

TOWN COUNCIL MEETING
January 19, 2009

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

PRESENT: Town Council: Chair Marty Bove; Vice Chair Brian Farmer; Kathy Wagner; Paul DiMarco; Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Jaye Trottier, Land Use Board Secretary.

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.

PUBLIC HEARING

Chairman Bove entertained a motion to go into a public hearing. Councilor Farmer so moved. Paul DiMarco seconded. Council's vote 5-0-0.

FY10 Bond Hearing-

ARTICLE NO. 2 *[BOND ISSUE FOR REPLACEMENT OF NORTH/WEST FIRE SUBSTATION]*

To see if the Town will vote to raise and appropriate **ONE MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,975,000)** for the purpose of constructing a replacement fire substation in North/West Londonderry.

D. Caron explained that this proposed station would be similar to the one built in 2006 on Young Road, with an estimated increase in costs over two years of 6.8%. A site has been selected on Grenier Field Road and the estimated cost including contingency is \$2.045 million. Once the \$150,000 remaining in the Capital Account for Fire Stations is applied, the result is the \$1.975 bond in question. Ledge would need to be cleared on the chosen location which would require a \$150,000 contingency (included in the bond amount). The main subcontractors, electrical and plumbing, have already been bid out and the same will be done for the sub-specialties in order to get a predetermined price before any construction contracts are signed.

Councilor DiMarco made a motion to move Article No. 2 as written to the Town Meeting warrant. Councilor Wagner seconded. Chairman Bove called for any further discussion.

Councilor Brown acknowledged that the need for a new fire station was certainly valid but that it simply was not the right time to ask the taxpayers to take on an entirely new debt obligation given the current economic crisis. Councilor Farmer asked D. Caron if impact fees collected by the Town were going toward this project and could offset the bond amount. D. Caron confirmed that they were but that the amount currently available is negligible because funds were used for site acquisition and design fees. Councilor Farmer stated that in view of the support that was deemed necessary for the highway reconstruction bond at the last meeting, he agreed that supporting both bonds in the current economic climate would cause too much of an impact on the tax rate. Councilors Bove, DiMarco and Wagner all stated they felt the fire station was still necessary, chiefly in terms of public safety. Councilor Bove added that a new station in the north end of town would aid in the anticipated growth of that area. Councilor Wagner added that

the taxpayers can decide for themselves at Town Meeting whether they can afford a new fire station. A discussion ensued where Fire Chief McCaffrey was asked if a new building could be postponed for another year with repairs made in the meantime, albeit major repairs. While he replied that it could be possible to wait, further discussion resulted in the consensus that spending money on repairs would cost more in the long run since the building is essentially beyond repair.

Chairman Bove called for a vote for the motion on the table. Council's vote, 3-2-0 (Councilors Farmer and Brown were opposed).

Councilor DiMarco made a motion that the Town Council to support Article No. 2. Councilor Wagner seconded. Council's vote, 3-2-0 (Councilors Farmer and Brown were opposed).

ARTICLE NO. 3 [BOND ISSUE FOR HIGHWAY RECONSTRUCTION]

To see if the Town will vote to raise and appropriate **ONE MILLION FIVE HUNDRED FIFTY-EIGHT THOUSAND DOLLARS (\$ 1,558,000)** for the reconstruction of roads.

Public Works Director Janusz Czyzowski gave an overview of how these funds would be used. Approximately \$25 million worth of road repairs are currently needed. Funds will continue to be stretched by using the Town's own crew exclusively and foregoing outside contractors. When the State improves the intersection of Mammoth, Litchfield and Bartley Hill Roads, roughly \$500-600,000 will be needed for the Town to repair the section of Bartley Hill Road closest to the intersection. Judy Drive, Laurel Road, Stokes Road and a section of South Road are on the schedule for 2010 repairs. At the January 5, 2009 meeting, the possibility of lowering this bond amount to \$1 million had been entertained but it was decided to wait until this meeting to make any final decision on the issue. Councilor Brown and Councilor Wagner stated they still only support the lesser amount. Councilor DiMarco asked J. Czyzowski how the lower amount would impact road repairs. J. Czyzowski replied that it would be difficult to say since the amount he would actually need to cover the planned repairs for 2009/2010 is \$4 million. His department would simply have to stretch the \$1 million as far as they could. Councilor Bove asked whether there would be any option at Town Meeting for the voters to approve a companion warrant or an amount in the operating budget in case the bond was rejected. Councilor Farmer explained it was determined at the last meeting that even the full \$1.5 million bond would be less costly on the tax rate than \$400,000 would be in the operating budget. Furthermore, the overall view was that spending less now would mean spending significantly more in the long run. **Councilor DiMarco made a motion for purposes of discussion to amend Article No. 3 and reduce the amount from \$1.5 million to \$1 million. Councilor Brown seconded. Chairman Bove asked for further discussion. There was none. Chairman Bove called for a vote on the motion. Council's vote, 4-1-0 (Councilor DiMarco was in opposition).**

