

**TOWN COUNCIL MEETING**  
**February 03, 2011**

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

**PRESENT: Town Council: Chairman Paul DiMarco: Vice Chairperson, Sean O’Keefe; Councilors: Mike Brown, John Farrell (8:00 PM), Tom Dolan; Town Manager Dave Caron; Assistant Town Manager – Finance & Administration Sue Hickey; Executive Assistant Margo Lapietro.**

**Budget Committee Members: Chairman Don Jorgensen; Vice Chair Todd Joncas; Secretary Richard Dillon; John Curran, Dan Lekas, Mark Oswald and Lisa Whittemore.**

**CALL TO ORDER**

**Chairman DiMarco 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 COMMENT**

Pauline Caron, 369 Mammoth Road asked about the monies earmarked for the consolidation of the dispatch center which will not be in the FY12 budget. She said \$50K was put aside in the police budget as a place holder and she stated that that should be removed from the police budget. Town Manager Caron stated that those funds went back to the Londonderry Fire Department (LFD). P. Caron then informed Council that there were no draft meeting minutes of the Council meeting of 1/17 on the Town website. They are supposed to be produced in draft form five days after the meeting. Town Manager Caron stated the draft is available, it will be posted tomorrow morning on the website and the draft will be voted on at the Council meeting on 2/7/11. Chairman DiMarco reminded the public about Election Day on 3/8/11 and Town Meeting on 3/12/11. The polls will open up at 7:00 AM in the Londonderry High School Cafeteria. The meeting on Saturday, 3/12 will open up at 8:15 for the meeting that will begin at 9:00 AM.

Chairman DiMarco also cautioned people to use caution at intersections because of the plowed snow heights. He also congratulated the Department of Public Works for a great job cleaning up after several snow storms.

**NEW BUSINESS**

**Collective Bargaining Agreement – IAFF Local 3160 -** Town Manager Caron recommends that Council approve this contract so it can be placed on the Town Meeting Warrant. He proceeded to list major changes to the contract:

1. Cost of living adjustments (COLA) will be 0%, 2% and 2.5% for FY12-14 respectively
2. Step System, has been expanded to accommodate 2.5% between steps; the minimum and maximum salaries for each grade for FY12 are unchanged.

3. The prior step system expires 2011, the new step system will be implemented in FY12 by placing eligible employees on the new step higher than current wage, and then one additional step (Funds are available in the FY12 Fire Department budget for this transition).
4. Sick leave accrual payout upon separation has been reduced to a maximum of 252 hours, which is consistent with the method by which the Town compensates its police officers.
5. Sick leave accrual has been adjusted to 700 hours for existing and 500 hours for new employees, which is consistent with the method by which the Town compensates its police officers.
6. The maximum insurance payback will decrease to \$2,500 by FY14, which is consistent with the method by which the Town compensates its police officers.
7. The Town will offer a tuition reimbursement plan funded at \$5,000 per year; similar plans are offered to all other bargaining units.

Councilor Dolan made the comment that over the past years the Council has worked with the unions. He stated that there are dramatic changes in this contract and he congratulated the negotiating team, staff and the firefighters for making these changes. He went on to explain the insurance buyout has been reduced by 41%, sick leave accrual has been reduced upon separation by 37%, sick leave accrual for existing employees has been reduced by 42% and 58% for new employees. The Councilors in attendance all extended their thanks to the negotiating team, staff and the firefighters, and to the police officers for agreeing with these reform measures last year in their agreement. Councilor O'Keefe agreed with Councilor Dolan that this contract is a big change compared to prior contracts. They took a freeze for the first year of the contract, it is a step in the right direction, and he stated that he will endorse it. He thanked the Town Manager and the negotiating team. Councilor Brown said the reduction of the COLA to 0% for the first year is very significant. The reduction in sick leave accrual pay out upon separation is a continuation of what the Londonderry Police Department did the year before. He thanked the fire department for agreeing with it. He asked what impact this will have on our flat tax rate goal. Town Manager Caron said it is still level funded. Councilor Brown said it is appreciated and he will support it. Chairman DiMarco stated he will also support it and proceeded to pointed out some typo errors in the warrant. **Councilor Dolan made a motion to support, second Councilor O'Keefe. Council's vote was 4-0-0.** (Councilor Farrell not in attendance).

