

**TOWN COUNCIL ORGANIZATIONAL MEETING**  
**March 07, 2011**

The Town Council meeting was held in the Londonderry High School Cafeteria, Londonderry, New Hampshire.

**PRESENT: Town Council: Chairman Paul DiMarco; Vice Chairman Sean O'Keefe; Councilors: John Farrell, Tom Dolan; Tom Freda, Joe Green; Town Manager Dave Caron; Assistant Town Manager – Finance and Administration Sue Hickey; Executive Assistant, Margo Lapietro.**

**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**

Chairman DiMarco reminded the public on behalf of Town Clerk/Tax Collector, Meg Seymour that residents can register at the polls tomorrow with proper proof of citizenship. The polls will be open from 7 AM – 8PM tomorrow at the Londonderry High School (LHS) Gym. The Annual Town Meeting will be held Saturday, March 12, 2011 at the LHS Cafeteria at 9:00 AM. He also reminded the public that April is dog registration month.

**Presentation of Volunteer Awards, Citizen of the Year & Volunteer of the Year** – Councilors passed out service awards to Budget Committee members Don Jorgensen, Mark Oswald; Trustee of Leach Library, Richard Matckie; Trustee of Trust Fund, Scott Knox; Elder Affairs members Peg Johnson & Sandra Weston; Heritage Commission members, Deb Paul & Lara McIntyre; Planning Board members, Cole Melendy & John Farrell; Town Historian, Marilyn Ham. Volunteers of the Year were Joel Sadler, Kerri Stanley and Maureen Pauwels. Outstanding Citizen of the Year was Father Bob Couto. Retiring Town Councilors Mike Brown and Paul DiMarco were also presented with awards.

Lara McIntyre, 6 Red Fern Circle, said she is a staff member of Senator Kelly Ayotte's office and wanted the public to know that her offices in DC and in Manchester are open for business. She is looking forward to hearing from the citizens of Londonderry and invited comments tonight.

Al Baldasaro said he was here tonight as the State Representative and said he got a number of calls about SB2 flyers being put into mailboxes. He stated it is against the law and asked if the town has any recommendation or should he go to the Attorney General's office. Chairman DiMarco responded he would need to take it up with the post office. He said he is not familiar with any town ordinances or RSA's that would address it. He suggested that he talk to the Town Manager or if he feels a crime has been committed he should go to the police.

**Home Security** – Chief William Hart and Lt. Chris Gandia were in attendance with a presentation on how to be prepared for home invasions and residential burglaries. He said the

first thing you should do is be safe and be situational aware of your home and have a plan of action. Lt. Gandia proceeded to show a PowerPoint presentation. The key points he made were:

#### Risk Mitigation:

- Definition of Home Invasion

- Reviewed statistics from the Bureau of Justice and the Town of Londonderry

#### Motives of the perpetrator

#### Layered Security Measures:

- Prevention

#### Neighborhood Environmental Awareness

- Make observations, write it down and report it to the police.

- Be aware of suspicious people

- Deterrents:

  - Dogs

  - Locks

  - Lighting

  - Signage

  - Alarms

#### Know Your Residential Environment

#### Have a Plan of Action

He reviewed RSA 627; 4 that dealt with physical force in defense of a person. He said a person is not required to retreat if he is within his dwelling but it is more prudent to escape. Defense of premises allows a person to use non-deadly force to remove someone who is trespassing on their property to prevent the crime of trespass.

#### Conclusion:

- Have Environmental Awareness

- Have Layered Security Measures

- Have a Plan of Action

Preparation will mitigate these risks.

Chairman DiMarco asked if a vehicle was parked on the owner's property and someone breaks into it is that considered burglary. Lt. Gandia responded no – it would have to be an occupied or un-occupied dwelling to be considered a burglary. The scenario of breaking in a car would be considered criminal trespassing, criminal mischief, theft or motor vehicle theft. Councilor Dolan asked Lt. Gandia what a person could expect when they call 911 and Lt. Gandia proceeded to talk about the procedure. Councilor Brown asked about door-to-door sales people who have to register with the town for a permit. Lt Gandia said they do need to register with the town. A newly passed bill allows the town the option to do a criminal background check on a national level for door-to-door solicitors. Councilor Brown asked if the person had no identification or permit is it OK to call the police, he responded by all means it would be highly encouraged.

