

TOWN COUNCIL MEETING
November 7, 2011

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

PRESENT: Town Council: Chairman Sean O’Keefe; Vice Chairman Joe Green; Councilors: Tom Dolan, John Farrell, Tom Freda; Town Manager, David Caron; Assistant Town Manager/Finance Director, Sue Hickey; Executive Assistant, Margo Lapietro.

CALL TO ORDER

Chairman O’Keefe 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.

Chairman O’Keefe thanked the ALERT Team, Londonderry Police and Fire for their service to the town during the recent snow storm.

PUBLIC COMMENT

Senator Sharon Carson – PSNH Storm Outage – Chairman O’Keefe said he asked the Senator to speak about the PSNH response to the recent storm. She said the level of frustration was felt throughout the town; this is the fifth major event that has happened. She said when we had the ice damage in 2008 a report was generated by the town and she suggested that we take a look at it. She suggested having a community meeting some Saturday to discuss what happened and offer suggestions. Another suggestion was to compile a list of business in town that will open up to allow citizens to charge their cell phones and computers. S. Carson suggested developing the town website more for subsequent events or hiring someone else to do it. She proceeded to say that PSNH tried to engage the legislators and they had a conference call on Monday. PSNH had a legislative liaison that worked with the legislators to update them via cell phone 24 hours a day. Another suggestion is to identify problem areas in town where trees go down and where power goes out frequently. She informed the public that a bill was passed a while ago that allows PSNH to cut back more than they used to do, if they have to do that again they will. She suggested utilizing ALERT more; they can supplement police and fire. Chairman O’Keefe said he heard from a lot of people about the tree issue. He stated that we have never lost power as much as we do now. He heard PSNH has cut back on services to the infrastructure. He stated that we pay the highest rates in the nation for kilowatt hours and we are not getting the services. S. Carson said that was a problem that was brought up with PSNH; she will get that message back to them. She said homeowners are responsible as well. Chairman O’Keefe said PSNH is well aware where the problem areas are, they should be taking care of them. S. Carson said another problem is the circuitry and she will be going out to look at the problem areas with PSNH in the future. Councilor Dolan asked how much influence the legislative body has with the Public Utilities Commission (PUC) and PSNH. S. Carson said there is some interaction, bills

have been passed but the problem is the rights of private property landowners. The PUC is the regulatory side; PSNH should be the ones to contact for more tree cutting. She explained that local utilities were dealing with their own outage which is why PSNH had to go out of state for additional resources. Councilor Farrell explained that PSNH is part of NE Utilities who had greater outages in Connecticut, therefore they couldn't pull from their own organization. He mentioned that Adams Rd. is a Scenic Byway with 4K customers; we don't let people cut trees on that road. PSNH has to come to the Planning Board to receive permission to cut on that road. You have to decide if you want to keep your scenic by-way or do you want electricity. He said we should choose someone to do the assessments then notify PSNH; then PSNH crews will do the job faster. He suggested looking at the 2008 plan and come up with a better emergency management strategy. We should also go to the PUC and tell them how unhappy we are because they control the rates. S. Carson said people are going to the website to get real-time information and report outages. Councilor Farrell said that PSNH was going to our website to get information and they are the ones who need it. Councilor Freda said if it is a technology issue why they can't figure it out. He said if they spent \$14M on maintenance that means little because it may represent a smaller percentage of their budget compared with past years. Sen. Carson said the importance of information should go to PSNH – give them a list of the problem areas. Councilor Green said we need to ramp up the communication. When he visited the shelter the people said they needed updates from PSNH, communication and education is important. He said the shelter should have better cots called “enhanced special needs medical cots”. Chairman O’Keefe said Council will spend time with the Town Manager reviewing a laundry list for the shelter. Councilor Dolan said inviting the public is a good idea along with having PSNH, PUC and legislative representatives attending the meeting. Sen. Carson also mentioned a medical list that PSNH keeps for people who need electricity for medical reasons. Reed Clark, Stonehenge Rd. informed the Council that you need a doctor’s prescription to send to PSNH to be on a medical list. Rep. Al Baldasaro, 41 Hall Rd. said the Londonderry Fire Department (LFD) has a log sheet that they fax to PSNH. We have a radio system in town; we could have a list of streets that have trees down announced on it. We could have streets up on our website using our GIS system. He said he was referred to the LFD Chief as the command center for the town during disasters. He also mentioned that the cooks and janitors did an outstanding job at the shelter. FEMA approved money for pets a while ago for disasters, seniors were leaving the shelter to go back to their homes to be with their pets. We should have a plan in place for pets. S. Carson suggested if pet cages are not being used to donate them to the town. She also said that people should have an emergency plan in place; people should know what they can do to be prepared. A. Baldasaro said the website LondonderryNH.net did a great job. John Farrell said the School Business Director, Peter Curro handled all the food at the shelter and did a great job. Councilor Dolan said there were a lot of donations made by different business like Market Basket and Mr. Steer to the shelter. Maureen Comfort, 14 St. Andrews Way said the whole system of the utilities is so outdated, can't it be updated. She said all wiring should be underground. Chairman O’Keefe responded that would take a lot of money. She said we should take PSNH to task for a slow response, does PSNH have staff and equipment to handle these outages. Chairman O’Keefe responded PSNH is staffed for ordinary business, this was a regional storm and other utilities were too busy dealing with their own outages. M. Comfort asked if they can deal with the growth, she said they don't seem to have kept up. She asked the Councilors and legislature to give senior communities a level of priority.

