before the Certificate of Occupancy (CO) is granted. The total for a three bedroom home to include fire, police, school, library, recreation will be \$9,759 for impact fee. Hearing no public comment, **Councilor Bove made a motion to accept. Second Councilor Wagner. Council's vote 4-0-0.**

Councilor Oswald made a motion to close the public hearing. Second by Councilor Wagner. Council's vote 4-0-0.

PUBLIC COMMENT

- A. Interview Budget Committee Candidates** - Councilor Oswald thanked John Robinson for volunteering. He asked John if he was aware of the time commitment. J. Robinson responded he was on the Budget Committee in Goffstown for a year; he has formerly followed the budget process in Town for a number of years as a reporter. Councilor Oswald asked if any conflicts of interest. J. Robinson responded Council should be aware of two things: his wife is a teacher in the high school and he is the Operations Manager of the School District's radio station which does not consume any budget. Councilor Bove asked him if there was anything in particular that should be done and had not been done in the budget committee. J. Robinson responded that he is not here on a campaign to change anything; the Committee has been very pro-active on how money is spent and he supports that concept. Councilor Wagner asked J. Robinson how many committees he served on, he responded he is a peripheral member of the Old Home Day Committee. K. Wagner responded there is some overlap on other committees, not getting enough volunteers and asked the public to consider donating time to the community. Chairman Paradis expressed the same sentiment. **Councilor Oswald made a motion to appoint John Robinson to the remainder of this year's term of office for the Budget Committee. Second by Councilor Bove. Council's vote 4-0-0.**
- B. Gerard Adams, 54 Hall Rd.** - He asked a question 6 weeks ago, Town Manager responded in a letter dated 5/22/07, Mr. Adams stated his question was not answered so he was going to restate the question again followed by facts. Frank Holdsworth, Code Enforcement Officer on a Saturday evening about six weeks ago stopped a truck that had its motor running at 5:25 PM. He told the truck to move. G. Adams asked if F. Holdsworth cited the owner of the junkyard for being open at 5:45PM F. Holdsworth responded no, didn't think of it. Question to D. Caron, why was he not cited. Town Manager Caron responded that as he stated previously, when he asked F. Holdsworth, he said he stated that he did not think it was necessary to issue a violation, and not that he did not think of it. Since that time F. Holdsworth received a call from Mrs. Adams about the yard being open on 6/5 at @ 6:23, the operator admitted he was open until 6:00 and a summons was issued for a violation of condition #5 regarding hours of operation. The Town has not been notified of a court date at this time. Mr. Dudek called this morning and said he will contest the summons; he wants to receive a ruling from the judge whether or not the Town has the authority to establish hours of operation. G. Adams stated another issue he had was that at 7:00 AM on a Saturday morning a vintage automobile was running in and out of his open gates. He said Town Manager Caron said that Mr. Dudek took delivery of a personal auto on that date at 7:10 AM. G. Adams objected to his using his business for the delivery and opening the gates and conducting business. Councilor Farmer asked if something could be put in the municipal code to stipulate hours of business for other types of business. Town Manager Caron said he would check with counsel. Town Manager said his sense is if you are looking at restricting hours of operations for all junkyards we would have to either attempt to place hours of operation at all commercial business or differentiate between all the different business. Flatbeds are on-site all the time. Councilor Bove questioned how the last court order was initiated. Town Manager Caron said there were three separate orders for this property, and he proceeded to read the Superior Court stipulations. Councilor Bove asked who enforced that order. Town Manager Caron said state law allows any citizen who is aggrieved by an action of council or non-enforcement by the Town in

the grievant's eyes can petition Superior Court. Councilor Bove asked if our Enforcement Officer writes a citation for each of the offenses he sees. Town Manager Caron said he is not sure if we can petition Superior Court or issue a summons in District Court. Town Manager Caron said regarding the flatbed, one section says you can park motor vehicles of the defendants there and what you can't do on the prohibitive side is park front end loaders or other equipment. Discussion ensued about junkyards in other parts of town. Councilor Oswald suggested getting all parties together in a private setting to discuss the issues to include Town Manager, Code Enforcement Officer, Mr. Dudek and Mr. Adams. Councilor Bove said Mr. Dudek never complies, enforce the agreement, fine every time he does not comply. **Councilor Oswald called the question.**

- C. **Richard Belinski – Hall Road** He spoke about the hairdresser exceeding the specified hours in her exemption application. Thursday hours are from 1 – 9, Saturdays are from 9 – 3, Cars are doubling and tripling up. Code Enforcement Officer did find cars doubled up and the operator of the salon admitted working outside of the hours. Councilor Farmer went to the facility last October and observed double and triple cars in a two hour period. Town Manager Caron stated the hours of operation have been clarified and the Code Enforcement Officer has checked the appointment book and it appears that she is working on only one client at a time. Mr. Bielinski stated the letter clarifying the hours of operation was sent in February, S. Howell didn't start to conform until a few weeks ago. The appointment book is not what is happening, customers are overlapping. Code enforcement is weak. Look at nuisance law for the junkyard. Go over zoning laws particularly with junkyard. Councilor Farmer questioned the violations, Suzanne Howell admitted to them, why weren't they considered violations. Town Manager Caron addressed violations:

2-3 cars, coming and going – contemplated by the ZBA, copy of meeting minutes supplied.

