

TOWN COUNCIL MEETING
January 21, 2008

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, (8:00 PM School Liaison); Tom Freda; Jay Hooley; Sean O’Keefe, Tom Dolan (7:15 PM).

CALL TO ORDER – PUBLIC SESSION

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

Councilor Wagner made a motion to open the public hearing. Second Councilor Oswald. Council’s vote 5-0-0.

PUBLIC HEARING

Chairman Paradis introduced the new Fire Chief Kevin MacCaffrie and proceeded to pin his new Chief’s badge on him. Chief MacCaffrie said he looked forward to working with Council and the people of Londonderry.

Bond Hearing. - Town Manager Caron explained the first proposed bond is to replace NW Fire Station. It has the exact design as South at a cost of \$1,837,000 Majority of site work has been completed, and the design allows for future expansion. First year’s cost is \$72,925, with a 5 cent tax impact in FY10. Councilor Oswald believes that there is no doubt North Station needs replacement, however, he proposed that we postpone this item, bring up next year, students need the renovations at South School. **Councilor Oswald moved to postpone until next year. Second Councilor Wagner.** Councilor Wagner said we bonded too much too fast over the past years. Put on Warrant for next year. Councilor Bove supports the need, need is not immediate, last year did not support, this year won’t support because of all the other issues. He suggested trying to get funds from developers to build the station. Conditions bad, but firefighters can handle for another year. Councilor Farmer said the community needs it, supports putting off this year, look at it next year. Construction prices are dropping; may be to our advantage. Chairman Paradis agrees, not the year to do it, right thing to do this next year. Tom Freda, 30 Buckingham Dr asked if the Council gives notice of the final Warrant Articles. Town Manager Caron said that 2/7/08 is the final hearing for the budget and warrant articles. Town Manager advised the Council if they do not support the warrant, they should not place on the ballot. **Council’s vote to not support bond for North/West Fire Station and not put it on the ballot 5-0-0.**

Second bond is for \$1,500,000 for Highway Improvement Bond. Public Works Director Janusz Czynowski and Admin. Assist. Donna Limoli presented a slide show. He explained what his department has done and reviewed the updates. Requested money to maintain the 180 miles of roads. He stated the longer we wait to repair the road systems in town the more it will cost. He

compared the funding for Londonderry to surrounding towns, requested more money. Total need of \$24,500,000 to maintain the roads in town. Councilor Oswald asked if any impact fees were received on Crosby Rd., Tim Thompson, Town Planner said impact fee have to be applied to the corridor study approved by Planning Board and prepared by Southern NH Planning Commission (SNHPC). They go towards identified improvements only at intersections on Rt. 102. Councilor Oswald stated he sees a great inequity, asking taxpayers to pay for road construction rather than the person conducting business. Councilor Farmer questioned if is it for new, redevelopment, changing use, or all of the above. T. Thompson said that any development that increases traffic, any site plan that shows impact during peak hours, impact fees that are collected are based on that traffic. Andre Garron, Planning Director said impact fees are collected based on methodology established by SNHPC. Impact fee discussion ensued. **Councilor Farmer made a motion to increase the Highway Improvement bond to \$1.75M for this year. Second Councilor Bove.** Open for discussion; Councilor Bove said we have made a policy decision on how the roads should be supported. His presentation speaks for itself. Councilor Oswald asked J. Czyzowski if it be level funded just like Open Space if \$1M a year could be projected out over 5 yrs. J. Czyzowski responded if he got \$1.75M every year, it would be very stable. John Farrell, CIP Chair cautioned Council that last year was the first time the road bond passed, needs consistency in the bonding. Great deal of work was done to get the figure, decision made cautiously and painfully about how to move money around. Councilor Wagner agrees with John Farrell, the CIP Committee worked on it a long time; supports \$1.5M not \$1.75M. Mike Brown, 7 Carousel Ct. said the school side is presenting the taxpayers with a \$5.1M bond with South School. Things are not better this year, warrant is higher this year; cautioned Councilors that people might not vote for the bond. Chairman Paradis said he would like to sticking to plan of \$1.5M. **Councilor Farmer amended his motion to \$1.5M. Second Councilor Bove. Councilor Oswald move discussion.** He said he would like to see it level funded on a long term basis. T. Thompson said the CIP has scheduled \$1.5M for next six years. **Councils vote 4-1-0 with Councilor Oswald dissenting.** The consensus of the Council is to bond for a term of 10 years.