Old Home Day Committee – Kathy Wagner found out that when they pushed for information from PSNH they got it. She said having ALERT going out reporting downed trees might get us faster service. Social networking has changed the world and it would make sense if the town used it. Councilor Dolan asked the Town Manager about branches on the sides of roads. Town Manager Caron responded the town collects debris from the town ROW that drops in the ROW. He said the drop-off center is open until 11/19 and there is a firm in Derry to bring debris free of charge. If the limbs are over 6” they have to go to Derry as the Town’s permit with the State’s restricts the collection of large limbs. Councilor Dolan commented that the employee by the name of “John” at the town drop-off center was very helpful. K. Wagner pointed out that the LFD was swamped with calls so that is another reason why we should keep dispatch in Londonderry. K. Wagner said the fireworks for Old Home Day go out to bid every year. The support of local business has been excellent, they raised \$15,005. The cost for Old Home Day week was \$24,701 for this year. They would like to expand into the area where the trees were cut down at the Town Common so they can have more booths. Councilor Dolan said there has been talk about expanding the common 25-30 feet past the stone wall. Can we relocate the stone walls? K. Wagner said she does not want to touch the walls they are falling down; it would make sense to make a wide space through the wall to walk through into the new area. She also said we need permission from the Heritage Commission first. Councilor Dolan said we could ask the Town Manager to see what the costs will be. Town Manager Caron responded the expense will be insignificant; it is a matter of grinding stumps, treating the poison ivy and hiring an expert to make a cut in the stone wall for an access way. K. Wagner said they got help from the Rockingham Work Experience Program this year; they did the phone calls and solicited a lot of the prizes, which were over \$4,500. The Sponsorships were great this year. The town donation went down from \$10K to \$6,650 and she requested that the town donate more.

Solid Waste Charge Change – Paul Margolin, SWAC Chair was in attendance to update and change the Charge and change the name of the group. Town Manager Caron said he will prepare a Resolution for the Council meeting on 11/21/12. Chairman O’Keefe asked if recycling has gone up, P. Margolin responded it went up about 5%, now up to 21%. P. Margolin reviewed the new recycling requirements for plastics (all rigid plastics excluding plastic media e.g. DVD, CD, etc). Styrofoam is not allowed. He mentioned they have done promotions in newspapers, on websites; and they have done pamphlets and posters. They have installed large recycle bins at the drop-off center to handle large plastic items.

Lisa Drabek talked about the NH Legislature redistricting under RSA662-a. It provides Londonderry the opportunity to reevaluate how we elect our representatives to the NH legislature. She explained we have 18K registered voters in Londonderry. She wants to see if the community has an interest in conducting elections by ward or district. The ward system will make it cheaper for reps to run than running as an at large candidate. She would like to request that the voters be allowed to vote on whether they would like to explore an alternative to our present system. The Council can put the issue on our next ballot in March and she proceeded to read the law allowing that. Councilor Farrell said he needs time to hear/learn more. Would it give smaller segments of voting blocks the ability to have more candidates on the ballot? L. Drabek said her point is to see if we can get the first step started and give it to voters to see if

