

TOWN COUNCIL MEETING
November 16, 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; Councilor: Paul DiMarco; Town Manager Dave Caron; Executive Assistant, Margo Lapietro. Absent: Councilors Brian Farmer and Sean O’Keefe.

CALL TO ORDER – PUBLIC SESSION

Chairman Brown opened the meeting at 7:02PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country. Chairman Brown explained the budget presentation will be discussed on Saturday morning due to the absence of Councilors Farmer and O’Keefe.

Proclamation – November National Diabetes Month – Councilor DiMarco read the Proclamation.

PUBLIC HEARING

Motion by Councilor DiMarco to reconvene the public hearing for Ordinance 2009-04, second Councilor Wagner.

Ordinance #2009-04 – Relative to an Amendment to the Zoning Ordinance Regarding Workforce Housing - Community Development Director Andre Garron said one of the questions from the last meeting was if Londonderry was to go forward with its own fair share analysis what would the cost and time-frame be. He said that the Southern NH Planning Commission (SNHPC) updates its housing needs assessment every 5 years. The fifth year is coming up shortly and they have issued a Request for Proposal (RFP). A lot of the information they are looking at from a regional stand point are what the Town would be looking at. The bid that was received was for about \$12K to create three models for estimating housing production needs for the region. If Londonderry goes forward there would be other issues from a local standpoint like updating the existing housing stock inventory. It would also involve a review of our ordinance to see where the Town stands meeting that requirement under our existing ordinance, and what is needed. SNHPC model is valid; the population needs are there as well as from an employment standpoint. No other communities have a separate consultant to investigate fair share housing needs. He said if the Town conducted a review it would cost between \$15 – 25K. The SNHPC has the expertise to do a lot of the work in-house. The time frame to complete the study will be about 3-6 months. Another question asked was if we can get a clear definition if we meet our current obligation for fair share housing with the new law. He stated he met with legal counsel last Monday and Ben Frost from the NH Housing Finance Authority. They were unable to get a clear definition; they need to get more information for their next meeting. The actual table for the existing housing stock was provided to Council. Chairman Brown clarified that the question for our statutory obligation for existing housing will be answered by the next meeting on 12/07/09. The other question was the time frame for houses intended for sale. According to counsel it could be anytime. Councilor DiMarco said at the last meeting he asked what is the definition of “housing stock” and the answer was that it is