Working Hours – no question, honest mistake. If pursued in Court, a judge would most probably accept the homeowner's explanation and expect that it would not re-occur.

R. Belinski said S. Howell is doubled up 70% of the time, Saturday most of the issues happen. No code enforcement coverage on Saturdays. Councilor Wagner asked Town Manager for clarification of weekend code enforcement and discussion ensued. Chairman Paradis said he will contact S. Howell and see if he can work it out.

- D. Ted Panek, 28 Rainbow Drive, talked about issues from the joint School Board/Council/BudCom Meeting. He referenced an article in the newspaper quoting School Board Member George Herrmann wanting to have conversations on how town and school can be more efficient with taxpayer's money and how they can work together. Complained that lights were on at new fire station on Rt 102, at all hours of the night, noticed a number of times. Suggested a timer for lights and shutting lights off if not needed. Other suggestion was to put windmills in to run schools, library and police station.
- E. Rep. Karen Hutchinson updated the Council on school funding bills, said that CACR-18 indefinitely postponed by the house, amended to CACR-19. Senate tabled it, it was preserving local control. Indefinitely postponed from the House side means it

cannot come back this year or next, has to wait for a totally new session. The Senate can take it off the table with a 2/3 votes if they choose. They have from now and the end of June if they chose to do it. CACR-20 identical in language, word for word to 19, no discussion made, a motion to re-commit to committee. They want to study it and Senate can bring back when they want. Judiciary dealt with these bills in Senate. The problem with all of these; 19 & 20 it says “the delivery, funding, the accountability of public education, local political subdivision, shall be responsible for providing public education, shall have the authority to determine curriculum and to determine the amount of funding thereof. The legislature shall have authority to provide supplemental funding”. K. Hutchinson said this completely eliminates any statement that suggests that the state has a responsibility for public education. Funding formula was a nightmare for budgets. No funding this year, we have never funded education to the degree that any RSA demanded. Will be huge tax increase for Londonderry. Will get some money this year because have to hold to last year’s formula. We don’t have votes to stop anything. Councilor Wagner said she heard that taxes will go up in Rockingham County and discussion ensued about taxes. K. Hutchinson stated if the CACR’s pass they would go to the voters at the general elections.

OLD BUSINESS

- A. CMAQ Sidewalk Project** Janusz Czyzowski, Dir. of Public Works stated that the CMAQ sidewalk project was advertised on 5/7/07. The project is to install sidewalks on Pillsbury and Mammoth Road, received one bid and it was too high. Don’t have enough money to do the entire budget within the \$589,400.00 budget.. Re-bid again on 6/12/07, got four bidders, lowest was American Excavating Corp. Awarded base bid to them for \$487K. School District granted permission to construct an 8ft. path with conditions we pave path on their property. Alternate #3 is \$52,130 will allow us to pave the entire pathway. Award contract to expend all funds available and J. Czyzowski recommended constructing the base bid, pave, and going as far as we can go. Councilor Oswald asked if Heritage Commission and Historic Society allowed him to pave in front of Morrison Barn, J. Czyzowski said no don’t want paving there. Councilor Farmer asked if this will interfere with the relocation of 1725 Rev. Morrison house. J. Czyzowski said will re-locate the path back to the front of the property. Councilor Bove said the Historical Society requested a waiver for this set-back. **Councilor Wagner made a motion to expend \$589,400 to include Alternate #1 per J. Czyzowski recommendations. Second Councilor Oswald. Council’s vote 5-0-0**

