

TOWN COUNCIL MEETING
November 19, 2007

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

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

BUDGET COMMITTEE: Mike Brown, John Robinson, Ron Campo, (School Board Liaison), Tom Freda, (7:09 PM), Tom Dolan, Sean O’Keefe (7:25PM), Jay Hooley, (7:45 PM).

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 fighting for our country.

PUBLIC COMMENT

Meg Seymour, Town Clerk announced there is a box in lobby of Town Hall for Toys for Tots and will be accepting unwrapped gifts until 12/20.

Tom Dolan had a question asked if the Code of Ethics document could be re-written. He stated it is difficult to vote on the Ordinance the way it is written. Chairman Paradis said the Ordinance will be brought up later in the meeting.

OLD BUSINESS

FY09 Budget Deliberations - S. Hickey reviewed questions that were brought up at the October 25 and November 5 budget workshops. Chairman Paradis clarified that at the 12/3/07 meeting additional questions could be brought up. Budget Member Tom Freda asked if there were increases in the rates for Motor Vehicle (MV) fees. Town Manager Caron responded that there have been none in the past 4-5 years. Town Clerk/Tax Collector Meg Seymour said the maximum rate of 18 mils is set by state. T. Freda asked her if there is a decline in MV registrations. She responded that there was no change in activity other than loss of one rental car company, but the lack of new car sales does adversely impact revenues. Councilor Bove requested that S. Hickey supply an updated summary sheet as listed on page 16; would like it projected on the screen. Councilor Oswald also requested that the actual tax rate be listed. Councilor Farmer asked if the Budget Committee has set a time frame for their input to the budget, T. Freda said they were trying to meet next week. Councilor Farmer asked Town Manager Caron if there was any particular order so they can have their input ready. He responded it was broken out in the budget calendar, and can provide additional detail for distribution tomorrow. M. Brown said default with 1% reduction was excellent idea, he gave

Town Manager credit for coming back with an honest assessment to achieve that. He said that the Town Manager showed that \$252,656.00 in reductions can be accomplished without affecting staffing. He reminded everyone that we still don't have three contracts finalized yet. The economy is different this year, 15.5% increase in consumer index over the past several years and residents have same economic pressures. Chairman Paradis said they will continue Budget discussion on December 3.

Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics – The Councilor's took turns reading the entire Code of Ethics. **Councilor Farmer made a motion to release attorney Bart Mayer's letter to Town Manager Caron. Second Councilor Bove.** Councilor Wagner stated it should also be read. **Councils vote 5-0-0.** Attorney Bart Mayer's comments were read by Councilors Paradis, Wagner, Oswald and Farmer. Copies were distributed to the public Chairman Paradis said there was a third version with the words "and employees" struck out. Councilor Wagner asked about e-mails being released; Chairman Paradis responded they were released to the press. If the public wants copies of the e-mails they should contact the Town Manager. Councilor Farmer read Section III Old Business from the Town Manager's supporting documentation. Chairman Paradis stated there are two parts to the Ordinance; first is establishing the code and the second is establishing an Ethics Committee. Councilor Wagner clarified that tonight's meeting was to move or not move Councilor Farmer's Ordinance. Councilor Oswald talked about the process, this Ordinance was introduced as a non-agenda item, he was not privy to it being brought up. He asked what is the rush for this whole process? He observed that the Dunbarton people had people research the whole process. Do we want to draft something unique for our Town or use a copied version? Councilor Farmer said yes there are some language issues, yes some things brought up by attorney are valid. No rush, there has been a number of incidents and things that happened in the community over the last few years. One person asked him to enumerate; he said he views that as counter productive to the discussion of reasonable people talking about the code. He also stated he had received responses against the ethics committee. He views it as the Council can set aside their responsibilities and hand it to an Ethics Committee. He looked at 14 ethics codes, several molded on Dunbarton's. He stated when Dunbarton founded their Ethics Committee, there were attorneys on it. Best way to move this forward was to present a draft, which course of action is allowed by the Charter. Does not think it is being rushed, would like to go into public hearing to hear from more people. He stated he would like to separate the code from the committee in public hearing. Believes community needs this. Part of this is in Town Charter, discussion needed through public hearing process. Could take comments from public hearing and work it out in a workshop. Councilor Wagner said she was disappointed, not given the opportunity to discuss, would like to have examples of unethical behavior, should have option to discuss. If it doesn't get on the ballot this year, what is the rush. Whole code would have to be established by 2/1/08 in order for Ethics Commission members to be on the ballot. Councilor Wagner said she is opposed to it because one person's interpretation of the code goes through. Councilor Oswald agreed, need time to review and consider. If the concern is a matter of trust all the more reason not to perform a disservice to the community by rushing process. Next meeting should be a workshop so it can be talked about. He said the people from Dunbarton said to make it your own a number of times. The Code has to be deliberately thought out, so we don't offend our volunteers. We rely heavily on community- minded volunteers. Councilor Bove said it was not being rushed, Sean O'Keefe brought it up at the 6/12/07 meeting, Councilor Farmer brought it forward. It is not one person's opinion because we are bringing it to a public meeting to discuss the issue. He talked about the "conspiracy" aspect. If you run for office, people watch you. Not sure if we need it. In favor of having some kind of code of ethics, good planning on Councilor Farmer's part to bring it

