

TOWN COUNCIL
May 05, 2008

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

PRESENT: TOWN COUNCIL; Chairman Marty Bove; Vice Chairman, Brian Farmer; Councilors Kathy Wagner, Paul DiMarco and Mike Brown; Town Manager, Dave Caron; and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Bove 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 Farmer made a motion to go out of order and go into Public Comment, second by Councilor DiMarco. Council’s vote, 5-0-0.

PUBLIC COMMENT

Proclamation “Building Safety Week” – May 5 - May 11 – The Proclamation was read by Chairman Bove. Interim Chief Building Inspector Richard Canuel gave the background of the International Building Codes. He is teaching the first code book presentation to the building/trades class at Pinkerton Academy this Thursday. He said that the Town of Londonderry is pro-active, with public safety is our number one concern.

Chief Joe Ryan – “Police Week” – Officer of the Year Award and Other Awards and Recognitions. - _Chief Ryan announces that next week is “Police Week”. He recognized retiring Ofc. Maureen Matarase, for her 21 years of service to the community, with a great deal of that time assigned as the School Resource Officer. He introduced the newest member of the Department, Ofc. Shannon Sargent, a former Marine and former TSA employee. Capt. Feole, Commander of NH Southern Special Operations Unit and Tactical Commander Lt. Chris Gandia and other members of Special Ops. saved the life of a fellow member of their team and were all recognized by the Town. John Ledoux received the Civilian of the Year award. Ofc. Garret Malloy received the Officer of the Year award. Chairman Bove recognized the whole department for the great job they were doing for the Town.

Town Clerk/Tax Collector Meg Seymour announced that her office was going on-line with the MAAP program tomorrow.

Councilor DiMarco made a motion to go into public session, seconded Councilor Brown. Council’s vote, 5-0-0.

PUBLIC HEARING

Ordinance 2008-05 – Relative to Rezoning of Map 15, Lot 96, Clark and Jacks Bridge Road. Councilor DiMarco recused himself. Councilor Brown read the second reading, **motion to accept, with second by Councilor Farmer.** Open for discussion. Councilor Farmer

explained this expedites the process. **Council's vote 4-0-0, with Councilor DiMarco not voting.**

Ordinance 2008-06 – Relative to Amendments to the Zoning Ordinance Regarding Temporary Structures and Minimum Lot Sizes. – Councilor Brown read the second reading, **motion to accept, with second by Councilor Farmer.** Hearing no discussion, **Council's vote, 5-0-0.**

Ordinance 2008-07 – Relative to an Amendment to the Municipal Code, Title V, Reorganization of Departments – Councilor Farmer read the second reading, made a **motion to accept, with second by Councilor DiMarco.** Open for discussion. Town Manager Caron explained the Ordinance proposes to merge the Building Department, ZBA and Code Enforcement with the Planning & Economic Department. This new Department would be renamed the Community Development Dept. It eliminates the Chief Building Inspector position, replaced with a Senior Building Inspector. The Senior Building Inspector will determine the inspections schedule. All employees will report to the Dir. of Community Development, Andre Garron. Councilor Brown asked if there would be any administrative costs dealing with the name change. Town Manager Caron replied very minimal. Chairman Bove asked if any drawbacks with this change, he responded additional workload on the Director, who is being tasked with enhancing economic development efforts. These impacts will be monitored and any negative consequences will be share with the Council. Councilor Farmer asked when we will see a combined budget for this merger; The Town Manager responded he will have one in place by 7/1/08. **Council's vote, 5-0-0.**

A motion to come out of public hearing was made by Councilor DiMarco, with second by Councilor Farmer. Council's vote, 5-0-0.

OLD BUSINESS

Operating Conditions – Murray's Auto Recycling: Town Manager Caron said the conditions were the same ones presented at the last meeting. Councilor Farmer said this was held up due to concerns from citizens, they are not in attendance now, so he is fine with it. Councilor Wagner said she rode with Code Enforcement Officer Holdsworth, looked at all the junkyards, they have done a very good job of complying with regulations. She does not feel that the Town should hold Mr. Dudek to anything more than the same code of conduct we hold all of our junkyards. She was impressed with work that Dudek has done to clean up the site. Councilor DiMarco also went on a ride-along, impressed with Murray's, neat, well-organized, with no issues with wetlands in back. **A motion to accept operating conditions for Mr. Dudek's junkyard was made by Councilor Farmer, with a second by Councilor Brown. Council's vote, 5-0-0.**

FY09 Goals and Objectives - Town Manager Caron said they have been modified somewhat to reflect action taken by Council at previous meeting. Goal #3 was removed, with 3, 4 & 5 renumbered. The implementation date for Goal #3 was changed to June 30, 2008.