Councilor Wagner made a motion to move Article No. 3 as amended to Town Meeting warrant and that the Town Council support the article as amended. Councilor DiMarco seconded. D. Caron noted before the vote was actually taken that the original bond amount was \$1,558,000, with \$58,000 of that going towards interest costs. With the bond amount reduced to only \$1 million, an associated \$10,000 in interest would no longer be required; therefore that actual amount would come to \$1.048M. **Council's vote, 5-0-0.**

OPEN SPACE BOND- Conservation Commissioner Mike Speltz apologized that he did not attend the January 5th meeting to show support for what was then Article No. 4, a bond issue to raise \$2,078,000 for the Open Space/Conservation Program. He had wanted to emphasize to the Council that the amount requested was based on the specific amount needed to purchase and

preserve Moose Hill Orchard land which the Conservation Commission has been negotiating with Andy Mack Sr. Councilor DiMarco replied that it had been decided on January 5th not to move that article to this public hearing. **Chairman Bove entertained a motion for the Council to reconsider the article. Councilor Farmer so moved. No one seconded and the motion failed.**

ARTICLE NO. 4 [FUND SPECIAL REVENUE ACCOUNTS]

Sewer Division Fund	\$ 2,142,053
Cable Franchise Fee Fund	276,193
Police Outside Detail Fund	<u>435,339</u>
	\$2,853,585

D. Caron explained that these accounts are not funded through taxation but instead through a fee for service. Chairman Bove asked for any public input and seeing none, asked for any input from the Council. There was none. **Councilor DiMarco made a motion to move Article No. 4 to the Town Meeting warrant and for the Town Council to support the article. Councilor Farmer seconded. Council's vote, 5-0-0.**

ARTICLE NO. 5 [EXPENDABLE MAINTENANCE TRUST FUND]

To see if the Town will vote to raise and appropriate the sum of **ONE HUNDRED THOUSAND DOLLARS (\$100,000)** to be placed in the Town's Maintenance Trust Fund created by the voters at the 2003 Town Meeting for the purpose of repairing and maintaining town facilities and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation.

D. Caron noted that at the January 5th meeting, the Council had voted to amend the original amount of \$205,000 to \$100,000. With the current undesignated fund balance amount of \$100,000 to be used, there would be no tax impact. **Councilor Wagner made a motion to move Article No. 5 to the Town Meeting warrant and for the Town Council to support the article. Councilor Farmer seconded. Council's vote, 5-0-0.**

ARTICLE NO. 6 [CREATION OF SPECIAL REVENUE FUND TO SUPPORT TOWN COMMON/FOREST ACTIVITIES]

To see if the Town will vote to adopt the provisions of RSA 31:95-c to restrict 100% of revenues from the Nelson Road Cell Tower Lease to expenditures for the purpose of supporting and maintaining the Town Common/Forest and related activities, including Old Home Day, Morrison House, Heritage Commission, Conservation Commission stewardship responsibilities and Arts Council? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Town Common Special Revenue Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue." (Ballot vote required).

D. Caron explained that if approved, this would establish a new special revenue fund to collect lease revenue from the Nelson Road cell tower to support activities associated with the Town

Common and Town Forest. Voters would then have to pass Article No. 7 (below), he noted, to actually spend the lease revenue if the new fund is created. Chairman Bove asked for public input. Tom Dolan, 19 Isabella Drive, asked whether the issues discussed at the January 5th meeting involving the NH Department of Revenue Administration had been resolved. D. Caron replied that the Town Attorney is confident that his interpretation of RSA 31:95-c will be accepted by the DRA, namely that cell tower revenue can be spent on items other than tower related expenses. He added that Town Counsel is still working with the DRA to ensure they agree with that interpretation. If they do not concur, the issue would be resolved by the fact that the DRA would then simply not allow the warrant article to be funded even it were to pass at Town Meeting. D. Caron anticipates, however, that a resolution will come before then. **Councilor DiMarco made a motion to move Article No. 6 to the Town Meeting warrant and for the Town Council to support the article. Councilor Farmer seconded. Council's vote, 5-0-0.**

ARTICLE NO. 7 [FUND SPECIAL REVENUE ACCOUNT]

To see if the Town will vote to raise and appropriate the sum of **EIGHTEEN THOUSAND FIVE HUNDRED FORTY DOLLARS (\$18,540)** from the special revenue fund established under Article 6. Such appropriations shall be used for the purpose of supporting and maintaining the Town Common/Forest and related activities, including Old Home Day, Morrison House, Heritage Commission, Conservation Commission stewardship responsibilities and Arts Council. Any surplus in said funds shall not be deemed part of the General Fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said funds for a specific purpose related to the purpose of the funds or source of revenue.

