

TOWN COUNCIL/BUDGET WORKSHOP MEETING
November 05, 2007

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

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

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9 **BUDGET COMMITTEE: Mike Brown, Jay Hooley, John Robinson Ron Campo, Tom**
10 **Freda, Sean O’Keefe, Tom Dolan**

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12 **CALL TO ORDER – PUBLIC SESSION**

13 Chairman Paradis opened the meeting at 7:03 PM with the Pledge of Allegiance. This was
14 followed by a moment of silence for the men and women fighting for our country.

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16 **Councilor Bove made a motion to go into Public Hearing. Second by Councilor Farmer.**
17 **Councils vote 4-0-1. Councilor Oswald recused himself.**

18
19 **PUBLIC HEARING**

20 **Ordinance #2007-10 – Relative to Citizens’ Petition to Rezone Land on Perkins Road**

21 Chairman Paradis said this was introduced on 10/15/07, second reading and public hearing
22 today. **Councilor Bove made a motion to waive the second reading. Second by Councilor**
23 **Wagner. Councilor Oswald recused himself.** Town Manager Caron stated that the Planning
24 Board did review this petition to rezone three lots on Perkins Road and voted to recommend that
25 the Council not approve the request. Tom Duffy represents the Wallace family who is one of the
26 property owners seeking rezoning. Asked to see detail of review and process for the review of
27 the mini-master plan for the area. The master plan does address transitions zones and the Exit 5
28 area. He agreed with having Southern NH Planning (SNHPC) conduct participating hearings.
29 Wanted sense of scope and timing requested information from Planning Director Andre Garron.
30 A. Garron stated that back in September he submitted an application to use some of our CTAP
31 (Community Technical Assessing Program) to utilize \$15,000 discretionary fund from I93
32 widening. SNHPC is involved doing mini-master plan study costing \$17,000, looking at
33 northern area of Londonderry. A study will identify potential for that area, and infrastructure
34 needs. Will have several workshops/public meetings throughout the process. Timeframe is
35 projected a year from start of the process. Councilor Farmer asked for a clarification of the study
36 amount, A. Garron responded the study itself will cost \$17,000.00, \$15,000 from CTAP and
37 \$2,000 from Planning & Economic budget. Councilor Farmer asked if the piece of property they
38 were discussing tonight would be involved in that report, A. Garron responded yes in addition to
39 a lot of other properties in northern Londonderry. Report will be back to Planning Board toward
40 the end of 2008 at which time the public hearing process would begin. Discussion ensued to
41 exactly what areas would be involved in the study. Chris Davies, 29 Perkins Rd. passed out

