

**TOWN COUNCIL MEETING**  
**October 15, 2007**

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2 The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B  
3 Mammoth Road, Londonderry, NH.

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

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9 **CALL TO ORDER**

10 Chairman Paradis opened the meeting at 7:02 PM with the Pledge of Allegiance. This was  
11 followed by a moment of silence for the men and women fighting for our country.

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13 **PUBLIC HEARING**

14 **Councilor Oswald made a motion to go into Public Hearing. Second by Councilor Wagner.**  
15 **Councils' vote 3-0-0.**

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17 **A. Ordinance #2007-09 – Relative to an Amendment to the Municipal Code Title VI,**  
18 **Chapter XIII, ambulance Fees and the Collection Thereof. Motion to adopt by**  
19 **Councilor Oswald. Second Councilor Wagner.** Town Manager Caron advised that the  
20 Town has an outstanding deficit of \$245K from uncollected bills from Comstar. Comstar  
21 is the agency that bills for ambulance calls. At the last Council meeting S. Hickey  
22 explained .the use of collection agencies and credit report bureaus for collection of  
23 delinquent ambulance fees. She received a report from Comstar with a total of \$437K  
24 aging accounts; \$117K is for Londonderry residents. Windham has adopted the action of  
25 sending non-residents to a collection agency, residents are not sent to collections.  
26 Windham's write-offs were 39% in 07 Salem had a \$197K write off, have 38% in write-  
27 offs thus far this year. They have also experienced an increase in calls. . Councilor  
28 Oswald questioned if \$437K was year to date, S. Hickey responded, year to date as of last  
29 week, with debts dating back three years. Open to public. Jeannine Curro, 103 High  
30 Range Rd. received a bill from Constar for services that were covered under Blue  
31 Cross/Blue Shield, (BC/BS). She notified Comstar who said they were having problems  
32 with BC/BS and needed a provider number. Bill now 90 days overdue. She is still trying  
33 to get it solved. If Council adopts the procedure of collection bureau and credit bureau  
34 she was concerned that her credit would be damaged even though she has shown an  
35 honest attempt to rectify this problem and she is covered for this kind of event. Mike  
36 Brown, Carousel Court questioned clarification of \$437K. S. Hickey responded \$177K is  
37 for Londonderry residents, \$259K is for non-Londonderry residents. He asked how many  
38 calls were from MHT. She responded they received 260 calls from MHT, 84 transported.  
39 He asked why Windham treated non residents and residents differently; S. Hickey  
40 responded that Windham said they were uncomfortable with reporting residents to credit  
41 and collection unions. M. Brown said he wants town to move forward with a collection  
42 agency, doing nothing is wrong. Chairman Paradis said delinquent accounts should be

43 responsible for their bills. He suggested that a tiered system should be set up that before  
44 the account goes to a credit bureau the customer should be contacted by the Finance  
45 Dept. Councilor Wagner said this tiered approach should be Finance Dept., Collection  
46 agency, then credit bureau. **Council's vote that if Comstar is unsuccessful, the**  
47 **Finance Dept. should contact the customer via a telephone call, if no response the**  
48 **unpaid bill should go to collection than credit bureau, 4-0-0.**

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

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53 **PUBLIC COMMENT**

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55 **Richard Bielinski and Gerard Adams – Hall Rd.** Mr. Adams said there was an incident  
56 Friday evening involving a front end loader parked at Mr. Dudeck's junkyard at 5:30 – 5:35PM.  
57 At 7:45 he called the Londonderry Police Department (LPD). He requested an officer be sent to  
58 document what was seen. He also cited an incident of two trailer trucks who almost collided.  
59 He stated that he is trying to get some relief, very little was being done for him by the Town; he  
60 alluded to the fact that something will be done in future.