D. Caron stated that the amount of \$18,540 in lease revenues of the Nelson Road cell tower reflects the amount that will be left in FY10 after purchasing the equipment the Fire Department will need to place on that tower. Starting in FY11, the total will be the full amount of lease revenue, i.e. \$25,461, which will increase by 3% each year thereafter. Councilor Wagner asked for clarification as to whether the operating budget could be reduced by \$18,540 at Town Meeting if Articles No. 6 and 7 are approved by the voters, since the proposed activities are already part of the budget. D. Caron replied that it would, in fact, be the *only* time to do so. **Councilor DiMarco made a motion to move Article No. 7 to the Town Meeting warrant and for the Town Council to support the article. Councilor Farmer seconded. Council's vote, 5-0-0.**

ARTICLE NO. 8 [FISCAL YEAR 2010 TOWN OPERATING BUDGET]

To raise such sums of money and make appropriations of the same as may be necessary to defray Town charges, exclusive of warrant articles and increases resulting from collective bargaining agreements, for the ensuing fiscal year, July 1, 2009 through June 30, 2010.

D. Caron reviewed that as of the last Council meeting of January 5th, the recommended operating budget total was \$25,658,554, which reflects a 2.26% increase over the FY09 budget. With the addition of the Expendable Maintenance Trust Fund and the Capital Reserve Fund that combine with the operating budget to determine the entire default budget, the appropriation total for the Town Meeting warrant articles would be \$26,387,604. This is a reduction of \$404,050 or 1.53% from the FY09 default budget. If the operating budget were to be adopted at \$25.658 million,

based on the School Board's recommended budget and the increased County rate of 4%, the tax rate would increase from \$18.48 to \$18.88 or 2.16%. That \$.40 difference is broken down into an \$.08 increase on the Town side, \$.28 between the increase in the local School portion and the decrease in the State School portion, and a \$.04 increase for the County portion. On a \$300,000 home, the additional tax burden from the Town budget would be \$24, while the School and County budgets would be \$84 and \$12 respectively.

The specific issue of custodial services for the Library was addressed by Library Trustee Chairman Richard Matckie. As of FY11, the School has chosen to discontinue the custodial funds for the Library that they have previously provided. They are also seeking for reimbursement from the Library for a total \$41,411 in FY10. R. Matckie and the Library Director decided after learning this to ask if the Council would fund \$30,000 to hire a part time custodian with no benefits. This scenario would assume that the Town would still plow and shovel snow on behalf of the Library. D. Caron noted that it still needs to be clarified whether the reimbursement was a request from the Superintendent or from the School Board itself. He was also under the impression that the only change in FY10 would be a reduction of two hours per day in the hours available to the Library, so he will seek clarification on that issue as well. Chairman Bove asked D. Caron to provide an estimate at the next meeting of a total cost if the Library's custodial needs were added to the current cost of the Town's services. After some discussion, it was decided to direct the Town Manager to coordinate with the Library Director and the Trustees of the Library to look into all of the available options and present a plan reflecting the most economical way to serve the custodial needs of all the Town facilities.