interpreted as any house in town. Town Planner Tim Thompson talked about a memo that was given to the Councilors tonight about his research into the existing market of properties in Town for sale and rental units and how Londonderry stands with the requirements. He stated it is not a fair share analysis, just a snapshot of where we are for existing housing stock for the statutes. Rental cost affordability per the statute the maximum affordable rent is 60% of the area media income adjusted for a family of 3 with an annual income of \$51,410. The maximum level of rent for that income would be \$1,290 per month. The current median rent in Londonderry is estimated at \$1,380 which would require an estimated annual household income of \$55,200 which is 68.3% of the area median income (AMI). Our median rent would not be considered affordable under the new law. He proceeded to provide analysis of housing stock in Londonderry and stated that a majority of the housing units in Londonderry are only affordable to those making 100% of AMI or \$95,200 with cash on hand for a down payment of \$30K. He said at the lowest amount of cash on hand - \$5K there are 41.8% of the assessed housing units in Londonderry that are at or below the affordability threshold. Every community that currently has an ordinance or are working on an ordinance for fair share analysis has referred to their regional planning commission for data. Staff believes that it is likely that housing opportunities for those meeting the statutory guidelines is likely to decline as prices and assessments rise. According the fair share analysis we are deficient in fair share of the low and median income on the on rental side. Our current zoning ordinances have two districts that allow residential development; AR-1 & R-3. AR-1 comprises the majority of land located in Town. The R3 currently allows for multi-family not restricted by age for elderly housing. Currently there are 7 vacant parcels zoned R-3 however only 3 are developable for multi-family residential development. One of those parcels has a conditionally approved plan for 96 units; another is town owned and is being considered for an affordable elderly housing project and the third is located on Sanborn Rd. The Town is currently powerless to prevent the conversion of rental properties (apartments) to condominiums. Staff believes Londonderry's existing housing stock only partially meets the fair share requirements of NH's workforce housing statutes. The Town is 1,000 units short of providing our fair share of affordable rental housing. We are not providing for reasonable and realistic development of workforce housing, especially in the provision of opportunities for the development of workforce rental housing. Staff continues to believe it is in the best interests of Londonderry to amend the zoning ordinance as recommended by the Planning Board to address the requirements of the state's workforce housing statutes. Chairman Brown stated that Council will continue this meeting on 11/23/09. Open for discussion. Deb Paul, 118 Hardy Rd. asked where did T. Thompson obtain the numbers for rentals. He responded from the 05 needs assessments. D. Paul said there is a huge difference now. He responded that updated information will be obtained with the full share analysis. John Curran, 6 Faye Lane, said the Britain vs. Chester case was done 18 years ago, (1991) it was considered an emergency need 18 years ago and it took 18 years to pass it. He stated that although we need an ordinance in place, the statute is poorly written. He said the existing housing stock is not defined, the plain reading of the word is what is available in the community, not necessarily what has a "For Sale" sign on it. Ben Frost is a proponent for work force housing; we should be soliciting legal opinion from someone who is looking at it from an objective perspective. He asked why make it easier for developers by identifying the property and telling them how to approach the process, that isn't the solution. Councilor DiMarco asked if it is possible to wait until March before we act further or hold off passing the multi-family part. The information from SNHPC is very valuable information. A. Garron responded it is possible to wait but we can run some risks, he is meeting with legal counsel and Ben Frost again to get answers to our fair share because Ben was heavily involved with the state. Chairman Brown asked A. Garron to ask our legal counsel if it is OK to wait for the study to be done in March and what the risks are

involved. A. Garron said we haven't created rental housing in town so we are deficient. Councilor Wagner asked if we should re-evaluate that one part of the ordinance. A. Garron said that by reducing from 36 to 24 units the board does have the opportunity to look at multi-force housing. **Councilor DiMarco made a motion to continue the public hearing to 12/7/09, second Councilor Wagner. Council's vote 3-0-0.**

Resolution 2009-19 – Relative to the Renaming of Cedar and Jefferson Streets - Councilor DiMarco read the second reading and made a motion to adopt, second Councilor Wagner Town Assessor Karen Marchant and Firefighter Jim Bilodeau the 911 coordinator were in attendance. J. Bilodeau said they met with the residents on the road and asked for name suggestions. Councilor Wagner said that the names of the streets – Foot Path Way and Wildlife Way - were selected by the residents. Chairman Brown asked why the original street names were deemed out of compliance. J. Bilodeau responded we have 2 Jefferson in town and 2 Cedars in town, the two selected names did not conflict with like sounding names. Councilor DiMarco expressed concern with Footpath Way he felt it conflicts with someone walking on a footpath in the Musquash. J. Bilodeau said 911 only regulates the road names. **Council's vote on the amended Resolution was 3-0-0.**

Councilor DiMarco made a motion to close the public hearing, second Councilor Wagner. Council's vote 3-0-0.