Ordinance #2007-12 – Relative to the Establishment of a Code of Ethics. (Cont'd. from January 7) - Chairman Paradis explained the Council decided to remove from the original proposal the committee to oversee the Code. Town Manager Caron explained that Town Counsel's further suggestions includes the reporting process, (to have the Manager copied on all complaints) and to remove the limit on political contributions, as the Town has no authority to impose such limits. Councilor Oswald had one edit section 4, page 4 of 5 under "Distribution:" would like the working "made available for anyone filing for election or appointment to an office". Town Manager Caron stated they should have a copy when filing for election or if submitting a letter of intent to serve on a board or commission. Chairman Paradis said it should include employees. Town Manager Caron said it could go out with employment application. Councilor Bove asked for clarification of "A Duty to Disclose", what and when. Does it mean a person has to submit a financial statement? Councilor Oswald said when they come before the board to be appointed they should disclose. Town Manager Caron said the attorney's recommendation is that it is nobody's business why a person recuses themselves, however that provision has remained in the document to be consistent with the Town Charter. Discussion ensued. Councilor Bove clarified that we are not asking for IRS records, financial records, etc. **Councilor Oswald made a motion to adopt with his editorial change. Second Councilor Farmer.** Tom Dolan said interpretation will be broader with new council members. Concerned that vast majority of citizens will not be obligated to follow Ordinance once it is passed. Only fractionally imposed on the public. Should be applied uniformly to the public. Councilor

Framer said it brings up the question to exempt the library board of trustees and school district. Councilor Wagner said Charter covers this as well as RSA's. Budget Member, Sean O'Keefe stated the Ordinance is designed to accomplish certain things not always covered in the Charter. Maybe the library and school can adopt it when they see it. Councilor Bove said this is a law for everybody who is involved with volunteering for the town. Councilor Farmer asked Town Manager Caron if there is any legal basis for excluding school, he responded the Town has no authority over schools and library. **Councilor Oswald called the question. Council's vote with edit added by Councilor Oswald 5-0-0.**

Ordinance 2008-01 – Relative to Amendments to the Zoning Ordinance T. Thompson explained this Ordinance replaces all the conflicting statements in excavation standards in previous zoning ordinances. The second half deals with signs that were missed in the re-written draft approved earlier. Directional signs were omitted. Hearing no public comment, **Councilor Farmer made a motion to waive the second reading, and adopt it tonight. Councilor Wagner second. Council's vote 5-0-0.**

Ordinance #2008-02 – Relative to the Penalty Provisions for Municipal Ordinances – Councilor Oswald made a motion to waive the second reading and adopt. Second Councilor Wagner. Councilor Bove asked if we have a table listing the fines. Town Manager Caron stated if Council adopts the Ordinance, according to state statute the Town would have a two tier system: standardize to \$275/day, \$550 subsequent days penalty in the land use statutes and revert to state ordinance which allows fines up to \$1,000/day for non-land use violations. **Council's vote 5-0-0.**

Hearing no public comment, **Councilor Farmer made a motion to close Public Hearing. Second Councilor Wagner. Council's vote 5-0-0.**

PUBLIC COMMENT

Meg Seymour, TC/TC said we had the largest polling place in NH; flow of traffic was handled superbly. 9,939 ballots passed, it was a record for a primary. She thanked the CERT Team for assistance with traffic flow, and the Londonderry Police Dept. She also thanked Robert Saur, John Michels, Cindy Rice Conley, staff and workers at the poles, Councilors Oswald, Wagner, Bove and Farmer assisted in the counting of ballots. Councilor Farmer thanked her; community owes her a great deal of thanks. Meg then explained which town positions are open and the process for applying.

Tom Dolan, 19 Isabella, recommended that taxpayers clean up signs political signs, asked for volunteers to help. Reed Paige Clark, Stonehenge Drive said he would like to see 9,000 people at town meeting. Councilor Oswald reminded everyone that the 2nd non-profit Open House is being held this Sunday 1-3 at LHS Cafeteria.

Sandy Lagueux asked Council to try to find a low cost or no-cost solution to get one mile of snow plowing on walkways. She thought the Town was willing to handle maintenance based on past meetings minutes. She said she was told a small piece of equipment with a plow could be used on the walkway. She found that Public Works lists two small pick-ups in their fleet and thought they could possibly do the job. Wants to consider this and put it on council agenda. Councilor Farmer asked the Town Manager to check the 03 town policy and place on next agenda

Al Baldasaro attended the Exit 4A meeting in Derry, will come back as a non-binding petition on their ballot. Asked Council to put non-binding petition on the ballot like Derry, to find out if Londonderry does not want to go forward. Councilor Bove and Councilor Wagner said this petition should come from citizens. Would need 700 names on the petition. Town Manager Caron suggested that he would talk to Al after the meeting about the referendum process. The Councilors did say they have a legal obligation to support the current bonded amount of \$5M.