NEW BUSINESS

- A. Resolution 2007-28 – Relative to An Agreement for Technology Services** – Town Manager Caron explained this continuation of Town’s relationship with Eaglevue to provide technological services for all Town departments including the Library. Responsibilities the same as previous contract. Duties changed with additions of New World System software and the Red Alert Fire acquisition. Terms and conditions consistent with previous agreements. **Councilor Bove** read first reading, second reading waived. **made a motion to accept. Second Councilor Wagner.** Open for discussion. Councilor Oswald asked what the additional requirements were, we started with 1.5 full time employees (FTE), now 2.0. Town Manager Caron responded we have had 2.0 for this coming fiscal year and current fiscal year, year before we had 1.75. Councilor Oswald asked if contract was around \$100K in 04. Thinks it was six figures, significant increase, would like to know amount for each year. Finance Director S. Hickey stated that in 04 we had greater than \$100K because we had a FTE part of that year in addition to Eaglevue. Cost in labor has gone down. Councilor Oswald wants break down from 04 to current. Councilor Farmer said this increase has been discussed in the budget process. It was decided to put the Resolution aside until exact figures can be obtained. Councilor Bove suggested tabling this matter for a few minutes so S. Hickey can get the requested information. Town Manager Caron stated that in 04 we expended \$50K for a 3 month period, essentially had three people here during that period revamping entire IT system. Total IT expenses between Eaglevue contract and former full time employee was \$128K in FY 04. FY 05, \$112K, FY 06 was \$129,083, both of those we probably had close to 1.5 FTE’s. Went to 2.0 equivalent of FTE’s in FY 07 which is \$151K, contract in front tonight is \$161K. Increases due to advances in technologies, wireless connections in police and fire vehicles, website more active, E-Reg going on-line. More productive and economical to use Eaglevue, they do not have set hours, in Town Hall many weekends so as to not interrupt normal business hours. Between FY 04 and FY 08 paying about 1/3 for desktops set-ups than we paid in FY 04, seen some economic savings with our dealings with Eaglevue. Councilor Farmer stated that contract is about a 6% increase. **Councilor Bove made move to accept. Second Councilor Farmer. Council’s vote 5-0-0.**
- B. Order 2007-12 – Relative to Expendable Maintenance Trust Fund Expenses**
Councilor Wagner read the first reading, second waived, **made a motion to adopt. Second Councilor Oswald.** Open for discussion. Councilor Oswald made a request that when the Town proposes to construct NW station that this additional cost be incorporated into the project. Town Manager Caron explained that the extraction system in the current North is larger than the system at the former South, we will be re-using a larger system. **Council’s vote 5-0-0.**
- C. Ordinance 2007-04 – Relative to an Amendment to Title I, Chapter XXIII of the Municipal Code – Prohibiting Dogs at Nelson Field and Continental Park**
Councilor Farmer read first reading, second reading and public hearing on 7/12/07. **Motion to move. Second Councilor Bove.** Open for discussion.

Councilor Bove asked if signage will be at both locations. Town Manager Caron responded yes, the only change is item "K". Councilor Farmer questioned the use of this Ordinance being enforced only during scheduled use of the fields. Art Psaledas, Recreation Director said Recreation's concern is with biting animals. Initial purpose is concern to have ordinance when in use for intended purpose. If fields are being used, no dogs. If vacant OK for dogs. Councilor Farmer asked if we can add language for that distinction to the Ordinance, Town Manager Caron said we can do it in public hearing. **Councils vote 5-0-0.**

APPROVAL OF MINUTES

- A. Minutes of the Council's May 21, 2007 Public Meeting** Councilor Bove made a made a motion to approve. Councilor Oswald second with changes to page 2, line 12, typo error on name and Chairman Paradise corrected typo on page 2 typo on Kathy with a "K" not a "C". **Council's vote as amended 5-0-0.**

OTHER BUSINESS

- A. Liaison Reports:** Councilor Oswald had meeting with MHT, last meeting with Kevin Dillon. Mike Farren acting director, creating a Deputy Director position. Anticipate Oct. or Nov. someone will be named Airport Director. Missed Conservation Commission because of joint meeting. CIP met, deadlines given to applications sent out to board and committee chairs. Will meet again in late summer. Public Safety meets July, still accepting applications for Leadership Londonderry.

Councilor Wagner met with the Planning Board Taco Bell/Kentucky Fried Chicken development approved. Study done regarding how 55 and older developments affected communities, will put in "Read File". Lots of POD questions. Old Home Day is in two months, no booths are available.

Councilor Bove said end of school year, School Board concerned about funding aspects. Solid Waste meeting going on right now, so no update. SNH HAZMAT has scheduled a meeting for 6/28, being presented with a new budget for 09-10, will result in increase in fees, will get copies of budget so Council can see the increases.

Councilor Farmer stated that LAC started Concerts on Common, all dates booked. Recreation Commission met and discussed ordinance restricting dogs on LAFA and West Road fields. Update on LAFA lighting installations, almost done, bringing it in under budget even though some items higher than expected. A citizen came in to talk about the skate park, lot of graffiti, missing boards and screws. Commission opted to close it due to needed repairs. Might need money from expendable maintenance trust fund. Borrowing power washing equipment to clean graffiti, wood rotting, might have to replace some more wood. Suggestion made to form a civic group to

get involved, cut shrubs to open area up some more and have more police coverage.

Chairman Paradis went to middle school and talked to six graders to explain how Town Council and Town Charter work.

B. Town Manager's Report - None

C. Board/Committee Appointments/Reappointments/Resignations - None

ADJOURNMENT

Councilor Bove made a motion to adjourn at 9:00 PM. Second Councilor Farmer. Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 6/14/07

Minutes Typed by: Margo Lapietro Date: 6/19/07

Approved: Town Council Date: 7/12/07

MEETING SCHEDULE

**Town Council, July 12, 2007, @ 7:00 PM, Moose Hill Chambers
Town Council, August 9, 2007, @ 7:00 PM, Moose Hill Chambers
Town Council, September 17, 2007 @ 7:00 PM, Moose Hill Council Chambers**