

TOWN COUNCIL MEETING
October 5, 2009

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

PRESENT: Town Council: Chairman Mike Brown; Vice Chairperson, Kathy Wagner; Councilors: Sean O’Keefe; Paul DiMarco; Town Manager Dave Caron; Executive Assistant, Margo Lapietro. Absent: Councilor Brian Farmer

CALL TO ORDER – PUBLIC SESSION

Chairman Brown opened the meeting at 7:00 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 DiMarco made a motion to open the public hearing, second by Councilor O’Keefe, Council’s vote 4-0-0.

Receipt of \$1,655,671 grant from the Department of Homeland Security. Town Manager Caron stated state law requires a public hearing on receipt of these funds. The grant is part of a \$210M initiative on a national basis to help to construct or re-construct fire stations. He stated that Chief MacCaffrie and his staff are to be congratulated on receipt of the only grant received in the state. The anticipated cost of the project prior to bidding is about \$2.53M which includes “soft costs” and clerk expenses. He informed Council that the Town’s architect is upgrading the plans to reflect code updates and meet Leadership in Energy and Environmental Design (LEED) requirements. The plan is to bid the project in December and then determine what the actual cost of the building will be. There is about \$156K remaining from the first fire bond issued for the North Fire site work and the South fire construction, and \$65K in fire impact fees, totaling about \$1.876 M in offsetting revenues. If the Council approves the grant tonight we will continue to work with the architects and engineers to bid the project and return to the Council during the budget process with a recommendation as to the scope of the project and also identify the amount of money that is needed from the undesignated fund balance to complete the project. If this expenditure is approved in March then we can start construction in early spring. Chief MacCaffrie distributed the award package to the Councilors. He mentioned part of the requirements was the LEED Certification, Davis-Bacon wage requirements and the use of American-made parts. Councilor O’Keefe asked what was the total cost of the So. Londonderry fire station. Town Manager Caron responded it was just under \$2M which included a significant amount of site work at North. Councilor O’Keefe questioned if the \$2.5 was unrealistic at this point. Chief MacCaffrie responded we are in a good economic climate to bid projects. Town Manager Caron stated that the cost for South was about \$1.95M, 60K for “soft costs” totaling about \$2.15M for the total project budget for South Fire Station. The total budget contemplated for this budget is \$2.5; LEED is about \$300K, and another \$300K for site work which is already completed. Cost of the project is estimated at between \$2.15M – \$2.5M There will be some very minor modifications to the interior but they will not impact the project significantly Councilor Wagner asked what the wage requirements are. Chief MacCaffrie said the wages are based on the federal standards for contracted wages, basically union scale. Town Manager Caron said the Town has to adhere to the Davis Bacon wage act, basically it says the contractor

has to pay the prevailing wage rates. Councilor Wagner stated that we will save money based on the existing downturn in the construction market. Town Manager Caron explained that based on that he hoped to see a significant reduction in the cost for this project. Councilor Wagner asked him to explain what “soft costs” are and will we require another town meeting for additional money for furniture, etc. Town Manager Caron explained that for all the building projects that have been completed here in the last 6-7 years, the Town does not bond “soft costs”, but rather places a separate article on the warrant. Soft costs include a Clerk of the Works, material testing, furniture, equipment, items that do not have a useful life greater than the 20 year bond. Staff will recommend the taxpayers support an appropriation which will include “soft cost” and use undesignated fund balance for that expense, and the portion of the construction costs not covered by the grant. Councilor DiMarco asked if the “buy American” clause would be a problem, Chief MacCaffrie said it was no problem, and if the item is unavailable that an alternated has to be justified. He said we just had to use a significant amount of items made in America in the project, if there is a problem it will be documented. Councilor O’Keefe asked if we will be able to meet the timeline. Chief MacCaffrie said the Town has until 9/24/12 to complete the project. Town Manager Caron stated that timeframe eliminates the need for a special town meeting to raise any money from surplus to complete the project. Chairman Brown reminded everyone that the grant comes from the American Recovery and Re-Investment Act. It is a federally funded grant paid for through tax dollars in the country; it is not free. Chief MacCaffrie said that Homeland Security was designated as the administrator of the grant. Councilor Wagner asked if we are hiring a Clerk of the Works. Town Manager Caron said the Clerk might be part time, or it might be full time during the project, however it will not be a permanent employee. He said it might be a grant requirement. Chairman Brown said if we look at the Clerk’s position as a full-time position he would like to have it presented to the Council before someone is hired. Town Manager Caron said he would bring it back to the Council. Open for discussion. Councilor DiMarco thanked staff for all the effort they put into obtaining this grant. Town Manger Caron acknowledged the work done by Chief MacCaffrie, Fire Marshall Tetrault and Carolyn O’Connor. **Councilor DiMarco made a motion to accept the \$1,655,671 grant from the Department of Homeland Security for the purposes of building a North Fire Station, second Councilor Wagner, Council’s vote 4-0-0.**

Councilor Wagner made a motion to close the public hearing, second Councilor O’Keefe, Council’s vote 4-0-0.

