

TOWN COUNCIL MEETING
December 17, 2007

The Town Council 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, (7:38 PM) Ron Campo, (School Liaison), Tom Freda, (7:25 PM) Tom Dolan. Absent: Sean O’Keefe, Jay Hooley.

CALL TO ORDER – PUBLIC SESSION

Chairman Paradis opened the meeting at 7:05 PM with the Pledge of Allegiance. He dedicated this moment of silence to Burt Boucher, a member of our community who devoted a lot of his time to the Town, specifically to Old Home Day.

PUBLIC HEARING

- A. **Ordinance 2007-12 – Relative to the Establishment of a Code of Ethics.**- Chairman Paradis explained this item was continued from the 12/3/07 meeting. Reed Paige Clark, III, asked Councilors not to rebut every statement from the public. Lynne Laval-Yeh asked about the recusal procedure. She expressed concerned about due process being blocked and safety issues that were not addressed. Feels that she is being stonewalled, and that she has gone to State for help. After more discussion it was determined that her issues are with the School Board; Chairman Paradis told her that the Council has no jurisdiction in the matter. Schools are completely separate from the Town per state RSA’s. Ms. Revalier offered her input to an Ethics Committee saying it was not a good idea. It is up to communities to follow administrative laws.

Mike Brown, 5 Carousel Court purposed adding an additional sentence to the “Whereas” section, paragraph 2 referencing the document as an educational tool. Change the sentence that contains “appearance of conflict of interest” it is to judgmental. Tom Dolan stated he would like to see it shorter. The referenced the second “Whereas” where it states “have an opportunity to protect their personal reputation”. He said if someone is accused unjustly, what is mechanism used to protect one’s reputation. He wanted a reference recourse to clear a person’s name. Councilor Farmer said a section on inquiries had a specific forum to ask that question. T. Dolan responded if misused and someone is injured what is recourse so people can protect themselves. That concern is foremost on a lot of peoples’ minds. Councilor Farmer asked what is recourse under the Town Charter for conflicts of interest. Town Manager Caron said if an issue arose concerning an employee it would be directed to him; if someone had a concern about the Town

Manager they would go to the Town Council; similar process regarding an appointment board or commission member. If an elected official is involved in an allegation, there are no procedures as those positions are responsible directly to the public through the election process. There is a recall procedure for Councilors only. Councilor Farmer said Council has no authority to act at all with a Board/Committee member under the Town Charter, can't remove them without cause and we have no vehicle to find cause. Councilor Farmer read David Ellis's letter requesting Council draw on the RSA's and the Charter pull it together and that would be our Code of Ethics.

Mary Wing Soares, 2 Gale Rd, questioned bringing complaints to the State Attorney General. Isn't that the vehicle to use if we found someone on a committee that was unethical? By adding ethics committee it gives the Town another layer between the Town and State's Attorney, and questioned the need to do that. She suggests appointing a taskforce and bring it back to the Council. She agrees with Mike Brown about the code including an education component. Councilor Wagner agrees with Mary, indicate RSA's in the code. Have we decided to strike out the employees on the Code? Employees are already covered, concerned that we are opening ourselves up to liability. Councilor Oswald agreed with Councilor Wagner, people don't want more government but want more from their government. Agrees with Tom Dolan, be succinct and concise, reduce size of the document. Maria Newman, 26 Otterson Rd. asked what are the requirements when volunteers are sworn in. Chairman Paradis said when a person is sworn in they agree to follow the law. M. Newman said the person being sworn in should know what they are signing, make it simple and to the point. Art Rugg, Chair of the Heritage Comm. said that we are a Certified Local Government and there is a code of conduct provision for that organization. It is a one page document, very short and succinct, covers everything we are talking about. He proceeded to give a copy of the document to Chairman Paradis to read. Paul DiMarco, Secretary of the Planning Board and Emergency Council said the Town Charter and common sense dictate how people behave. Code needs to be shortened. Leadership Londonderry classes would be a good place to expand on an Ethics Code. Councilor Oswald said he is in favor of omitting employees from Ordinance because they are already covered. We should include sanction groups, identify a dollar amount for contributions, or gifts given to elected or appointed officials, should be declared. Councilor Farmer said that by petition any elected official can be recalled from office according to Charter. Bar is very high on recalling. Educational component is a real mechanism here, in favor of some re-work not in favor of taskforce. Don't include an elected committee, but needs to describe how to handle a complaint. He talked about the inquiry and complaint process. Councilor Oswald said he would be in favor of having this issue discussed again on 1/7/08; have Town Manager Caron reference RSA's in the revised document. Councilor Bove requested that he put something concise into play, starts with education. Cautioned him to be careful of what he lists in there, would like to see that employees follow code but fall under the Town Manager. He said he would also like to see it whittled down. Councilor Wagner said she would like to see the bar held high, future Councils could change it. Chairman Paradis asked Town Manager Caron to cite the RSA's and the Charter. He instructed the other Councilors to get comments to him before the next meeting. **Chairman Bove made a motion to continue this Ordinance to the Public Hearing held on 1/7/07. Seconded by Councilor Oswald, Council's vote 5-0-0.**