Councilor Brown asked is it better to call if in doubt, Lt. Gandia responded absolutely. If you don't want to see an officer you can just provide information like a license number if there is no need for the police. Chris Paul, 19 Hardy Road, questioned why there was a rise in burglaries in Londonderry. Lt. Gandia responded there were a lot of reasons including drugs and unemployment. Chris Paul asked how we compare with other communities; Lt. Gandia responded he didn't have the statistics to compare to other areas in the state. Chief Hart said that Londonderry is one of the safest communities in the state and the country. We have 2 exits to the highway that exit almost directly into residential areas. That provides ease for the potential criminal. We have layered security in the community by having uniformed officers driving around in their cruisers. Fewer officers on the road could also be another reason for the rise in burglaries. The Councilors thanked the officers for their presentation.

Reed Clark, Stonehenge Road said he hopes people come to the polls tomorrow and vote against the SB2 proposal.

Chris Paul, 19 Hardy Rd. said he was on the Charter Commission and he feels the new proposal opens up doors to a lot more voters. He said he feels it's good for the town.

### **PUBLIC HEARING**

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**Councilor Farrell made a motion to go into public hearing, second Councilor O'Keefe. Council's vote to go into public hearing was 5-0-0.**

**Ordinance #2011-01 – Relative to Amendments to the Zoning Ordinance & Map Relating to Rezoning Map 15, Lots 22 & 124, Rockingham Road – Councilor O'Keefe made a motion to accept, second by Councilor Farrell.** Tim Thompson, Town Planner said this is a request to rezone the parcel that currently has the Londonderry Freezer Warehouse situated on it and an adjacent parcel. This will allow for an expansion of approximately 84,000 square feet of the existing facility. Currently the zoning is Commercial II with the performance Overlay District. The current lot coverage requirement for the district would limit the amount of expansion without undertaking a variance. The Planning Board agrees allowing it to be rezoned to Industrial I to allow the expansion without the need of getting zoning relief from the Zoning Board of Adjustment. They will likely be before the Planning Board next month for a public hearing. Councilor Brown asked if the addition will be attached to the existing building and go toward Rockingham Road. T. Thompson responded it will be towards Rockingham Road onto the adjacent parcel. He said he has Bob Baskerville from Bedford Design Consultants and Eric Dougherty from Freezer Warehouse in attendance tonight. B. Baskerville displayed the mock-up of the lot. Councilor Brown asked if they received any comments from abutters. Tim said there were no abutters in attendance. Community Development Director Andre Garron commented that expansion of existing buildings is a key element; it represents 80-90% of business success in each community. He said that Londonderry Freezer Warehouse and Highwood Cold Storage represent close to over 200,000 square feet right now in Londonderry. The fact that Mr. Dougherty chose to expand in Londonderry is a move that is consistent with the direction we want to see. Councilor Brown asked why they chose to stay in Londonderry. Ed Dougherty, the Manager of Londonderry Freezer Warehouse and Highwood Cold Storage explained they had an opportunity to move and expand their facility in Hooksett. They decided to expand in Londonderry because they could not get the funding for the big expansion they planned for Hooksett. Councilor Brown said if they ever change their mind and were looking to relocate in

the future he said he would appreciate it if they would come back in and discuss options to stay in Londonderry. Mr. Dougherty stated the community has been great to them and they enjoy being in town and would do that. A. Garron said it is good that Londonderry has an Open Space Plan because when developments come in and need mitigation we can point out areas to be preserved which is a DES requirement. **Council's vote was 5-0-0.**

**Councilor Dolan made a motion to close the public hearing, second Councilor O'Keefe. Council's vote was 5-0-0.**

### **OLD BUSINESS**

**FY12 Budget Review** – Chairman DiMarco stated that Gov. Lynch recently released his proposed FY12-13 State Budget which may result in significant financial implications to local governments. This agenda item provides the Council with an opportunity to review options to respond to any adverse impacts upon Londonderry. Town Manager Caron said this year's proposed state budget recommends that the state completely stop paying their portion of retirement costs for police, firefighters and teachers. The rates for FY12 are a little over 30% of payroll for firefighters and about 25% for uniformed police. If the state does not contribute at all, we will have an additional \$368K. It is premature to look at solutions at this point because we are not sure what the ultimate problem is going to be; we won't know for the next 60 days. There are three options the Council can look at:

- 1) Request an amendment to the Operating Budget at Town Meeting to reflect this additional potential cost.
- 2) Consider a Special Town Meeting
- 3) Manage with whatever is decided at Town Meeting by reducing services and reallocating costs to the retirement line items.