Goal #1 - Town Manager Caron and his staff met with Nate Greenberg and his staff this week. Couple of issues they are looking at; will be re-visiting IT regarding purchases and coordination of services. Other service areas they are looking at is the Cable Division. Some communities in NH and MA have Cable as a division of the School Dept. However, those communities don't

have the extensive public access channels and adult training as Londonderry. Another collaborative effort would insure that the School Dept. has a right of first refusal on surplus Public Works equipment; collaborative of purchasing might be shared with fuel and gas. Town Manager Caron said they looked at which services in which collaboration may be possible. Consensus was to have a joint meeting with the School Board to discuss potential collaborative efforts. Chairman Bove said Goal #1 has been done, first goal accomplished. **Councilor Farmer made a motion to accept Goal #1, with a second by Councilor DiMarco. Council's vote, 5-0-0.**

Goal #2- **Councilor DiMarco made a motion to accept it as a goal, with a second by Councilor Brown.** Councilor Farmer said there was an objection to appointing a 2 person sub-committee and it is still there. Councilor DiMarco said the wording says "may" and not "shall", it is flexible. **Council's vote, 5-0-0.**

Goal #3 - **Councilor Farmer made a motion to accept Goal #3 with a second by Councilor Brown. Council's vote 5-0-0.**

Goal #4 – **Councilor Farmer made a motion to accept Goal #4, with a second by Councilor DiMarco.** Councilor Wagner said at the last meeting she had made some recommendations for clear time tables. Town Manager Caron suggested that the intermediate deadlines will necessary float, but by the final deadline of 9/30/08 we will have information necessary, to make a presentation at the 2009 Town Meeting. Chairman Bove asked for a motion to amend the goal to include "formal presentation for 3/09 Town Meeting". **Councilor Wagner made the motion to amend the goal, seconded by Councilor DiMarco. Council's vote on amendment, 5-0-0. Council's vote in favor of goal #4 as amended was 5-0-0.**

Goal #5 – **Councilor Farmer made a motion to adopt Goal #5. Second by Councilor Brown. Council's vote 5-0-0.**

NEW BUSINESS

Police Communications – Town Manager Caron announced at the Council's April 21 meeting that the main communication system at the Police Department is consistently malfunctioning, and is expected to fail imminently. Under the state bid price a replacement system would cost \$360,625. It was scheduled to be replaced in FY10, but the equipment is expected to fail before that time. He met with Sue Hickey and Chief Ryan and identified 5 accounts in which funds can be used to pay for a large portion of the system's expense:

- 1) Redirect the balance of the Health Insurance Holding Account, \$124K
- 2) Outside Police Detail funds (cruiser rental income), \$25K
- 3) Grant funding of \$18K
- 4) Federal funds for FY06-07 reimbursement for flood repairs. He would normally recommend those funds be placed in the General Fund. He recommend that Council hold the required public hearing to apply these Unanticipated Revenues (\$85K) to this project.
- 5) Use a portion of drug forfeiture money of \$11K

The above amounts cover 73% of the cost of the equipment, which leaves a balance of \$97,625 to be funded through unexpended appropriations on 6/30/08. If funds are unavailable, it is planned to enter into a short-term lease purchase for the balance. Councilor Farmer referenced the Town Charter under Section 39 – Emergency Expenditures – Item 4, he questioned if it would fall under that. Town Manager Caron stated that it falls under RSA31:95-B, which requires a public hearing and addresses unanticipated revenues. Town Manager Caron said the unexpended appropriations can be moved to the bottom line to pay for this equipment as long as the Town Council approves after a public hearing.

Chief Ryan said the system is 13-14 years old, originally was to be replaced with new station but was dropped. It is no longer supported by Motorola, loses communication abilities, emergency back-up can handle but being handled a lot. It takes up to 8 weeks to receive after ordering and weeks more for installation. Councilor Brown asked what the state bid price is. Town Manager Caron explained that the state bids out a number of commodities and municipalities and school districts can purchase for the same price as the state. Our experience is that the state bid is the lowest available. Councilor Brown asked if \$360,625 includes hardware and software. Chief Ryan said most is hardware. Councilor Brown said he would like to see breakdown, Chief Ryan said he will supply it. Councilor DiMarco asked if it is a base system, Chief Ryan responded yes, don't have to replace units in cruisers. Councilor Wagner asked if we are planning life cycle schedules, should we have it in the budget to plan updates. Chief Ryan will research. Town Manager Caron said one option is to place any unexpended appropriations into a capital reserve fund in order to have funds available when replacement is required. Councilor Wagner asked Chief Kevin MacCaffrie from the LFD if they are in the same situation, he responded their system is a little newer. Councilor Brown asked if Expendable Maintenance or Capital Reserve Trust funds could be used for this equipment, Town Manager Caron responded they are available for ambulance equipment, fire equipment, highway and highway heavy equipment. Maintenance Trust is for maintenance of town building and facilities. Councilor Farmer asked the Chief to check and see if the proposed new system runs on Windows Vista. Discussion ensued about leasing equipment and if equipment will be able to handle the future changes. The consensus was to accept the plan and wait for budget season. **Motion to accept plan by Councilor Farmer and schedule public hearing on 5/19/08. Seconded by Councilor DiMarco. Council's vote 5-0-0.**