PUBLIC COMMENT

Councilor Oswald announced “Toys for Tots” deadline is 12/20. Holiday Food Drive deadline is 12/21, collection points are the Londonderry High School Lobby and the ReMax Office at the Crossroads Mall. The second annual Londonderry Non-Profit Open House is scheduled for 1/27. Town Clerk/Tax Collector Meg Seymour spoke about Toys for Tots ending 12/20/07.

She proceeded to list the Town openings that will be on the ballot.

- Town Council – Two, three year terms
- Budget Committee three, three year terms
- Town Moderator one, two year terms
- Supervisor of the Checklist one, six year term
- Trustees of Leach Library two, three year terms
- Trustees of Trust Funds one, three year term
- Trustee of Trust Funds one, two year term

The filing period is from 1/23/08 – 2/1/08, interested candidates must be a registered voter prior to 1/23; file at Town Clerk’s Office during regular business hours

Richard Bielinski, 9 Hall Rd., and Gerard Adams, 54 Hall Rd were present to talk about a Town Council meeting they attended on 10/15/07 regarding the salvage yard and the beauty salon that was not operating anymore. R. Bielinski asked what has happened with questions he asked 2 months ago, Town Manager Caron said Council voted to start an investigation, but he not received direction from Council since that time. Councilor Wagner asked for clarification on what they are investigating. R. Bielinski proceeded to review the issues with junkyard and questioned why aren’t things followed through with Town. Town Manager Caron said the motion that was adopted was to consult with legal counsel; after that the Council will then determine whether to proceed with a thorough review. Chairman Paradis asked to set it up for January meeting. R. Bielinski asked what is requirement for vehicle left out overnight of gate. Front end loader couldn’t be removed by Skip’s towing. G. Adams called police to verify. Code Enforcement wrote a letter dated 10/19; issue of citation not warranted per letter. The Town reviewed the situation with its legal staff and prosecutor, who advised that given the circumstances of the matter, it would be prudent to pursue legal action. Chairman Paradis questioned the citation. Town Manager Caron did not hear about the resolution on the second instance. R. Bielinski then brought up the new building and asked the Council that if the building permit has been issued, if it has not then it should not be issued It is in direct violation of 1997 court order and our own zoning. He is compiling a list of information and putting it on a website so developers can use it. G. Adams complained about trucks on property facing wrong way. Town is the problem, not enforcing orders.

Reid Paige Clark, III announced that primary day is 1/8/08.

