

## TOWN COUNCIL /BUDGET MEETING

March 18, 2013

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

**PRESENT:** Chairman, John Farrell; Vice Chairman Tom Dolan; Councilors: Jim Butler; Joe Green; Tom Freda; Acting Town Manager/LPD Chief, William R. Hart; Executive Assistant Margo Lapietro.

### **Call to Order**

Chairman Farrell opened the meeting at 7:21PM with the Pledge of Allegiance. This was followed by a moment of silence for Londonderry Police Sgt. Russ Goodnow.

### **Public Comment**

**Town Council Board Appointments – Councilor Green made a motion to elect Councilor Farrell as the Chairman of the Town Council, second Councilor Dolan. Councils vote 5-0-0.**

**Councilor Butler made a motion to elect Councilor Dolan as the Vice Chairman of the Town Council, second Councilor Freda, Councils vote 5-0-0.**

**Re-interviews of Ann Chiampa and Al Sypek for an opening on the Planning Board - Ann Chiampa, 28 Wedgewood Drive, thanked Town Council for having the opportunity to speak again. She apologized for letting her passion for the town overshadow her last interview. She proceeded to say she understood the responsibilities of a Planning Board member. She stated that a member should be able to ask questions of the developer. Open for discussion. Councilor Butler asked her if she could be impartial on the Woodmont project, he pointed out that she has been very vocal about it. He said that she probably knows more about the project as a citizen than the majority of citizens. She stated that she is not against Woodmont Commons she is for it. She said she is asking questions so she can have a say in the development. Councilor Dolan thanked her for volunteering and asked her if she had any conflict of interest to serve on this board. She responded no. Councilor Freda asked her if she feels already that there are deficiencies in how the Planning Board is handling the process what would they be and does she have any suggestions on how it could be improved. A. Chiampa suggested the residents should have a chance to talk openly to the developers. She would like to see more interactions so the residents can get their questions answered from the developers. She would like to see the 17 items of concerns from the residents addressed sometime in the future. Discussion ensued about the interaction. Councilor Green told A. Chiampa that her passion for Londonderry was enlightening, he said he appreciated that and if she did not get this position he would like her to apply for other positions in town. He thanked her for applying. Chairman Farrell informed the public that Margo has other open positions on other boards and if they were interested to contact her.**

Al Sypek, 86 Constitution Drive was in attendance. Councilor Dolan said he was not at the last interview; he thanked him for volunteering. He asked him if he had any conflicts of interest, he responded no. Councilor Freda asked him if he saw any deficiencies in the process regarding Woodmont before the Planning Board and asked him if he had any suggestions on improving the process. A. Sypek responded he has no opinion on that at this time. Councilor Green asked what his qualifications are for this position. A. Sypek responded he was on the Conservation Commission; Ad Hoc IT Committee; Chairman of the Water Commission; Ex-Officio Staff Member on the Planning Board for a couple of years. He has volunteered for the past 9 years at the Cable Access Center.

Chairman Farrell asked for a motion on the appointment. **Councilor Green made a motion to appoint Al Sypek to the Planning Board, second Councilor Dolan. Councils vote 3-2-0.**

HR Update – Human Resource Manager, Donna Pratt was in attendance. She updated the Council on employee related items. The police Union 3657 contract was approved as an extension of the current contract for one year with no cost of living increase. Chief Hart has indicated that an increase in tuition costs would come out of the existing budget. The LEEA contract which is for the Londonderry Executive Employees Association called for no cost of living increase for FY14 and allows for a 2% cost of living increase in the years 2 and 3 of the contract. All but 4 employees of this unit who are grandfathered sick leave and all other provisions were adjusted to allow for a consistency with other units. She mentioned that the Employee Health and Wellness event is coming up. Today we had a representative from the Local Health Center, (LGC) HealthTrust who did a presentation on “Know Your Numbers” which was a workshop that encouraged employees to know more about their numbers for blood pressure, cholesterol, etc. On March 26 we will have a representative from “Life Resources” who will present a seminar on stress management. LGC workshops on health and wellness are scheduled for the coming months as well as seminars on personal and professional development. Each year the Joint Loss Management Committee coordinates workshops and demonstrations during our Safety Week. Human Resource “Outreach Meetings” are taking place to provide each department the opportunity to discuss any HR related questions or concerns. Any staff training suggestions and suggestions for other employee programs were to be considered. The annual Employee Benefits Fair is scheduled for May 14 & 15. The Town Manager job search has been reopened, the closing date is March 29<sup>th</sup>. To date we have received approximately 30 resumes. With the appointment of Darren O’Brien as the Acting Fire Chief there will be a fire battalion chief promotional process for an anticipated opening. Open for discussion.

