

TOWN COUNCIL MEETING
June 12, 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 Cathy Dirsa, Planning Division Secretary (covering for Margo Lapietro, Executive Assistant).

CALL TO ORDER – PUBLIC SESSION

Chairman Bove opened the meeting at 7:05 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

Councilor Wagner made a motion to open the Public Hearing with a second by Councilor DiMarco. Council's vote, 5-0-0.

Ordinance #2008-09 – Relative to an Amendment to the Town Zoning Ordinance Regarding Portable Storage Structures. - Councilor DiMarco read the second reading and made a motion to approve. Chairman Bove opened it to the public.

Allen Miller, PODS, apologized for not being completely prepared and said they only found out today that this issue was to be discussed this evening. He gave the Council handouts that outline some of their proposed changes for the Councilors' review.

Councilor DiMarco said this issue has been an ongoing discussion with the Planning Board for months. He said that portable storage units are currently not allowed in Londonderry at all and by putting this in place it will allow the use of these units. Planning Board Chairman A. Rugg confirmed that this would allow the use of these units, with restrictions. Councilor Farmer felt we should not make any significant changes at this late hour and proceed as determined from the discussions resulting from staff and Planning Board meetings. Community Development Director, Andre Garron said he feels we should move forward with this and then if we review the changes proposed by PODS we could address it in the future.

Councilor Brown seconded the motion. Council's vote, 5-0-0.

Resolution #2008-10 – A Resolution Relative to the Adjustment of Fire Department License & Inspection Fees - Councilor DiMarco made a motion to adopt with a second by Councilor Wagner. Fire Chief MacCaffrie outlined the proposed increases in license and inspection fees. Chairman Bove asked for public comment, but there was none.

Councilor Farmer asked about town events regarding this issue. Chief MacCaffrie said they will do the inspection but waive the fee for the town events. Councilor DiMarco asked Chief MacCaffrie about the fees for tents and if this included small backyard tents for camping. Chief MacCaffrie indicated that it was not and was for larger commercial tents that the Fire Dept. is required to inspect. **Council's vote, 5-0-0.**

Receipt and Expenditure of Unanticipated Revenues – FY08.

Town Manager Caron summarized the unanticipated revenues received in FY08. He outlined the grants and donations.

Public comment, none.

Councilor DiMarco asked what an Ahura first defender is. Captain Hart said the equipment and training is used for defense in regards to contraband, etc. **Councilor Farmer made a motion to accept the \$369,777.78 of grants and donations as detailed in the report from the Town Manager with a second by Councilor DiMarco. Council's vote, 5-0-0.**

Councilor Farmer motioned to come out of public hearing with a second by Councilor DiMarco. Council's vote, 5-0-0.

PUBLIC COMMENT

None

Chairman Bove re-announced the Welcome to Londonderry signs project unveiling, June 21 at 10:00AM at the Londonderry Flea Market, Rte. 102. There will be a ceremony that day and the public is invited. The sponsors of the signs, landscapers who volunteered to do the work around it and the landowners will be there. It is also the birthday of the Town of Londonderry on that day. Rain date will be the same day, so if it rains the celebration will be held in the Moose Hill Council Chambers.

Councilor DiMarco asked if the Town Council could eliminate the time schedule on the agenda and just state the start time. Town Manager Caron said the only requirement is to advertise the start time of the public hearings.

Councilor Brown suggested that we put a time limit on the Town Council meetings. Councilor Wagner said she doesn't mind, but she feels we need to consider our responsibility to the public. Chairman Bove suggested that we ask the public at a designated time whether or not they wish to continue or continue the meeting to another date. Councilor Farmer said that he has found it is rare that a meeting goes beyond a reasonable time and that he agrees with Councilor Wagner.

OLD BUSINESS

Beautify Londonderry -Wrap-Up – Carolyn O'Connor said the Town is in its 5th year of this event. We've had over 800 volunteers. She wants to recognize Nick Curro and Alison Buttafuco for outstanding support of this event. This year they had almost \$10,000 in donations and supplies. They cover all the school properties and had a large landscaping at the North School with over 70 volunteers. They are hoping to get some major projects in the future, perhaps on town properties. They gave out t-shirts this year to all the volunteers. She said Chuck Zappa and his staff, the police department and highway department did an excellent job coordinating everything. Councilor Farmer suggested that staff keep track of volunteer efforts so that Town Council can appropriately recognize the volunteer of the year in the future. Chairman Bove said we should also include the volunteers that collect the oil monthly and save the town thousands of dollars every year. He said the oil is used by the DPW to heat their buildings. Chairman Bove said that volunteers CC Mitchell and Steve Powells are going to clean up the illegal dump site on South Road this weekend.