At this point in the meeting the "Inventioners" made their presentation. **Inventioners Presentation** – The group thanked the Councilors for inviting them to participate in the Energy Efficiency Task Force and thanked them for confirmation letters. They are the NH state champions in the science portion, and completed an energy audit on Central Fire station. They explained the energy audit, looked at windows, weather-stripping, lighting etc..., and offered recommendations along with two experts who looked at the building. They focused on lighting, and recommended that the current bulbs be replaced in favor of more energy efficient ones. They plan to work at the new North Fire station, possible showcase for energy efficiency uses. They also talked about bio-diesel fire trucks. They created an elementary school curriculum which includes an energy efficiency game, and created an energy expo which they presented to the Londonderry South School. The group is planning to produce a TV show with the Energy Efficiency Task Force and possibly someone from Council will be their guest. Councilor DiMarco thanked them for coming here and questioned using solar heat at the LFD. They are focusing on the lighting, will look at it at a later date. The team created a solar invention using solar panels and heating elements. Invention is currently patent pending working with Congressman Paul Hodes to obtain patent. Chairman Bove asked them all to introduce

themselves. All the Councilors commended them for the work they have done and their ability to communicate so effectively. Chairman Bove handed out certificates to all participants and to their adult leaders.

Order 2008-12 - Relative to the Purchase of Conservation Land – Councilor Farmer read the first reading, second reading waived and made a **motion to accept. Seconded by Councilor Wagner.** Councilor Farmer said Ms. Sales approached the Conservation Commission about purchasing the property. It is a very valuable section of town. Ken Henault from the Conservation Commission said it protects most of the Watts Brook area, has a lot of wildlife, valuable piece of land because it connects to surrounding conservation land. **Council's vote, 5-0-0.**

Ordinance #2008-08 – Street Numbering System – The E911 coordinator from the fire department and the assessor's office worked together on this Ordinance. **Councilor Farmer read the first reading, public hearing scheduled for 5/19/08. Second by Councilor DiMarco.** Councilor Farmer questioned if we were doing a town wide re-numbering of every address, Town Manager Caron responded they were not doing that. Town Manager explained that new issues involved 1-G, K & L; II-B, III-D & E. **Council's vote 5-0-0.**

Workshop – Code Enforcement- Town Manager Caron reviewed how complaints are processed. Code Enforcement Officer, Frank Holdsworth receives a complaint, follows up with on-site investigation, alerts offender to violation via phone call or letter. Time track varies; for example if it is a sign violation a 14 day window is provided to eliminate problem. Site plans can take up to 6 months. If summons issued to Derry District Court, court schedule is 4-6 weeks of arraignment followed by 4 weeks for a trial date. Any civil penalties levied by the court are given to the Town. Less than 10% alleged violations go to court. Judge will impose fines per state statutes, usually \$275 per day and \$550 for subsequent days; can run in to thousands of dollars. Judge will usually impose a small fraction of that fine and stay the balance pending conformance to the Town regulation, which is usually 30 days. At that point in time he distributed two documents. One document contained the guidelines that F. Holdsworth follows and the other is a synopsis/log of all violations since 2007 to present. Councilor Brown talked about most of the fine being dropped, asked how effective this practice is when the offender knows fine will be greatly reduced. F. Holdsworth said that portion of fine suspended, if within a year have same problem new and old fines are added together. Councilor Wagner said F. Holdsworth has good rapport with people, she said she is not sure what we are looking for in this workshop. Are we looking to change policy? Chairman Bove said this workshop gives the Councilors the opportunity to get more information about F. Holdsworth's responsibility. Councilor Farmer said some of the reasons are to find out if we are applying things in a uniform manner. He talked about "informal enforcement" and asked F. Holdsworth how he handles that. F. Holdsworth explained the letter he sends out informs them of a possible violation, last paragraph says if the above is not followed, court/fines could happen. He said since his last discussion with Councilor Farmer he has taken that paragraph out of the form letter for some cases. Councilor Farmer stated that a lot of people don't realize that there are codes for a lot of things. He said he would like to see us encourage compliance, rather than having a threatening letter sent out. Councilor DiMarco agreed with encouraging compliance, and hopefully come to an amicable conclusion without courts. Councilor Brown said he would like to see a consistent application of compliance/enforcement; he would like enforcement to be swift and fair to avoid situations of different treatment. F. Holdsworth replied he follows procedure that is court mandated. It is easier to work with people instead of taking them to court; he has a 99%