OLD BUSINESS

Economic Development Plan Updater Andre Garron, Planning Dept. Dir. said last month briefly discussed a plan. He reviewed the following:

Explained what Economic Development is
What has been done from 2000 to present
Past Decisions
Existing Development Areas
Londonderry's Attraction and Location Quotient
Game Plan moving forward
TIF
Continue to Research Other Industries

He explained that that CGI is starting in April, at no cost to Town, will be on the website. Talked about a design center near the airport, explaining that Londonderry is an ideal area. He explained that Londonderry does well in 19 categories that are considered by Commercial/Industrial businesses. He also explained that an area near the airport is classified as a Foreign Trade Zone. Councilor Oswald asked if the \$8M in additional tax revenue included Granite Ridge, he responded about half of it is. He asked if they have any plan to capture mass exodus from MA; are we benchmarking. A. Garron responded we are averaging about \$8M a year over the past 7 years. T. Thompson said they are trying to encourage growth in airport area, flexibility built into it. Councilor Oswald suggested using interns for consulting work from UNH. Councilor Wagner asked A. Garron how often he got out and talked to businesses that are in Londonderry, A. Garron responded not often. He responded referrals come from business located in Town, he suggested an idea of sending letters to companies. She asked him what the biggest factor for why we lose business, he responded price of land is major deal. He said his plan is to work on the website and GIS system to make it more attractive. Councilor Wagner said the GIS system is a huge asset to Town, great tool. Councilor Bove asked about Pettingill Rd; T. Thompson said it is in next CIP for FY10. A. Garron said that they have been working with 4 property owners that own 800 acres. J. Czyzowski said they just completed intersection plans with the State. Got full intersection design with State, 90% completed with design of road. A boulevard design is planned. Critical to come up with money for this road. Councilor Bove said we should start as soon as possible to get the public to understand the bond. A. Garron said this year is critical for us, it is happening. Councilor Wagner asked what is the cost to create another district to make another road, T. Thompson responded \$14M current estimate of the bond. A. Garron explained bond procedure, got to get development up to cover cost of bond. J. Czyzowski said we have to promote sewer in addition to the 700 acres that A. Garron is promoting. Brian asked if we can progressively bond if voters approve \$14M. Suggested providing a schedule. Look at re-developing economic taskforce and expanding the role of LHRA to expand their authority for all of Londonderry. Intern idea is good idea look for one

with dual major in planning and marketing. He suggested making this subject a focus immediately after elections. Councilor Oswald said it is an investment, the result should be shown to the taxpayers. Intern is a challenge, has to be graduate level or beyond. Councilor Farmer suggested re-organizing liaison appointments to allow more input to Economic Development. Perhaps have a monthly meeting with the PB. John Farrell said Planning Board (PB) has changed significantly with economic development. Planning Board members have made themselves available to economic development. He said they are moving out into community, PB will go out with A. Garron to talk to interested parties. PB is poised and ready to go. J. Farrell also explained the reason the fire station was important on CIP because of the Pettingill Rd development. A. Garron said the fire department plays a key role in the area. Councilor Wagner said she likes the idea of meeting once a month with economic development, we have a lot of talented marketing people in town. Suggested the School Board should get on board with planning. A. Garron said they are doing a good job, quality of life is good. Councilor Farmer echoed School Board's involvement, quality of our schools should be promoted. He said that Council members have met with developers, can make themselves available, could be a liaison assignment. Tom Freda asked if PB can prioritize larger projects, John Farrell said they can do agenda anyway they want. Councilor Oswald suggested scheduling this topic right after the elections.

Collective Bargaining Agreements – Town Manager Caron said the Town has reached an agreement for a 4 yr contract with firefighters:

42 hr workweek

Made concessions to forgo COLA for FY08-9-10

Increase share of health premiums to 20%

Reduction in buyback of over 52% from current levels by FY10

Increase of \$155K for overtime (OT),

Tax impact of 5 cents for FY09, FY10 no additional cost, two cents per thousand for FY08

Councilor Oswald asked how many are in the collective bargaining unit, he responded 41; 9 are involved in insurance buy-out.. Town Manager Caron stated OT will cover vacant shifts, no additional staffing; \$155,000 is OT estimate. Chief MacCaffrie was asked by Councilor Farmer for comments. He responded the agreement made sense, OT is proportionate to contract, must now realign personnel into four groups with the 42 hour workweek. Has beneficial effect on personnel. **Councilor Bove made a motion to accept the agreement. Second by Councilor Farmer. Council's vote 5-0-0.**