OLD BUSINESS

FY09 Budget Recommendations:

Planning & Economic Development - Budget Committee recommended a reduction of \$7,075, Reductions based on \$2,000 and Dave's memo of 10/24. Budget Committee member Mike Brown explained the adjustments are not a cut just a reduction in what was requested, more than was actually spent. Andre Garron, Dir. of the department talked about seminars & workshops, money not spent because employee could not attend. Has been level funded for 4 years. Miscellaneous supplies had already been reduced to meet objective of Town Council, supplemented postage increases. Line item will be over next year because of reductions from last year. Dues and subscriptions are level, by cutting does not allow any increases that may be incurred. in future Councilor Wagner asked about the \$100 continuance fee, discussion ensued. Councilor Wagner said it might make sense to charge it because of time that Staff has to spend on the outstanding issues. Councilor Farmer asked how would it be implemented, cost will get passed onto the buyer a business would consider it minor. Budget Member Tom Freda said the developer should bear the costs, won't get passed onto consumer. Councilor Farmer would like Planning Board comments on charging for continuances, make it fair and reasonable, and make conditions clear. The Planning Board should probably seek legal guidance. Chairman Paradis asked A. Garron to come back with a fee schedule. Tom Dolan spoke about undeveloped land bringing in tax relief. He suggested spending time & money to do more Londonderry marketing for industrial property. The Planning and Economic Department is one of the few departments that we can spend money to generate more money. It was agreed to have A. Garron be on agenda for January meeting to discuss this subject. Councilor Farmer requested strategic investments on what we can do if we market the area. He said this is a status quo budget. **No motion.**

Building - Budget Committee recommended a reduction of \$4,793. Town Manager Caron reminded everyone that the Management Services should be \$7,500. The town had not funded EEE and West Nile virus prevention program in the budget; the Town Manager is planning to return to Council to use FY08 funds to pay for that project. T. Freda explained \$4,000 reduction is from Town Manager's memo of 10/24/07. \$720 is to eliminate monthly meetings. Councilor Farmer asked for clarification on monthly meetings. Jim Smith explained building officials meet, interact with other towns, offer training seminars each month. They have been going on for a number of years, offers continued education accreditation. **No motion.**

Public Works – Budget recommended a decrease of \$73,500 in several line items. Public Works Director Janusz Czyzowski stated that it will get to the point that services will not be provided. Quoted comments from a report of 11/26. Reminded Council to look at the bottom line over several years. He explained that he has started the budget season already under budgeted. Budget has been over expended each year by a quarter of a million dollars. Unexpended items were diverted. He addressed each line item. Councilor Oswald asked who is maintaining pathway for snow removal. J. Czyzowski said last year he put in \$30,000 on budget for snow removal, cut by Council. No funds to maintain; the Town doesn't have equipment for regular sidewalks. John Robinson said the mindset he is detecting is that they are entitled to the money. Every time the Budget

Committee makes a recommendation Department Heads have an excuse. Council is not listening to advice of Budget Committee. Chairman Paradis explained we have to go through the process and look at the bottom line. T. Dolan asked how much money is being spent on signage; replacing and erecting new signs. J. Czyzowski responded about \$2,000. T. Dolan suggested cutting back on specialty signs, stick with state speed limits instead of putting ours up. Would save money with Public Works and Police Dept for enforcement. J. Czyzowski explained that all signs with new speed limits are all in place. T. Freda said the Budget Committee looked at the '07 budget it was overspent by \$39,518, Budget committee was cognizant of that fact. Tom Freda talked about not receiving 5 year trend analysis for each department. S. Hickey responded that information is in the Budget Book that was provided at the beginning of the budget season. **No motion.**

Solid Waste - Budget Committee recommended a decrease of \$25,438. Councilor Wagner asked about decreasing phones by \$650, why are costs going up. S. Hickey responded some departments have increased, some have not. Family Mediation and Fire Dept. are included in phone service now, not included in their budgets. Town had signed a contract with Centrex in 1999 for a ten year term, which cannot be changed until 2009. The Town will go out to bid when contract is up. Councilor Bove asked Town Manager Caron what his 1.1% reduction included in his memo. He responded it included the amount we are budgeting for actual solid waste disposal. When budget was developed for solid waste disposal and recycling a trend is analyzed to determine how much actual tonnage is disposed off and estimate how much will be disposed off over the next fiscal year. Calculate that by the known adjustments to our rate for our contract with our two separate contractors. \$24,538 was to come in line with the default minus 1.1% in hopes that we would come under budget with solid waste disposal plan item. J. Czyzowski said we are locked in with the contracts, made estimates on tonnage amounts. Councilor Bove suggested keeping drop-off center open an additional day or through the winter. Would it help to reduce solid waste. J. Czyzowski said it is for bulkier pieces, we are the middle man still paying for disposal of the materials, not a self-sufficient operation. Discussion ensued about recycling at condos and apartments in Town. Donna Limoli Admin. Assist. in the Public Works Dept. said only two are in non-compliance. Councilor Farmer asked Town Manager Caron to review this issue in Town. **No motion**