forward. He questioned if we should have the next Council deal with it as a goal, he said he supports it, should go to public at next meeting. Budget Member Tom Dolan wanted to see the goals and objectives the Council had set for this year at the next meeting. Councilor Farmer suggested bringing goals and objectives for last 5 years to next meeting to analyze what goals and objectives were not met. Looking at goals and objectives will result in unproductiveness, look ahead. Chairman Paradis said it will be provided at next meeting. Councilor Wagner said it is common courtesy to have been notified ahead that it was on the agenda. Chairman Paradis was on an ethics and standards committee long ago, it was a watered down version of how people should act at town meeting. We should have a code of ethics, everyone should know what the rules are if they become involved in town politics. We can self-police ourselves, if we have a code in front of us and someone feels it has been violated than it should be challenged. If a code of ethics turns away volunteers, then that it is, don't volunteer. Employees should follow code as well, it is a guideline. Not sure if a task force would make it better **Councilor Oswald made a motion to move the Ordinance to a public workshop on 12/3/07 and allow public input. Second by Councilor Bove.** Councilor Farmer asked Town Manager if by the reading of the Ordinance does one motion override the other, is that allowable. Town Manager Caron responded the only guidance in the Charter is to move to public hearing once the readings have been set. Councilor Bove asked for clarification on the motion, public hearing or public workshop. Councilor Oswald responded he said public workshop. **Councilor Bove withdrew his second for a public workshop this should go to a public hearing. Second by Councilor Wagner to move this to a public workshop.** Chairman Paradis asked Town Manager Caron if this was to go to a public hearing can it be amended, he responded yes it can be amended at that time. Town Manager Caron stated that Council can vote to adopt it, don't have to take action at that time or you can vote to reject it. He said there is no requirement to act on an issue immediately after a public hearing. Councilor Bove asked Town Manager Caron with potentially the kind of change we want to make can we continue the public hearings until we are at the point we want to vote on something? Town Manager Caron said there are two ways; if you want to continue the public hearing, you have to notify the public at that hearing the date and time of the continuation of the hearing; if not that is not done then it will have to be re-advertised. Councilor Farmer asked him if they moved to public hearing, the Council can set their rules for how they are going to conduct their hearings. Town Manager Caron responded that was correct. Councilor Farmer verified that they could advertise a public hearing on the Ordinance and operate that hearing in a workshop format, Town Manager Caron responded in the affirmative. Chairman Farmer said that is the easy solution to this. Councilor Wagner asked Town Manager Caron if she tabled the Ordinance would the hearing be the same thing as a workshop. She stated she does not want the Councilors to be placed into a public hearing and at that point end up adopting a document that she and a lot of the public have clear concerns about. What is the difference between a hearing and workshop. **Councilor Wagner said she wants to table the issue until the next meeting.** Town Manager Caron said he was not sure of the exact language in the Charter said but he thought you could only use that prerogative on the first read of the issue brought before Council. Councilor Farmer said it is for the adoption of a measure, and we are not adopting. Councilor Wagner said if the process is not working at our next meeting, she can use her Council prerogative to table the discussion. Town Manager Caron said based on what Councilor Farmer said yes but he does not have a copy of the Charter in front of him. **Councilor Oswald called the question.** Chairman Paradis clarified that Council is voting on Councilor Oswald's proposal to bring Ordinance 2007-12 to a public workshop. **Councils vote 3 against the workshop, 2 for the workshop. Councilor Bove made a motion to bring this Ordinance to a public hearing on 12/3/07. Second Councilor Farmer. Councils vote 2 against, 3 for the public hearing.**

