

**TOWN COUNCIL
MEETING
October 7, 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 Joe Green, Jim Butler, Tom Freda; Town Manager Kevin Smith; Executive Assistant Kirby Wade

CALL TO ORDER

Chairman Farrell opened the meeting with the Pledge of Allegiance led by Councilor Butler. This was followed by a moment of silence Londonderry's First Responders who have been working hard during the bad stormy weather.

PUBLIC COMMENT

Chairman Farrell introduced Susan Hickey – Finance Director, Doug Smith – Controller and Donna Pratt – Human Resources.

- Susan Hickey introduced the September Revenue and Expenditure Reports. Hickey stated we should be 25% into revenue collections and expenditures. Hickey stated at this point we are 24% with revenues and 32% for expenditures. Software agreements are due in July. Packet included a summary of cash and investments and the different bank accounts the Town has. Packet also included a summary of special revenue funds, which only appear in the Town Report. It's a total of 6.8 Million in all in the special revenue fund, but the larger ones are the Sewer Fund (5.4 mil.) and Open Space (1.2 mil). Last but not lest it included Capital Reserve balances as of September 30th.
- Councilor Freda asked what the difference is between Impact Fee and Impact Fee Escrow. Hickey stated Impact Fees are the regular account for any collections that come in. Escrow account is the amount that was held aside pending Court order for anything \$5,000 or less that was not sent to Rockingham Superior Court.
- Town Manager Kevin Smith stated that all documents discussed will be available online.
- Doug Smith introduced the Second Technical Release from the Department of Revenue Administration. On October 1st the rumbling was the 230 + communities responding to the first technical update which said tax rate setting will begin on or about November 7th. Other communities stated the date may cause a problem. Department heads worked with

44 Department of Education to come up with a revised plan which allows beginning the tax
45 rate setting process on or about October 22nd. Londonderry is in a good situation with cash
46 availability. Smith stated all documents are filed except MS-5, which Council signed.
47 Smith stated they're hoping to have revised estimates from the DOE by October 22nd.
48

- 49 • Doug Smith talked about distributing the surpluses that were received from the local
50 Government Center. Back in August we received in the form of billing credits and a check,
51 refunds from the LGC totaling a little over \$400,000. Represents return of premium
52 surplus's from calendar years 2010 and 2011 which equated to \$6.5 million. The 2011
53 distribution was a voluntary distribution by the LGC whereas 2010 has been returned
54 under order of the administrative officer from the Bureau of Security Regulation. There
55 will be a distribution plan where the refunds will be shared with the Town employees in
56 the same way the employees contributed when they paid. \$113,000 will be distributed to
57 employees, current, former and retired. Approx. \$290,000 will be retained by town.
58 Distribution for the 2011 share (\$31,000) (\$83,000 for the town) will be taking place in the
59 next week. 2010 distribution will be taking place later.
60
- 61 • Donna Pratt shared two recent retirements of employees. Office Jack Slade in July after 26
62 years of service. High Way Foreman Russ Pickering in September after 33 years of service
63 to the Town.
64
- 65 • Pratt stated there's a promotional process to appoint a new Foreman which has been filled
66 by Paul Schacht. Promotional process is underway for Assistant Foreman position.
67 Promotional process for the open fire position will begin this month as well.
68
- 69 • Two employee seminars scheduled for October, one of time management and the other on
70 overview of the 2014 'Slice of Life' Wellness Program.
71
- 72 • Pratt shared the Halloween/fall festivities that will be taking place at Town hall for Town
73 Hall departments on October 30th, 2013. An employee Potluck lunch is planned.
74
- 75 • Councilor Freda referred to Special Revenue Funds, the Open Space Fund and a separate
76 Conservation Commission Fund with \$28,000 in it. Freda asked how it was funded.
77 Hickey stated the Open Space Fund is funded by the Land Use Change tax and the
78 Conservation Commission Fund is funded by a grant when it started. It is used to pay for
79 appraisal work and paths. Hickey stated that the timber cut revenue goes into the account,
80 not the timber tax. Hickey stated she would print out the trend analysis so the Council can
81 see.
82
- 83 • Mike Speltz stated that he's disappointed that the Council entered into a 20 yr.
84 development with Woodman Commons without conducting a public hearing. Speltz stated
85 there are two actions the Council can take. The Council can instruct the Town manager to
86 propose a reauthorization of the Towns Growth Management Ordinance, which is the last
87 best line of defense against a large development that can overwhelm the existing public
88 safety and education infrastructures or the Town Council can instruct the Town Manager
89 to initiate a process that will allow to amend the Town Charter to require the Council to
90 conduct a properly noticed Public Hearing. Councilor Freda stated that the town made an
91 election where the Town Council could have been the decision maker but the Town