they would want to establish a re-districting commission for the purposes of studying this issue. Those representatives will be tied more to the people in that particular area. Right now we have 9 representatives elected at large. Most people if they have an issue they don't know who to go to. She suggested following the three school district lay-out. The questions arose about the town of Auburn. Councilor Dolan asked the Town Manager if the Legislature is still going to have 9 representatives covering Londonderry and Auburn. He responded that a decision from the State has yet to be made. Councilor Green said it would be easy to get 25 people to sign a petition. He said he would rather have it on the warrant to see how the people decide. Councilor Dolan said we can voluntarily do it or they can force us to put it on the warrant. Councilor O'Keefe said we might lose 1-2 reps in Concord. He likes the idea and the concept but doesn't want to lose a rep. L. Drabek said we will get better area representation; we are one of the few towns that do not have wards. Councilor Freda said some wards won't even vote and in another ward a lot of voters will show up. L. Drabek said you will concentrate on only those people in your area and they will become familiar with you. Councilor Dolan said low voter turnout is a problem; he asked if there was any evidence that this would boost turnout. L. Drabek said she did not have figures on that but it should increase because if you met the person in your district you would be more inclined to vote for that person. Councilor Freda asked if under this statute was it possible to have both at-large and district representatives. Town Manager Caron said NH is one of the four states that would have the "floaterial" district. Some towns have 4 representatives, the next town may have 5 and then there is one seat that represents both those two communities along with several others. That one representative elected on a wider scope would not be included in the redistricting. He said he will make an inquiry to the Secretary of State's office tomorrow to see if we are authorized to do that recognizing that we share a district currently with the town of Auburn.

Reed Clark, Stonehenge Rd. talked about the changes he has seen in the NH government in the past 21 years. He questioned how districts could be worked out.

Maria Newman, 26 Otterson Rd. talked about the lack of communication during last week's power outages. She said she thought we learned from the 2008 ice storm. She said we had an electronic sign at the Library making announcements for quite a while. Continental Paving had loaned it to us. She suggested the town look into having an electronic sign of our own. She said Derry had notices posted up all around town with updates. Being prepared helps, if the town had better communication it would be better.

Jay Hooley, 25 West Yellowstone Drive presented a proposed petition to allocate the way we use the Land Use Tax (LUC). A copy of the petition is attached. He proposed that we place annually 100% up to \$100K into the Conservation Fund; then 40% received in excess of \$100K. Currently 100% of the revenues received from the LUC are placed in the Conservation Fund. He said he wants the Councilors to put it on the Warrant Article. Councilor Green stated that this was different from the prior proposal and asked if we should look at how we support it tonight. Chairman O'Keefe said they have discussed it and it never went anywhere. Councilor Dolan questioned if the language was correct, the Town Manager said it was correct. Councilor Dolan said we should take it up as a discussion so the public is aware of it and has an opportunity to speak about it. Councilor Freda said he agrees and we should have the Conservation

Commission in attendance to get their views on it. He questioned if it could be amended at the Deliberative Session, the Town Manager responded he believed it could. Chairman O'Keefe said it should be part of the discussion.

Councilor Freda motion to open the public hearing, second Councilor Green. Council's vote 4-0-0 (Councilor Farrell was not in the Council Chambers)

PUBLIC HEARING

Ordinance #2011-10 – Relative to Revisions to the Municipal Code, title VI, Chapter VI, Purchasing Policy - Councilor Freda made a motion to accept, second Councilor Green. Town Manager Caron explained that this Ordinance extends the provisions of the Town's Purchasing Policy to all volunteers on Boards/Commissions/Committees. They are held to all the standards the town employees are held for purchasing and using public funds. Hearing no comments, Council's vote was 4-0-0.

Councilor Freda made a motion to close the public hearing, second Councilor Dolan. Council's vote was 4-0-0.

OLD BUSINESS

None

NEW BUSINESS

FY13 Budget Presentation – Town Manager Caron presented the recommended FY 12 - 13 Budget process.

Year End Results – The Town had \$843,769 in unexpended appropriations from the FY11 budget, due primarily to departments returning 2% of their budgets to offset revenue shortfalls and the lapsing/completion of several projects that were under budget. General Fund revenues were a deficit of (\$182,144).

FY13 Budget Process – The Town will be having a Deliberative Session on February 6, 2012 when voters will finalize budget items that will be on the ballot on March 13, 2012. An option this year with the new town charter is that voters on the operating budget will have a choice between the Council's budget as amended at the Deliberative Session and a Default Budget. He explained that the Default Budget is the FY12 Operating Budget adjusted by contractual items and it is also reduced by one-time expenses in the FY12 Operating Budget. The FY13 default operating budget is \$26,440,731 which is 2.53% higher than the FY12 approved operating budget, and 2.04% lower than the recommended FY13 operating budget.