PUBLIC COMMENT

Don Moskowitz, 7 Tokanol Dr who is a member of the Southern New Hampshire Planning Commission (SNHPC) asked if there has been any decision about who the representatives would be from Londonderry for the Regional Economic Steering Committee. Chairman Brown said they referred that back to the Planning Board to go through their process of electing members. Councilor DiMarco verified it was a sub-committee to the SNHPC and the Planning Board will discuss that at their next meeting. D. Moskowitz said Londonderry does not have an official representative to that committee and they have already had two meetings. He said he sat in on both of the meetings; he is not an official representative of Londonderry and could not vote. He did take notes and relayed that information to Community Development Director, Andre Garron. Reed P. Clark, 79 Stonehenge Rd. talked about the completion of Exit 4A, North Fire Station, and the Stonehenge/Mammoth Road intersection.

OLD BUSINESS

Resolution #2009- 16 - Relative to a Contract Amendment for Engineering Services for the Exit 4-A Project - Councilor DiMarco read the first reading, and **made a motion to adopt, second Councilor Wagner.** Councilor Wagner asked for clarification of the Resolution. Town Manager Caron explained it is a continuation of the Town's involvement in the project per the terms of the settlement agreement. He explained there are two major elements in this project; design and construction. This amendment would provide services to advance the project through a Record of Decision (ROD) and Agency Permitting.

When the ROD is received, the issue will return to the Council to look at construction design contracts. The contract amendment costs \$491,250 which will increase the Town's investment of pre-design and constructions services to \$1.677M or about 1/3 of the Town's \$5M appropriation approved by the voters. Councilor Wagner said we are not instigating these things; it is an agreement with Derry to put our matching funds into the project. Town Manager Caron confirmed it is our responsibility to fulfill our commitment for \$5M for the project. He proceeded to list the advantages this agreement has provided to the Town. Town Manager Caron explained the Town has an obligation to invest \$5M in the project, at this point it is at the completion of this phase; the project will then progress to the pre-construction design phase. Chairman Brown asked what safeguards do we have in place to force us to pay an "x" amount to update this work. Town Manager Caron responded the final deadline is the widening of I-93, which is about 4 years out. Once we receive a ROD from the federal government and permits have been issued then that ROD does not lapse, thus not need for additional study work. **Council's vote 4-0-0.**

NEW BUSINESS

Resolution #2009-17 – Relative to a Corrective Quitclaim Deed-Liberty Drive Extension. Councilor O'Keefe read the reading and **made a motion to adopt, second Councilor Wagner.** Town Manager Caron explained the original deed prepared by DOT awarded land from the middle of the road as opposed from the edge of the right-of-way. **Council's vote 4-0-0.**

APPROVAL OF MINUTES

Minutes of Councils Public Meeting of 9/21/09. Councilor DiMarco **made a motion to accept the meeting minutes of 9/21/09, second Councilor Wagner, Council's vote 4-0-0.**

OTHER BUSINESS

Liaison Reports – Councilor DiMarco said the next Planning Board meeting is scheduled for this Wednesday.

Councilor O'Keefe said he attended a Traffic Safety Committee (TSC) meeting tonight and they talked about the traffic flow at 102/McCallister/Winding Pond Road. Town Manager Caron explained there is currently a stop sign on 102 at the end of Winding Pond. The TSC voted to remove that traffic sign and install stop signs on McAllister on both sides pending approval Public Works Director Janusz Czyzowski who was unable to make the meeting. It will do two things:

1. Stop traffic before they turn on Winding Pond Rd.

2. When the Nevins is completed it would eliminate any potential stacking of traffic on that short section of Winding Pond so it interferes with Winding Pond and 102 intersection. It will be similar to the intersection at Pillsbury and Hardy
Councilor O’Keefe said there were 54 residents presenting the petition.

Chairman Brown said he attended a Heritage meeting on 9/24/09. The meeting dealt with additional signage on the back side of the Verizon Wireless Store. The Derry Plaza location has a conceptual design of a discount grocery store. The Commission was agreeable to the changes. They are going to the Planning Board for a site plan. The 911 Road Change Taskforce made a presentation and asked for assistance in providing historical names to be used on the roads that have to be changed. Town Historian Marilyn Ham had a long list of historical names for the streets.

Town Manager Reports – Town Manager Caron talked about Resolution 2009-18 which will be considered at the next Council meeting on 10/19/09. It addresses privately owned wastewater facilities. J. Czyzowski has presented a lengthy acceptance policy that he asked the Councilors to review before the meeting. The Conservation Commission has learned they have received a grant for the Mack property on Pillsbury Road, the next steps are to negotiate the final terms of the easement, take all pertinent information we have with respect to the development of that property and complete an updated appraisal. The maximum amount of the grant is \$441K but the actual grant awarded will be based on the actual purchase price. The grant amount will be no more than 50% of the fair market appraisal. He provided Council with a letter for their signature addressed to NHDOT to support the expansion of the I-93 Widening to an 8 lane plan. He recommended supporting this widening mainly for safety issues and he noted it would greatly assist our economic development activities. Councilor DiMarco announced that Microsoft has updated internet explorer in our website to 8.0 and he said he wants our website to be updated. He also said he received an e-mail from a citizen regarding cell phone coverage in the middle part of Town. He asked if the cell tower located beside the town garage has providers on it. Town Manager Caron said he will follow-up on it.

Board/Committee Appointments/Reappointments -
None

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 7:50 PM, second Councilor O’Keefe, Council’s vote 4-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>10/05/09</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>10/06/09</u>
Approved;	<u>Town Council</u>	Date: <u>10/19/09</u>