Acting Fire Chief O’Brien was in attendance to talk about the overtime reaching past the 75% marker. Acting Fire Chief O’Brien warned everyone about a winter storm coming tonight; he assured the public that all the appropriate authorities have been notified. Councilor Dolan also notified the public that trash will not be picked up on Tuesday and there will be a one day delayed pick up for the rest of the week. Councilor Butler asked if the emergency shelter has to be open how will people know, Acting Fire Chief O’Brien said the ALERT Team is on standby. The information will be on the town website. Councilor Dolan brought up the reminder to have townspeople sign up for NIXEL which is a program offered by the LPD for emergency notifications, Lt. Jones will take the information for an e-mail list. Acting Fire Chief D. O’Brien reported that the overall budget is at 70.33% which is a little high. The overtime replacement costs are where the problem is; as if today we are at about 93%. Predictions are from this point on at the current staffing level of 10 for the next 3 months we will be \$225K over budget.

Councilor Green clarified that it is not overtime it is strictly replacement hours. D. O'Brien said he is working with finance to clarify how those deductions have been taken out. Replacement time is the replacement of staff for sick leave, vacations, and personnel time. He explained overtime is if somebody comes in for an off duty call. The process to clarify the differences is getting a lot better they are being separated rather than combined as done in the past. Councilor Dolan asked if the overage is at the bottom line or is it just the overtime. D. O'Brien responded it is bottom line. They have had some mechanical issues on two of the trucks and an emergency generator failed at Central Fire Station today. It could cost another \$14-15K to repair. Councilor Dolan asked if the Acting Town Manager/LPD Chief and Finance Director would come back at the next meeting and help us understand where the bottom line town budget is so we can mitigate that overage. Acting Town Manager/LPD Chief W. Hart explained at the end of February they looked at what was going to take place going forward and anticipate the revenues this year will be up from projections. Every other department except the Fire Department will be at or under budget which will allow us to cover the cost of the Fire Department overage. We are looking at various plans internally in the Fire Department. to mitigate that over the next 3 months running at a minimum staff of 10. Acting Town Manager/LPD Chief Hart said they will have a mitigation plan at the meeting the end of April. The overall budget will be no problem and we might show a surplus. Councilor Butler clarified we will maintain a minimum staff of 10 as expressed by Council; Acting Town Manager/LPD Chief Hart replied that was correct. Councilor Freda asked if all the \$225K is for overtime, D. O'Brien responded a vast majority is overtime. Councilor Freda said the \$225K in overtime since you are paying time and a half is \$150K. Would it be more economically efficient to hire one or two firefighters and if that was done would they be able to offer more coverage. Acting Town Manager/LPD Chief Hart said no, typically you would have to hire for 3 houses. The concern is by hiring one they work a specific schedule and it is not that they can work certain hours in different locations. The problem is the schedule as agreed to by the contract. To make the concept that you are proposing work you would have to hire 3. Overall you would have increased vacation and sick during that period. The net would be an increase over timeline item. The solution in the short run is getting a handle on the real dollar costs that we are spending at the Fire Department; only then can you begin to analyze and take a look at the problem. Acting Town Manager/LPD Chief Hart said if you backed out the overtime from the budget there would likely be about \$25K to the good. The overtime is the driving concern. Councilor Freda responded that 2 full time firefighters at \$50K each would be less than the \$225K. If you hire them would it change the overtime? Acting Town Manager/LPD Chief Hart said it will probably increase it until you figure out what your base problem is. One of the problems is the way the contracts are set up as to how we work our hours. Councilor Dolan suggested at the May/6 meeting we look at the budget again and come back with a plan. Acting Fire Chief D. O'Brien explained since March 1<sup>st</sup> they have put a spending freeze on everything except for emergency repairs and vehicle maintenance. Chairman Farrell reiterated that we took a \$450K downshift from the state in the next fiscal year; we have to look at things a little differently. D. O'Brien said no one on staff is abusing the contract, the budget was underestimated.