FY13 Operating Budget Guidelines – He was directed by the Council to develop a budget necessary to provide the level of services to which citizens have been accustomed. That directive is more accurately reflected in the Department Manager's budget request. The Town

Manager's recommended budget is reflective of an attempt to balance the Council directive within a framework of current economic conditions.

FY13 Municipal Budget – He stated that when you consider all budget items: General Fund Budget; Revolving Fund – MHT details; Bond Issues; Special Revenue Funds; Capital Reserve/Expendable Trust; Special Warrant Articles/Capital Projects and Overlay/Veteran's Exemptions it is overall a 9% increase in the tax rate. The Council will have to determine its priorities in order to reduce that tax impact.

Special Warrant Articles – A traffic study and impact fee formulas for Rt. 102 costing \$75K with \$30K from the Undesignated Fund Balance is requested and the Town anticipates placing four Collective Bargaining Agreements on the ballot. Article 8 is for a request for four additional firefighters; Article 10 is use of LUC taxes. Town Manager Caron proceeded to review the costs of each item. Discussion ensued about overtime for the LFD. Councilor Green requested that the Town Manager cost out what it would cost to hire additional personnel versus the over time. Hiring the additional four firefighters will cost \$327,100. Chairman O'Keefe asked what we get out of the Rt102 study; Town Manager Caron responded it will determine allocation of improvement costs between the tax base and new development. Councilor Dolan asked what we have been collecting in LUC taxes. Town Manager Caron responded we are averaging \$188K, the median amount collected per year is \$132K. Councilor Farrell asked if there was any figure in the change of use fees from Woodmont. Town Manager Caron responded not at this point but it is one of the largest areas in Londonderry that is under current use. Councilor Farrell questioned if we can look at whether or not we can treat that as something different than the way we currently do things. Town Manager Caron responded Counsel suggests that the Town adopt a town wide policy, which can be revised at a later time.

General Fund Budget – Revenue Trends – Adjustments were made for Motor Vehicle Permit Fees; State Highway Aid; Ambulance Revenues; and the Conservation Fund contribution to debt service.

General Fund Operating Budget – Estimated Revenues totaled \$10,838,294 for non-property tax revenues. Councilor Farrell asked about fees and license permit increases. Town Manager Caron responded historically the Council has suggested taking a very minimalist position with respect to inspections and licensing. We can cost it out to see what the revenues would be with licensing. Councilor Freda asked about the revenue from the Manchester/Boston Airport for the Security Agreement, Town Manager responded it is consistent.

Use of Undesignated Fund Balance - Town Manager Caron reviewed the use of UFB for FY13 totaling \$783K. Chairman O'Keefe asked about property tax liens, Town Manager responded they are constant and low.

2012 Estimated Town Tax Rate - The total proposed budget is \$33,865,033 which will result in a \$5.20 tax rate, without collective bargaining agreements. Councilor Freda asked the Town Manager if the default budget passes what would he be cutting. He responded the default budget is about 2.4% below the recommended budget, and will develop information for the Council.

Councilors and Budget members were directed to send questions to the Town Manager for the budget questions and any utility problems.

APPROVAL OF MINUTES

Minutes of Council's Public Meeting of 10/17/11 – Councilor Farrell made a motion to accept, second Councilor Green. Council's vote was 5-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Farrell attended the Dispatch meeting, they are working on a presentation with the Londonderry Fire and Police Departments. The Street Naming Taskforce had about 50 people attending the meeting who were unhappy about the street names of Hovey and Hardy being changed; using historical street names seemed to be acceptable to them and will be further explored. The Elder Affairs Committee is putting together a series of taped shows regarding elderly illnesses, etc. He said he also attended the Manchester Airport Authority meeting and everything is the same with them. Town Manager Caron said he met with one of the spokesman for the neighborhoods in the recent street naming schedule. He said the process we will use is the committee will bring forward a recommendation on 11/21/11 and then have a public meeting 12/5/11. This meeting on 12/5/11 will be made known to all the residences of all three streets. Councilor Farrell recommended someone contact Reed Clark to get help with some of the historical names of the roads.

Councilor Freda attended the Planning Board meeting where the Woodmont Master Plan was presented. Chairman of the Planning Board Art Rugg brought up the process of getting a 3rd party vender to review the application as submitted. A. Rugg and Andre Garron the Director of the Community Development Department are working on the RFP for it. The applicant's attorney is willing to work with staff and the board to get it right.

Councilor Green attended the Master Plan Steering Committee and they are looking at RFP's. They did select UNH to do the survey.

Town Manager Report – Town Manager Caron requested that everyone review the budget schedule because some meetings require advance notice.

