

TOWN COUNCIL MEETING
February 4, 2008

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, and Margo Lapietro, Executive Assistant.

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.

PUBLIC COMMENT

American Red Cross.- Lisa Michaud, interim Executive Director spoke about the Local Chapter of the American Red Cross. She explained all their educational components and the services they provide. They are 90% driven by volunteers. Kelly Vachon, Americorp Vista works in Emergency Management. She explained what she does, including shelter training. The Red and White Ball is a major fundraiser on May 10 at National Guard Amory in Manchester.

Al Baldasaro, State Rep. talked about emergency generator needed for shelter being provided by Town at Londonderry High School (LHS). He talked to Mr. Pope, Homeland Security Director about obtaining funding. He complimented the Town regarding their efforts in this endeavor. He said there is a 50/50 matching grant available and he has the field director for our area working with Capt. Roger from Londonderry Fire Dept. (LFD). Money is expected to become available in July. Chairman Paradis asked Town Manager if money coming from undesignated fund balance, he responded yes. A. Baldasaro also talked to someone in the State about getting a total of six printers for the Town Clerk/Tax Collector for the new MAP program. Chairman Paradis read a note from Reed Paige Clark, III asking everyone to vote at the School Deliberative Session on February 8.

OLD BUSINESS

2008 Town Meeting Warrant - Town Manager Caron reported that the citizens' petition to use conservation funds to construct a North/West Fire Station was ruled by Rockingham County Superior Court to be "void, illegal and unenforceable." They did not rule as to whether or not it should appear on the warrant, so it will appear on the Saturday Budgetary Town Meeting warrant.

The Town Council has in the past included an article to authorize a special meeting if the collective bargaining agreement(s) do not pass on 3/15. He provided a draft of the revised

Warrant, and pointed out that Article 11 refers to the special meeting. **Councilor Farmer made a motion to include Article 11. Second Councilor Bove. Council's vote 5-0-0.**

NEW BUSINESS

Resolution 2008-02 – Relative to Unfunded Mandates and NHRS – Councilor Oswald recused himself. Councilor Farmer read the Resolution and **made a motion to accept. Second Councilor Wagner.** Councilor Bove said he is an employee of the state of NH, belongs to a different group than that consisting of Police and Fire Fighters said he would not be voting. Town Manager Caron explained that every other year the retirement system projects what funds it needs to operate the system. It reviews revenues received in the form of investment earnings kept in the annuity funds, and employer contributions which are set by statute at 5% for Group 1 and 9.3% for Group 2. The balance of the funds which need to be raised are allocated to the employers. The State Legislature years ago enacted a retirement health subsidy; which does not pay the entire health care, only a portion. The law also contains an annual inflator of 8%. This request is for the towns, cities and school districts to pay for a portion of those funds into the retirement funds. The law requires employers to pay 25% more of the Town's current contribution into the retirement health subsidy. It is estimated at this point to be a cost impact of about \$525K to the Town. Some of that would be paid by the airport per the law enforcement contract, however vast majority will fall upon local taxpayers. If towns and cities are successful defending their rights, then either the benefit is modified or else the state assumes the responsibility of paying those costs. Town Manager Caron said the State is in violation of federal tax laws by currently funding this benefit from the Special Account. That is why the retirement system does not draw upon funds from the special account. Chairman Paradis said this Resolution is basically requesting our Town to allow funding for legal costs and any additional monies to fund the lawsuit. Councilor Wagner asked who else is participating, Town Manager Caron responded there is a number of other employers, and he expects widespread participation. Councilor Farmer and Chairman Paradis talked about the Town's share of \$5,995. Council's vote 3-0-0, with Councilors Oswald and Bove recusing themselves.

Winter Maintenance Policy Review. Sandy Lagueux, 2 Fiddler's Ridge supplied meeting minutes that referenced sidewalks and snow removal from SAU and Town Council meetings. Chapter 2 of the grant application, item #12, indicates what seasons the pathway will be used and maintained, winter was not checked off. Since it took 6 ½ years to actually build the pathway, the snow issue did not come up, she stated at Town Meeting that she would cross that bridge when we get there, this is now the time to discuss it. She is asking to do the work without any additional monies being spent. Councilor Oswald said he was concerned about a student getting injured. Councilor Wagner agreed with Councilor Oswald, she said she saw kids walking in break down lane today, important to maintain it. Chairman Paradis said kids are going to continue using their own route like they have done for the past 40 years. Janusz Czyzowski, Public Works Dir. said for the last 2 yrs he has asked for \$30K in budget to maintain sidewalks throughout the community. He stated we have almost a mile of sidewalks; don't have manpower, money or equipment to remove snow. If he contracts the service it will cost about \$30K. Policy that was instituted in 2003 will protect town from negligence. He stressed that a multi-use pathway is different than a sidewalk design. The policy refers only to existing sidewalks. Chairman Paradis asked him if equipment will cost \$40K, J. Czyzowski responded that he wasn't sure, but that equipment could cost upwards of \$100K. Councilor Oswald said the Town has 4 vehicles that could be used to plow; fire and police have plows capable of plowing an 8' pathway. J. Czyzowski, Dir. of Public Works said can't be done by plow all the time.