### **PUBLIC HEARING**

**Councilor O'Keefe made a motion to open the public hearing, second by Councilor Brown. Council's vote was 4-0-0.**

**FY12 Town Budget & Warrant -** Town Manager Caron explained that the Town has received citizen petitions for two issues and they are included in the warrant as Articles 11 & 12. There are no other changes to the budget. Changes agreed to at the last budget meeting and they concern Article 5 which increased the Recreation Budget by \$8,075.00; restored the dispatch services back to the Londonderry Fire Department (LFD) resulting in a significant transfer from the Londonderry Police Department (LPD) to the LFD. During that meeting it was suggested keeping the idea of the consolidation of dispatch either internally or externally as a priority. To meet the Council directive the highway division maintenance budget was reduced by \$84, 818. The operating budget still remains at \$25,727,911.

The Council did take preliminary votes on a number of the articles, and he stated that once Council receives public input they are free to adjust their recommendations however, they are not required to take a re-vote on those issues if they have previously voted.

#3 Bond Issue for Highway Reconstruction – Budget Member Todd Joncas commented that we are taking advantage of low rates and he supports the Article. No comments were offered by the public. **Budget Member Lisa Whittemore made a motion to support this Article, second by Mark Oswald. Budget Committee’s vote was 7-0-0.**

#4 Expendable Maintenance Trust Fund - Chairman Don Jorgenson said the Budget Committee supported this Article. No comments were offered by the public. **Budget Member Mark Oswald made a motion to support this Article, second by Lisa Whittemore. Budget Committee’s vote was 7-0-0.**

#5 Fiscal Year 2012 Town Operating Budget. Councilor Brown asked about the town’s tax rate versus the tax bill. It was reported earlier this week that the Rockingham County budget is going up 5%, will this affect the Council’s goal of a flat tax rate. Councilor Brown said that the Town Manager responded no because that is a separate portion of the total town tax rate and the tax bill. Town Manager Caron explained the tax bill is comprised of 4 major areas: 1) the town portion which the Council is responsible for and upon which Town Meeting votes, 2) the school district budget, 3) state education tax, 4) county tax bill. The Council presents the town portion for approval. Councilor Brown said a portion of the taxpayers’ total tax rate will go up and their tax bill will go up because of that. Town Manager Caron responded in the affirmative. Budget Member Mark Oswald asked why the Council is reducing \$20K from the firefighter’s budget for clothing & protective gear. The contract for the IAFF requires the town to provide protective gear for the firefighters. Town Manager Caron referred to Article 11. He explained that the Fire Chief submitted a memo explaining that currently the department has 52 sets of protective clothing and he proceeded to list each item. The cost to outfit each firefighter is \$3,800 at the present. The service life is 8 years normal usage barring any damage. They are inspected each year by manufacture’s standards. For the last 3 years the department has been replacing 6-7 sets that have reached the age limit, at least four were replaced for not meeting standards. The plan has been in place to enable the cycle of all the units over an 8 year period. This is currently being funded in the budget at \$40K, \$20K of that is for the replacement of the personal protective equipment. The other \$20K is for all other safety equipment within the department. For the FY12 budget the Chief has reduced the line item by \$20K for replacement clothing thinking he might get by with one year. Some of the new firefighters are in a different cycle; however it does put a greater burden on years to come to catch up if funding is not restored. Councilor O’Keefe asked if anybody is being put at risk without the replacements. Chief MacCaffrie responded they have been buying enough to keep it at the cycle, it will affect year 7. He explained 1 or 2 will be replaced out of the other \$20K that they are keeping for upkeep. Councilor Brown asked the Town Manager if the contract is approved there is a requirement in the contract to keep safety equipment up to date. Town Manager Caron responded there is a contractual obligation in the agreement and we will honor that agreement. Budget member John Curran asked if the numbers in the budget include the reversion for the dispatch center, back to the LFD, the Town Manager responded it does. Ken Gaduddi, 26 South Rd. said the Building Department’s budget numbers are going up, he asked why. The Town Manager explained that the budget includes a transfer of an inspector position from the LFD to the Building Department. Currently there is a fire marshal and fire inspector position in the LFD. Currently the proposal is to eliminate the fire marshal and move the fire inspector into the Building Department. Brian