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62 Richard Bielinski, 89 Hall Rd., had issues with the salvage yard dealing with set-backs, non  
63 conforming building, non conforming use, parking lot and safety issue with the site line. He  
64 stated that the town is setting precedents, not conforming to RSA's and Zoning laws. He cited  
65 rulings from a 1996 application for a building permit judge said non-confirming. He was told  
66 that parking lot issue would be handled with the site plan review for the new building. Councilor  
67 Farmer said he has a difficult time accepting how we have arrived at this point. He also said that  
68 it is fairly obvious that it is a non-conforming building, we are setting a precedent. This has been  
69 through ZBA, and Planning Board (PB); same issues raised with no effect. Either the Adamses  
70 and Bielinski are completely off base or are right and being ignored. Everything appears to be  
71 hearsay. Council has not done anything, conditions are set, we are listening to hearsay evidence  
72 on both sides of the issue. We have alternative to continue hearing these complaints or look at  
73 this and investigate it. **Councilor Farmer made a motion to use Section 3.14 of Town**  
74 **Charter and formally investigate the process surrounding ZBA and PB decisions.** Mr.  
75 Bielinski said we should have a procedure set-up that everyone should adhere to. Councilor  
76 Oswald questioned the time frame to challenge the ZBA decision; Town Manager Caron  
77 responded 30 days from last Wednesday's PB Meeting. Mr. Bielinski said it his understanding  
78 they had 30 days from ZBA. John Farrell, Vice Chairman of the PB said he interprets it that it  
79 has to be appealed from Superior Court. He cautioned Council that they would have to  
80 investigate PB and Council, it has multiple pieces. He stated that PB got legal opinion on every  
81 move. Had LPD involved with safety issue. The PB exhausted every possible avenue to decide  
82 what is best for community. Could only do what they were legally allowed, which was to send it  
83 back to Council. Councilor Farmer said we have no process in place, would take a while to have  
84 this investigation. **Motion second by Councilor Bove for discussion.** Councilor Bove said this  
85 has been going on for so long in regard to the licensing, has been improved, nobody had  
86 intention of doing anything wrong. Investigation needs to be defined. Councilor Farmer said  
87 the inquiry is to review facts and find out if there are errors in our process and can we improve it.  
88 Town Council does not have authority to overrule ZBA and PB rulings. Look at it on a factual

89 basis and determine what can be improved. Councilor Oswald suggested having a non-meeting  
90 with legal council, good place to start. This procedure will take a lot longer than 30 days. If the  
91 Adams and Bielinski pursue courts, clock is running. We would be taking up department heads  
92 and volunteer's time, a review of the process is probably needed. This is not an investigation of  
93 just this particular site plan; results of the investigation should be applied in much broader terms.  
94 Councilor Oswald asked Town Manager Caron if we are able to go into a Non-Public session.  
95 He responded any investigation will supersede 91-A: 3, depends on where your questions lead  
96 and what is the nature of your discussions. Councilor Oswald responded we could make those  
97 findings public once we conclude the process. Councilor Oswald stated he would like it to be a  
98 thorough review of process, not a witch hunt. Councilor Wagner asked if this is going to  
99 investigate the entire process. Chairman Paradis said his understanding is that it is an  
100 investigation of this situation and would provide guidance for future. Councilor Farmer said this  
101 is the case study. **Councilor Oswald amended the motion to add that following consultation  
102 with legal counsel the Council will then determine if we will proceed with a thorough  
103 review. Councilor Bove second the amendment. Council's vote on the amendment 5-0-0.  
104 Council's vote on amended motion 5-0-0.**

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### OLD BUSINESS

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108 **A. Order #2007-16 – Relative to an Expenditure of Recreation Impact Fees for**  
109 **Project P.L.A.Y.** Councilor Bove read the first reading; waive the second, made a  
110 **motion to adopt tonight. Second Councilor Farmer.** Art Psaledas, Recreation  
111 Director said at the last Council Meeting he was directed to make sure that the  
112 Recreation Commission realizes that supporting this Order will deplete their funds.  
113 At the last Recreation Commission they voted to go forth with this project.  
114 Councilor Bove said he still has a problem with spending a total of \$125K; he has had  
115 some folks approach him about winter activities. A. Psaledas said people can contact  
116 him, but he has not heard from anyone. He said it was not a good idea to have  
117 sledding at Continental Park; cross country activities are going on there. Councilor  
118 Wagner asked Town Manager how much do we collect a year, he responded \$6-8K  
119 per month. Councilor Wagner questioned investing impact fees and procedure for  
120 payment. Town Manager Caron responded the Town doesn't pay out impact fees  
121 until an invoice is received, and during that interim period the funds are invested and  
122 interest returns to the general fund. **Council's vote not to exceed \$125,000, 5-0-0.**