Sewer Service – Bud Committee recommended a reduction of \$8,200. J. Czyzowski stated that funding that is not expended goes back into the Sewer Fund. Does not have any impact on the tax rate and he does not recommend any reductions. His dept. is the enforcement agency for the industrial permits, sometimes need legal advice to go after the permits. Want to keep that separate from other legal expenses. **No motion.**

Debt Service – Budget Committee recommended no changes. **No motion.**

CIP – Town Manager Caron said the operating and special revenue have been completed and the information is included in this budget. If any bonds are being presented at Town Meeting we are required to have a separate bond hearing, deadline to make that decision is 1/7/08. Two bonds do have some impact to other warrant articles. The two bonds are the fire station bond \$1,909,925M to replace N/W fire station Would provide a structure the same size and design as station erected at Young and Rt. 102 Make a decision on 1/7/08 if you want to advance this to a bond hearing on 1/21/08. T. Freda questioned if

the \$1.9M included the first year debt service, Town Manager Caron responded yes, a very small portion. Road bond is similar to fire station. CIP is recommending \$1.5M. If Town Meeting does not approve one but approves the other the appropriation has to be carried in both bonds. S. Hickey said the bonds will be sold together, just broken out. T. Dolan asked if this bond does not pass would it be recommended as a separate warrant article. Town Manager Caron said that will be the recommendation and it will be for \$200K. If not passed Town really will fall behind in road maintenance. M. Brown asked if he was transferring what the CIP has proposed for FY09 to the request. What was budgeted last year was what was approved by the voters. No tax impact in current year.
No Motion

Capital Reserve – Town Manager Caron explained it is a continuation of our program. In the past 3-4 years the Town has have been paying off short-term leases on new fire equipment. Currently, the Town is able to set aside \$160,000 per year into that account. The Town is scheduled to purchase a new truck in three years. Other reserve funds totaling \$320,000 on par with what the Town has been investing in the past several years.
No Motion..

Special Articles – Town Manager Caron described them, similar to last year. If N/W Fire Station bond is not approved then at the Saturday session there is a motion to defeat the Fire Facilities Additional Cost article. These items do not belong in bond because don't have a useful life equal to the bond. \$398,000 being proposed to be added to the 2002 bond for Bartley Hill/Mammoth Rd. project.

The non capital reserve Master Plan article is the issue which was discussed a few meetings ago. The Eco Park Trust Fund is currently over funded, and it is recommended that funds be reallocated to fund the eventual need to update the Master Plan. The Town has the funds available, and it made sense to bring it before the voters now.

Expendable Maintenance Trust Fund for \$205,000, which is the annual appropriation. For last three years raised that amount contingent upon \$100K in undesignated fund balances being available. Currently completing mediation of Sanborn Road as required by DES. Next large project in addition to maintenance of the buildings is constructing incremental improvements to the Highway Garage Facility.

Supplemental Considerations

Administrative Assistant at Senior Center. Councilor Wagner asked what is the salary, S. Hickey responded \$10,076.04. Councilor Wagner recommended deleting position completely. Councilors Bove and Farmer said they would wait for the public hearing to give their comments.