Johnson, 10 Loop Rd, the Acting Fire Marshall for Londonderry asked who is going to do the fire marshal duties once the position is eliminated. Town Manager Caron responded the LFD Chief and he are discussing the allocation of duties under the new structure, plans have not been finalized. Brian Johnson said he is currently doing two jobs due to the elimination of one position. He said the Chief has said he will come up with the same dollar amount of the savings that would be obtained by moving the position to the building department without losing services. He asked if there was a reason why that was not being looked at. Town Manager Caron responded that the Chief and he are reviewing the different allocations of duties and that is an ongoing discussion. Ken Gaduddi, 26 South Road asked why we would create a new position when we have someone who is qualified. The Town Manager responded we are transferring a position from LFD to the building department, and are not creating a new position. He explained that we have some duplication of services between building services and fire inspector. We are trying to eliminate those areas of duplicity. We will train existing personnel to new duties. Ken Gaduddi requested that the person sent out for the inspection be fully qualified for the job.

Councilor Brown clarified that the general assistance line restored \$13K to the budget, the Town Manager responded yes. **Budget member Lisa Whittemore made a motion to support this article as presented, second by Dan Lekas.** Budget member Mark Oswald asked if we have revisited any agreements from the Bargaining Units for furloughs and wage freezes for an estimated savings of \$5K. Town Manager Caron stated he received initial responses; they have not changed their positions. Budget member John Curran pointed out that the motion should be to take it to a vote rather than take a particular position on the motion. **The motion was to support the article rather than a motion to vote on the article. Budget Committee member Lisa Whittemore accepted the amendment, second by Dan Lekas. The Budget Committee's vote to support the Article as amended was 7-0-0.**

#6 Appropriate Funds to Capital Reserve Funds to Replace Ambulances, Highway Heavy Equipment, Fire Trucks and Highway Trucks - Councilor O'Keefe said it makes sense to keep budgeting for this. Budget member John Curran asked if the taxpayers know that amount is designated for specific equipment, it is not put into an account in case we need it, these items are needed in the next budget cycle. The Town Manager explained that the departments schedule out to 8 years for planned equipment replacement. Councilor Dolan asked if the 5 year trend listed with tonight's information will be listed on the Warrant. Town Manager Caron responded the Warrant will not list it but it will be listed on the PowerPoint presentation at Town Meeting. No comments were offered by the public. **Budget Committee member Mark Oswald made a motion to support this article, second by Todd Joncas. Budget Committee's vote to support the Article was 7-0-0.**

#7 Master Plan Funding - Pauline Caron, 369 Mammoth Rd. asked when the Master Plan went into effect. Andre Garron, the Economic Development Director responded in 2004. Pauline Caron asked if it is coming out of the Undesignated Fund Balance, Chairman DiMarco responded yes. Pauline Caron suggested holding off one more year so it is a 10 year plan. She said it does not apply to Woodmont because the PUD was passed last year. Councilor Dolan explained the original Master Plan was done in 2004 and it was a 7 year plan, to do it in 2012 would stretch it to an 8 year plan. Andre Garron explained that in 2004 it was a strategic plan not a comprehensive plan like they are proposing. Pauline Garron asked if he had anyone in his department that would have the expertise to do a Master Plan? Andre Garron explained it is a very time consuming job, involving a lot of time and effort. It would interfere with the day-to-day responsibilities; we do not have the staff to complete the project inhouse. Councilor Brown

asked the Town Manager to explain if we don't spend the \$50K would we raise the taxes, Town Manager Caron responded no, the amount would simply remain in fund balance. **Budget Committee member Lisa Whittemore made a motion to support this Article, second by Dan Lekas. Budget Committee's vote was 7-0-0.**

#8 Fund Special Revenue Accounts – Councilor O'Keefe verified that the cable franchise fee includes the position that we are going to keep. Town Manager Caron confirmed that it does include the position for the Training Coordinator. No comments were offered by the public. **Budget member John Curran made a motion to support the Article, second by Dan Lekas. Budget Committee's vote was 7-0-0.**