NEW BUSINESS

Resolution 2008-11 – Authorization to Sign Memorandum of Understanding for Technology Services – Councilor DiMarco read the first reading and made a motion for discussion. Second reading waived. Councilor Farmer seconded the motion.

Town Manager Caron outlined the budget for technology services. Councilor Brown wants to know if EagleVue would consider a 3 month extension until the Town Council knows whether or not their services are still needed. Town Manager Caron said the proposed contract contains a 90-day termination clause, which serves the same purpose. He suggested that the revised agreement includes the opportunity for collaboration opportunities, starting July 1st. Councilor DiMarco agrees with Councilor Brown.

Council's vote, 2-3-0 (yes - DiMarco, Bove / no - Brown, Farmer, Wagner). Motion fails.

Councilor Farmer made a motion to reconsider the vote on IT with a second by Councilor Wagner. Councilor Farmer said he feels we should really look hard at this decision. He feels that we should enter into more discussion with technology services to see what else we could get from them. Town Manager Caron said the Town needs IT support, which will terminate in two weeks without an agreement in place. The current agreement includes a 90-day termination clause, which was included in last year's contract, as the Town one year ago was also discussing collaboration on this issue with the School District. Councilor Wagner said we did have a review process last summer for the technology services, but that the dynamics have changed dramatically. Councilor DiMarco asked if we could adjust the wording of the payment on the termination clause (i.e. from a lump sum of \$120,000 to \$10,000 per month until termination). Assistant Town Manager Hickey informed the Town Council that EagleVue and the school district IT have been working together for about a year. Chairman Bove said we will need to look at the cost to maintain our service whether it's the current IT group or the school district IT group. **Council's vote to authorize the Town Manager to execute the agreement, 5-0-0.**

Order #2008-13 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects – Councilors waived the first reading, second reading and public meeting. Councilor DiMarco made a motion to adopt with a second by Councilor Farmer. Council's vote, 5-0-0.

Resolution #2008-12 – Relative to the Sale of Town Property for Highway Widening Purposes – Councilors waived the first reading, second reading and public meeting. Councilor Brown made a motion to adopt with a second by Councilor DiMarco.

Town Manager Caron outlined the widening and the taking and said that staff recommends the Town Council concur with the taking. He said the second part of this resolution, which is not required, but is in keeping with past practices, is to deposit the funds into the open space conservation fund. If the Town Council approves this resolution as presented, a public hearing would be scheduled in the future to accept the unanticipated revenues and deposit into the Conservation Fund. **Council's vote, 5-0-0.**

Staffing Levels – Police Department – Captain Bill Hart presenting.

Town Manager Caron outlined the need to fill this position that was vacated due to retirement. Councilor Farmer said his interpretation is that this position is not critical to the safety and welfare of the town. He feels that the Town Council should review all administrative positions like this before they are posted.

Captain Hart summarized the responsibilities of this position and others in the department. He said this is a crucial position that directly affects the ethical and legal obligations and enforcement of issues such as DWI license suspensions.

Councilors Brown, Farmer and Wagner asked Captain Hart is there is any way they can fill the position internally or with a part time position to avoid paying benefits. Captain Hart said that because this department is so busy compared to other local towns he feels it would be a very bad decision to not fill this position with a full-time person. Chairman Bove said he feels that the Town department heads do an excellent job at providing a service to the residents and that if Captain Hart could resolve this in any other way he would have done so. Captain Hart said this position is crucial to Prosecutor Coyle. Prosecutor Coyle said this position is absolutely essential.

Pauline Caron, 369 Mammoth Rd, has worked in the legal profession for over 45 years and asked who usually fills in during sick time and vacations. Captain Hart said it's usually the Chief's Executive Secretary, but sometimes it's "all hands on deck". She also asked if they considered job sharing. Captain Hart said they have considered job sharing in a number of different ways. Chairman Bove said we either need to change the whole position or it exists the way it is and Captain Hart has a right to fill the position. Chairman Bove said we came here tonight to listen to the reason why the position is needed and the justification for it, which we've been given. He said if the Council wants to change the position, then someone will need to sit down and find out how to change the position. He doesn't feel the Council can change that position unless they have a specific proposal on what they plan on doing with that position. Councilor Farmer said he wants to know what the consensus is on the direction of the Council. Councilor Brown doesn't want to move forward with a full time position. Councilor DiMarco said he would like to see a part time position tried first. Councilor Wagner asked Prosecutor Coyle what will happen if they don't fill it. Prosecutor Coyle said they will lose cases because a part time person won't completely understand or be able to handle this position, which is most likely a 60-70 hour per week position. Captain Hart said the problem is that this job requires more than a 40 hour week and needs someone who is extremely experienced and professional to adequately handle this position. He said that in the short term his part time person could handle the workload, but it will involve downtime due to training. He stated that the Chief of Police in this community is a fiduciary for the criminal justice process and cases won't be dismissed because what they would do is reallocate personnel from the uniformed functions and deployed to benefit the Prosecutor. He said they can't afford the professional embarrassment or the financial sanctions that would occur if we started losing cases. He said it takes years to build a good reputation, minutes to lose it and years to reinstate it. Councilor Farmer said he feels that Captain Hart has justified that a full time position is needed. Town Council would however like to see job sharing considered in the future to handle the extra workload. Councilor Wagner said she realized halfway through the discussion that this is a necessary position and she will support it. She realizes that Londonderry is a growing town and that maintaining staffing is needed. She would still like to see the job sharing considered in the future, however, she is concerned about how many people would apply for a job sharing position vs. a full time position. Councilor Brown said he would still like to see something other than a full time position.