NEW BUSINESS

Presentation of Comprehensive Annual Financial Report – Sue Hickey informed the Council that a link will be put on the Finance Department’s page on the Town website for CAFR. She proceeded to explain the components and briefly review the report. She specified it is our audited financial statements and it has been submitted for review by a national organization for a potential award. Councilor Wagner verified that the information in the CAFR report was also listed in the Annual Report, S. Hickey responded most of it was. Councilor Oswald referred to pg 98 where it listed largest employers from 1998 – 2000. He questioned why Manchester/Boston Regional Airport (MHT) was not listed. S. Hickey replied MHT business offices were located in Manchester. He also questioned part time and temporary help. Councilor Farmer asked S. Hickey to briefly explain total net taxable assessed value and the total tax rate per thousand dollar value. She responded the total assessed value is used as a component when calculating the budget. When the assessed value goes up the tax rate value goes down. The budget is divided into the assessed valuation to arrive at the property tax amount per thousand. The higher the assessment the lower the rate, which does not mean we collect less property taxes.

APPROVAL OF MINUTES

Minutes of the Council’s November 3 & 5, 2007 Public Meetings

Councilor Oswald made a motion to adopt the meeting minutes of 11/3/07. Second Councilor Farmer. Councils vote 5-0-0.

Councilor Wagner made a motion to accept meeting minutes from 11/5/07. Second Councilor Bove. Councils vote 4-0-1, with Councilor Oswald abstaining

OTHER BUSINESS

Liaison Reports

Councilor Oswald attended Leadership Londonderry class last Thursday, dealt with Finance and Administration, Town Clerk/Tax Collector. Bob Lincoln did a presentation of athletic fields in Town. He is responsible for every athletic field in town and has saved the Town thousands in dollars using volunteers to help out with the fields. He produced a Field Study Report for the School District, requested that it be put up on the Town website. Next meeting will be held on 12/20 will be dealing with public safety. Had meeting with MHT met new proposed Airport Director who is from R.I. Again Capt Gerry Dussault and his officers are still receiving kudos from the airport.

Councilor Wagner attended Planning Board meeting. Chairperson Art Rugg appointed Lynn Wiles as a full member, staggered term to be determined. She also mentioned that the proposed new airport director was a good candidate.

Councilor Bove said Solid Waste had hazardous waste drop off this weekend. This was the last weekend it was open, closes for the winter.

Councilor Farmer will attend upcoming Heritage Commission Meeting.

Chairman Paradis said he has meetings within next couple of weeks.

All Councilors stated their inability to attend some meetings was due to the ongoing budget process.

Town Manager's Report – Town Manager Caron handed out a News Release for meetings scheduled for I-93 Transit Study. Councilor Farmer volunteered to attend. Town Manager Caron said the background investigation of proposed new fire chief is on going, should have final report within a week. He will schedule a non public session with the Council for an interview.

Town Hall will be closed for Thanksgiving Holiday this Thursday and Friday.

The Town is working with CGI Communications; they are doing a series of short videos to play on the Town website. It will include a community overview; will deal with education and quality of life. It is a free three year contract, and the focus is to use it as an economic development tool.

Monthly financial reports we given to the councilors no surprises at this point, no revenues or expenditures that are off track.

Board/Committee Appointments/Reappointments/Resignations

Councilor Bove said we have some people who are interested in volunteering for the vacant Budget position. Discussion ensued about interviewing the applicants by. Councilor Wagner said there is an Alternate position on the Planning Board, 4 people have applied. Southern NH Planning has an opening. M. Brown said there is an Alternate position on ZBA .

ADJOURNMENT

Councilor Oswald made a motion to adjourn at 8:50 PM. Second by Councilor Farmer. Councils vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 11/19/07

Minutes Typed by: Margo Lapietro Date: 11/21/07

Approved: Town Council Date: 12/03/07

MEETING SCHEDULE:

- A. Town Council, December 3, 2007 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)
- B. Town Council, December 17, 2007 @ 7:00 PM, Moose Hill Council Chambers – Council Meeting (Budget Discussion)