He recommended discussing the issue at Town Meeting for feedback.

Councilor Brown talked about the retirement costs; the Governor stated that the state does not have to subsidize retirement costs as we have been doing, especially since the state does not have a say in how those costs are driven. He is saying that while the state has an obligation up to this point to contribute to the retirement fund it is the contracts that are negotiated and agreed upon at the local level and approved by the local voters that really determine the ultimate cost that the taxpayer is bearing. The Governor is saying that the local people have to look at their contracts which impact retirement costs. He recommends we not request any additional money at Town Meeting; he likes the bottom line budget we have, and is not inclined to change our budget. He is not in favor of a Special Town Meeting it is time to live within our means; we should find money locally and not request any additional money at any Special Town Meeting. He said he is somewhat in favor of what the Governor is imposing; we have to live within our means. Chairman DiMarco said he agrees with Councilor Brown. Council and staff put a lot of work into keeping the tax rate flat, and he would like to see it stay that way. He suggested planning the budget accordingly to live within our means. Councilor Farrell said we don't have enough information at this point, wait to see what the legislative body does. We do pay a state wide property tax, we pay a county tax, we pay a town property tax; it is all our money and the state is taking some of it to do other things. Councilor O'Keefe agreed with everyone. He said we are still donating a percentage of our taxes to the state. If they are shortening us on one end they

should be considering not taking money out from us on other things; can't have it both ways. He said he is not willing to go to the public for a Special Meeting, go with the budget that was decided. Councilor Dolan said he has issues with the state on a fiscal management standpoint. The state has a legal requirement to pay towards retirement funds and that is how we plan our budgeting. The school and town budgets are done; now the state is coming at this late date with this new information. We can't react without some type of cutting or having Special Town Meetings to raise taxes. The state is down shifting those costs to us, he is disappointed with the state's method and time of those decisions. Councilor O'Keefe suggested that we invite our state representatives to the next meeting to discuss what their plans are for the retirement system.

### **NEW BUSINESS**

**Resolution #2011-01 – Relative to an Agreement to Provide Law Enforcement Services at Manchester-Boston Regional Airport (MHT) –** Londonderry Police Department's (LPD) Chief Hart and Capt. Paul Fulone were in attendance. Chief Hart thanked both of the retiring Councilors for all the work they have done. **Councilor O'Keefe made a motion to adopt, second by Councilor Dolan.** Chief Hart informed Council that the terms of the agreement have changed from 3 years to a 5 year agreement with five, 2 year extensions available. Chief Hart explained this contract will take the 13 officers hired in 2006 through a 20 year career in law enforcement. He stated that enhanced communication contributed to the agreement. He also stated that they are required to have an annual meeting to discuss the contract to allow amendments if needed. The calculation of the administrative fee will change. Under this agreement it is based on the total hours sold to the airport; previously it was on staffed hours based on a percentage. Staffing will change with flexible staffing from year to year. He said that a very successful five year run has led to this opportunity for the people of Londonderry. Councilor O'Keefe asked that a press release be prepared to the taxpayers regarding this new contract. Councilor Brown asked if we competed with anyone else in the bidding process. Capt. Hart responded the NH State Police expressed interest after the bidding had closed. Councilor Brown stated that the ability this contract allows to have officers that can be trained and qualified over time is a value to the town. Chief Hart stated the reason that MHT kept the LPD was because of the excellent hiring, training and professional employees we have. Councilor Brown said we have a great partnership with MHT. Councilor Dolan said about 75% of MHT is located in Londonderry. **Council's vote was 5-0-0.**