123

124 **B. Determination of Town Meeting Time/Location** – Councilor Bove said that for  
125 years a statement had been made that we could not have babysitting services at town  
126 meeting due to various reasons. He talked to Dept. of Health and Human Services  
127 and DCY about babysitting. With a one time event there is no licensing obligation as  
128 long as in proximity of parents. Chairman Paradis said other concerns at last meeting  
129 were issues with costs and number of seats. Reed Paige Clark, III spoke on behalf of  
130 the Londonderry Taxpayers Assoc. He said 84 people were putting the petition  
131 forward to move the location of Town Meeting to the High School Gym because they  
132 have had complaints that the LHS cafeteria is too small. Councilor Oswald said they  
133 have had an average of 233 people attend the annual town meeting over the past 6  
134 yrs. He has not heard anyone say they don't like the building, changing venue is not  
135 warranted. Councilor Wagner stated we are only discussing Town Meeting, School

136 Board has already voted not to change their venue. New gym is too big, cafeteria is  
137 less intimidating. The issue of how many people the gym could handle came up, Ron  
138 Campo; School Board said the gym could handle about 2,000 people. **Councilor**  
139 **Wagner made a motion to remain in the LHS cafeteria, wait on deliberative**  
140 **session in Feb; if it is a large turn out we will have additional chairs available for**  
141 **3/15/07. Second Councilor Oswald.** Councilor Farmer brought up the idea of  
142 having the Town Meeting on a different day instead of on a Saturday. He said we  
143 need to do away with the budgetary form of government to allow votes to be on  
144 ballots. Reed said it is done that way in NH; people need to be educated on the set-  
145 up of town meeting. We have done it this way for 300 yrs. He stressed that the  
146 townspeople get involved in their town. Councilor Farmer said not every  
147 communities in the state has Saturday town meeting, a lot have a ballot vote on  
148 Tuesday. People in this town have to vote twice. Should put it up for the voters to  
149 decide how they want to vote. **Councilor Bove moved the motion. Council's vote**  
150 **5-0-0.**

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152 **C. Manpower and Succession Planning Report – Fort Wayne Program** – Town  
153 Manager Caron said he reviewed information on the Six Sigma program offered in  
154 Fort Wayne Indiana. Seminars will continue through December, they have some  
155 good applications that might be implemented in Londonderry. Staff may possibly  
156 attend the December session.

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158 **D. Code of Ethics** – Town Manager Caron provided different provisions and directions  
159 Council could take. He outlined the following:

- 160 1) Referenced Statutory Authority RSA 31:39-a pertaining to Conflict of Interest  
161 Ordinances.
- 162 2) Reviewed codes from other communities
- 163 3) Code Applications
- 164 4) Resolution process
- 165 5) Should there be an ethics committee?
- 166 6) Reviewed ethics policy currently in place referencing RSA's and Municipal  
167 Codes

168 Councilor Farmer asked if we have a conflict of interest policy in town charter, Town Manager  
169 Caron responded we do. Councilor Wagner thought we had already discussed going forward  
170 with this. Chairman Paradis said first put a code of ethics then decide what body is put together.  
171 Councilor Bove said Dumbarton was good, we all agree we want it. Councilor Farmer said he  
172 simplified Dumbarton's, once ethics committee established they set up process. He drafted an  
173 Ordinance, requested that Town Manager Caron review it and have it ready for first reading. We  
174 don't need to wait for Town Meeting or having a Taskforce. He thinks the press should have  
175 access to the information of an investigation, unlike Dumbarton's not letting press know about it.  
176 Councilor Bove said we have a good three months to come to a decision on this item prior to  
177 March elections. Councilor Oswald suggested having a signed pledge in additions to sworn oath  
178 this is already required. The signed pledge goes on file with Town Clerk. Everybody filing for  
179 office should get a copy of the oath if it is passed. Councilor Wagner recommended every single  
180 volunteer should get a copy of it.

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**NEW BUSINESS**

- A. **Resolution #2007-33 – Relative to a process for Reviewing Staffing Levels.** Councilor Farmer read first reading, second reading waived. **Councilor Farmer made a motion to accept. Second Councilor Bove.** Town Manager Caron said this Resolution reflects the process staff has been following for the past 6 yrs. **Council’s vote 5-0-0.**
- B. **Ordinance #2007-10 – Relative to Citizens’ Petition to Rezone Land on Perkins Road** Councilor Oswald recused himself. Councilor Bove read the first hearing, second reading and public hearing is scheduled for 11/5/07. **Councilor Bove made a motion to move to second reading on 11/5/07. Second by Councilor Farmer. Council’s 4-0-0, Councilor Oswald abstaining.**
- C. **Ordinance #2007-11 – Relative to Revisions to the Zoning Ordinance – Councilor Bove read first reading, made a motion for second reading and public hearing to be held on 11/5/07. Second Councilor Wagner. Council’s vote 3-0-0.**
- D. **Disposal of NHDOT Property – Ret 102** – Town Manager Caron explained a well is being decommissioned on Rte. 102. Staff recommendation is not to accept ownership. LPD recommends area be secured. It has been recommended that the Town notify DOT that it has no interest in property and request that it be secured. Councilor Oswald suggested requesting DOT put jersey barriers in front of area. Town Manager Caron suggested giving instruction to DOT is to prevent people from parking there. Discussion ensued about DOT selling the property. Councilor Farmer suggested if the Town purchased it for conservation property could we control what gets developed. Town Manager said the area is not large enough, it is actually part of the road right-of-way, and would require subdivision approval.