42 information to the Council. Most abutters want to see the area as open space, keep residentially
43 zoned; enough commercial property on Rt. 28. He is a fan of having a buffer zone, not a
44 transition zone. Reed Paige Clark, III, Stonehenge Rd. asked for clarification of boundaries. A.
45 Garron explained area being studied in the report would be from lower boundary of Stonehenge
46 all the way to Manchester. From that route all the way to Manchester town line, from I93 west
47 to Manchester town line. It would include Litchfield Rd. A. Garron said the reason for the
48 report is because they have received a lot of requests for rezoning, concerned if Performance
49 Overlay District (POD) is working. Potential of a lot of development in that area. This makes
50 sure that whenever they go forward, it is an opportunity to look at Master Plan and make sure it
51 is working. Councilor Farmer said there is a large parcel of existing residential property at
52 Perkins, is the mini-master plan for that area being driven by petitions. What percentage of the
53 Town are we looking at for mini-master plan? He questioned if all the area could be included in
54 the study for \$17,000, felt we were overreaching. Councilor Paradis thought they were looking at
55 area around Exit 5 that was all that was driving it. Discussion ensued of area that should be
56 involved in the mini master plan study. Councilor Wagner said it is an overview of the entire
57 Master Plan opens the process again so everyone understands the Master Plan; asking citizens
58 what they want. Bob DeLoed, 56 Bartley Hill Rd. said he heard a Conservation Commission
59 representative say that Perkins Rd. would not be considered for Open Space. He looked at the
60 meeting minutes of the Conservation Commission and could not locate a meeting at which this
61 was discussed. Would like the Council to have this item on the agenda for the pros and cons
62 against opening this area for Open Space. Tim Thompson said it was not in current Open Space
63 Taskforce plan based on the criteria that the Open Space Taskforce supplied. Councilor Farmer
64 explained why Open Space Task Force was established. Mr. DeLoed asked to have the list
65 updated, Chairman Paradis explained that the monies in Open Space are already committed to
66 projects. Councilor Wagner stated that Open Space deals with property that is offered and this
67 property was not offered for Open Space to the Town. Heather Anderson, 31 Perkins Rd, said
68 154 people were approached regarding these three properties, 151 against and 3 were in favor of
69 the rezoning. Owner of lot #2 had never been approached to rezone. 100% of No Londonderry
70 under mini-master plan feels that some areas that need focus will get lost because of intention to
71 focus on larger area. Who decided to go ahead with mini-master plan without letting the general
72 population know about it? Wanted the 154 petitions to be acknowledged. She was instructed by
73 Chairman Paradis to hold onto the names. Councilor Bove said the housing taskforce is still
74 looking at making their own recommendations; do need to look at additional housing
75 requirements. Need to look at that area in more detail. **Councilor Bove made a motion to deny
76 this petition. Second by Councilor Wagner.** Town Manager Caron stated Council passed
77 this Ordinance to public hearing, waived reading, the reading is in the affirmative He suggested
78 they vote actually on the ordinance and if you choose to vote against the rezoning just vote no on
79 that article. **Councilor Bove re-stated his motion to approve this petition as presented.
80 Councilor Wagner second.** Town Manager Caron re-stated that a no vote would deny the
81 rezoning request. **Council's vote 0-4-0.** The Ordinance does not pass.

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83 **Ordinance #2007-11 – Relative to revisions to the Zoning Ordinance Councilor Wagner**
84 **made a motion to waive the second reading. Second Councilor Bove. Councils' vote 4-0-0.**
85 T. Thompson explained the Building Department had minor modifications to update state building
86 codes. Planning Board recommended these changes at its October 10, 2007 meeting. Councilor
87 Bove asked for specifics. T. Thompson said the way the Building Code is written is in a very
88 broad sense. In places it says “the name of municipality adopts these building codes” just have to
89 inserted Town of Londonderry, things like that are the changes. Open for discussion. Hearing no

90 public comment, **Councilor Wagner made a motion to accept the Ordinance. Second**
91 **Councilor Bove. Council's Vote 4-0-0.**

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93 **Councilor Bove made a motion to close the Public Hearing. Second Councilor Farmer.**
94 **Council's vote 4-0-0.**

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96 Councilor Oswald rejoined the Council.

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98 Councilor Oswald read a Proclamation designating November 14, 2007 as World Diabetes Day in
99 Londonderry.

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PUBLIC COMMENT

103A. **Conservation Commission** – Councilor Oswald stated that the Conservation Commission is
104 working with a certified forester to work in the Town Forest next to Town Common. The area
105 would not be clear cut, just remove some trees that are diseased. The Commission will be
106 hearing from forester within a month, sale of wood will take care of stump removal expense.
107 Chairman Paradis asked how big the forest was; Councilor Oswald responded around 12 acres.

108B. **Fire Chief Mike Carrier** – Chief Mike Carrier and Bureau Chief Sue Prentiss of EMS for State
109 of New Hampshire were in attendance as well as Don Waldron the EMS Coordinator for the
110 Town. The Londonderry Fire Department received the Unit of Merit Award from the State. S.
111 Prentiss proceeded to tell Council that there are 299 licensed EMS units in state and described
112 why Londonderry was selected to receive this coveted award. D. Waldron EMS Coordinator
113 accepted the award and thanked the Council, former Fire Chief, Al Sypek, Mike Carrier, the fire
114 fighters for all their cooperation and hard work