Councilor Dolan suggested taking up Order 2013-09 under New Business before we enter Public Hearing. Chairman Farrell explained we have our town attorney in the audience and they would listen to him at this point.

Order #2013-09 – An Order an Order Relative to the Suspension of the Impact Fees for Schools, Fire, Police, Library and Recreation – Councilor Dolan read the first reading/public hearing and

**made a motion to accept, second Councilor Green.** Open for discussion. Attorney Michael Ramsdell explained the Superior Court ordered that an audit be done on the entire impact fee program beginning back to 1994 forward. The auditing will be done by the first of April; they expect to have a written report by the end of the month. We have a court hearing in the mid to late April time frame. He said he thought it was prudent for the Council to suspend the impact fee program for the period of time while the auditors finish up their work and we can actually make a full report to this Council and to the court as to what the findings of the auditors are. He said it seems prudent at this time to suspend the program given the lawsuit and the audit going on. **Councils vote 5-0-0.**

### **Public Hearing**

**Councilor Dolan made a motion to go into Public Hearing, second Councilor Freda. Councils vote 5-0-0.**

Chairman Farrell recommended taking Resolution 2013-02 and Resolution 2013-03 together and waive the second reading. Councilors were in agreement.

Resolution #2013-02 – Elderly Exemption Policy – Open for discussion.

Resolution #2013-03 – Disabled Persons Exemption Policy – Open for discussion.

**Councilor Dolan made a motion to adopt, second Councilor Green. Councils vote 5-0-0**

Resolution #2013-04 - Blind Tax Exemption Policy – Open for discussion. Councilor Dolan stated he was stepping down from the vote. **Councilor Freda made a motion to adopt, second Councilor Butler. Councils vote 4-0-1.**

Ordinance #2013-02 – Amendment to the Municipal Code Relating to the Regulation of Secondhand Dealers and Pawnbrokers – Chairman Farrell waived the second reading and opened it up for discussion. Acting Town Manager/LPD Chief Hart said the Police Department has had a number of communications from a resident who might be potentially impacted just recently. He asked the Council to continue this item to the April 1st. **Councilor Dolan made a motion to move to the second reading/adoption and continue the public hearing to the 4/1/13 meeting, second Councilor Butler. Councils vote 5-0-0.**

**Councilor Freda made a motion to come out of Public Hearing, second Councilor Green. Councils vote 5-0-0.**

### **Old Business**

None

### **NEW BUSINESS**

Request for an Abatement of Municipal Sewer Charges – Acting Town Manager/LPD Chief Hart explained the abatement is for \$96.00 on commercial property and the building has been eliminated. The water meter was still on site generating a minimum sewer bill. The request is abate the \$96.00 plus any interest accrued. **Councilor Dolan made a motion to accept the abatement, second Councilor Dolan. Councils vote 5-0-0.**

Order #2013-08 - The Distribution of Fire Equipment Capital Reserve Funds – Chairman Farrell read the first reading tonight, second reading waived. Open for discussion. Councilor Butler asked the Acting Fire Chief if we have three written quotes for the material and he responded we do. **Councilor Dolan made a motion to accept, second Councilor Freda. Councils vote 5-0-0.**