**APPROVAL OF MINUTES**

- A. Minutes of the Council’s October 1, 2007 Public Meeting and Non-Public Meeting. **Councilor Wagner made a motion to accept. Second Councilor Farmer. Council’s vote 4-0-1.**

**OTHER BUSINESS**

A. **Liaison Reports**

Councilor Oswald met with Manchester Airport Authority regarding federally funded noise insulation, no further funds anticipated until probably 2009. There are still 112 homeowners still eligible, they have elected not to be in the program, (9 are in Londonderry). Airport is sending final notices out this week asking them to reconsider. Southwest has added non-stop to Chicago, Orlando, Phoenix, and Philadelphia. Passengers traffic up 5% from a year ago. Cargo traffic up 16%. They have a new cell phone parking lot. There are 10 candidates for Airport Manager position, includes 3 local candidates, being interviewed in next couple of weeks. LPD still popular with airport

224 officials. Conservation Commission had DRC reviews, met in Non Public for  
225 negotiations for land purchase. Leadership Londonderry meets this Thursday; topic is  
226 schools to include a tour of South School.

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228 Councilor Wagner attended the Planning Board meeting, Perkins Rd rezoning discussed,  
229 recommendation forwarded to Town Council. Londonderry Fire Dept. received awards  
230 from State for EMS Unit of the Year and water rescue at Constitution Drive last year.

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232 Councilor Bove attended Solid Waste Advisory Committee, Marty Sturgis who is a  
233 member of LAFFA volunteered to do recycling at the LAFFA fields. Landscape  
234 company has volunteered to landscape around welcome signs. FCC is taking away  
235 rights, cable companies won't have to negotiate with towns, fees will increase. Status  
236 Report from Housing Taskforce is out; copies will be forwarded to Councilors.

237  
238 Councilor Farmer met with Recreation Commission heard tonight the discussion they had  
239 about monies in their budget being used for Project P.L.A.Y.

240  
241 Chairman Paradis reported that the Londonderry International Exchange Committee had  
242 the Russian visitors, who toured the Town.

243

244 **B. Town Manager's Report** Starting Budget presentations next Monday evening will  
245 run through middle of November.

246 Fire Chief interviews will be conducted on 10/25 at the Town Hall, all day affair.

247 Tow has received confirmation that our tax rate is set at \$18.22 Last year was  
248 \$18.28, six cent reduction. Bills should be received by next Tuesday; and are due  
249 by December 1<sup>st</sup>.

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251 **C. Board/Committee Appointments/Reappointments/Resignations:**

252 **1. Re-Appointment of George Herrmann as an Alternate to the Conservation**  
253 **Commission, three year term to expire on 12/31/10.**

254 **2. Re-Appointment of Art Rugg as a Full Member to the Heritage Commission,**  
255 **three year term to expire on 12/31/10.**

256 **3. Re-Appointment of Duane Himes as a Full Member to the Solid Waste**  
257 **Advisory Commission, three year term to expire on 12/31/10.**

258 **4. Re-Appointment of Ben Parker as an Alternate Member to the Recreation**  
259 **Commission, one year term to expire 12/31/08.**

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261 **Councilor Farmer made a motion to re-appoint all of the above. Second by Councilor**  
262 **Bove. Council's vote 5-0-0.**

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**ADJOURNMENT**

**Councilor Bove made a motion to adjourn at 10:20 PM Second Councilor Farmer.  
Council's vote 5-0-0.**

<b>Notes and Tapes by:</b>	<b><u>Margo Lapietro</u></b>	<b>Date: <u>10/15/07</u></b>
<b>Minutes Typed by:</b>	<b><u>Margo Lapietro</u></b>	<b>Date: <u>10/16/07</u></b>
<b>Approved:</b>	<b><u>Town Council</u></b>	<b>Date: <u>11/05/07</u></b>