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116 **Tom Dolan**, 15 Isabella Drive had comments about Ordinance #2007-12 regarding
117 establishment of a Code of Ethics Ordinance. Offered both positive and negative feedback about
118 the Ordinance Good that we articulate the need for honesty, integrity and ethical behavior.
119 Original document reviewed about a week ago, was poorly written, not coherent, rambling and
120 drifted in an out of legalese. It was 14 pages long about 4,000 words. Recommend reducing
121 document to 1-2 pages, to a clear and concise code of conduct. Use ombudsman approach, to
122 review and make recommendations on ethics. He encouraged the councilors to demonstrate
123 leadership by example and to not advocate or delegate this responsibility of ethics on anybody
124 else including an ethics committee. The 5 Councilors are the ethics workdogs, the community
125 holds you accountable for ethics. He urged them to hold themselves accountable and invite the
126 community to do the same. Adding more bureaucracy and potentially more cost are not what we
127 as residents are looking for on this issue. Ken Hajjar, 70 Oakridge Drive, supplemented what T.
128 Dolan said. He is vehemently opposed to an ethics committee, incredibly subjective, will lead to
129 more negativity.

130 Councilor Oswald said the Londonderry Food Drive will start 11/1/07 - 11/19 coordinated with
131 Londonderry Fire Department. Two collection points: ReMax and LHS.

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OLD BUSINESS

A. FY 09 Budget Review

General Government:

Cemeteries - Carolyn O'Connor told Council we have 8 cemeteries in town maintained by the Trustees. Currently Trimmers is the landscaper that maintains the landscaping. The Town Sexton meets with people who want to buy graves, organizes the burials, submits documentation to the Town. Working to repair monuments in old cemeteries.

HDC Town Manager Caron said their budget was reduced by \$130.00. Recommending in FY09 that the Town raise the budget \$870. Art Rugg Chairman said at some point in time they will need additional money for expenses related to Historic Properties Preservation Task Force and future renovation of the genealogy room in the library.

Morrison House – Budget is level funded of \$8,500. Ginny Dahlfred, Pres of Historical Society said last year and this year not asking for additional money; they rely heavily upon volunteers. Adding two historical houses to the Morrison House Museum in 2008.

ZBA – Town Manager Caron said their budget is up a little from their current budget due to personnel costs. The budget supports half of staff position and General Government supports the other half of staff salary. All operational line items are level funded. Budget Member M. Brown said that ZBA recently heard from town staff that the fee structure might be adjusted, will it come to Town Council in the future. Budget Member T. Freda asked why not break up legal costs like they do in other departments. Town Manager Caron responded we only break out ones that are not supported by taxes which is the sewer department and cable. All other legal fees are in one central legal department. Councilor Farmer asked why printing went up. Town Manager Caron will get details. Budget Member M. Brown serves on the ZBA; costs associated with legal notices, and other things related to printing costs outstripped the fee structure we charge back for that. Discussion ensued. Councilor Oswald stated that Council was going to have this as an agenda topic to re-visit all fees, fines and permitting. Town Manager Caron said it is an ongoing process: building and zoning board fees will probably be done prior to February so we will know of any potential impact to FY09 budget.

Supervisor of the Checklist - Gerry VanGravenhoff reviewed duties. Requesting \$12,271, increase of \$747. During Presidential elections in 04-05 asked for increase of \$1,383.00 needed extra people. Councilor Bove questioned if voting machines come out of the Town Clerk's budget, J. VanGravenhoff confirmed that they did..

Conservation Commission – Returned to past levels, requested \$4,500 for outside consultations. Councilor Oswald said they were looking at baseline

177 studies, used interns from UNH for some studies in the past. Request for
178 09 is the same as 07. Have stewardship of over 1800 acres.