Town Manager Caron confirmed that he has received direction to move forward with a full time position, but to consider job sharing in the future.

APPROVAL OF MINUTES

Councilor DiMarco made a motion to approve Town Council meeting minutes of 5/19/08 with a second by Councilor Wagner. Council's vote, 5-0-0.

OTHER BUSINESS

Liaison Reports

Chairman Bove – Attended a solid waste committee meeting.

Councilor Farmer – We've already started Concerts on the Common. We are looking at continuing the clean up efforts for the bandstand. Conservation meeting last night was cancelled. Recreation committee met this week.

Councilor DiMarco – Manchester Airport Authority met May 22. There were presentations on the Airport access road by NHDOT and the Pettengill Road extension by J. Czyzowski and A. Garron. They also went on a bus tour and looked at the crossing of Cohas Brook and went down Route 3A to see the east side and the Bedford/Merrimack side of the river to see the work being done. Next meeting for the Manchester Airport Authority is in July. The Elder Affairs meeting May 20 didn't have a quorum but they did have some discussions and there may be some openings on that committee. Next meeting will be in September. Councilor DiMarco and some members of the Boy Scout Troup 1910 will be painting a shed at the senior center next weekend. He attended his first Heritage Commission meeting May 22. A fireworks retailer is proposed to go in on Londonderry Road, across from another fireworks retailer. A fire protection business is proposed off of route 28. There was also a discussion about selective forestry in the town forest after Old Home Day. He is also on the Traffic Study Committee, but hasn't been contacted about the meetings. Town Manager Caron said he will ensure that Councilor DiMarco is contacted in the future.

Councilor Wagner – Last night the Planning Board gave conditional approval to Falling Water at Kitty Hawk. The Planning Board will host a financial funding presentation regarding TIF districts at the 2nd July meeting and the Town Councilors are encouraged to attend. The Planning Board began work on the historic overlay district last night and 22 homes were recognized and categorized into the new district. That will be coming before the Town Council for adoption. An elderly couple fell on the wooden walkway in back of the town hall going to the rec fields. Thanks to the school and DPW departments they repaired the walkway. Good Luck to the Lancer Band who leave for China next week. The Old Home Day meeting will be Thursday June 19. The following meeting will be July 17. Old Home Day is August 13-17.

Councilor Brown – Attended ZBA meeting in May and there are 2 vacant alternate member positions for the ZBA. The next ZBA meeting is Wednesday June 18. He attended the Budget Committee meeting in May. Their next meeting is Thursday, June 19.

Chairman Bove – The next Southern NH Hazmat yearly meeting is June 30, tentatively scheduled to be held here in Londonderry.

Town Manager's Report

Dave Caron reported that bids have been received for reconstruction of Stonehenge Rd and Mammoth Rd and if all goes well there should be a surplus of approximately \$168,000 returned to the town at the completion of the project.

Community effort kicked off two weekends ago for the playground. The Council allocated \$125,000 for that project. The playground equipment cost \$108,000. The Town has authorized some minor additional site work. They are also buying some mats to place under the swings at a cost of \$1,000.

There was a fire on the Sanborn Rd property. The “dirty” tires need to be cleaned before taken away for processing, per DES directive.

Councilor DiMarco said that because the playground is in a remote area he would like to ask if the Police routinely patrol that area to prevent vandalism. Town Manager Caron said he will request that the Police patrol that area.

Councilor Farmer would like to see the opportunity to fence the revenue for the new cell tower.

ADJOURNMENT

Councilor DiMarco made a motion to adjourn at 10:25PM with a second by Councilor Farmer. Council’s vote, 5-0-0.

Notes and Tapes by: Cathy Dirs Date: 06/12/08

Minutes Typed by: Cathy Dirs Date: 06/17/08

Approved: Town Council Date: 07/17/08