With regard to the entire operating budget as discussed at the last meeting, Councilor Brown stated that since that time, he has received feedback from taxpayers and given thought to further reductions because of the many economic hardships faced by the residents. Councilor DiMarco echoed the same opinion. While the Council had achieved a percent below the default budget of 1.4% to date, Councilor DiMarco suggested trying to achieve the Council's second goal of 2% below or closer to it. D. Caron stated that another \$124,120 would need to be removed from the budget to be 2% below default (or \$25,488,554). When asked if the collective bargaining units had come to any decisions about the Council's request for a pay freeze in FY10, he stated that he met with representatives of five of the six units who will in turn be talking to their membership. He is unsure how long that will be but expects it to be forthcoming. Following some discussion, Councilor DiMarco suggested that rather than looking at further reductions in specific operating expenses, it would only be prudent to discuss cutting specific services which would ultimately translate into cutting staff. Councilor Bove stated he was satisfied with the reduction standing at 1.4% reduction. Budget Committee member Joe Green noted that the combined proposed increase in union pay between School staff and Town staff would be over \$1.3 million but since most taxpayers are not union members, it is hard for them to accept such an increase in the current economic downturn. While not a popular option, he stated he felt the option of staff reduction should be considered. Councilor Wagner stated that unless personnel cuts are entertained, there would be no other way to remove another \$124,120 from the budget because all other possible cuts have been made. Councilors Brown and Farmer agreed. The three original options presented by the Town Manager were discussed, i.e. a Highway Department truck operator (to be replaced by a part time seasonal driver), a part time Town Clerk assistant and the Administrative Support Specialist, whose combined wages would total \$148,500. The remaining positions that were discussed in the past, two firefighters and the SRO, were felt to be too important to public safety to be considered again. Tom Freda, Budget Committee, asked the Council to instead entertain the possibility of declaring the Open Space Program complete since

the Town Attorney has stated last year that once a program is deemed finished, the use of that project's bond proceeds (in this case over \$1 million), can legally be redirected to another project or part of the budget. Councilor Farmer stated he would not be in favor of reallocating open space funds back into the general fund to offset the operating budget. Instead, he said, any such surplus at the completion of a program should be applied to other bond issues such as the north/west fire station or road reconstruction. In any event, he added, the Conservation Commission has been in negotiations for some time for preservation of land that would require the bulk of their remaining Open Space funds. T. Dolan suggested that rather than targeting specific positions at this public meeting, the Council use the six months left before the FY10 budget goes into effect to allow the Town Manager and his Department Heads to consider all the alternatives and then meet with affected employees in private. Mark Oswald, Budget Committee, cautioned the Council about removing staff that will be needed in the future for impending economic development, e.g. the Pettengill Road project. Sean O'Keefe, 163 Mammoth Road, countered that while staff may be needed for future projects, they are not needed presently. If they are needed in the future, they can be hired at that time. J. Czyzowski noted that if positions which affect public safety are not being considered, then Highway Department positions should not be considered as they help to ensure that safety. In addition, hiring contractors to complete necessary work would triple his budget costs. Between the vast investment already made into the town's roadway system and an ongoing shortage of road crew workers, he asked that Highway Department positions not be cut. Town Clerk/Tax Collector Meg Seymour requested that her staff not be cut either, particularly since car rental companies need only change their address in order to have another Town process their registrations in the timeliest manner. This would result in a substantial loss of revenue. Hiring a temporary clerk would be insufficient since all clerks need a substantial amount of training and must be State certified. The Clerk's office has assumed more responsibilities, including the new MAP system and collection of all Town department fees. Councilor Bove added that even when car registration revenue is down because fewer new vehicles are being purchased, the amount of paperwork does not decrease. Finally, she stated, funding for the part time Clerk is already covered in part by Drop Off Center reclamation fees. Dan Bouchard, O'Connell Dr, said that the highway department is already understaffed and protects the public's safety. He feels that the bottom person is always targeted and that the Council should look at middle management and/or what vacancies should go unfilled. For 10 years when he worked for the town he was told repeatedly that the school resource officer would be eliminated but was not and therefore believes it is all strategy. He feels that positions should not be created if some are going to be cut. Joe Green asked if there was any information the Town Council could share with the public in regards to union negotiations. Chairman Bove said it would only be the issues that have already been presented at this time and added that later they would present the fact finders report. Chairman Bove stated that the town has lost 17 positions in the last 9 years and he doesn't believe the town employees can continue their level of service with fewer people. He opposed publicly announcing someone's job being cut. The Town Council, he said, should tell the Town Manager how much of a cut they want to see and allow him to make the decisions. He has decided what the number should be and requested a motion if any of the Town Council members wanted to change it. Councilor Brown said he wants to pursue the default minus 2% number. **Chairman Bove passed the gavel to Councilor Farmer and made a motion to go forward with the budget at \$25,658,554.00. There was no second and the motion failed.** Chairman Bove took possession of the gavel again. Councilor Wagner said there although there is discussion on the floor, but there is no motion at this time for any of the positions. She said it is not their intent to make anyone feel uncomfortable and that the reason these positions were specified is because they were the options provided by the Town Manager. She was also in favor