179 **Planning/Economic Development** – Director of Planning and Economic Development,
180 Andre Garron and Tim Thompson, Town Planner presented. Their
181 department is maintaining a default budget and 1.25% budget. A. Garron
182 spoke about reductions to his budget; internship program was reduced
183 \$4,000 and overtime budget by \$1,000, reduced training by \$150,
184 management by \$2,500, maintenance and repairs and miscellaneous
185 repairs were reduced. Increases were in telephones and postage part of
186 which is offset by application fees. Reduced the whole budget by \$8,140.
187 Added back in \$2,680 for a total reduction of \$5,460. Would like to add
188 \$4,000 back into internship program. Councilor Oswald asked where are
189 GIS related expenses, A. Garron responded the IT Dept. handles licensing,
190 maintenance and support. Councilor Oswald asked if anything done on a
191 fee paid basis from John Vogl, GIS Manager. T. Thompson said we do
192 have fees for digital data requests, digital information and printed
193 information are made available at a fee. Councilor Oswald said we should
194 make sure we are competitive. T. Freda questioned if you are limited on
195 what you charge for fees by state statues. T. Thompson said part of
196 engineering review process is charged to applicant. He said we do
197 compare what other departments charge but will look into it to see if
198 compatible. T. Freda suggested charging the applicants for additional time
199 spent on continuances by staff. Discussion ensued about continuance time
200 Discussion ensued about differences in salaries and benefit costs between
201 a pass-out from that night and figures listed in the Budget Book. M.
202 Brown asked about interns being used again and what the project would
203 be. A. Garron responded would like to have them again, but has not
204 established what the project would be. Andre said he would clarify mini-
205 master plan at 11/14 Planning Board meeting.

206 **Capital Improvements Plan (CIP)** – T. Thompson gave a brief overview, it is advisory
207 in nature, clarified what is a capital project. He talked about the potential
208 financing methods, and how the projects are prioritized.

209 He proceeded to review the year by year project cost totals and the
210 combined tax impact analysis by year. He clarified that the bond for Exit
211 4A project was not included in the CIP.

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213 Town Manager Caron reminded everyone that the next meeting on 11/15 is the last budget
214 workshop presentation.

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NEW BUSINESS

217 A. **Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics** Read by
218 Councilor Bove **motion to move for discussion. Second by Councilor Farmer.** Steve
219 Young, 7 Fiddlers Ridge Road asked how this is being brought forward. Is it due to
220 citizen demand, unilaterally or by consensus of the Board. Chairman Paradis stated that
221 Councilor Farmer brought it forward initially as an item. Councilor Farmer said it was
222 in response to comments, questions and concerns from citizens in the past three years.