**Resolution #2011-02 – Relative to the Demolition of North Fire Station –** Councilor Brown made a motion to adopt, second by Councilor Farrell. Town Manager Caron said the value of the soil remediation activities at that site is \$24K, for which the State has funds available until the end of June to complete that so it makes sense for us to move forward now. Bids have been received for demolition and we think it will cost \$20K from the Expendable Maintenance Trust Fund. He said he did get a call today from someone who expressed an interest in renting the facility through the end of spring to maintain and repair busses at the site. He said due to the timing he does not think he will be able to reach an agreement, and he is not sure that the site will work out for them. His recommendation is to adopt the Resolution. We are scheduled to have a meeting on 3/15/11 with the Demolition Delay Committee because the building is over 50 years old. Councilor Dolan asked if we were to delay this, would the DES funding go away and would the taxpayers be responsible for remediation costs. Town Manager Caron responded the DES told him the funds have to be expended by 6/30/11. The potential for funding next year is not known. Councilor Brown questioned if we submit the request we will be assured to get the

money; Town Manager Caron responded that is correct. Open for discussion. **Council's vote was 5-0-0.**

**Order #2011-03 – Relative to the Distribution of Reclamation Fee Funds for Recycling and Associated Expenses – Councilor DiMarco made a motion to adopt, second by Councilor Farrell.** Town Manager Caron said that the Order has been amended. The Treasurer is seeking authority to expend \$108,251.26 for recently completed improvements and the Town Manager is asking for authorization to execute documents for a contract with Southern NH CCI for \$192,985.00 for the second phase of the work. He stated the bidding environment is very favorable currently; these are funds that have been raised since 2003 so they won't impact property taxes. Councilor Brown clarified that we are authorizing the \$108,251.26 from the Reclamation Trust Fund. Town Manager Caron said that was correct and he will come before Council for the \$192,985.00 later for an Order to withdraw that amount from the Trust Fund money. **Chairman DiMarco made a motion to amend his vote to have the correct wording of "...and the Town Manager is authorized to execute all necessary documents with Southern NH CCI for concrete and other site work at a cost of \$192,985.00", second by Councilor Farrell. Council's vote was 5-0-0.**

**Order #2010-04 – Relative to the Expenditure of Maintenance Trust Funds for Various Projects** – Councilor Dolan made a motion to adopt, second by Councilor O'Keefe. **Council's vote was 5-0-0.**

#### **APPROVAL OF MINUTES**

**Councilor Farrell made a motion to approve the Public Meeting Minutes of 02/14/11, second by Councilor Brown. Council's vote was 5-0-0.**

#### **OTHER BUSINESS**

**Liaison Reports** – Councilor Farrell said the Planning Board meeting is this Wednesday; the developer for Woodmont is coming in with their next conceptual plan. They are moving towards the Master Plan. He said he will have to leave the ballot session tomorrow morning at 7:30AM for business.

Chairman DiMarco said he had no reports.

Councilor O'Keefe has no reports. He said he will be at the ballot session tomorrow between noon and 1:00 P M.

Councilor Dolan met with the Conservation Commission and at a future meeting they will be talking about acquiring an additional easement.

Council Brown attended the Anti-Litter Sub-Committee of the Solid Waste Advisory Committee (SWAC). They reviewed the Charge, their roles and their responsibilities. They will report back to the SWAC and the Council in the future with a report.

Councilor O'Keefe thanked the departing Councilors.

Chairman DiMarco said he and fellow Councilor's Brown, Farrell and Dolan will be at the ballot session tomorrow to officially open the polls at 7:00 AM.

**Town Manager Report** – Town Manger Caron said that he will be posting a notice for a Council meeting immediately following the Town Meeting for election of officers. Committee assignments will be made at the regularly scheduled meeting of 3/21/11.

**Budget/Committee Appointments/Reappointments** – none.

### **ADJOURNMENT**

**Councilor Farrell made a motion to adjourn at 9:15 PM, second by Councilor Brown. Council's vote was 5-0-0.**

**Notes and Tapes by:** **Margo Lapietro** **Date:** **03/07/11**

**Minutes Typed by:** **Margo Lapietro** **Date:** **03/09/11**

**Approved;** **Town Council** **Date:** **03/21/11**