of the default minus 2% figure. She mentioned that the next meeting on February 5th, they will have additional decisions to make, including consolidation of another department in the town. Councilor DiMarco said he feels that there aren't many more cuts they can make except for staff reduction. He agrees, however, that the highway department is a public safety issue. Elimination of the part time clerk position, he added, would not be a significant savings since that wage is only \$24,500 a year with no benefits. He said that the administrative support specialist position would be the only one he would consider, but still wants to see all the facts. Town Manager Caron stated his job is to arrive at the number the Town Council decides upon and he asked what that number would be. Councilor Farmer clarified with D. Caron that the operating budget would stand at \$25,534,434 if it were brought down to 2 percent below default which would mean a delta of \$124,120. **Councilor Wagner made a motion that the Town Manager reduce the budget by another \$124,120 to achieve the goal of 2 percent below default. Councilor DiMarco seconded for discussion purposes.** He stated that D. Caron should be able to find that amount by his own discretion. Councilor Brown said they should get an answer on whether or not the unions agree to the wage freeze before this motion is voted on. That answer, he felt, should have been received by now. He added that if the motion on the floor is approved, the chance that the unions will agree to a wage freeze is nil. Chairman Bove clarified that Councilor Brown's preference was to add any wage freeze savings to the \$124,020 amount. Final decisions, Chairman Bove noted, will need to be made by the budget hearing on February 5th. **Councilor Farmer made a motion to amended Councilor Wagner's previous motion that the Town Manager reduce the budget by a total of \$303,000 which represents the calculated amount of the requested wage freeze. He said that if the bargaining units come back with a wage freeze then they will discuss it and offset the amounts. The motion to amend was seconded by Councilor Wagner. Seeing no further discussion, Chairman Bove called for a vote on the amendment to the motion for a total of \$303,000. Council's vote, 2-3-0, with Councilors Bove, DiMarco and Wagner opposed. As the motion to amend failed, Chairman Bove called for a vote Councilor Wagner's original motion to cut \$124,120 which was still on the table. Council's vote, 2-3-0 with Councilors Bove, Farmer and Brown in opposition. Councilor Brown made a motion to direct Town Manager Caron to reduce the budget by \$427,000 which combines the \$124,000 and \$303,000 figures. Councilor Farmer seconded for purposes of discussion. He stated thinks that it is too steep of a cut and that it will hamper operations for other departments. Council's vote, 1-4-0 with Councilors Bove, Farmer, DiMarco and Wagner in opposition. Councilor Brown made a motion to direct Town Manager Caron to reduce the budget by \$124,120 in personnel. Councilor Wagner seconded for discussion. She added that the personnel cuts should be at the Town Manager's discretion and Councilor Brown agreed. Resident M. Speltz suggested offering a compromise to the unions by way of a five month pay freeze which would be just over the \$124,120 target. Tom Dolan, Budget Committee, said that the motion on the floor would tie the Town Manager's hands and that they should not direct the Town Manager to solely reduce the budget by making personnel cuts. Chairman Bove called for a vote on the motion. Council's vote, 3-2-0 with Councilor's Bove and DiMarco opposed. Councilor Farmer motioned to close the public hearing. Councilor Brown seconded. Council's vote, 5-0-0. The Public Hearing was closed.**

ARTICLE NO. 9 [APPROPRIATE FUNDS TO CAPITAL RESERVE FUNDS TO REPLACE AMBULANCES, HIGHWAY HEAVY EQUIPMENT, FIRE TRUCKS AND HIGHWAY TRUCKS]

To see if the Town will vote to raise and appropriate the sums set forth below to be placed in capital reserve funds already established, and to authorize the use of the June 30 Fund Balance in the amount of \$100,000 towards this appropriation:

Ambulances	\$ 30,000
Highway Trucks	\$ 83,500
Highway Heavy Equipment	\$ 3,000
Fire Trucks	<u>\$ 108,500</u>
	\$ 225,000

D. Caron noted that this \$225,000 total was a \$100,000 reduction from last year's appropriation, which is a recent strategy adopted by the Town Council to lessen the FY10 tax rate impact. Chairman Bove asked for public input and seeing none, asked for Council input. Councilor DiMarco asked for clarification that this amount would only be *appropriated* under this article and not actually used to purchase vehicles at this time. D. Caron verified that and added that any actual amount to be used for a specific purchase would have to be brought before the Council, as the Council is designated by Town Meeting as the Agent to Expend. **Councilor DiMarco made a motion to move Article No. 9 to the Town Meeting warrant and for the Town Council to support the article. Councilor Farmer seconded. Council's vote, 5-0-0.**

ARTICLE NO. 10 [PAGE ROAD/RTE 28 INTERSECTION]