223 There was a discussion on this in June at a joint meeting He said according to Town
224 Charter it was permissible to submit an Ordinance. Town Manager Caron said there are
225 three items in Town Council packets; town attorney's opinion on the proposal, the initial
226 proposal from Councilor Farmer, and another revision amended by attorney and staff
227 input. Only difference between staff's input and Town Council's is that employees
228 would adhere to goals and objectives of the code but would not be subject to provisions
229 of investigation by an Ethics Commission if one is formed. This is under purview of
230 Town Manager under RSA 37 and Town Charter. That is the major difference, other
231 ones are listed. Chairman Paradis clarified Council can make adjustments to this
232 Ordinance at public hearing. Town Manager Caron stated that when we go to public
233 hearing nothing requires the council to vote up or down at that meeting. Council can
234 close public hearing and work on document. He cautioned that after review of
235 document, if there are significant changes from the one presented to the public then he
236 would advise the Council to hold a second public hearing. Councilor Wagner said she
237 does not want this at all, what are her options if she does not want it to go to public
238 hearing. Chairman Paradis said we can vote for this to go to a public hearing and made
239 adjustments during the public hearing. Tonight she heard 4 individuals speak against the
240 Ordinance, has not heard from anyone who is for it. Ethics Committee will not be
241 impartial. Councilor Farmer said by doing the reading and introduction and seconding
242 the motion we vote now to move draft to a public hearing. Attorney's opinion and the
243 mark-up will be brought up in the public hearing process, Town Manager Caron
244 responded yes. Councilor Bove said another option is not to take action now. Town
245 Manager Caron said they have several options; Under the Charter, a Councilor can raise
246 an objection, which would delay consideration until the next meeting; Council can agree
247 to schedule a second reading at the next meeting; can agree to schedule a public hearing
248 for two meetings out. There are a number of different procedural options available
249 which would all result in not having a public hearing at the next meeting. Councilor
250 Farmer said as the author of the Ordinance can he change it. Town Manager Caron said
251 Councils' options are if you do that and have further discussion then he suspected that he
252 would need their concurrence with the changes. If the majority of the Council does not
253 concur with your proposal then the procedural matter would involve the Council not
254 sending it to a public hearing. Councilor Oswald said if we vote today on the document
255 that Councilor Farmer has offered, and send that to a public hearing where it would be
256 presumably heard by the public and voted up or down; or, we are not going to amend it
257 or make any edits or changes or alterations, is that accurate. Town Manager said once
258 Council presents an Ordinance it goes to public hearing; once it gets to the public
259 hearing then it can be amended after receipt of public input. Councilor Oswald asked
260 what is the rush, if you heard these concerns for three years and now we are acting on it
261 not sure if we want to change the landscape dramatically in the course of two weeks.
262 Needs some serious review, will make a number of comments at public hearing
263 Councilor Wagner asked if we are voting on what Councilor Farmer handed out to us at
264 the last meeting, Councilor Oswald said we are voting to just move it to a public hearing
265 on 11/19. She said when an attorney comes back with 4 pages of concerns about the
266 document she is uncomfortable. Chairman Paradis took a poll of Council, he said he
267 didn't mind moving this as it is or move for a second reading to give additional time to
268 review documents. Councilor Oswald said he would be more comfortable with a second
269 reading, allow the public to look at original document and Council to look at all three
270 versions, no rush on it. Councilor Bove agreed he would like to move to second reading.
271 Reed Paige Clark, III, Stonehege Road said nobody has mentioned ethics to him, does

272 not understand why this issue has come up. **Councilor Bove made a motion to amend**
273 **his motion to go to second reading on 11/19/07. Second by Brian. Council’s vote 4-**
274 **1-0.** Councilor Paradis asked Town Manager Caron if attorney’s opinion, draft of mark-
275 up and letter from one of the collective bargaining units was public information., he
276 replied that legal opinion is not public until the Council votes to release it to the public.

277 **B. Resolution #2007-34 – Relative to Participation in the LGC Property-Liability**
278 **Trust Program** – Town Manager Caron explained that the program is proposing to limit
279 increases to 9% per year for the next three years. The Town’s participation in the
280 program has resulted in one, 2% increase in the past 13 years. The program has been
281 using its Undesignated Members’ Balance to cover some expenses, as a method for
282 returning excess contributions to the membership. **Councilor Bove made a motion to**
283 **adopt, waive the second reading. Second by Councilor Wagner. Council’s vote 5-0-**
284 **0.**

285 **C. Issuance of \$1.2M Highway Bond** – Town Manager Caron stated that Town Meeting
286 authorized \$1.2M in highway bonds. Customarily we have issued bonds in the \$1M
287 range for 10 year terms recognizing the community’s tax base and its ability to be paid
288 over that time. A few years ago the Council directed as a policy measure that bonds be
289 issued for 20 yrs. Financial advisor is concerned about issuing 20 year bonds for road
290 construction, their preference is 10 years; 15 years is OK. First full year impact of 10
291 year bond is 5 cents; 20 year is 3 ½ cents; 15 year bond is 4 cent impact on tax rate.
292 Interest paid for a 10 year bond is \$324,000, 15 year is \$484,500 and 20 year is
293 \$660,000. Councilor Farmer asked if he recalled what term were on ballot, and what the
294 tax impact was. Town Manager Caron said 20 year was on ballot, which was the policy
295 at that time. He said asphalt does not last 20 year which is part of the thought process of
296 the financial advisors recommendations. Councilor Bove asked how this will impact
297 budgets coming forward. Town Manager Caron said it would impact it, recommendation
298 for 09 highway bonds would be whatever you decide this evening. He said he
299 recommend 20 yrs for fire department, larger bond and for an improvement that will last
300 longer than the 20 year bond. Recommendation depends on the type of improvement.
301 Town Manager Caron said that Councilor Farmer has an excellent point, he advises the
302 Council to make these policy decisions before budget process so we can list it on
303 warrant. Councilor Farmer stated he is in favor of 10 years. Councilor Bove said either
304 10 or 15 is OK. Councilor Oswald said road is not going to last more than 10 years, in
305 favor a 10 year bond for the highway. Councilor Wagner agrees with Councilor Farmer
306 would like to see the breakdown on the warrant, good to get that information on all
307 bonds.