PUBLIC COMMENT

Richard Cantu – Manchester Sewer Presentation. Richard Cantu the Supervisor of the Manchester Sewer Plant was in attendance and talked about the final expansion of the treatment plant. The Facilities Plan for the three towns (Bedford, Goffstown and Londonderry) is complete. It is a 10 year project being completed in 3 phases. He reviewed the topics to be discussed and also reviewed the agreement allocation. The total cost of the project will be \$78M; Londonderry's share will be \$4,744,573.02. Londonderry is using 14.72% of the plant usage. He stated Manchester Sewer has a permit with EPA and the state. The EPA regulates it and Manchester has to meet a certain criteria. Londonderry is looking to increase their flow by a million gallons. He showed statistics for daily plant flow, monthly flow and daily town flow. He showed the capital options breakdown. He explained everything is regulated under AECOM & NPDES permits; towns are using more capacity than anticipated. He reviewed the original IA and O&M breakdown. The original ratio is flawed when reviewing large items like salaries, chemicals, electrical & oil expenses. He explained the billing process; the more used the more percentage charged. He proceeded to explain the new equipment they are installing in the building and with the gain of efficiencies the rate costs will come down. He explained the full build out capacity and the increases to towns. Public Works Director Janusz Czyzowski explained they are actively reviewing our facility plan, user rates, etc. Starting in July the rates will go up in his budget he will need additional monies in the sewer funds. He stated it is very important to not underestimate our capacity that is needed because it is only a one time offer. He said he will have a public hearing in July for the rates. He said Manchester will be bonding every year, we don't have to have \$8M up front, we will be bonding annually, with payments peaking in 9 years. It increases from a 6% to 10% share. Chairman Brown asked if this will affect residential, commercial and industrial, Janusz responded yes. J. Czyzowski said these rates do not impact people on wells and septic systems in town. Chairman Brown asked the Town Manager to explain what is the special revenue fund. D. Caron responded it is an enterprise fund, there are no taxes being infused, rates are based on operating costs and their share of any debt service and other operating expenses. The sewer fund will remain self-

sufficient. Chairman Brown asked how many residences were going to be impacted by the increased rates. The Town's Environmental Engineer Doris Beatty was in attendance and responded there are 900 residential properties that will be affected. Chairman Brown asked if we will have a revised or new inter-municipal agreement with Manchester, J. Czyzowski responded yes. Councilor DiMarco asked how much of our sewage goes to Manchester; J. Czyzowski responded the majority goes to Manchester, only a small portion goes to Derry. Community Development Director, Andre Garron asked why Manchester's usage went down. R. Cantu said the major reason was the loss of Jac Pac, Ni-Cor has reduced their usage and septage has been reduced. If the flow picks up for Manchester the flow for Londonderry will change.

OLD BUSINESS

None

NEW BUSINESS

Approval of AFSCME 3657 Proposed Collective Bargaining Agreement – Town Manager Caron said this union consists of 72 full time and two part-time employees of the Londonderry Police Department. They are mainly uniformed but they also represent our support staff and dispatchers. The recommendation is a 3 year agreement with the union, it involves 3% salary adjustments, currently it is 3-4%. There is a step system for all union employees; typically it is about 5% between steps. A new scale for new employees would see the increments reduced from 5% to 2.5% for new employees. Currently approximately 90% of our employees are at maximum step so about 90% of our employees will only receive the 3% wage adjustment annually. That is the only compensation they will receive under the proposed agreement. The other major change is employees will see a reduction in how much sick time they will accrue and also how much sick leave they can cash in upon retirement or separation from town. Other provisions involve allocation of work details, overtime, shift scheduling and promotions. Tonight's action is that the Council recommend at the town meeting that voters approve the agreement. It will be a warrant article. The taxpayer cost is \$104, 098.00 for the first year which is about 3 cents on the tax rate; the total cost is \$160K. \$55,750 will be funded by the Manchester/Boston Regional Airport Law Enforcement Agreement. The effective date will be 7/1/10. Chairman Brown verified that both the Council and Budget Committee will vote on this warrant article. He questioned if the two Councilors who are absent tonight can request a re-vote. Town Manager Caron stated historically the Council votes on each individual article so the two absent Councilors will vote. He explained that it is important that the absent Councilor's vote on it soon so the union can receive an indication of the Council's support or non-support. **Councilor DiMarco made a motion to support the AFSCME Agreement and move the bargaining agreement to the town warrant, Councilor Wagner second. Council's vote 3-0-0.**