To see if the Town will vote to raise and appropriate **ONE MILLION SEVEN HUNDRED FIFTY EIGHT THOUSAND DOLLARS (\$1,750,000)** for reconstruction of the Page Road/Rte 28 intersection and the installation of traffic signals at that location; to be financed in the following manner:

Use of the June 30 Fund Balance	\$ 400,000.00
Rte. 28 West Impact Fees	\$ 183,000.00
Aid Reconstruction Fund	<u>\$1,167,000.00</u>
	\$1,750,000.00

D. Caron noted that this reconstruction has been deemed necessary to support economic development efforts. The Town would be participating in the State's Aid Reconstruction Fund but would manage the project itself. The State will reimburse the Town for two thirds of the project cost, resulting in the local share coming from the Undesignated Fund Balance would be \$400,000 along with the Route 28 west impact fees of \$183,000. No property taxes would be needed for this article. Chairman Bove asked for public comment and seeing none, asked for any Council input. Seeing none, he entertained a motion on Article No. 10. **Councilor DiMarco made a motion to move Article No. 10 to the Town Meeting warrant and for the Town Council to support the article. Councilor Wagner seconded. Council's vote, 5-0-0.**

ARTICLE NO. 11 [FIRE FACILITIES RELOCATION/INSPECTION/EQUIPMENT & FURNISHING COSTS]

To see if the Town will vote to raise and appropriate **ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000)** for the purpose of funding the acquisition of communications, furnishings and other equipment for the North/West Fire Substation, construction inspection testing, clerk expenses and other associated costs; and to authorize the use of the June 30 Fund Balance for these purposes.

D. Caron explained that these items would be the “soft costs” associated with such items as signage, a part time Clerk of the Works, IT, insurance, disposal expenses, etc. If Article No. 2 is not passed at Town Meeting, he noted, a motion can then be made at the same time to dispense with this associated article. **Councilor Farmer made a motion to move Article No. 11 to the Town Meeting warrant and for the Town Council to support the article. Councilor DiMarco seconded. Council’s vote, 4-1-0 (Councilor Brown was in opposition).**

ARTICLE NO. 12 [RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME Local 1801 and THE TOWN OF LONDONDERRY]

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Town of Londonderry and the American Federation of State, County and Municipal Employees (AFSCME), Local 1801, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Union:

<u>Year</u>	<u>Cost Increase From Prev. FY</u>	<u>Tax Increase From Prev. FY¹</u>	<u>Total Estimated Annual Cost</u>	<u>Average Rate Incr.</u>
FY 10	\$ 47,608.00	\$ 0.01	\$ 47,608.00	3.0%
FY 11	\$ 49,104.00	\$ 0.01	96,712.00	3.0%
FY 12	\$ 43,026.00	\$ 0.01	139,738.00	3.0%

and further, to raise and appropriate the sum of \$ **47,608.00** (\$0.01 on the tax rate) for the FY 10 expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (AFSCME Local 1801 represents 19 full time and 2 part time employees, consisting of Public Works employees and Town Office staff support positions.)

D. Caron explained that the Council had previously voted 5-0-0 to support this article at a meeting in December, 2008 and that no further vote was necessary at this time.

ARTICLE NO. 13 [RATIFY FACTFINDER REPORT FOR COLLECTIVE BARGAINING AGREEMENT BETWEEN LONDONDERRY ADMINISTRATIVE EMPLOYEES ASSOCIATION and THE TOWN OF LONDONDERRY]

To see if the Town will vote to accept the Fact Finder’s report for the Collective Bargaining Agreement between the Town of Londonderry and the Londonderry Administrative Employees Association, and in doing so, to approve the cost items within said Agreement, which calls for the following appropriations for salaries and benefits over what was raised under any current agreements and policies for the employees of the Union:

<u>Year</u>	<u>Cost Increase From Prev. FY</u>	<u>Tax Increase From Prev. FY¹</u>	<u>Total Estimated Annual Cost</u>	<u>Average Rate Incr.</u>
FY xx	\$ xx,xxx.00	\$ 0.0x	\$ xx,xxx.00	x.0%
FY xx	\$ xx,xxx.00	\$ 0.0x	xxx,xxx.00	x.0%
FY xx	\$ xx,xxx.00	\$ 0.0x	xxx,xxx.00	x.0%

and further, to raise and appropriate the sum of \$ **xxx,xxx.00** (\$0.0x on the tax rate) for the FY xx and FY xx expenses, such sum representing the additional cost attributable to the increase in salaries and benefits over those of the appropriation at the current staffing levels paid under any existing agreements. (LAEA represents 26 full time and 1 part time management and professional positions in eight Departments.)