Order #2013-10 – Expend Capital Vehicle Leases and Special Revenue Funds for the Londonderry Police Department - Open for discussion. Acting Town Manager/LPD Chief Hart explained that this is a mechanism to fund the radios for the new cruisers. Half comes from the vehicle leasing line and half comes from the equitable sharing account which is exempt from the purchasing policy. The equitable sharing account is their forfeiture account which is money that comes from various investigations that is shared by the federal government. Councilor Butler asked if we have three written quotes. Acting Town Manager/LPD Chief Hart responded yes, and they went with CenCom which handles the state bids. He explained that the state bids on various equipment used by both the state and municipalities. Because of their large purchasing power in most cases they get the lowest prices. Sometimes that doesn't work for municipalities because their equipment needs may be different. In the case of the radios they are going with the state bid. Councilor Freda asked if the radios we use are compatible with other towns. Acting Town Manager responded yes; we are going to a broadband system whereby we can channel into a lot of other towns. Chairman Farrell dispensed with the reading.

**Councilor Freda made a motion to accept, second Councilor Green. Councils vote 5-0-0.**

Order #2013-11 – Expend Capital Vehicle Lease Funds for the Londonderry Police Department Chairman Farrell read the order. Open for discussion. Acting Town Manager/LPD Chief Hart explained they divided the costs part from the special revenue and part from the 2012 budget. A few years ago they added a \$4.00 premium on details. This money has accrued and they knew they would have to have new fully outfitted cruisers when the production of the Crown Vic interceptor vehicle ceased production. **Councilor Green made a motion to accept, second Councilor Dolan. Councils vote 5-0-0.**

Order #2013-12 – Expenditure of Maintenance Trust Funds for Various Projects - Councilor Green read the Order **and made a motion to accept, second Councilor Butler. Councils vote 5-0-0.**

Councilor Dolan asked about upgrading/remodeling the men's room at the Senior Center. Acting Town Manager/LPD Chief Hart responded the reason we are not remodeling/upgrading is because if it is done it will make the bathrooms subject to ADA regulations and will require a lot of money. The cost will be very significant and the building itself would require significant repairs. It requires a hard look. Councilor Dolan recommended taking a hard look at the cost of an upgrade to the bathrooms making them ADA compatible at least. Chairman Farrell said to look at it in two pieces; first the bathrooms and does that affect the entire building, and if it does we will have to look at the entire building. Find out what it takes to do it all at once and in pieces.

Councilor Farrell suggested after looking into it see how it fits in the budget. Acting Town Manager/LPD Chief Hart said he will look into it.

### **APPROVAL OF MINUTES**

**Council meeting minutes of 03/04/13** – Councilor Freda made a motion to approve, second Councilor Dolan. Council’s vote 5-0-0.

### **OTHER BUSINESS**

Liaison Reports – Councilor Dolan said he attended a Joint Negotiating Committee meeting which is a sub-committee of the Conservation Commission. The properties in question are going out to bid to appraisers. The Conservation Commission and the Council can then make informed decisions on how and if they want to go forward with purchasing the properties. Acting Town Manager/LPD Chief Hart asked the Council what our direction will be and where the expenditure should come from. Councilor Dolan responded he would expect that we are about 45-60 days out before anything comes before the Council. Chairman Farrell said he thought in the past that all the appraisals were covered by the Conservation Commission. Acting Town Manager/LPD Chief Hart responded that was his understanding. Chairman Farrell said that it should continue the way it was done in the past.

Chairman Farrell mentioned that the liaisons appointments will be discussed at the next meeting. If there are any changes let him know.

Town Manager Report – Acting Town Manager/LPD Chief Hart reported that the new cruisers will be out in the next week or so.

Board/Committee Appointments/Reappointments – Library Trustees Vacancy-The Library Trustees made a recommendation to appoint William Feldman to the vacant seat left by the passing of John Velliquette with a term expiration of 3/13. **Councilor Dolan made a motion to accept that recommendation, second Councilor Green. 5-0-0.**

### **ADJOURNMENT**

**Councilor Dolan made a motion to adjourn at 8:27PM, second Councilor Butler. Council’s vote 5-0-0.**

Notes and Tapes by: **Margo Lapietro** Date: **03/18/13**

Minutes Typed by: **Margo Lapietro** Date: **03/20/13**

Approved by: **Town Council** Date: **04/01/13**