Councilor Wagner asked J. Czyzowski if his equipment could be used, he responded problem is the PW crew has to keep working on the roads and when snow stops they still have clean-up; then they have to stop and rest. If they get to the pathway a couple of days after clean-up of streets has been done, it would be harder to deal with ice covered snow. Councilor Bove said we have to consider a lot of things, basically looking at another salt budget. Town Manager Caron said it is not staff's position to dictate what services citizens receive; staff needs policy direction from the Council. We have two issues, it is not a sidewalk, it is a pathway. Currently winter policy is silent on pathways. Should the Town maintain sidewalks in the winter, and/or should the Town maintain pathways in the winter. If the answer is yes to the two questions then staff will research costs for Thursday night's budget hearing, and the Council can make a decision whether to add that money to the budget. Councilor Bove read RSA 231; 92 it stated the school and town are not responsible if you clear sidewalks/pathway and someone falls. Town Manager Caron suggested if the Council adopts the policy, then maintenance should be completed the right way, in order to protect the Town and citizens. Councilor Farmer agreed with the Town Manager, and said if we do it for one school it has to be done for other schools. He also agreed with costing it out, look at alternatives, get right information for Council to make a decision. Councilor Wagner asked Council to look at a policy decision on pathways, we are talking about one pathway. What is cost to maintain just one pathway? Councilor Oswald said we have two options; maintain from Middle School to High School which is the minimum. Second is the entire pathway from Moose Hill to the Middle School. Councilor Farmer said he wants whole pathway from Middle School to Moose Hill Kindergarten. Bill Mahan, 27 Red Deer Road said he asked a question at town meeting when this warrant article came up. He said S. Lagueux stated that she would not come back for another penny for the pathway. S. Lagueux said that the question was asked if the construction costs goes up she would not come back to the Town to ask for more money. On the subject of snow removal she said that she replied they would cross that bridge when they get there. Had two years with very little snow. She said she is getting a lot of telephone calls from a lot of people asking why they are not maintained. She stated that the construction cost was kept at amount of warrant.

Resolution 208 – 03 – Relative to a Policy on Assisted Listening Devices - Councilor Oswald read the first reading, second reading waived. **Councilor Oswald made a motion to adopt. Second Councilor Wagner.** Councilor Bove asked if the twelve units being purchased can be used in other rooms, Town Manager Caron responded said they are portable. Councilor Wagner asked if in the future we could purchase more, Town Manager Caron responded in the affirmative. Councilor Farmer asked what the cost is; Town Manager Caron responded \$1,900. Councilor Wagner asked if school could use them he responded yes. **Council's vote 5-0-0.**

APPROVAL OF MINUTES

Minutes of the Council's January 21, 2008 Public Meetings. Councilor Wagner made a motion to approve. Second Councilor Bove. Councilor Oswald said he had edits; line 170 and 171, "\$8 million a year over the past 7 years" should read "\$8M over a 7 year period." Line 244 change from "Chairman Farmer" to "Councilor Farmer." Council's vote with edits, 5-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Oswald attended Conservation Commission meeting last week, they spent most of meeting preparing for Musquash Field Day which was Saturday, and weather cooperated. Had good turn out. Thanked Eastern Mountain Sports, they donated snow shoes and their expertise. Continuing negotiations on two possible pieces of land for open space, will talk about at next meeting.

Councilor Wagner attended Budget meeting, very lively. Will vote on warrant articles on Thursday, 2/7/08 after combined Town Council/Budget Committee Meeting. She mentioned that Steve Young attended a Manchester Airport meeting and met the new director, who has a lot of new ideas. Town Manager Caron mentioned that Airport Director Mark Brewer will be at the Council meeting scheduled on 2/11/08 to learn about Londonderry and listen to concerns we might have with the Airport.

Councilor Bove attended the Housing Taskforce meeting; reviewed draft of their report, had issues to change, will review new version on 2/27. He suggested all departments have a separate meeting at same time to review the entire report. School Board deliberative session is this Friday at 7:00 PM in the LHS Cafeteria. Solid Waste Committee has some sign sponsors, there will be a review of several recycling programs. Next meeting is the 14th. Have not been able to make those meetings. He mentioned that Goffstown has a video on their website regarding recycling, hopes to have same thing for our town. Glad to have a lot of people signing up to run for office, listed the numbers for each position.

Councilor Farmer said he had one meeting, unable to attend.

Chairman Paradis attended LIEC, met last week, looking at Russian businessmen to come from our sister city a few years from now.. Heritage Commission met last week, and a barn and carriage house on 42 Litchfield Rd were salvaged. The farmhouse will be up for sale as well, hoping to save that. She credits the contractor for saving the buildings. Chairman Paradis mentioned he will be running a “Candidate’s Night” on the local access TV.

Town Manager’s Report – Final public hearing for the budget will be held this Thursday, 2/7/08. Council has already taken final votes on the bond and two warrant articles. Library contract will be e-mailed to the Council for review. Budget Committee will be taking a final vote that same evening. Budget and Warrant will be signed on 2/11 and the voter information guide will continue to be inserted in the Londonderry Times newspaper a few weeks prior to Town Meeting.

Board/Committee Appointments/Reappointments/Resignations

ADJOURNMENT

Councilor Oswald made a **motion to adjourn. Second Councilor Wagner. Council's vote 5-0-0. Adjourn at 8:45 PM.**

Notes and Tapes by: Margo Lapietro Date: 02/04/08

Minutes Typed by: Margo Lapietro Date: 02/07/08

Approved: Town Council Date 02/11/08