Additional Paramedics for Fire Dept.
White Fog Lines - DPW

NEW BUSINESS

Resolution #2007-35 – Relative to the Adjustment of Building and Other Fees –
Councilor Farmer read the first reading, second reading scheduled for 1/7/08. **Councilor**

Farmer made a motion to move. Second by Councilor Oswald. Town Manager Caron said there are three components to this recommendation. First the Building Dept. has done an analysis to increase flat fee of both residential and non-residential electrical and plumbing permits. Second they recommend to increase the building permit fee; currently \$5.00/\$100 of value, recommend it be \$6.00/\$1000. Third recommendation is to increase junk yard fee from \$25.00 to \$250.00. Councilor Farmer recommended a table indicating old fees and new fees requested for the public hearing. **Council's vote 5-0-0.**

Staffing Levels – Town Manager Caron announced a vacancy in the Public Works Department, it is a permanent part time position. J. Czyzowski told Council that after 30 years Donna Hines is retiring. He reviewed the secretary/receptionist position. He said it is one of the most essential positions in the Department. Councilor Bove asked if the position could be allocated to other people in the dept. Councilor Wagner stated if the position is filled we should pay fair market value, but she would like to see position eliminated. Councilor Farmer questioned when was the peak time; J. Czyzowski responded morning would be peak. He further stated that he believes it should be a full time position, elimination will paralyze the dept. will not be able to supply services. He anticipates receiving a lot of complaints because his department is not responding. Councilor Farmer stated he agreed with Councilor Wagner, opportunity to restructure. Town Manager Caron informed everyone that there are no benefits provided for this position. Councilor Farmer wants a recommendation from J. Czyzowski on how he can restructure if the position is eliminated. Councilor Oswald suggested capturing information of 30 years of service from Donna before she leaves. Re-examine cross training, look at alternatives. Councilor Farmer asked Town Manager Caron if there was anyway other admin. people like building could be cross trained. He said he can return on 1/7/08 with more information. Councilor Farmer said he would like to see revisions of line item if position eliminated. Councilor Bove suggested getting two part timers to cover full day, asked Town Manager Caron for prices.

Collective Bargaining Agreements – Town Manager Caron said they are in discussions with two labor unions. Council reviewed them tonight, had questions, and will meeting again on Thursday to continue their discussions.

APPROVAL OF MINUTES

Councilor Bove made a motion to approve minutes of the Public Meeting held on November 15, 2007. Seconded by Councilor Wagner. Councilor Oswald had edits. Line 24 change Chairman Farmer to read Councilor Farmer, line 247 should read 2K not 7K and line 487 should read Nelson Road not Perkins Road. **Council's vote with edits, 5-0-0.**

OTHER BUSINESS

Liaison Reports:

Councilor Farmer attended the Exit 4A, I93 Public Hearing; they are looking at the cost of paying for and restoring rail service. Also talked about bus service to travel in the

median of the highway It brought forth recommendations. Unable to attend other meetings, had conflicts.

Councilor Bove was unable to attend the School Board & Budget Committee. Watched from home. He mentioned that Andy Soucy, Music Director at Londonderry High School, was selected to direct a song this weekend at the Boston Pops.

Councilor Wagner attended the Planning Board meeting. They spoke about the mini master plan, it is an important document for Londonderry. Surveys will be completed in January, then will work on scheduling workshops.

Councilor Oswald attended Conservation Commission last week which dealt with Musquash Field Day being held on 2/2/08, more information will be forthcoming. Had a non-public meeting for negotiations for developmental purchase rights with a landowner. Leadership Londonderry is scheduled for this Thursday, dealing with Public Safety. Will have demonstrations by police and fire departments.

Chairman Paradis was unable to attend meetings due to snow cancellations and conflicting schedules.

Town Manager's Report – His items were presented as part of the agenda.

Board/Committee Appointments/Reappointments/Resignations

1. Re-Appointment of Mike Speltz to An Alternate Position on the Conservation Commission, term to end 12/31/09.
2. Re-Appointment of Steve Fassi from an Alternate Position to a Full Position to replace Mike Speltz on the Conservation Commission, term to end 12/31/10.

Councilor Wagner made a motion to accept all of the above. Second Councilor Oswald. Councilor Farmer questioned that terms were staggered, Town Manager Caron confirmed they were. **Council's vote 5-0-0.**

ADJOURNMENT

Councilor Bove made a motion to adjourn at 10:35 PM. Second Councilor Wagner. Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro

Date: 12/17/07

Minutes Typed By: Margo Lapietro

Date: 12/20/07

Approved: Town Council

Date: 01/07/08