conviction rate. Everything he does is consistent, and talks to Town Manager all the time about these matters. F. Holdsworth explained the first step is to call him with a complaint or go on the website and make the complaint; he then will acknowledge receipt of the complaint. Discussion ensued about how the Councilors should handle a compliance complaint. Councilor Bove stated that the Council is not the first line of defense; file a complaint through proper channels. Proper channels are to notify F. Holdsworth if he does not follow through; it goes to the Town Manager. If a complaint is received about an employee it should be given to the Town Manager. Councilor Farmer said in the past a code complaint would be forwarded to the Town Council Chairman and everyone else received a copy of the e-mail. Chairman Bove said that would be fine. Chairman Bove asked F. Holdsworth some questions regarding his schedule and how he handles complaints. He said he has no problem with the way F. Holdsworth handles everything.

APPROVAL OF MINUTES

Minutes of the Council's April 21, 2008 Public and Non-Public Meeting. Councilor DiMarco made a correction to line 64 for meeting minutes from the public session of 4/21/08. "LF&G" should be changed to "local public shooting ranges" and line 65 change "those hours" to "private range for LPD." **Councilor Wagner made a motion to approve as amended. Second Councilor DiMarco, approved by Council 5-0-0.**

OTHER BUSINESS

Liaison Reports – Councilor DiMarco said the Airport Authority has scheduled a meeting for 5/22 he will verify it. Elder Affairs is meeting on 5/20. He also rode along with Frank Holdsworth and LPD.

Councilor Farmer said the Arts Council had its "Art In Action" this weekend, it was very successful. He thanked Hank Peterson for use of Grange Hall. The Council is working on next year's show, and need more space.

Councilor Brown attended the Budget meeting on 4/24/08. Tom Dolan presented his business development plan. ZBA meets 5/21/08, which he will be attending it.

Councilor Wagner reported Cinco de Mayo function raised \$1,250 for Warm Homes.

Councilor Bove attended the School Board Meeting. They will be looking at our goals tomorrow night. George Herrmann and he talked about working on the joint meeting. It was decided to offer the dates of 5/13, 5/27 and 5/29 for the joint meeting dates with the School Board. The combined meeting of the Budget, School Board and Town Council has not been scheduled yet.

Town Manager's Report – D. Caron announced that Health insurance rates for FY09 went down to 3.1%, instead of the budgeted increase of 4.3%. FAA has approved location of cell tower at Nelson Field, and Verizon Wireless is working with the Planning Board to prepare for construction. Senate Committee on HB 1645 passed down a watered down version of the bill. Does not talk about changes to the governing structure nor does it guarantee that towns will be held harmless with the medical subsidy payments. He stated he will send an e-mail to our elected representatives when bill goes to committee conference requesting that the senate and the house change the governance and make sure towns are held harmless for additional fees and

rates regarding medical subsidy. Chairman Bove said he will recuse himself from those issues because he is a state employee and belongs to the SEA. Lastly, a film crew will be in town tomorrow for community videos that will be posted on the website.

Summer Schedule – Town Manager Caron said he needed direction from the Council as to whether or not they wanted to go to one meeting a month for June/July/August. The decision was to go to one meeting a month on a Thursday night. Town Manager Caron will work on a schedule. Next time to meet is on 5/12 at 6:00 - 7:30PM and Housing Task Force Report meeting will follow.

Board/Committee Appointments/Reappointments/Resignations – None.

Chairman Bove allowed Richard Belinski, Hall Road to speak for one minute. Mr. Belinski stated he objected to Old Business being moved forward. It was listed on the agenda as starting at 8:45, he did say that the times were advisory, but he was here at 7:30 and it had already been done. He said that Councilor Farmer had made a motion to move it up. He said he spoke to the Council Chairman the night before and told him that he and Gerry Adams will be attending the meeting for the Operating Conditions at Murray’s Auto Recycling. Chairman Bove said it was moved only because all agenda items previous to this item was disposed of, except for the Inventioners, The only reason it happened sooner was the Inventioners’ didn’t show up until much later. Mr. Belinski said it was moved up to almost two hours earlier. He proceeded to speak about safety issues at Mr. Dudek’s property and Chairman Bove called for an adjournment.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 9:50 PM. Second by Councilor Brown. Council’s vote 4-1-0, with Councilor Farmer dissenting.

Notes and Tapes by: Margo Lapietro Date: 05/05/08

Minutes Typed by: Margo Lapietro Date: 05/07/08

Approved: Town Council Date: 05/19/08