Board/Committee Appointments/Reappointments –

- 1) Re-appointment of Deb Lievens as an Alternate to the So. NH Planning Commission, term to expire 12/31/12.
- 2) Re-appointment of Leitha Reilly as an Alternate to the Planning Board, term to expire 12/31/14.
- 3) Re-Appointment of Art Rugg as a Full Member to the Planning Board, term to expire 12/31/14.
- 4) Appointment of Leitha Reilly as an Alternate to the So. NH Planning Commission, term to expire 12/31/12.

- 5) Re-appointment of Paul Margolin to the Solid Waste Advisory Committee, term to expire 12/31/14.
- 6) Re-appointment of David Colglazier to the Heritage Commission, term to expire 12/31/14.
- 7) Re-appointment of Jim Schwalbe to the Heritage Commission, term to expire 12/31/14.
- 8) Re-Appointment of Ron Campo to the Recreation Commission, term to expire 12/31/14.
- 9) Re-appointment of Ben Parker to the Recreation Commission, term to expire 12/31/13.
- 10) Re-appointment of Kevin Foley to the Recreation Commission, term to expire 12/31/14.
- 11) Re-appointment of Bonnie Roberts as an Alternate to a Full Member on the Elder Affairs Committee, term to expire 12/31/14
- 12) Resignation of David Howard from the Elder Affairs Committee
- 13) Re-appointment of Al Baldasaro to the Elder Affairs Committee, term to expire 12/31/14.
- 14) Re-Appointment of Deb Lievens to the Conservation Committee, term to expire 12/31/14.

Councilor Farrell made a motion to re-appoint all of the above, second Councilor Green. Councilor Freda pointed out there was a typo on #7; date was changed from 12/3/14 to 12/31/14. Councilor Farrell voted to approve as amended, second Councilor Green. Council's vote was 5-0-0.

Councilor Farrell made a motion to approve the appointment of Leitha Reilly to the SNPC, second Councilor Green. Council's vote was 5-0-0.

Councilor Farrell made a motion to approve the resignation of David Howard from the Elder Affairs Committee, second Councilor Green. Council's vote was 5-0-0.

NON-PUBLIC SESSION - RSA 91-A: 3 II (e)

Councilor Farrell made a motion to go into a Non-Public Session at 9:37 PM. Aye John Farrell, Aye Tom Dolan, Aye Sean O'Keefe, Aye Tom Freda, Aye Joe Green.

Councilor Dolan made a motion to exit Non-Public Session and seal the minutes at 10:28 PM, second by Councilor O'Keefe. Council's vote was 5-0-0.

ADJOURNMENT

Councilor Dolan made a motion to adjourn at 10:28PM, second Councilor O'Keefe. Council's vote was 5-0-0.

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

Minutes Typed by: Margo Lapietro Date: 11/10/11

Approved by: Town Council Date: 11/21/11

APPLICATION TO COUNCILORS TO INSERT WARRANT ARTICLE

TO THE COUNCILORS OF THE TOWN OF LONDONDERRY

The undersigned legal voters of the Town of Londonderry request that you insert in the warrant for the next town meeting, the following article:

***APPROPRIATION OF LAND USE CHANGE TAXES
TO THE CONSERVATION FUND AND THE GENERAL FUND***

To see if the Town will vote pursuant to the provisions of RSA 79-A:25 IV, to place annually One-Hundred percent (100%) up to One-Hundred Thousand (\$100,000); then Forty (40%) percent of revenues received in excess of One-Hundred Thousand (\$100,000) from the Land Use Change Tax in the Conservation Fund; currently, one hundred percent (100%) of the revenues received from the Land Use Change Tax are placed in the Conservation Fund.

Voter Signature	Voter Printed Name	Voter Address
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15. _____		

2012 Citizens Petition Impact On Land Use Change Tax

LUCT in given year	Conservation Fund Portion	General fund Portion
\$50,000	\$50,000	\$0
\$100,000	\$100,000	\$0
\$150,000	\$120,000	\$30,000
\$200,000	\$140,000	\$60,000
\$300,000	\$180,000	\$120,000
\$400,000	\$220,000	\$180,000
\$500,000	\$260,000	\$240,000
\$750,000	\$360,000	\$390,000
\$1,000,000	\$460,000	\$540,000
\$1,500,000	\$660,000	\$840,000
\$2,000,000	\$860,000	\$1,140,000
\$3,000,000	\$1,260,000	\$1,740,000
\$4,000,000	\$1,660,000	\$2,340,000
\$5,000,000	\$2,060,000	\$2,940,000