FY09 Budget Councilor Farmer read memo from 1/16/08 from Town Manager. The memo consisted of the following:

1. Eliminate part-time staff position in the Assessor's Office, savings of \$16,192.
2. Not fund replacement for Public Works part-time secretary, savings of \$44,368.
3. Adjustments to Fire Chief position, savings of \$12,130.
4. Library Budget be reduced by \$40K
5. Vacant position in Police Dept. not be filled, savings of \$70,686.
6. Reduce IT budget by \$51,829

These adjustments result in a proposed FY09 General Fund Budget of \$24,904,919. Further adjustments from the Cable Division Special Revenue Fund and a revised fee schedule for building and other permits resulted in revenue enhancements of \$165,000.00, reducing the tax rate by another five cents. Councilor Oswald said his motion on 1/7 was to reduce the budget by \$250K. Motion was amended to \$200K, equivalent to 4-5 lay-offs, restructuring job share, etc. The final resolution is off by about \$15,000 from motion that was voted on 1/7/08. Chairman Farmer explained hard to do this job asked everyone to consider that this was difficult. M. Brown asked if the \$235,205 is in addition to the original proposed budget that was under default by \$51,819 bringing the budget to \$287,024 under default. Town Manager Caron responded that new reductions are \$183,376 below default budget. M. Brown clarified that the budget is now \$235,205 under default, Town Manager Caron confirmed it was. Councilor Farmer said Council went into a Non-Public session and ended up with the \$1,83,376 figure. Motions at that meeting were not to cut any further. Town Manager Caron recommended that the FY09 General Fund Budget be \$24,904, 919. **Councilor Bove made a motion to set the FY09 General Fund budget at \$24, 904,919 and adjust the revenues of \$165K to the General Fund of which \$125K is additional revenues from the building department and \$40K is from the cable division special revenue fund. Second Councilor Farmer.** Tom Dolan, said some items in budget are driven by policy decisions made by council. Suggested Council ask the Town Manager to look at policies driving up costs and roll them back. Tell community that service is not to be provided or service is reduced, hiding it from the public. Tell citizens services will be reduced. Barbara Ostertag-Holtkamp, Library Director and Richard Matckie, Chair of the Library Trustees approached Council. B. Ostertag-Holtkamp asked specifically if Council was directing her to lay-off people and reducing hours. Councilor Oswald said he is not proposing lay-offs, vacancies will be occurring with resignations. Not dictating how to operate facility, how you arrive at a \$40,000 is your decision. Councilor Farmer said it was decided via a consensus decision of Council. He suggested looking at Monday, it might be the least impact to community. B. Ostertag-Holtkamp clarified this was a reduction in staff. R. Matckie said services will suffer. Councilor Farmer suggested they have the opportunity to put in a petitioned warrant article to get the money, they have until 2/5/08.

Town Manager Caron talked about the Part-Time Position in the Town Clerk's Office. He said the position was approved by Town in 2003 on a separate warrant article. It was funded as part of voter approval of Motor Vehicle Reclamation Fund with the administrative fee generated by the Fund. The Town Clerk's Office is the central collection agency for Town per direction of Town's auditors. He proceeded to list all the responsibilities of that office and that particular position. Currently the Town is an agent of the state issuing decals. State is standardizing services, therefore requiring the Town to add additional services. Not complying with the state directive will require citizens to go somewhere else to get decals. The process of using e-reg or using the mail to register cards is only 10%, thought it would be higher but it is not. The Town has several car rentals companies that enjoy the service of Londonderry; receive about \$1M in revenue. He strongly recommends keeping that position for Town Clerk to be a full service for Motor Vehicles. Councilor Oswald asked how much we get for MV Reclamation Fund, Town Manager Caron responded the Town receives 50 cents per registration, or about \$17,500 per year. Running in excess of \$1M in rental car registrations. Meg Seymour, Town Clerk/Tax Collector said Harvey Industry will come on board shortly. She said additional revenues will be realized once we are authorized by the State with the new motor vehicle program to register vehicles over 8,000 lbs. They processed 439 vehicles for Continental Paving recently. She said there are a number of industries in Londonderry that have large vehicles. Councilor Bove asked for clarification if this position was included in the approved budget, he

responded the position is included in the budget. Councilor Farmer asked if new state requirements will require additional requirements of the staffing the Clerk's Office. M. Seymour responded it will require more work and decision has to be made by 1/23 to do it all or do nothing. **Council's vote 5-0-0.**