308 **APPROVAL OF MINUTES**

309 Minutes of the Council’s October 15, 22,25 and 29, 2007 Public Meetings

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311 **Councilor Oswald made a motion to approve the public meeting minutes of**
312 **10/15/07 with one edit on line 194, he had recused himself from voting so**
313 **council’s vote should be changed from 4-0-1 to read 4-0-0..Second by Councilor**
314 **Farmer as amended. Council’s vote 5-0-0.**

315 **Councilor Oswald made a motion to approve the public meeting minutes of**
316 **10/22 with the correction to line 79 where Councilor Oswald asked about the**
317 **school’s “energy program” he actually asked when the Town was doing an**

318 energy audit and a baseline with Chuck Zappala at the school. Councilor
319 Farmer seconded as amended. Council's vote 5-0-0.

320 Councilor Oswald made a motion to approve the public meeting minutes of
321 10/25 & 10/29 as presented. Councilor Farmer second. Council's vote 5-0-0.

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OTHER BUSINESS

324 A. **Liaison Reports** Councilor Oswald said he will attend Leadership Londonderry next
325 week. It will deal with Finance and Budget and they will attend the budget workshop at
326 7:00 PM

327 B. **Town Manager's Report** – Fire Chief process has been completed; he thanked the three
328 panels for their help in the interview process. Conducting background investigation on a
329 candidate. Will e-mail council for a non public interview of his nominee.

330 Have completed the subsurface mediation of Sandborn Road nearing completion, looking
331 for disposal site for “dirty tires” Will receive free fill from Exit 5 construction, will grade
332 the lot then have to decide what to do with area.

333 C. **Board/Committee Appointments/Reappointments/Resignations**

334 1. Resignation of David DeBaie from the Southern New Hampshire Planning
335 Commission , five year term to expire on 6/09

336 2. Re-Appointment of John Farrell to the Planning Board, three year term to expire on
337 12/10.

338 3. Re-Appointment of John Michels to the International Exchange Committee, three
339 year term to expire on 12/10.

340 4. Resignation of Mike Toth from the Budget Committee, three year term to expire on
341 12/31/10.

342 5. Resignation of Tom Freda from the Planning Board, three year term to expire on
343 12/31/08.

344 **Councilor Bove made a motion to accept all above. Second Councilor Farmer for**
345 **discussion.** Councilor Farmer talked about filling the empty budget seat, Town Manager
346 said we will advertise the position upon acceptance of direction. Councilor Farmer said
347 the staggering appointments on Planning Board are out of whack. Town Manager said
348 terms will be staggered when reappointment terms come up to get back into sync. Terms
349 have to adhere to when they were sworn, have to be maintained to years that were sown
350 in.. T. Thompson said when alternates moved into full membership the alternate
351 expiration dates were maintained rather than being corrected to adhere to the balance of
352 the full member's term. Council was in agreement to handle the terms as suggested by
353 Town Manager Caron. Planning Board will be discussing Tom Freda's resignation this
354 week, usual practice is to appoint the senior alternate, in this case Lynn Wiles. Will then
355 begin search for alternate position. **Council's vote 5-0-0.** Councilor Bove stated that the
356 Council accepts all the resignations with regret and thanked them for their work.

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ADJOURNMENT

**Councilor Farmer made a motion to adjourn at 9:20 PM. Second Councilor Bove.
Council's vote 5-0-0**

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>11/05/07</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>11/09/07</u>
Approved:	<u>Town Council</u>	Date: <u>11/19/07</u>