#9 Ratify Collective Bargaining Agreements Between IAFF Local 3160 and the Town of Londonderry – Budget Chairman Don Jorgenson said “kudos” to the entire negotiation team on both sides and to the rank and file for supporting this contract and he said he supports it as well. Budget member Todd Joncas stated it is a reasonable agreement and he supports it. Pauline Caron, 369 Mammoth Rd. asked if it comes under the “Evergreen Act.” Town Manager Caron responded yes, all contracts do, however cost of living adjustments (COLA) do not. Pauline Caron asked if the “Evergreen Act” is repealed should the contracts reflect that? The Town Manager responded no, per longstanding practice the Evergreen Act has no impact on collective bargaining agreements in town. Pauline Caron said there won't be a flat tax rate next year; the firefighters will be getting 4%, higher than some people. She spoke about the longevity clause, saying that people don't get a raise when they retire. (Councilor Farrell arrived at this point in the meeting). Budget member Todd Joncas said the increases are gradual. Pauline Caron said with COLA and merits it amounts to 2 raises. Councilor Brown asked about the “125” rule. Town Manager Caron responded this contract will not be subject to it, and it is expected to be repealed this year. **Councilor Brown made a motion to support this Article, second by Councilor O'Keefe.** The consensus of the Councilors was that they would support this article and commended everyone involved in the negotiation process. **Council's vote was 5-0-0. Budget member Mark Oswald made a motion to support the Article, second by John Curran. Budget Committee's vote was 7-0-0.**

#10 Authorization for Special Meeting on Cost Items – **Councilor Dolan made a motion to move Article 10 to the Warrant, second by Councilor O'Keefe. Council's vote was 5-0-0** Councilor Brown explained if this does not pass at Town Meeting we would have to have a special meeting. Town Manager Caron explained it avoids the expense of petitioning Superior Court for permission to hold a Special Town Meeting. **Budget member Dan Lekas made a motion to support the Article, second by Todd Joncas. Budget Committee's vote was 7-0-0.**

The Town Manager pointed out that Articles 11 & 12 are petitions they have to appear on the warrant.

#11 – Fire-Rescue Personal Protective Clothing - Councilor Dolan explained that in the past petitions have not been worded correctly and he asked the Town Manager if these were correct. Town Manager Caron responded both petitions were reviewed by Counsel and are worded correctly. The last sentence that refers to “subsequent years” was added by Counsel. Budget member John Curran clarified that that line item was for \$40K, it was reduced by \$20K for one year only. He asked if this petition is to restore it, Town Manager Caron responded yes. Councilor Brown stated that the \$20K left in the line item can be used for emergency repairs per the Fire Chief. Councilor O'Keefe explained there is money in the line item, we are only taking

a one year sabbatical with the reduction, we have the money in there to cover for emergencies so we are fine. Budget Member John Curran asked if the Collective Bargaining Unit for IAFF Local 3160 contract is approved is their \$20K in it. The Town Manager explained there is no monetary amount in the contract just that we are contracted to provide a certain amount of clothing/equipment. Budget member Richard Dillon asked about the life expectancy of the equipment. Chief MacCaffrie explained that currently they have 52 units of primary clothing and each firefighter has a second set to replace the primary gear. He explained they have been trying to keep ahead every year and cycle the units over an 8 year period. Budget member Richard Dillon asked about the equipment for the Call Firefighters; what will happen with the Call Firefighters uniforms when the unit is disbanded. Chief MacCaffrie responded they are custom fitted for safety but they will keep them as spares and used them if possible. Budget member Don Jorgenson said there is money built into the budget for emergencies and he would feel comfortable that the budget would be able to handle this with the cut of \$20K. Budget Member Mark Oswald questioned that currently there is no one who has protective gear that exceeds the 8 yr cycle. Chief MacCaffrie responded that currently right now there isn't and if somebody is getting to the 8<sup>th</sup> year they will replace it. M. Oswald explained that the information he distributed tonight to Council and Budget members was obtained from the National Fire Protection Association and from FEMA. Councilor Farrell asked the Chief if gear happens to get severely damaged and it costs more than \$20K can he ensure that no one is going out with bad gear. Chief MacCaffrie responded safety is primary; they will spend whatever they need and obtain the money from other sources if they don't have it. Councilor Farrell stated that safety is paramount. Chris Melcher, 4 Bancroft Rd. asked the Town Manager if the voters pass these articles does the money have to be spent for the exact item listed in the warrant or can it be spent somewhere else at the discretion of the Town Manager. Town Manager Caron responded the money has to be expended for that exact purpose under a special warrant article. **Councilor Dolan made a motion to support the Article, second by Councilor Farrell. Council's vote was 1-4-0. Budget Committee member Todd Joncas made a motion to support the Article, second by John Curran. Budget Committee's vote was 1-6-0.**