NEW BUSINESS

Motor Vehicle Registration Program - TC/TC Meg Seymour said the "MAAP" program will allow us to offer Moose plates, Vanity plates, Conservation plates, able to offer more services to community. Any vehicle up to 26,000 the Town will now receive an additional \$2.50 for each vehicle. Currently, the Town has only been able to collect revenues up to 8000 lbs. Negative concerns are that it is a far more tedious process, and if state computer system goes down can't process car registrations. Councilor Wagner asked if there are any additional costs, M. Seymour responded there are no additional costs as far as being on the program. Software is currently built into our current system, just upgrading. Printer costs already in budget. **Councilor Bove made a motion to support Motor Vehicle registration program as discussed. Second Councilor Oswald. Council's vote 5-0-0.** Councilor Oswald asked to see if we have increasing mandates from state that are not being funded, can IT handle it the extra costs and what those extra costs might be. Al Baldasaro wants a copy of mandate from state, he is not aware of this being done. Would be willing to get the help needed.

2008 Town Meeting Warrant Review. Town Manager Caron said that Article 2 will be removed. Article 3 will adjusted slightly downward to reflect better interest rates. Article 8 is removed due to elimination of Article 2 for the Fire Station Bond. He proceeded to review the rest of the Warrant Articles. Deadline for petitioned warrant articles is 2/5/08. If all Articles pass, the tax rate would increase \$0.07/1000, or 1.51%, which includes union contracts. Tax bill would increase \$21.00 on a \$300.000 home Final public hearing on 2/7/08.

Order #2008-03 – Relative to Impact Fee Credit Councilor Oswald read the first reading, waived the second and **made a motion to adopt this evening. Second Councilor Oswald.** Open for discussion. Chairman Paradise explained that this credit was for Walgreen's because their cost of on-site improvements far exceeded the impact fee levy. **Council's vote 5-0-0.**

Revisions/Amendments to the Town Charter. Chairman Paradis said he had received an e-mail from Councilor Farmer to:

1. Change term limits for Council Members
2. Official ballot for budgetary items.

Councilor Farmer said according to counsel local towns do not have the authority to impose term limits. Official ballot for budgetary items is too late for consideration at the 2008 Town Meeting due to the requirement to act on this issue at least 60 days prior to Town Meeting. Town Manager Caron explained it is a lengthy process, which requires the signatures of at least 20% of last March's total votes. A petition committee also needs to be developed as outlined in RSA-49B-3. . Town Manager Caron said the Council can put the question of a charter commission and elect 9 charter commission members on the same ballot. It can be included on the state biennial election, which means the process could be initiated this Summer. It would require a Special Election to do later this spring. Councilor Farmer clarified, question and charter commission have to be in Nov, according to RSA-49B3-subsection 6. Too late this year for the March ballot but if Council or a petition group wanted to do it they would have to take the count

for the large March election. Councilor Bove said the November election better time to put it on. Reed Paige Clark was not for it. It is a NH process, learn the process here, see how it works.

APPROVAL OF MINUTES

Minutes of the Council’s January 7, 2008 Public and Non-Public Meetings. **Councilor Oswald made a motion to adopt Non-Public and Public minutes of 1/7/08 with 2 edits on public meeting; line 141 spelling of Lagueux and line 236 is LAEA. Second Councilor Wagner. Council’s vote 5-0-0.**

OTHER BUSINESS

Liaison Reports – Councilor Wagner attended Planning Board meeting discussed Ordinance of PODS, storage containers on properties. Will be re-addressing it at next Planning Board meeting. Old Home Day is looking for more volunteers.

Most of the Councilors were unable to attend regular meetings due to counting ballots on Election Day.

Town Manager’s Report – Town Manager Caron said he previously talked about the Bond Sale Deadline for filing for elected officials is 2/1/08
Petition deadline is 2/5/08
Public hearing and adoption of FY09 budget is 2/7/08

Board/Committee Appointments/Reappointments/Resignations

ADJOURNMENT

Councilor Wagner made a motion to adjourn. Second Councilor Bove. Council’s vote 5-0-0. Adjourn at 11:20 PM

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| Notes and Tapes by: | <u>Margo Lapietro</u> | Date: <u>01/21/08</u> |
| Minutes Typed by: | <u>Margo Lapietro</u> | Date: <u>01/28/08</u> |
| Approved: | <u>Town Council</u> | Date <u>02/04/08</u> |