Order 2009-16 – Relative to the Expenditure of Rte 28 West Impact Fees - Councilor Wagner made a motion to adopt, second by Councilor DiMarco. Town Manager Caron explained the study anticipates the build-out of Pettengill Road along with some off-site improvements. The road is being updated and they are just looking for anticipated costs. A. Garron said the Order is to supplement the study for capital improvements needed at the Pettingill area. He clarified that the adoption and reading date on the Order should be changed to 11/16/09. **Council's vote 3-0-0.**

FY11 Budget Submittal – Moved to 11/21/09 at 8:00 AM

APPROVAL OF MINUTES

Minutes of Councils Public Meeting of 11/02/09. Councilor DiMarco added an edit to line 413 where it states “He said his oath of office states that he is going to comply with the state of NH”. Amend to read “He said his oath of office states that he is going to comply with the laws of the state of NH” **Councilor DiMarco made a motion to accept the minutes as amended, second Councilor Wagner. Council’s vote 3-0-0.**

OTHER BUSINESS

Liaison Reports – Councilor DiMarco attended Ryan Zins Eagle Scout ceremony on Sunday

Councilor Wagner met with the Library Trustees who had concerns with the H1N1 virus. Elder Affairs is meeting tomorrow, she stated the Veteran’s Day parade for last Saturday was cancelled due to the weather. She thanked the Londonderry Fire Department and their families for the turkey dinner held at the Senior Center.

Councilor Brown said he attended the Solid Waste Advisory Council (SWAC) last Thursday they discussed the October meeting they had with Allied Waste. They discussed how they could handle things differently. Allied is willing to perform audits at schools which the school principals were interested in. They mentioned the possibility of offering scholarships to students for environmental based work. They discussed better containers and signage they could offer at the Recreation Fields. Allied Waste might fund the waste newsletter that had been dropped due to budget restraints. There is a Heritage meeting on 11/19. Councilor Wagner asked Chairman Brown if the SWAC could change the date of the Hazardous Waste Drop-Off Day because of conflicts with the Veteran’s Day parade. Councilor DiMarco said there were 3 different events in town that day. Councilor Wagner said it would have been a disaster if the parade had been done the same day as Hazardous Waste Drop-Off Day.

Town Manager Reports – Town Manager Caron stated that all three Councilors attended a presentation last Friday with the business owners in the north part of town. It was an update on the status of different Economic Development issues. The meeting was well attended. The budget calendar presentation is scheduled for 8:00AM this Saturday and he reminded council that they will be meeting for 5 successive Mondays for Council and budget hearings.

Board/Committee Appointments/Reappointments - Chairman Brown announced that Dorothy Greenler, Elder Affairs; and Robert Nichols, Planning Board terms have expired and they are not volunteering again.

1. Re-Appointment of Julie Liese, Reed Clark, Art Rugg and Helga Kimball to the Lon. International Exchange Committee as Full Members, three year terms to expire 12/31/12
2. Re-Appointment of John Wissler and Gary Stewart to the Solid Waste Advisory Committee as Full Members, three year terms to expire 12/31/12

3. Re-Appointment of Gail Moretti to the Solid Waste Advisory Committee as an Alternate Member, one year term to expire 12/31/10
4. Re-Appointment of Nancy Irwin to the Elder Affairs Committee as a Full Member three year term to end 12/31/12
5. Re-Appointment of Flo Silver to the Elder Affairs Committee as an Alternate Member, three year term to end 12/31/10
6. Re-Appointment of William Manning to the Recreation Commission as a Full Member, three year term to expire 12/31/12
7. Re-Appointment of Gary Fisher to the Recreation Commission as an Alternate Member, one year term to expire 12/31/10
- 8.

Councilor Wagner made a motion to re-appoint all of the above, second Councilor DiMarco. Council's vote 3-0-0.

ADJOURNMENT

Councilor Wagner made a motion to adjourn at 8:40 PM, second Councilor DiMarco Council's vote 3-0-0.

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>11/16/09</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>11/ 20/09</u>
Approved;	<u>Town Council</u>	Date: <u>12/07/09</u>