92 elected the Planning Board as the determining body, including the Zoning decisions. In the
93 agreement it says the 5 points of law the Zoning Board uses will be utilized by the
94 Planning Board. Freda told Speltz that he needs to be accurate with his comments. Freda
95 stated that if Speltz wants to amend the Charter about contracts over 3 years he can. Freda
96 stated GMO is still in effect in the Development Agreement. Chairman Farrell and
97 Councilor Green stated that at the last meeting the Town Manager was given direction to
98 look into amending the Charter with the Planning Board.
99

- 00 • Kent Allen gave a presentation about the cleanup of the town forest. Allen stated that he
01 made a presentation to the Heritage Commission and it was accepted by the group. Two
02 weeks later it was presented to the Conservation Commission which took exception to
03 everything except cleaning up a 2 ft. apron on the existing trail that was just put in. Kent
04 asked the Council who was in charge of this. Vice Chairman Dolan, liaison to the
05 Conservation Commission stated that they wanted to preserve the habitat of the species
06 that live in the fallen timbers.
07
- 08 • Chairman Farrell asked if an arborist look at it for an onion. Allen stated it would be a
09 good idea. Gene Harrington, V. Chair of the Conservation Commission, stated that there
10 was a tree stand analysis and a thinning cut a few years ago. Allen wanted to clear
11 everything under 3 inches in diameter out, which would take out future timber growth.
12 Conservation Commission told Allen he could clean up the new trail already created by
13 Trail Ways and along the roadway. Harrington stated Town Forester Charlie Moreno had
14 the same opinion. Harrington stated the difference between an arborist and a forester. An
15 arborist manages individual trees healthiness and a forester manages a forest. Councilor
16 Butler asked if Charlie has seen what Kent wants to propose. Allen stated that he hasn't.
17 Councilor Butler and Chairman Farrell both stated that they would like Kent and Charlie
18 to get together and come to an agreement.
19
- 20 • Councilor Butler stated it is unsure who has control over the town forest. Harrington
21 refered to the vote from the 1984 town meeting they gave it to the Conservation
22 Commission. The Heritage Commission gets to oversee what happens but the management
23 is Conservation Commission
24

25 **PUBLIC HEARING**

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27 None
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29 **OLD BUSINESS**