#12 - Councilor Dolan stated that if this article fails at Town Meeting and it resorts to a volunteer force they will be covered for workers compensation and for liability insurance. Councilor Brown stated we are removing the funding but they could choose to continue by being volunteers and receive workers compensation and liability. It is the removal of funding versus disbanding. There is nothing in NH law to restrict this force from continuing as a volunteer force, several communities do that. Budget member Mark Oswald asked if we have run the numbers for the increased cost of overtime to cover for the lack of on call firefighters. Chief MacCaffrie responded we have 9 on the roster, 7 are active. He said it is hard to estimate if overtime will increase or not increase. On the average at best it might be a \$5K difference. Budget member Richard Dillon asked if the call firefighters fill in for vacations or sick time. Chief MacCaffrie replied they come to an active scene they do not fill in for regular shifts. Jeannine Curro, 103 High Range Road said when a call firefighter does cover for an event they make \$11.50/hr. She said they are completely trained. They also do the child passenger safety program and she expressed concern that the monies for the maintenance/registration of vehicles associated with the program would be discontinued. Chairman DiMarco asked if that is a separate line item in the budget or is it included in a different item. Town Manager Caron stated that each department covers those expenses from one of their line items. The Chief said the call firefighter's budget is broken down into one lump sum that includes protective equipment, training monies; they get compensated for doing the safety seat program. The maintenance budget covers maintenance of the vehicle. Jeannine Curro stated that there is no line item for the car seat program. She said

the program is self-sufficient through grants and donations. She said they want clarification that the program will still be able to be run if the warrant article is not passed. Ken Gaudidi, 26 South Rd. asked if we use the volunteer help will it reduce the use of the Derry mutual aid. Chief MacCaffrie responded the use of the call firefighters does not affect mutual aid. They are supplemental. Ken Gaudidi asked how much does the equipment cost. The Chief listed all the equipment, and responded that it costs \$3,800 to outfit one person. Ken Gaudidi brought up the possibility of firefighters buying their own equipment. **Councilor O’Keefe made a motion to support the Article, second by Councilor Dolan. Council’s vote was 1-4-0. Budget member John Curran made a motion to support the Article, second by Lisa Whittemore. Budget Committee’s vote was 2-5-0.**

Councilor Farrell apologized for being late but asked for clarification on #5 from the Town Manager. He asked what was the decision regarding moving the fire inspector to the building department. Town Manager Caron responded the budget still calls for the transfer; the Chief and he are having ongoing discussion regarding the best method of meeting those responsibilities and avoid duplication of efforts. Currently in the budget it calls for the transfer of the fire inspector to the building department. Councilor Farrell responded that he and the Chief might make a different decision and leave the fire inspector in the fire department, the Town Manager responded that is a possibility.

**Councilor Farrell made a motion to close the Public Hearing, second by Councilor O’Keefe. Council’s vote was 5-0-0.**

Councilor Dolan asked LPD Chief Hart if he could make a presentation at some future Council meeting to educate the public on how to protect themselves from the risk of a home invasion. This would provide a public service to educate the public. It was decided to do this at either the 2/7 or 2/14 meetings.

**Councilor O’Keefe made a motion to adjourn at 8:45 P.M. second, Councilor Farrell. Council’s vote was 5-0-0.**

Notes and Tapes by:	<u>Margo Lapietro</u>	Date: <u>02/03/11</u>
Minutes Typed by:	<u>Margo Lapietro</u>	Date: <u>02/10/11</u>
Approved;	<u>Town Council</u>	Date: <u>02/14/11</u>