D. Caron suggested that because the Council has not yet taken any position on the fact finder report involved with this article, they take a vote at the February 5th public hearing. Likewise, since Article No. 14 is a companion to Article No. 13, he recommended the Council wait until February 5th to vote.

PUBLIC COMMENT

Tom Bianchi, 16 Vista Ridge Drive, was interviewed to fill the vacancy of an alternate position on the Heritage Commission. He has lived in town since 2005. P. DiMarco asked what specifically interested him in the Heritage Commission. He replied that he has a personal interest in history, enjoys Londonderry and with his children grown, has decided it was time to volunteer his efforts to the Town. Councilor Brown asked what he could bring to the Commission’s task of educating developers about the cultural aspects of Londonderry. T. Bianchi said he would need to be educated to some degree by the Commission but believes in the importance or preserving a town’s traditions and finding common ground with developers. Chairman Bove thanked T. Bianchi for volunteering and asked if he would be able to regularly attend the meetings. T. Bianchi replied he would not have any such problem. Councilor DiMarco noted that this Thursday, January 22nd, the Heritage Commission will hold a joint meeting with the Planning Board at the School Cafeteria and urged him to attend. (See appointment under Other Business)

Town Clerk/Tax Collector Meg Seymour announced that the filing period for vacancies on the Town Council (1), Budget Committee (2), Trustees of Leach Library (2) and Trustees of the Trust Fund (1) begins Wednesday, January 21st and lasts until January 30th. Applicants must be registered voters and can sign up during normal office hours of Monday through Friday, 8:30am to 5:00pm.

OLD BUSINESS

NEW ARTICLE NO. 12- [FIRE DEPARTMENT BREATHING APPARATUS]

Chairman Bove stated that an additional Article before the Council remained that required a vote to place it on the Town warrant. Since it was not discussed at the January 5th meeting, it could not be included in this meeting's public hearing. It is for the Fire Department Breathing Apparatus. D. Caron explained that the Fire Department was able to obtain a FEMA grant to address 90% of this upcoming capital need of \$252,800. The remaining 10% or \$25,280 would come from the Town's Undesignated Fund Balance. **Councilor Farmer made a motion for the Council to place the new Article No. 12 on the Town Meeting warrant and vote indicating their support. Councilor DiMarco seconded. Council's vote, 5-0-0.** D. Caron added that the numbers associated with the Articles previously discussed will need to be renumbered accordingly.

Chuck Piper, Trailways Committee, provided an update for the Safe Routes to School Program that he originally presented at the January 5th Council meeting. He said that Janusz Czyzowski brought him up to date on the sidewalk/bike path project over the last couple of years. He learned that if the \$100,000 Safe Routes to School grant is obtained, it will only bring the sidewalk onto Pillsbury Road which would present a danger to children's safety. After performing the Council's requested research regarding costs, he has learned that Safe Routes to School Administration may be increasing their grant amount to \$225,000 in the fourth round of the grant process. This would allow the Town to complete the second phase sidewalk project all at once. That fourth round may not occur until the fall of 2009, but in the meantime, the Trailways Committee will apply for another \$15,000 grant towards development of bike paths in town. He asked for support from the Council as well as for a possible liaison to an informal task force. Councilor Wagner stated that after Town Meeting, Council members are assigned to their various Board and Committee liaison duties. Although Councilors do not typically liaison to non-charter citizen groups, she said it could still be discussed as an informal assignment at that time. The consensus of the Council was to give general support to the project.

NEW BUSINESS

Resolution #2009-01 – Relative to the Acceptance of Conservation Land from Elliot Health Systems. Councilor Brown recused himself. Councilor Wagner provided the first reading of the proposed resolution to accept a gift of property from Elliot Health Systems as mitigation for wetlands impacts associated with its development on Buttrick Road. Second reading waived. **Councilor Wagner made a motion to accept the Resolution. Councilor Farmer seconded.** Conservation Commissioner Mike Speltz gave an overview of the 36 acre property and its value of adding to the Musquash Conservation Area and protecting its hydrology. He noted that the State had required the mitigation but did not mandate any specifics, meaning a dollar amount could have gone into a general State mitigation fund of which Londonderry might not see any portion. Because of the Town's Open Space Plan, the Conservation Commission was able to coordinate with Elliot Health Systems to keep the donation in town and more importantly, use it for a piece of property prioritized on that plan. Chairman Bove moved the question. **Council's vote, 4-0-0** (Councilor Brown had recused himself from the vote).