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32 • The Council requested a continuation, at the request of the Nevins Attorney, of the Walking
33 Trail Easement, Nevins Trail. Attorney Hollis was present. Chairman Farrell stated that the
34 Planning Board extended agenda to January 31st and the groups are working behind the scenes
35 to get the answers to the questions the Council had. Vice Chairman Dolan motioned to table it
36 until a later meeting. Councilor Butler Second. Chair votes 5-0-0. Chairman Farrell stated to
37 Hollis that the Council will wait to hear from him.
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42 **NEW BUSINESS**
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- 44 • Chairman Farrell introduced Expendable Maintenance Trust Fund for a replacement of the
45 HVAC rooftop until at the Londonderry Police Dept. Chief Bill Hart stated the HVAC unit has
46 been near failure for a couple months. Hart stated that they also had to look at the control
47 panel. Hart stated they spoke to various contractors and the one that has been used in the past,
48 Control Technology, did not bid. SAM Mechanical did bid and they tended over the last 18
49 months to be the cheapest bid. The panel will not be replaced but the way the HVAC system
50 works will be replaced, with an accent on being much more energy conscious. That way the
51 station will be able to save on electricity cost's going forward. Hart stated that the unit has been
52 a problem since day one. Hart stated SAM will use two separate AC units one with a triple
53 head, which will look specifically at the server room, dispatch center and 911 room. The other
54 will be the rest of the building.
55
 - 56 • Councilor Green asked what the life expectancy of the HVAC is. There will be a
57 comprehensive extending warranty for 5 years. The life expectancy is 20 years. Hart stated
58 given the history with SAM Mechanical, picking them was an appropriate choice to make. Hart
59 stated that SAM Mechanical was responsive, price conscious and was a good contractor.
60 Councilor Butler stated he would like another opinion.
- 61
62 • Chairman Farrell stated the Order doesn't state that we have to use SAM Mechanical. The
63 Order is to approve the job in general. Councilor Freda stated that we should consider
64 upcharges for extended warranties for 10 or 15 years.
65
- 66 • Town Manager Kevin Smith stated he had a discussion with the Towns purchasing agent about
67 all the repairs that keep coming up. A good bulk of it is because of some value engineering that
68 was done at the time and subsequently after they were built and some has been bad contract
69 work. Smith stated if we are picking the lowest bidder that we need to triple check other
70 references. Councilor Butler asked to get more bids and make sure all the bidders know what
71 they're looking at.
72
- 73 • Councilor Green motioned to approver Order 2013-33. Councilor Butler second. Chair votes 5-
74 0-0.
75
- 76 • Chairman Farrell introduced Order 2013-32 Expendable Maintenance Trust Fund for Painting
77 of the Remaining Wood Trim at South Fire Station. Town Manager Kevin Smith stated that
78 South Fire was built in 2006 and many areas of rotted finger jointed pine trim was just finished
79 being replaced with cement board material. To prevent the remaining trim from needing
80 replacement we need to perform preventive maintenance on the remaining trim. Smith stated
81 the request is for the labor materials, lift truck and paint the remaining exterior.
82
- 83 • Councilor Butler motioned to approve Order 2013- 32. Vice Chairman Dolan second. Council
84 votes 5-0-0.
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86 **APPROVAL OF MINUTES**
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- 88 • Kevin Smith stated that there was a technical problem with the computers and CD's and the

89 minutes for the last meeting will be presented at the Council meeting on October 21, 2013.

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91 **LIASON REPORT**

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- 93 • Chairman Farrell went to Airport Authority and traffic is finally stabilized and they have the
- 94 passenger accounts stabilized.
- 95
- 96 • Councilor Green went to the Library Trustee's meeting and they have the budget prepared, a
- 97 \$30,000 increase, which is restoring book purchases to what they were doing 5-6 years ago.
- 98 Chairman Farrell asked Councilor Green to see if they came in at default because every
- 99 department should. Councilor Green stated each month more people go to electronics, it is now
- 00 an option with your library card to download books and it's charged to the library but passed
- 01 on through the patrons that go through there, both electric means and hard covered books.
- 02
- 03 • Vice Chairman Dolan attended the Eagle Scout Court of Honor for Jason Lamarre. Lamarre
- 04 did work at ST. Jude's, cleaning up and repairing things. Dolan stated he is an outstanding
- 05 young man and thanked him for his help and service.
- 06
- 07 • Councilor Butler attended Traffic and Safety Committee with regards to Tananger Way and the
- 08 Trailhead. The Committee feels that there is a problem there, same with the fire and police
- 09 departments. The Committee asked Butler to propose to the Council to remove the trailhead
- 10 sign and see if they can cut down the traffic there. Chairman Farrell asked Butler to check with
- 11 the Conservation Commission before their sign is taken down.
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13 **TOWN MANAGERS REPORT**

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- 15 • Kevin Smith stated that Police Chief Hart set the Halloween Trick or Treat date for October
- 16 31st, 2013 from 5-8 PM.
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18 **ADJOURNMENT**

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- 20 • Councilor Freda motioned to adjourn. Vice Chaiman Dolan second. Chair votes 5-0-0.
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