LAEA Collective Bargaining Agreement Fact Finder's Report – Councilor Farmer, a member of the Town’s negotiating committee, stated that having reached an impasse, a mediator had been hired. When mediation proved unsuccessful, the mediator was then asked to provide a fact finder's report. After their review, he said, the committee's recommendation was to reject the report. **Councilor Farmer made a motion that the Council reject the Fact Finder's report for LAEA Collective Bargaining Agreement. Councilor Brown seconded.** Councilor DiMarco asked what the next step would be in the process and D. Caron explained that since the LAEA union voted to accept the report, the issue will be put before the voters at Town Meeting. **Council's vote, 5-0-0 to reject the Fact Finder's report.** The report will now be public record and the issue will be added as an Article to the Town Warrant.

Order #2009-01 – Relative to the Expenditure of Maintenance Trust Funds. Councilor DiMarco read the Order, second reading waived, regarding the expenditure of maintenance funds in the amount of \$8,340.97 for incurred expenses for the construction of a salt storage facility and repair of the generator at Town Hall. **Councilor DiMarco made a motion to accept Order 2009-1, seconded by Councilor Farmer. Council's vote 5-0-0.**

APPROVAL OF MINUTES

Minutes of the Council's January 5, 2009 Public Meeting - Councilor DiMarco noted that on or around line 128, the split vote on the Open Space/Conservation Program bond issue did not reflect who was in favor or opposed. Councilor Farmer stated he was the one vote in favor and that Councilors Brown, Wagner and DiMarco had been opposed. **Councilor DiMarco made a motion to accept the minutes from the January 5, 2009 meeting with the amendment of additional details of the vote in question. Seconded by Councilor Wagner. Council's vote 4-0-1 (Chairman Bove abstained as he had not attended the meeting).**

OTHER BUSINESS

Liaison Reports- Councilor Wagner reported that the Old Home Day Committee had their first meeting and that she will soon be delegating fundraising tasks. She also attended the January 14th Planning Board meeting where public hearings and discussions continued on workforce housing and the Flexible Industrial District.

Councilor DiMarco reported that at the most recent Traffic Safety Committee meeting, a suggestion was made to place a “no thru trucking” sign at the end of Meadow Drive because of an issue where GPS information identifies the road as being a thru road when it technically does not allow thru traffic and directs vehicles to a cul de sac. When trucks try to use the road, it often results in property damage when the trucks attempt to turn around. The sign was approved by the Traffic Safety Committee. He also has an Elder Affairs Committee meeting on Tuesday, January 20th and a joint meeting between the Heritage Commission and the Planning Board on Thursday, January 22nd.

Town Manager's Report- Town Manager Caron stated that there has been no feedback on the grant application regarding the Brookview Drive mitigation project. Town staff will be meeting with Senator Shaheen's staff Tuesday morning (January 20th) to advance the Pettengill Road project. An After Incident Review of the December ice storm will take place at the next Council meeting. Finally, the Town has received a \$500 grant from Fairpoint which he suggests using for the Town Common summer children's movies which has the same relative cost. The

Council's consensus was to support the allocation of the \$500 grant to the appropriate group involved.

Board/Committee Appointments/Reappointments-

Councilor Wagner made a motion to appoint David E. Kelly as a Full Member to the Solid Waste Advisory Committee, term to expire 12/31/2011. Councilor DiMarco seconded. Council's vote, 5-0-0.

Councilor Wagner made a motion to appoint Gail Moretti as an Alternate Member to the Solid Waste Advisory Committee, term to expire 12/31/2009. Councilor DiMarco seconded. Council's vote, 5-0-0.

Councilor Farmer stated that as no current alternate members of the Conservation Commission were able to fill the full member vacancy on that Commission, Chair D. Lievens informed him that they were willing to accept Ben LaBrecque as a full member. **Councilor Farmer made a motion to appoint Ben LaBrecque as a Full Member to the Conservation Commission, term to coincide with the ongoing alternating schedule. Councilor DiMarco seconded. Council's vote, 5-0-0.**

Councilor Farmer made a motion to appoint Tom Bianchi as an Alternate Member to the Heritage Commission, term to end 12/31/2012. Councilor DiMarco seconded. Council's vote, 5-0-0.

ADJOURNMENT

Councilor DiMarco made a motion to adjourn at 10:55PM. Councilor Farmer seconded. Council's vote 5-0-0.

Notes and Tapes by: Jaye Trottier Date: 1/19/09

**Minutes Typed by: Jaye Trottier
Cathy Dirs Date: 1/23/09**

Approved: Town Council Date: 02/02/09